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## Nairobi's Housing Crisis: An Analysis of the Kenya Slum Upgrading Programme

Peter Ehresmann

College of Saint Benedict/Saint John's University, peter.d.ehresmann@gmail.com

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**NAIROBI'S HOUSING CRISIS:  
AN ANALYSIS OF THE KENYA SLUM UPGRADING PROGRAMME**

A THESIS

The Honors Program

College of St. Benedict/St. John's University

In Partial Fulfillment

of the Requirements for the Distinction "All College Honors"

and the Degree Bachelor of Arts

In the Department of Political Science

by

Peter D. Ehresmann

May, 2004



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Project Title: Nairobi's Housing Crisis: An Analysis of the Kenya Slum Upgrading Programme

Approved by:

-Project advisor, Dr. Gary Prevost

---

Professor of Political Science

-Reader, Dr. Jeff Anderson

---

Associate Professor of Peace Studies

-Reader, Dr. Ron Pagnucco

---

Associate Professor of Peace Studies

-Department Chair, Dr. Phillip Kronebusch

---

Chair, Department of Political Science

-Director of the Honors Thesis Program, Dr. Richard White

---

Director, Honors Thesis Program



**NAIROBI'S HOUSING CRISIS:  
AN ANALYSIS OF THE KENYA SLUM UPGRADING PROGRAMME**

*Peter D. Ehresmann*

*Advisor: Gary Prevost, Department of Political Science*

*St. John's University, Collegeville, MN 56321*

*May 2004*

Nairobi, Kenya is one of the most volatile urban centers in Africa, suffering from 60%<sup>1</sup> of its population living in crowded and poverty-stricken informal settlements around the periphery of the city. Efforts to upgrade Nairobi's slums have been attempted by the Government of Kenya (GoK) for decades, using different theories and strategies ranging from forced eviction and demolition to the current Sustainable Livelihoods Approach that claims resident participation as its hallmark. A new initiative based on this strategy entitled the Kenya Slum Upgrading Programme (KENSUP), headed in partnership between the GoK & UN-Habitat, is focusing initially on Kibera – East Africa's largest slum of over 700,000 residents. Specifically, the KENSUP's starting point is a "village" of Kibera called Soweto, which has a population of approximately 60,000 residents and is considered the poorest section of Kibera informal settlement. This current venture is entitled the Soweto Slum Upgrading Project (SSUP).

On paper, it appears to offer a plausible solution. However, upon interviewing Kibera's residents, key NGOs, UN-Habitat, and the GoK, it is clear that there is a lack of coordination, dialog, and cooperation between the stakeholders of this project. This combined with more enduring factors, such as the lack of clear national policies on land tenure and allocation, and Kibera's dominant political power structure that has strong economic incentives to maintain the status quo, suggest that this large-scale slum upgrading project will not be successful, while smaller and more localized self-help efforts provide a brighter alternative.

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<sup>1</sup> *Nairobi Situation Analysis* written for the Government of Kenya and UN-Habitat by Syagga, Paul M., Winnie V. Mitullah, and Sarah Karirah Gitau, 2001, 35.



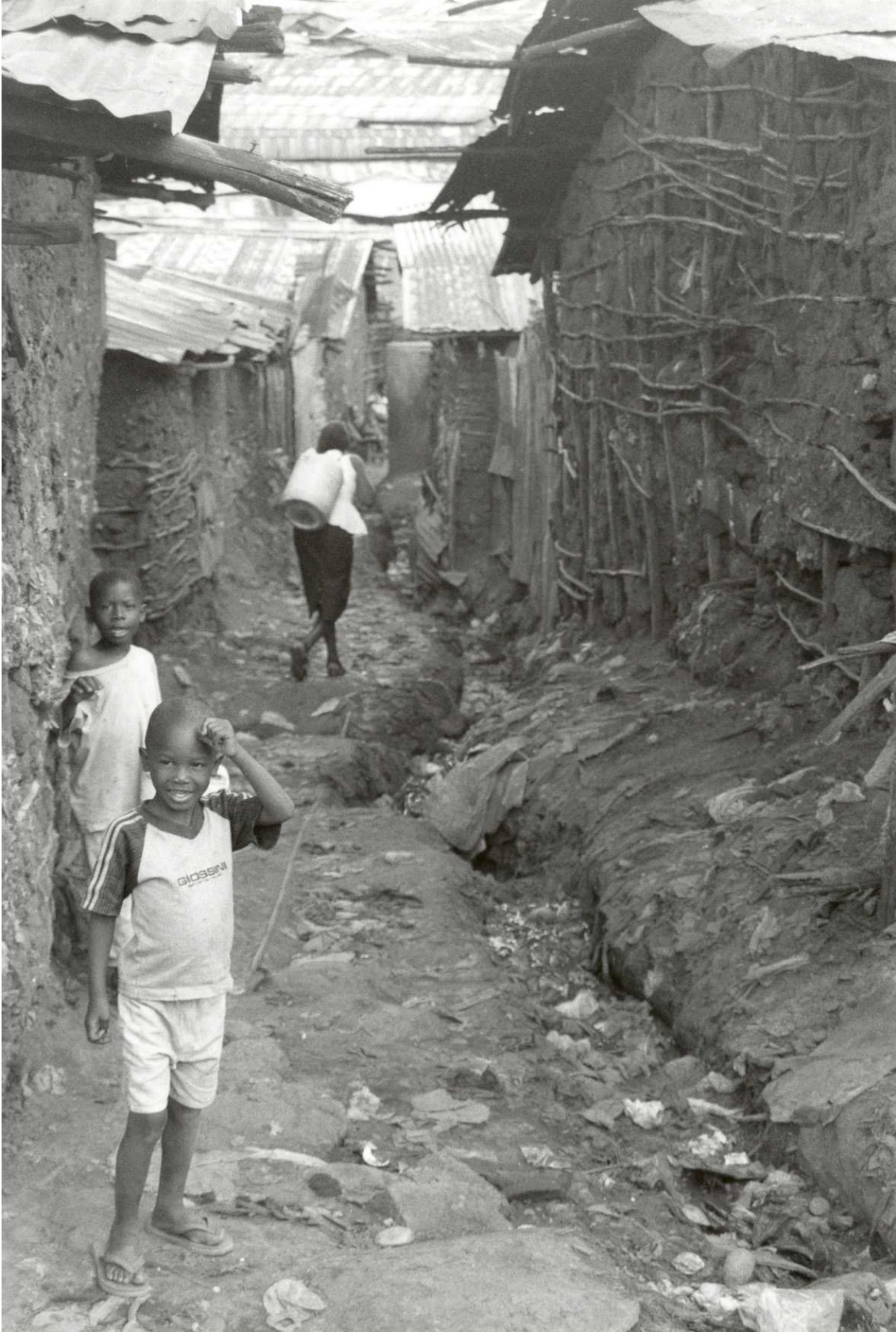
*In memory of Nicodemus Mutemi,  
who was one of several residents of Kibera  
who graciously shared their lives and settlement with me  
as I struggled both to understand the dynamics and forces at work in their communities,  
and to briefly join them in solidarity on the rough road towards a more dignified life.  
Rest in Peace my brother.*





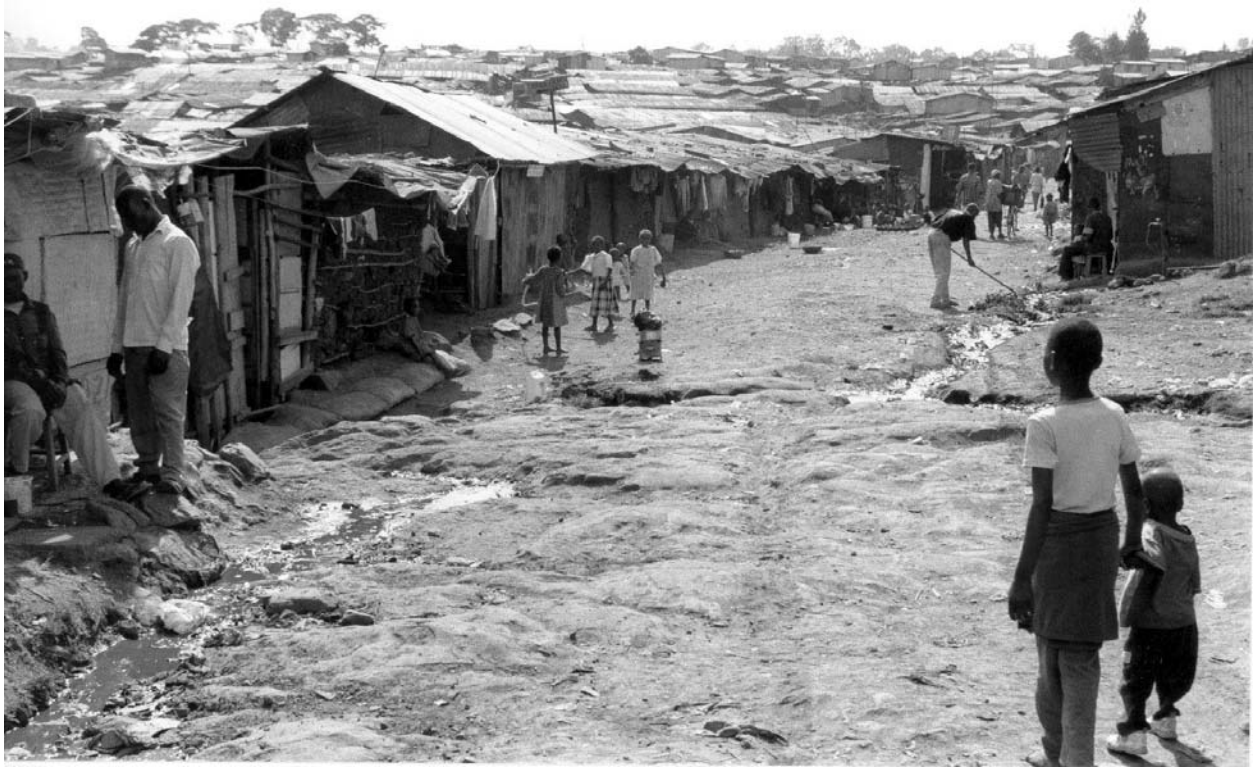
1) Kibera informal settlement: Nairobi, Kenya (July 2003) –Photo: Peter Ehresmann





2) Typical path and open ditch sewer in Kibera, Nairobi (July 2003) –Photo: Peter Ehresmann





3) One of the few wide roads in Kibera, Nairobi (July 2003) –Photo: Peter Ehresmann

4) Main Kenya Railway track to west Kenya lined with informal shops, Kibera, Nairobi (July 2003)  
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5) Pit Latrine along a stream in Kibera, Nairobi (July 2003) –Photo: Peter Ehresmann

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## List of Acronyms

CBO – Community-Based Organization

**GoK** – Government of Kenya

IACC – Inter-Agency Co-ordinating Committee

IASC – The Inter Agency Steering Committee

ICESCR – the International Covenant on Economic, Social, and Cultural Rights

IDS – Institute of Development Studies

ITDG-EA – Intermediate Technology Development Group-East Africa

JPPT – Joint Project Planning Team

KANU – Kenya African National Union – the ruling political party 1978-2002 under Daniel Moi

KAU – Kenya African Union – early Kenyan political party

**KENSUP** – The Kenya Slum Upgrading Programme

KCODA – Kibera Community Development Agenda

Ksh – Kenya Shillings – currency exchange rate is about 72 Ksh per US\$1.

LDC – Lesser Developed Country

MoRPWH – Ministry of Roads, Public Works, and Housing in the Government of Kenya

MP – Member of Parliament

MSSG – The Multi-Stakeholder Support Group (MSSG) – an official body of the KENSUP

NACHU – National Housing Co-operative Housing Union

NARC – National Rainbow Coalition – the current political ruling party, President Mwai Kibaki

NCC – Nairobi City Council

NDP – National Development Party of Kenya

NGO – Non-Governmental Organization

NSA – Nairobi Situation Analysis – a 200 page document on slums by Syagga, Mitullah, & Gitau.

OPP – Orangi Pilot Project Housing Programme in Pakistan

PIU – Project Implementation Unit – based in the Nairobi City Council

RBO – Religious-Based Organization

SL – Sustainable Livelihoods Approach to development

SPIU – Settlement Project Implementation Unit

**SSUP** – The [Kibera]-Soweto Slum Upgrading Project

**UN-Habitat** – United Nations Human Settlements Programme

USAID – United States Agency for International Development



## Executive Summary

Chapter 1.0 places this analysis within the context of the worsening global crisis involving the failure of many governments of developing countries to effectively handle the ongoing phenomenon of mass rural to urban migration, or urbanization. This failure is causing growing slum populations and deteriorating living conditions that translate into mass human rights violations. The focus is quickly drawn to Nairobi, Kenya, where a new slum upgrading programme, the Kenya Slum Upgrading Programme (KENSUP), is getting under way with its first project in Soweto village of the Kibera informal settlement, called the Soweto Slum Upgrading Project (SSUP). The primary and secondary research questions are presented at the end of the introduction, leading to a tangible starting place for the reader in Chapter 2.0 – a basic description of the present conditions and situation in Kibera based largely on the author's personal experience in addition to numerous secondary sources.

In order to gain a better understanding of the Kenya Slum Upgrading Programme, how its strategies evolved, and how it fits in as the present continuation of the history of slum upgrading initiatives, Chapter 3.0 provides a historical context for this analysis through a chronological overview of Kenya's policy history towards its informal settlements from 1963 to the present. It should be noted that the majority of Kenya's slum policies and strategies followed the major global trends in development theory. This chapter also provides examples of what has worked and more often, what has not worked in slum upgrading and poverty eradication efforts in Kenya. A major objective of this chapter is to point out the failing points of past projects that are now present in the KENSUP's SSUP.

Chapter 4.0 provides a description of what the KENSUP and the SSUP are on paper and in theory, according to official programme documents and meeting notes that the author obtained in Nairobi between 4 June 2003 and 11 August 2003. It should be noted that at the time of this writing, the SSUP was still in its relatively early stages, having been officially announced in January 2003 and begun on the ground in July 2003. However, the groundwork for the KENSUP began two years earlier in 2001. This chapter additionally places the KENSUP and SSUP within the current development theory of the Sustainable Livelihoods Approach (SL), essentially serving as the final section of Chapter 3.0 as a link between these two chapters.

Chapter 5.0 moves beyond the paper and theory of the KENSUP and SSUP and dives into the stakeholder analysis, the primary analytical chapter of this paper. By examining the

conflicting interests and motivations of twelve diverse stakeholder groups involved in the Kibera-Soweto Slum Upgrading Project (SSUP), it becomes clear why the KENSUP – through its SSUP starting point – has been struggling and continues to struggle on its noble yet seemingly impassable path towards achieving its goal of providing a better quality of life for the residents of Kibera-Soweto.

Chapter 6.0 journeys deeper into the complexities and confusion surrounding the KENSUP and SSUP. In addition to exploring larger trends such as Kenya's culture of corruption and Kibera's well-established political-economic power structure, the flaws of the KENSUP and SSUP become more and more evident by examining both the lack of participation and interaction between the different stakeholder groups discussed in Chapter 5.0, and the nature of their interactions when they have occurred.

In closing, Chapter 7.0 summarizes the conclusions of this analysis, while Chapter 8.0 provides the author's suggestions for a way forward based on the findings herein.

## KENSUP Timeline in Brief

- November 2000** – The initial meeting took place between former President Moi and the Executive Director of UN-Habitat, Mrs. Anna Tibaijuka. Resulting from this meeting were a committee and a task force, created respectively by the GoK and UN-Habitat to discuss the benefits of a partnership.
- February 2001** – President Moi officially announced the Collaborative Nairobi Slum Upgrading Initiative.
- February 2001 - November 2002** – The Inception Stage of the KENSUP.
- December 2001** – Comments by President Moi (KANU) and MP Raila Odinga (NDP) concerning the lowering of rents in Kibera incited violent clashes in Kibera allegedly between structure owners and tenants.
- 2002: Presidential election year** – Incumbent Daniel arap Moi (KANU) lost to Mwai Kibaki (NARC) on December 27<sup>th</sup> 2002. Moi had been Kenya’s president for 24 years.
- November 2002** – President Moi refused to sign the initial project papers of the KENSUP unless the first project was done in Kibera, part of Moi’s long-time constituency of Langata District. This rejected Huruma neighborhood, the top-ranked site of the KENSUP Site Selection Committee.
- January 2003** – Mwai Kibaki took presidential office in a peaceful transition of power from Daniel Moi, giving Kenyans a renewed spirit of hope for justice and peace.
- 16 January 2003** – The *Memorandum of Understanding* between the GoK and UN-Habitat was signed by both parties, making the KENSUP official and active. Minister Raila Odinga also publicly announced that Kibera-Soweto was to be the first site of the KENSUP at this meeting.
- 11 February 2003** – Gentrification began in Kibera-Soweto after Minister Raila’s announcement that new housing in Athi River (35km from Nairobi) was becoming part of the Kibera-Soweto Slum Upgrading Project (SSUP).<sup>2</sup>
- March 2003** – The official KENSUP and SSUP programme and project documents were completed. The documents include objectives, strategies, background information, institutional structure, and funding information. No end product is decided, only the participatory process of KENSUP/SSUP management is explained.
- April 2003** – Minister Raila Odinga explains his plan for building four-storey flats in Kibera-

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<sup>2</sup> See Chapter 6.0, section 6.3.4 titled, “The Athi River Controversy,” for further discussion of this old project component.

Soweto, similar to the Kibera Highrise project, in an exclusive interview with Kenya Land Alliance (KLA), an NGO in Nairobi. The interview was published in the KLA's April-June 2003 issue of their publication, *Land Update*.

- May - July 2003** – Kenya's newspapers frequently covered updates on the Athi River controversy – Minister Raila's proposed temporary relocation site for Kibera-Soweto residents during the SSUP.
- Early June 2003** – A grassroots meeting was called in Kibera and facilitated by Kituo cha Sheria (NGO), Shelter Forum (NGO), and Kibera Community Development Agenda (KCODA – the youth group who started *The Kiberan* newsletter) with numerous Kiberan organization leaders to discuss the KENSUP/SSUP in frustration and concern over the massive information void and the lack of dialogue on the project between the Kiberan community and the GoK and UN-Habitat. A committee was formed to contact UN-Habitat and the GoK to report back to the group with basic information about the plans of the SSUP in Kibera.
- 28 June 2003** – The second Kiberan grassroots meeting was started, but was soon forcefully broken up by youth thugs hired by the local Nairobi City Councilor. The city councilor in Kibera misunderstood the meeting as organized opposition to the SSUP.
- July 2003** – This was the start date of the Preparatory Phase for the SSUP according to Kithakye of UN-Habitat and Makokha of the Shelter Forum, however it is unclear if the SSUP actually began in this month.
- 8 August 2003** – The GoK published an official KENSUP press notice with UN Habitat's permission in the *East African Standard*. The press notice explained what the KENSUP is and what steps are taking place. A consultancy ad was also published in the same newspaper that solicited an outside organization to gather data on the makeup of the Kibera-Soweto community. Both of these publications can be found at the end of this paper in Appendix I and II respectively.
- 8 August 2003** – Minister Raila issued an ultimatum to structure owners in Kibera, giving them six months to make way for the Kibera-Soweto Slum Upgrading Project or else risk forced eviction, publicized in Amran's 8 August 2003 *East African Standard* article.
- Mid-October 2003** – The GoK and UN-Habitat held an official launching ceremony of the SSUP in Kibera, next to Kibera-Highrise. Minister Raila publicly announced that the SSUP will consist of building four-storey flats (confirming his April 2003 KLA interview) and temporary dislocation of the majority of the Kibera-Soweto community to sites near Kibera during the construction.
- February 2004** – Minister Raila approves forced evictions in the Kiberan village named after him, Raila Village, for a road project. Other threats of eviction to Kiberans also came from the Kenya Railway and the Kenya Power Company in newspaper notices.



## 1.0 Introduction

*“...everyone [should] have adequate shelter that is healthy, safe, secure, accessible and affordable and that includes basic services, facilities and amenities, and [should] enjoy freedom from discrimination in housing and legal security of tenure.”*

-Habitat Agenda

Urbanization is happening at an incredible rate in the developing world today. This mass migration has greatly strained cities struggling to provide shelter for their growing numbers. Despite the negative aspects of this rural to urban transition, it has become a sign of a modernizing society. The global north has experienced a similar phenomenon of mass rural to urban migration owing to the Industrial Revolution over the last two centuries that continues today with the Information Revolution.

Due to the flood of people into urban centers in the developing world, large informal settlements have grown around the outskirts of cities. In many cases these slums now house the majority of the cities' populations. According to the United Nations Human Settlements Programme (UN-Habitat), there are roughly 925 million slum dwellers in the world today (2003), which will grow to 1.5 billion by 2020 and to 3 billion by 2050 if there is no significant intervention to improve access to water, sanitation, secure tenure, and adequate housing, (World Bank Group; UN-Habitat Web). In response to this worldwide crisis, the United Nations set Target 11 of Goal Number 7 in the Millennium Declaration (2000) to improve the lives of at least 100 million slum dwellers by 2020, (UN-Habitat web, [History](#)). Unfortunately, taking care of 10% of the present worldwide slum population by 2020 will not be nearly enough. According to recent research by UN-Habitat, the world's slum population has already grown by a daunting 75 million in just three years since the Millennium Declaration, (UN-Habitat Web).

Much of the informal settlement problem lies in the fact that many of the cities of Africa, Latin America, and Asia have been unable to keep up with the recent high demand for urban housing that has developed primarily over the last 50 years. In fact, according to the US National Intelligence Council, “the world population is expected to grow from its current 6 billion to 7.2 billion in the next fifteen years. Ninety-five percent of that population growth will occur in developing countries and in already stressed urban areas – megacities such as Lagos and

Mexico City,” (Love 328-9). Following this, it must be asked why, beyond pure numbers of growing populations, have developing countries been unable to keep up with housing their populations? A significant part of this inability of governments to keep up with urban housing is due to neglectful national policies on housing and land, in addition to corruption on all levels.

Nairobi, Kenya is one of the principal cities in the world that is experiencing this severe urban population growth. Starting with a population of 10,000 at the turn of the twentieth century, (Syagga, et al., Nairobi Situation Analysis [NSA] 28), Nairobi’s population quickly grew to 119,000 in the 1950s and more than doubled just a decade later to 350,000 at Kenya’s independence in 1963.<sup>3</sup> According to figures from 2001, Nairobi officially houses 2.5 million people. However it is probable that the real figure is significantly higher than this due to difficulty of obtaining accurate population data in informal settlements, (Warah 1). The NSA shows Nairobi’s population has been estimated as high as four million. Of the official 2.5 million, it is agreed upon by multiple sources that 60% of Nairobi’s population live in the city’s approximate 130-150 informal settlements, which comprise 5% of the city’s total land, and 1.5% of its residential land. Most of these urban slums are located around the periphery of the city with smaller pockets within.

As a result of this severe lack of affordable housing, basic services, and basic human rights, various governmental and international bodies along with non-governmental organizations (NGOs) have been attempting to do something about the slum crisis for years. Unfortunately, the informal settlement problem in Nairobi is very complex. The quandary is linked not only to national land policy problems, but is also intimately related to powerful national political forces which have strong interests in maintaining or building political power and ensuring economic gain. As phrased by Syagga, et al., Mugo found in a 2000 study that, “out of a sample of 120 landlords interviewed, 57% were public officials...with enough influence to ensure that they are not displaced,” (Nairobi Situation Analysis Supplementary Study: A Rapid Economic Appraisal 15). It is no surprise that Kenya’s elites are involved in Kibera since this estate (or neighborhood) has the highest rate of return for housing investments in Nairobi with an annual return of 102% or higher.

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<sup>3</sup> According to government census data quoted from the Matrix Development Consultants report.

The wider national economic situation, based largely on international economic forces, simply cannot provide formal jobs to the multitude of people who have migrated from the rural areas to Nairobi over the last forty years. The result is that many of Nairobi's youth and general population are unable to find formal work, therefore hindering their ability to afford better housing. In lieu of formal jobs, people set up their own small entrepreneurial businesses illegally in the informal economic sector, also referred to as the "undercapitalized sector," because the process of legally setting up a business costs too much and is too complex and time-consuming to be practical.<sup>4</sup>

Even though many are employed in the informal sector, the NSA points out that only "63% of those aged between 15 and 50 are economically active. [Furthermore]...regular wage employment...has been drastically reducing given various austerity economic reform measures being adopted by the government," (144). The pressure to adopt these economic reform measures are coming from the neo-liberal, global free market push of intergovernmental organizations such as the World Bank and the International Monetary Fund (IMF) by way of the Structural Adjustment Program (SAP) mechanism. Additional economic pressure has been coming from Western countries seeking open and secure markets for their transnational corporations that are already investing or seeking to start investing in Kenya.

To compensate for the contradiction of declining formal jobs and the continuing rise of the urban population in Kenya, the informal economic sectors within slum neighborhoods are becoming even more critical to the national economy. Informal economies provide vital income sources for the majority of slum dwellers. In fact, the informal economy is where most of Nairobi's jobs are found, as the NSA points out, "between 50-70% of all dwellings double as workshops and [production sites of] family-based crafts...[and house] small-scale traders," (141).

Unfortunately, several previous slum upgrading projects in Nairobi (such as the Kibera Highrise project) have not adequately focused on providing economic supports for the majority of slum dwellers who were required to uproot and dismantle their source of income when relocating. Due in part to these political-economic complications, most previous efforts of slum

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<sup>4</sup> For further discussion on the undercapitalized sector, see Hernando DeSoto's *Mystery of Capital*.



upgrading have met limited success, leaving slum dwellers fearful and skeptical of future upgrade attempts.

Despite these past failures, the right to adequate housing and an adequate standard of living remain protected for all people under article 25 of the Universal Declaration of Human Rights, as well as article 11 of the International Covenant on Economic, Social, and Cultural rights, which Kenya acceded to in 1972, (Kituo Cha Sheria 7). The slum dwellers of Nairobi and those elsewhere in the world have the right to better living conditions. Therefore, despite past failures, it is imperative for all those involved with housing and slum upgrading to continue striving towards a solution to the developing world's urban housing crisis.

Currently, a new slum upgrading initiative in Nairobi based on the Sustainable Livelihoods Approach (SL) has been launched, entitled the Kenya Slum Upgrading Programme (KENSUP). It is directly motivated by the UN Millennium Development Goal (Target 11 of Goal Number 7) to achieve "a significant improvement in the lives of at least 100 million slum dwellers by 2020." The programme is a partnership between the GoK and UN-Habitat and is focusing initially on Kibera – East Africa's oldest and largest slum of over 700,000 residents. Specifically, the KENSUP's starting point is a "village" of Kibera called Soweto, which has a population of approximately 60,000 residents and is considered the poorest section of Kibera informal settlement. This initiative, which was still in progress at the time this paper was completed, is entitled the [Kibera]-Soweto Slum Upgrading Project (SSUP).

Stemming from both the current situation in Nairobi and the greater demand for effective solutions to the developing world's housing crisis, the primary research question of this thesis is: Is the KENSUP via the Kibera-Soweto Slum Upgrading Project (SSUP) on a path towards successfully meeting the project's primary objective of improving the quality of life and livelihood of Kibera-Soweto's slum dwellers?

Secondary questions relating to the primary research question that will be addressed include: What are the causes of Nairobi's slum growth and their perpetuation? What development theories have been applied in previous slum upgrading efforts both in Nairobi and other developing cities and how did they work? How is the success of slum upgrading projects measured? What has gone wrong in past upgrading attempts? How is the KENSUP addressing these challenges? What are the most promising paths to slum improvement in Nairobi today? How do the theoretical KENSUP and SSUP that exist on paper and in the minds of its leaders

line up with what is happening on the ground in Kibera-Soweto? What could be done better in the SSUP? Have slum dwellers' wishes been seriously sought, considered, and applied in previous upgrade attempts and in the current SSUP?

The theoretical framework for this paper that guides this analysis largely revolves around four development theorists – Turner, Scott, Berger, and Werlin – as well as the findings in the Nairobi Situation Analysis (NSA)<sup>5</sup> that was written specifically for the KENSUP in 2001.

John Turner's writings on human settlements greatly shaped the self-help movement in the 1970s. His most famous work is Freedom to Build (1972), though he first presented a paper on human settlements at a UN conference in Pittsburgh in 1966. The UN notes the presentation of both of these works as “influential international events” in human settlements, (UN ESCAP). In general, Turner was opposed to the efforts of large, centralized and hierarchical organizations to organize and control the lives of slum dwellers. Turner's slum upgrading scheme was rooted in local participation and bottom-up development.

Similarly, James Scott is against large state-run development projects. As a current political theorist and anthropologist at Yale, he is concerned about government officials who make policy decisions without the knowledge of the beneficiaries' interests and needs. He explores the limitations of government-lead development projects in his recent book, Seeing Like a State (1998).

Peter Berger builds off of the ideas of Turner. He is currently a sociological expert in social ethics at Boston University, though his 1979 book, Pyramids of Sacrifice, most applies to this paper. In his book, Berger emphasizes the necessity of target beneficiaries playing a major role in preliminary planning and decision-making processes for any project directly affecting them. Berger's idea is based on the concept of cognitive respect, which holds that no one knows his or her specific situation better than that individual.

Herbert Werlin has spent years evaluating World Bank slum upgrading projects since the 1970s. He is currently an independent consultant, though was involved in Nairobi early on in 1966 through his dissertation on the Nairobi City Council. Contrary to Turner, Werlin values a strong government role in slum upgrading. He claims such a strong role is necessary to both manage the complexities of a large project and to effectively achieve popular community

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<sup>5</sup> The Nairobi Situation Analysis was written by Paul M. Syagga, Winnie V. Mitullah, and Sarah Karirah Gitau.

participation. Werlin ultimately advocates a compromise with Turner through a “top-down/bottom-up” approach.

From the work of these four theorists and others, comes the current Sustainable Livelihoods Approach (SL) for development projects. Maintaining that people are the starting place, SL recognizes that every community is different with unique needs and interests. SL therefore focuses on community participation in the planning and design phases of a project and their empowerment to lead their project. SL is further discussed in Chapter 4.0, while the ideas of Turner, Scott, Berger, and Werlin are discussed both in Chapter 3.0 and throughout later chapters.

This chapter has set Nairobi’s slum crisis in a global context and has introduced several of the major challenges that the KENSUP and SSUP seek to overcome. The next chapter will describe the conditions in Kibera, the focal informal settlement of this paper. It will put the rest of this analysis in perspective and will help us keep in mind why there is a Kenya Slum Upgrading Programme and Kibera-Soweto Slum Upgrading Project in the first place.

## **2.0 A Snapshot of Kibera Today**

Kibera's prime location is one major factor responsible for attracting its over 700,000 residents, over 60% of whom are between the ages of ten and twenty-four years old, (Khasiani). The 225 hectare (550 acre) settlement is located about five kilometers southwest of Nairobi's city centre, a couple kilometers west of the industrial area, and is right next door to Langata District's wealthier neighborhoods to the north and west of Kibera. The settlement's close proximity to these three major employment centers allow 75% of Kiberans to walk to work – a very important benefit when transportation costs are too high for most slum dwellers' budgets, (Matrix 16). Two other major land marks and resources are the Nairobi River that runs through Kibera's center (though it is horribly polluted), and the major train line (Nairobi-Kisumu, Western Kenya) that runs through northern Kibera, which is functional but is in serious need of maintenance and upgrading itself.<sup>6</sup>

The population has grown very dense with the steady influx of new residents. In the densest places, the density is as high as 63,000 people per square kilometer, causing an acute lack of privacy. Due to the unplanned haphazard physical layout, the earthen walkways are narrow, most between one and two meters wide and some smaller.<sup>7</sup> Very few passages are wide enough for vehicles. As an unlit labyrinth at night, Kibera hosts plenty of crime. Most crimes are individual robberies of those walking alone after dark, forcing most residents to stay behind locked doors after 9:00pm or earlier.

The actual housing structures do not come close to conforming to Nairobi's minimum housing standards. Characteristic of Kibera and most of the developing world's urban slums are the temporary building materials used to construct housing in addition to other structures such as kiosks used for informal sector trade and business. Nearly all structures in Kibera-slum<sup>8</sup> are constructed with mud walls supported on a wooden stick frame (widdle), with corrugated iron sheet roofs. Some use iron sheets for walls instead of mud, and a minority of structures have concrete floors. The housing structures are usually long row buildings like barracks with most

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<sup>6</sup> See photo four on page iv.

<sup>7</sup> See photo two on page iii.

<sup>8</sup> Parts of Kibera are not part of the massive 700,000-person slum for which this part of Nairobi has become famous.

individual household rooms being three square meters in size (about ten square feet), for an average family of five. This type of structure is similar to the traditional Kenyan house still found in rural areas, comprising one moderately sized room constructed of mud on a wooden frame with a thatched roof.

Water that must be first boiled to drink is sold at privately owned neighborhood taps. Women's water committees, self-help youth groups, and other community-based organizations (CBOs) own most water taps, while others are individually owned. Taps that are legal have been purchased from the Nairobi City Council, while other taps are illegal and lower water pressure and cheat those out of profits who follow the law. In order to make even a small profit, water is more expensive in Kibera and Nairobi's other informal settlements than in middle and high-income neighborhoods, usually selling for three to five cents per twenty-liter jerrican.

Other basic services including proper sewage and garbage disposal do not exist. Shared pit latrines service an average of fifty people but as many as 400.<sup>9</sup> There are one or two upgraded concrete pit latrines in Kibera that the World Bank has funded. Most sewage drains are dirt ditches that flow to the Nairobi River, the latter of which has been tested to show higher concentrations of wastes and pollutants than the city's typical raw sewage. Although the sight of garbage strewn all over walking paths is something one may get used to, the smell of human waste never becomes tolerable. Surprisingly, the foul smells of waste and garbage are only noticeable in certain places and only occasionally as the winds shift. Combining human waste with non-biodegradable plastic garbage, many residents use "flying toilets" especially at night, whereby human waste is deposited into a plastic bag and thrown into the Nairobi River or nearest stream the next day.

Mortality rates caused by diseases stemming from these poor environmental conditions common in all African slums are drastically higher than in the developed world. Due to the lack of safe water, sewer systems, and basic health care facilities, according to Hardoy (1990), "children in African informal settlements are 40-50 times more likely to die before reaching the age of 5 than their Western counterparts," (qtd. paraphrase in Syagga, et al., NSA). Although a major epidemic in all of Africa, the occurrence of HIV/AIDS in Kibera and Nairobi's other urban slums is understandably higher than Kenya's national average. A higher death rate from

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<sup>9</sup> See photo five on page v for a typical pit latrine with direct drainage into a stream in Kibera.

AIDS results from a lack of affordable life-extending drugs and professional health care, which are readily available in the US and Europe. Many parents have already perished from AIDS complications, resulting in some 50,000 orphaned children in Kibera alone, according to a 2001 United Nations Children's Fund (UNICEF) report, (Scalia).

According to the US Center for Disease Control, approximately 20% of Kibera is HIV positive, (Scalia). It is probable that the actual percentage is higher. In addition to difficulty in obtaining accurate numbers in the labyrinth that is Kibera, many AIDS cases are covered up or hidden. Individuals and families with AIDS are traditionally very looked down upon in Kenya. Having HIV/AIDS is traditionally viewed as disgraceful and its discussion taboo, (Bodewes, Social and Cultural Analysis no pag.). Often AIDS patients quietly die while hidden by their families, or worse, they die alone after being abandoned by their family. Moreover, many go undiagnosed. Since AIDS patients actually die of other diseases, ignorance in addition to the cultural stigma make it easy to not attribute deaths to AIDS.

Beyond the poor conditions, logistically the greatest complication to slum upgrading in this settlement is that the entire area on which Kibera-slum stands is officially government land. Because of this, as Kibera-specialist attorney Christine Bodewes explains, "the entire settlement is considered 'illegal' and not officially recognized by the government," (Social and Cultural Analysis 3). No one officially owns any land that makes up Kibera or most of Nairobi's other informal settlements for that matter. Therefore, land tenure is at the heart of Nairobi's slum issue. Land is perhaps the most important asset a Kenyan can have, as the NSA points out that, "...land ownership remains a primary economic factor that determines prosperity or poverty for most Kenyans," (Syagga, et al. iii).

Despite the lack of land ownership, a well-established system of "landlords" and "tenants" exists in Kibera. Since landlords do not own the land in Kibera, this stakeholder group will be referred to as "structure owners" throughout this paper. Structure owners hold either a quasi-legal right of occupation (temporary licenses or letters from the Provincial Administration<sup>10</sup>) or no right at all. Plots are unofficially and illegally allocated for a bribe by local authorities, namely chiefs<sup>11</sup> and city councilors. The majority of the structures are let on a

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<sup>10</sup> The Provincial Administration is an extension of the Kenyan National Government.

<sup>11</sup> "Chief" is the lowest level of the Provincial Administration, further discussed below in Chapter 5.0, section 5.5.

room-by-room basis and the majority of households occupy a single room or part of a room. Monthly rent in Kibera for a three-square meter room is usually 550-700 Kenya Shillings (Ksh) or about US\$8-12, but can be as low as 80 Ksh (US\$1.10) and as high as 1,300 Ksh (US\$18.00). Soweto village of Kibera has cheaper than average rents, with the majority paying 500-650 Ksh (US\$7-9 per month), (Goux 9). Since most Kiberan tenants make between US\$1.00 and \$2.00 a day (US\$20-\$40 a month), rent accounts for about 40% or more of the average household's income unless more than one person is able to work. Yet compared to more permanent housing in other parts of Nairobi, Kibera's rents are relatively low. Affordable rent is the other major factor luring people to stay in or move to Kibera, next to Kibera's prime location.

Without the law to support structure owners in collecting rent from their tenants, payment is enforced by the threat of forceful eviction. Youth, who comprise the majority of Kenya's population and are hard pressed to find work, are often hired by structure owners or local government authorities to perform these evictions. Unfortunately these evictions often come with little or no warning and are violent and devastating, especially if the evictors loot the family's personal belongings, which is not uncommon.

A trait of the complexity of land ownership in Kibera is the coexistence of multiple types of documents expressing supposed "ownership." Although in reality all of Kibera slum is government land, different groups do have reasonable arguments for a right to the land. As can be expected in the informal/extralegal sector, since Kibera's existence from the beginning has not been formally legal, the legitimacy of the "rights" to portions of Kibera is very murky. Everyone's claim lies somewhere on a spectrum of more or less probable legitimacy. The documentation variations include the following: remnants of the original temporary residency permits granted to the Nubian veterans of the King's African Rifle (KAR) (the most legitimate legal claim to Kiberan land), letters or verbal allocation (more common) from the local chiefs that go unchallenged even though they do not follow land law, actual title deeds that may or may not be legal (granted in most cases by former President Moi for political patronage), and unofficial sale agreement letters given by sellers of Kiberan land to buyers as a record of their transaction.

Due to the extralegal nature of land control and occupation in Kibera that has existed from its first settling in 1912 by the Nubians, it is nearly an impossible task to legalize the present land ownership status. This one factor of land tenure has been the largest roadblock for

past upgrade projects both in Kibera and in Nairobi's other urban slums. Although the GoK prefers not to pay compensation to structure owners in Kibera for their land because this would legitimize all past illegal land transactions, several sources suggest that such compensation is the only practical and just way forward for any slum upgrading project.

DeSoto, a Latin American development economist, acknowledges the dire need for the restructuring of the formal legal land systems in all developing countries due to the acute failure of the formal system to serve the masses (especially those living in informal settlements.) Libya provides an example of the extent to which a government can go after accepting the failure of the formal land law system. In 1992, Libyan leader Mu' ammar Gadhafi decided to actually destroy all previous land titles and reported on his action to his justice ministry, "All records and documents in the old land register, which showed that a land belonged to this or that tribe, have been burned . . . They were burned because they were based on exploitation, forgery, and looting," (qtd. in DeSoto 91). While this may not be a realistic or just strategy for Kenya, Gadhafi's action makes it clear how difficult and complicated solving land problems in the developing world are. Kenya's land problems are at the forefront of national debate and conflict.

Kibera's residents comprise not only the poorest of Nairobi's poor. Some working and middle-class residents also live in Kibera and other informal settlements around the city due to the severe lack of middle-class as well as working-class housing in the metropolis. This creates competition for improved housing, especially for brand new housing that may possibly be created through the current Kibera-Soweto Slum Upgrading Project (SSUP). This factor will be explored further later in this paper.

How did Kibera develop into its sprawling hills of dense shanty-type housing units, now well known as the largest slum in East Africa? Like most African countries, European colonization, specifically by Great Britain, caused major changes in Kenya over the last century. Among these changes, the most significant at the time of colonization and remaining the main issue at the heart of much conflict and injustice in Kenya yet today is land ownership. That is, the introduction of the privatization of land through the formal English Land Law system and the manner in which it was implemented at the end of the ninetieth century radically changed the lifestyle of most indigenous African cultures in present day Kenya.



The area of present Kibera itself was first informally settled in 1911 by Sudanese military veterans and their families (now called the Nubians<sup>12</sup>) of the King's African Rifle (KAR), Britain's consolidated colonial East Africa military force, (Parsons). Before the Nubians settled, the British had reserved the 4,000-acre plot as military training grounds in 1904, who had previously grabbed the land from the pastoralist Massai people. Nubian men were originally recruited in 1891 by the Uganda Rifles (later the 4<sup>th</sup> Battalion KAR), whose main objective, like the other divisions of the British-organized "native" forces, was initially to protect the expanding British interests in the East African colonies. The Nubians received temporary occupancy permits from the British colonial government after they settled Kibera as part of their compensation for their military service. Despite these permits and three generations of residency in Kibera, presently the Nubians (and every other ethnic group in a very heterogeneous Kibera) have not received legal ownership of any Kiberan land. However, Soweto village of Kibera has few Nubian residents, rendering this ethnic group as a minor stakeholder in the SSUP. Further explanation of Kibera's colonial history is beyond the scope of this paper.<sup>13</sup>

With a shared understanding of the conditions in Kibera and Nairobi's other urban slums, albeit limited, we are prepared to examine the efforts that have gone before the current KENSUP and SSUP in attempts to ameliorate the inhumane conditions described above. The next chapter explores what has failed in past slum housing projects since Kenya's independence in 1963. In addition to specific case studies of previous projects, the next chapter will place the KENSUP and SSUP in a historical context through a chronological briefing of Kenya's major policy and theoretical shifts on its treatment of informal settlements.

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<sup>12</sup> This name relates to this ethnic group's supposed relation to the fourteenth-century African Christian kingdom of Nubia located on the Nile River north of present day Khartoum, Sudan.

<sup>13</sup> For a further discussion of Kibera's complex history revolving around the militarily connected and non-Kenyan-native Nubians, see Parsons.

### **3.0 Historical Context of Kenya's Slum Policies and Upgrading Initiatives**

*“The improvement of the quality of life of human beings is the first and most important objective of every human settlement policy.”*

-Vancouver Convention (from Habitat I, 1976)

After establishing a tangible understanding of Kibera's conditions in the previous chapter, this chapter provides a historical context for the KENSUP and SSUP efforts. This gives a better understanding of the Kenya Slum Upgrading Programme, its strategies, and how it fits in as the present continuation of Kenya's history of slum upgrading initiatives. This will be done through a chronological overview of Kenya's policy history towards its informal settlements. It should be noted that the majority of Kenya's slum policies and strategies followed the major global trends in development theory. A major objective of this chapter is to point out the failing points of past projects that are now present in the KENSUP's SSUP.

December 12, 1963 marks the day Kenya achieved the independence sought by the Kenya African Union (KAU) and other nationalists, with President Jomo Kenyatta at the helm of the new nation. Previous policies, including that of the Nairobi residence ID card, that had acted to restrict the flow of rural migrants to Kenyan urban centers were removed. As a result, the steady trickle of rural migrants into Nairobi that had existed for decades suddenly erupted into a flood of new migrants with hopes of obtaining good jobs. Similar to European cities during the Industrial Revolution, Nairobi's economy simply did not have the number of formal job positions needed to provide incomes to the wave of new urbanite-hopefuls.

Without employment, many new migrants were forced to find or build their own cheap housing. New settlements sprang up as migrants put up their own shanty dwellings on vacant government land, while others sought sub-leasing agreements in existing structures. Migrants would typically receive permission from local chiefs and elders to build, despite the officials' lack of authority to do so. This practice continues unchallenged today, (Kituo cha Sheria 3).

Kibera naturally also ballooned in its population. Two big factors caused especially rapid growth and expansion of Kibera: the fact that Kibera was already settled, and Kibera's prime location near both the city centre and the industrial area, which allows residents to walk to work to avoid transportation costs. Nubians took advantage of the increased demand for housing in

Kibera and built more temporary rental housing, contributing to the expansion of Kibera's population (Onguje 6).

The primary reason behind this rapid rural-urban migration was the decided inaction of the new Kenyan Government on the issue of land. As Kituo cha Sheria notes, "...there was no deliberate attempt by the first post-independence government to address the land question," (3). This comes as a surprise since land injustices were the fundamental grounds for the Mau Mau rebellion that led to Kenya's independence. The heart of the matter is that the new government, although Kenyan, was ushered in by the exiting colonial administration. The old colonial governance practices that were designed to benefit European settlers and thus create a system of elitism, was simply handed off to a new Kenyan elite. Instead of being the people's government that the general population was eagerly expecting, while the government did its best to provide for the country's overall economic growth, it also ensured that elitism would continue.

Correspondingly, instead of working to return confiscated land taken from nearly all Kenyan ethnic groups by the colonial administration, the new government required the original inhabitants to buy it back. This devastated the majority of Kenyans who lacked the financial resources to buy back their land. Thus, the land market was opened to the wealthy elite now running the country. As Kituo cha Sheria puts it, "...millions of Kenya[ns] who had been kept on reserves after they lost their land to [European] settlers became landless squatters in their own country," (3). With dismal poverty levels in the rural areas and no where else to go, mass numbers of landless people migrated to Kenya's cities. Since many Kenyans already had friends or extended relatives living there, Kibera-Nairobi became one of the most popular destinations for migrants.

At Independence neither the young Kenyan Government nor Nairobi's City Council (NCC) was in a place to adequately handle the huge influx into the capital city. In recognition of the impending problems from such uncontrolled urban growth resulting from a policy of unrestricted urban migration, then President Jomo Kenyatta actually encouraged Kenyans to stay in the rural areas. Specifically, he called for "*Turudi Mashambani*," which means, "let's go back to the rural areas" in Kiswahili (Macharia 228). Already in the mid 1960s, the inseparable connection between urban and rural development was evident to the Kenyan Government.

The Government of Kenya (GoK) and UN-Habitat outline and categorize the history of Kenyan policy towards informal settlements into five phases in the KENSUP programme

document. These phases include: slum clearance and forced migration, slum clearance and public housing, provision of minimum services, extension of tenure security and physical upgrading, and finally the recognition of the legitimate role of low income earners in urban development. Syagga, Mitullah, and Gitau outline the same policy eras but with alternative titles to emphasize different components of the policies in the Nairobi Situation Analysis (NSA). A review of these policy eras and past urban development strategies and theories will develop a historical context and theoretical framework within which to better understand the actions the GoK and other stakeholders are now taking to address the challenges of the SSUP and the larger KENSUP.

*Table 1: Overview of slum and housing policy of the Government of Kenya (GoK)*

- 1963 - Mid 1970s – Containment and slum clearance (eviction and demolition).
- 1970s – Self-help projects through site and service and slum upgrading schemes.
- 1980s – Enablement Approach, where the GoK was to enable the private sector and other stakeholders (NGOs and CBOs to a lesser extent) to actually provide housing by providing economic incentives through the creation of a neo-liberal economic environment.
- 1986 – SAPs created extreme dependence on non-public support and reduced basic service provision in settlements as well as subsidies for housing, health care, and education.
- 1990s – Unclear and questioning. The definition of slum upgrading was in question. Limitations of the Enablement Approach were recognized. Work towards new policies and strategies, including full or partial cost recovery, economic development, comprehensive assets-based development instead of just focusing on basic-needs. A re-emphasis on participatory mechanisms.
- 2001 – The result of the new strategy development of the 1990s has come to be known as the Sustainable Livelihoods Approach (SL), which places people as the starting point.

*-Source: modified from Syagga, et al., Nairobi Situation Analysis 1-2.*

### **3.1 1963-mid 1970s: Slum Clearance**

Following the example of the colonial government while at the same time keeping in step with most other developing nations in the 1960s, Kenya's first policy towards informal settlements was demolition and forced migration. The second part of this policy refers to the fact that after slum dwellers' homes were destroyed during this period, they literally had no options but to migrate back to the rural areas or to the remnants of the native reserves left over from the

colonial period. Although this only lasted through the late 1960s, the demolition component of the policy lasted until the late 1970s. Slum eradication continued to be largely justified by the Public Health Act of 1930, as it had been under the colonial regime. The claim was that informal settlements were health hazards to the city. While this claim does hold true, it conflicts with international human rights law against forced evictions.<sup>14</sup> Furthermore, urban slum evictions in Nairobi directly hurt rural farmers as well. A female rural farmer/seller expressed concern that policy makers hardly understood the consequences of evicting slum dwellers, “When evictions occur, food markets are destroyed so that the farmers in rural areas who supply the stuff and traders have nowhere to sell,” (Okwemba). This further illustrates the connection between urban and rural development.

Kenya’s eviction and slum clearance policy reflect the desperation of the GoK to effectively handle its growing urban population and political economy. The young government’s struggles were based on the major complications of the inherited and worsening land allocation crisis.

When the new Kenyan Government realized it was impossible to completely control Nairobi’s rising poor population, the GoK began investing in public housing. Kenya’s leaders faced the fact that leaving tens of thousands of slum dwellers out in the streets to supposedly find their way back to their rural home areas after destroying their urban homes was not contributing to the prosperity and development of the country. The National Housing Corporation (NHC) was established in 1967 as the extension of the colonial Central Housing Board, started in 1943. The new housing built by the NHC was typically tenant-purchase schemes, while some were rented out and subsidized. While this was certainly a positive step forward for the GoK by taking action to provide for its urban citizens, the demolition of slums continued.

Kenya’s official housing policy was written in the Session Paper No.5 of 1966/7, titled “Housing Policy in Kenya.” It not only authorized slum demolition as a policy, but it demanded it:

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<sup>14</sup> It should be noted that the referenced international law against forced eviction and slum demolition was not yet developed in 1930 when Kenya’s Public Health Act originally took effect, and applies in this case after 1948 (Universal Declaration of Human Rights) and especially in the 1970s when other international conventions referencing informal settlements had come into effect.

If towns are not to develop into slums and centres of ill health and of evil social conditions, low-income urban housing and slum clearance must continue to form the major part of the nation's housing Programme, (qtd. in Government of Kenya, KENSUP).

Unfortunately the new public housing effort did not come close to meeting the needs of Nairobi's lower class – comprising 70% of the housing need, (Kenya). The NHC's annual 2,000 new housing units (built mostly in Nairobi) comprised only 10% of the total housing need in the capital city, (Syagga, et al., NSA 17). Moreover, the public housing project was not sustainable due to high costs and it being socially undesirable, (NSA 17.) Not only did much of the public housing that was built go to middle and upper income residents because of the higher cost, but the GoK and the local authorities were also destroying more housing than they were building.<sup>15</sup> Werlin, a World Bank evaluator of slum upgrading projects since the 1970s, witnessed this first hand, "In November of 1970...the Nairobi City Council (NCC) authorized the destruction of 49 illegal settlements, containing perhaps 40,000 people. This resulted in a swelling of housing demand, a decreasing housing supply and greater exploitation of tenants in the remaining unauthorized settlements where an estimated third of the population lived," (Werlin).

As the largest and best-known informal settlement in Kenya, Kibera naturally absorbed its share of intra-city migrants. This growth pleased some structure owners as their profit rose despite the worsening living conditions. Although Kibera settlement as a whole has never been evicted and demolished, the Nairobi Municipal Council did demolish Nubian villages in Kibera (with their permission) in 1968/69 and relocated the residents in Langata. A decade later, the Nubians were moved back to Kibera after the Langata settlement was destroyed, (Bodewes, Social and Cultural Analysis). Fortunately, they were not left on their own without options as most slum dwellers from other ethnic groups were, in large part due to the Nubians' military connections and relevant claim to part of Kibera.

Shortly after the demolitions Werlin witnessed in 1970, the growing housing dilemma forced the GoK and the NCC to acknowledge the inevitability of informal settlements and the failure of the slum clearance policy. Furthermore, slum dwellers were growing increasingly upset with the government policy, which put additional pressure on the GoK to stop authorizing

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<sup>15</sup>As with the slum demolition policy, according to UN officials this phenomenon was also occurring all over the world in the urban centers of developing countries at this time, (Werlin 2).

slum demolition. New policy was written more to temporarily end the previous highly unpopular policy than to provide a new solution or strategy. In the words of the KENSUP document, the new policy document titled, *1970/74 Development Plan of the Republic of Kenya*, stated, “that demolition would be postponed until such a time that the housing shortage is met,” (Government of Kenya 3).<sup>16</sup>

### 3.2 Early 1970s: Provision of Minimum Services

Although the KENSUP document calls this new policy phase, “provision of minimum services,” in reality it was much less pro-active than this titling implies. Kituo cha Sheria, a legal services non-governmental organization (NGO) in Nairobi, refers to this policy phase as the government’s “tacit acceptance of informal settlements...[using] a laissez faire approach,” (Kenyan Perspective on Housing Rights 3). In other words little to nothing was done, resulting in an explosion in the growth of informal settlements and the corresponding boom of the informal economy – the continuation of the colonial legacy of negligence towards informal settlements.

In light of then President Kenyatta’s views on the matter, one can understand from where the early 1970s policy of neglect came from. Jomo Kenyatta himself, ironically viewed as the leader of the grassroots Mau Mau freedom fighters, referred to Kenya’s poorest as “*ragai*,” meaning “lazy” or “useless,” (Macharia 229). Kenyatta held no respect for the growing majority-class of urban poor and the importance of the growing informal economy. As Macharia explains, this lack of respect exposes Kenyatta’s, “lack of understanding about the significance of the growing number of Africans who were making a valuable contribution to the economy by their innovative micro-enterprises [in the informal sector],” (229). Indeed, it is the entrepreneurial spirit of slum dwellers that not only earns them a living enough to survive and raise their families on, but is vitally linked with the formal economy. For example, slum workshops provide fine wood and metal works to be re-sold in up-scale stores in Nairobi’s city centre.

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<sup>16</sup> In reality this policy has not held through. The housing shortage has never been met, yet demolitions continued to happen on a small scale throughout the 1980s (often being run by private parties given unofficial government allowances), with 1990 seeing some of the worst cases of slum clearance in Kenyan history, authorized by former President Moi, (Macharia 230). The trend of occasional slum demolition continues today.

Naturally, the president's perspective was not unique and became well shared by others in his KANU administration as they focused on building Kenya's new middle class. Moreover, as Kenyatta quickly became engulfed in the accumulation of his own private wealth and power, he set the example that his vice president, Daniel arap Moi, was to follow when he took office after Kenyatta's death: a trend towards centralization with the concentration of power in the presidential office.

However there was a positive aspect to the "provision of minimum services" policy phase. Despite the GoK's disengagement with direct action in Kenya's informal settlements, the government did foster relationships with the World Bank and international organizations such as USAID during this time that later came to fruition in the late 1970s and 1980s. New development strategies were being created, many based on multilateral partnerships centering on international donor funding, a model still used today.

From this new momentum, Kenya's "do-nothing" policy phase developed into the phase the KENSUP document calls "extension of tenure security and physical upgrading," or as the (NSA) calls it, "aided self-help housing." Stemming in large part from the work of development theorist John Turner<sup>17</sup> and others, this policy moved away from expensive public housing projects towards recognizing and mobilizing the assets that the residents of informal settlements already had. The theory followed that slum residents could be aided to use their assets to allow them to build or improve their own houses; hence the terms "self-help" and "assets-based" development. Residents' most important assets include labor and commitment that come from a sense of ownership in their community and their houses. The "aided" part and the "extension of tenure" were the government's responsibility. As the KENSUP document states, during this period the "...government focused on that which the people cannot provide for themselves such as legal framework, institutional mechanism, tenure security, infrastructure, and income generation facilities," – a full plate certainly, (Government of Kenya 4).

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<sup>17</sup> Turner's most commonly cited work in regards to his ideas that helped create the slum upgrading mechanism is *Freedom to Build*, which he edited with Robert Fichter, published in 1972.



### 3.3 Mid 1970s: Self-Help via the Site and Service and original Slum Upgrading Schemes

Out of the aforementioned policy thinking came an effort to develop new strategies and mechanisms for development. The two most widely supported strategies produced by this effort were the site and service scheme and the slum upgrading scheme. Both were endorsed and developed in large part by the World Bank in the mid 1970s and implemented in Kenya among many other countries, although slum upgrading was not common in Kenya until the early 1980s, (Syagga, et al., NSA 18).

John Turner's work produced the concepts of the site and service, and slum upgrading schemes, which are wholly self-help based. Werlin notes that, "[Turner] was opposed to the efforts of large, central and hierarchical organizations to organize and control the lives of slum-dwellers." Thus, in both strategies, the government does not provide actual housing, rather they provide the means for the people to provide or improve their own housing. The self-help emphasis drastically reduced the cost of development and housing provision for the GoK and other lesser-developed countries' (LDC) governments around the world.

In the site and services scheme, the government simply provides open serviced plots ready for residents to build their own houses, while the World Bank and international donors provided funding to the governments to buy land and install services. Initially, people would build temporary houses out of mud and sticks on their plot. Over time through self-help *harambee*<sup>18</sup> fundraising and small loans for new upgraded housing materials granted by the government or other organizations, residents would slowly build permanent houses on their plots, and in some cases also make payments towards the purchase of the land title. Depending on the community, loans and development happened on an individual basis or more often as a community-wide initiative in order to share the risk and burden of the loans.

Slum upgrading on the other hand focused on the government's role to improve the environment in pre-existing communities and provide for resident's basic needs instead of full housing provision. Included in this was improving the public services and infrastructure such as access to safe water, waste disposal, sewer, and possibly roads. The ultimate government-giving

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<sup>18</sup> *Harambee* is the Kiswahili word meaning fundraiser, which both individuals and institutions such as schools hold when in financial need, i.e. when a death in the family requires funds for a proper funeral, or a school would like to build an addition. *Harambee* is usually focused on raising funds from the community, though an honorable guest such as a Member of Parliament (MP) is often invited to larger events for institutions.

on top of this would be secure and official land tenure, which was a key component for the World Bank slum upgrading strategy, though Turner himself did not deem this mandatory. Security of tenure comes in the form of several possible formal land ownership systems, including individual or community land title, and renting or owning schemes.

These three things, environment, basic needs, and land tenure, were all intended to give structure owners and tenants pride and ownership in their houses and communities. According to his theory, stemming from this would come the magic ingredient Turner recognized all humans to possess when in the proper environment: incentive – that is incentive to improve (or upgrade) one’s own dwelling and community, and thus participate and take ownership in the improvement of one’s life after satisfying the more basic needs of stability and security. Agreeing with Turner and emphasizing Kenya’s spirit of self-help, the Kenyan legal services NGO, Kituo cha Sheria, states, “If the government can provide security of tenure, the residents themselves will create new avenues for investment and improvement of housing,” (The Kenyan Perspective 16). His ideas of local participation and bottom-up development also parallel those of Scott, who is against large-scale, state-run projects that are seemingly developed in an information vacuum by officials distanced from their target beneficiaries.

However the other side of the land tenure debate holds that contrary to Kituo’s implications, provision of security of tenure is not a cure-all for slum dwellers and urban poverty. Many urban planning experts point out that when slum dwellers begin receiving security of tenure, a sharp increase in rural-urban and intra-city migration is likely from people rushing in to benefit from such a programme, (Okwemba). Goux, a researcher working for UN Habitat on the SSUP in 2003, found this migration-for-benefits phenomenon already taking place in Kibera-Soweto in mid 2003, (12). The Executive Director of UN-Habitat, Ann Tibaijuka, acknowledges the potential of mushrooming slums resulting from the granting of secure tenure. In response, she names strong rural development partnering with slum upgrading strategies as the best way to avoid excessive rural-urban migration, (in Okwemba).

One of the key differences between site and service and the slum upgrading schemes is that upgrading minimizes the dislocation of residents, typically under 10% of the target group,

while the site and service scheme depends on it, (NSA iv).<sup>19</sup> According to the slum upgrading scheme theory, improved housing happens slowly over time by the residents themselves after being motivated with improved services and environmental conditions. Hence, slum upgrading became the favored of the two schemes by the World Bank. Although both seem hopeful, Kenya had few successful projects with either schemes.

### 3.3.1 Failures of Site & Service Schemes in Kenya

Unfortunately, the Government of Kenya (GoK) was largely unable to provide the conditions necessary to provide for the large-scale success of the aided self-help housing policy schemes. Inherited outdated and wealthy-favoring land policies proved too difficult to change; a problem that continues to plague the country.<sup>20</sup> Beyond this historic factor, both of these development schemes ran into inherent problems that forced development experts to accept that pure self-help initiatives, while certainly beneficial to some communities, are no panacea for the urban poor both in Kenya and around the developing world.

The site and service scheme was unable to help a large number of people in Kenya due to the lack of open land around urban centres – a requirement of this strategy. One must remember that many of these projects were being implemented over a decade after the flood of rural Kenyans to Nairobi after independence in 1963 as discussed above. By this time, land was already at a premium with high demand.

The major efforts incorporating the site and service, and slum upgrading schemes in Kenya include a series of World Bank projects in Nairobi and other Kenyan cities between the 1970s and the 1990s titled the First Urban Project (in Dandora, Nairobi), followed by the Second, and Third Urban Projects in Mombassa and Kisumu. Another big initiative included two projects in the Nairobi estates of Umoja 1 and Umoja 11 headed by the United States Agency for International Development (USAID), (Syagga, et al., NSA 18). In these projects, the

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<sup>19</sup> There is a new concept of slum upgrading currently in Kenya that veers away from this characteristic explained below in section 3.5.

<sup>20</sup> From 1999 to 2003, the Njonjo Commission has sought to provide answers for a way forward for Kenyan land policy. Originally commissioned by former President Moi, the lengthy Njonjo report provides a description of the problems and no definite policy answers. While it does provide points to be considered while developing the long-anticipated land policy to end Kenya's confusion and conflict over their most important asset, the difficult task of re-working Kenya's land policy continues to be passed on to other committees and commissions.

World Bank and USAID respectively provided loans to the low-income families of Dandora and Umoja to build their own housing. At the same time local governmental authorities were to provide the plots. According to a 1996 Kenyan Human Rights Commission Report,<sup>21</sup> both of these major urban projects failed to accomplish their goal to provide improved housing to landless people, (in Kituo cha Sheria, The Kenyan). As with most site and service projects, these two projects exemplify the common problem of target beneficiaries being unable to make payments on their loans.

The inability to make loan payments shows that many target beneficiaries could simply not afford to build on the sites given them. Due to a non-participatory and top-down planning phase, beneficiaries had no input in location, plot size, and level of services. Unfortunately, the Kenyan Government (implementing the World Bank's funding) often over-estimated the ability and willingness of low-income households to pay for their actual housing, (Syagga, et al., NSA 19). Over-designed and unaffordable infrastructure was provided in the absence of respecting and realizing the interests and needs of the target beneficiaries through a participatory planning and design stage of the projects. This is a key factor that will likely become a source of failure in the SSUP as well if residents are not consulted in the planning stage by the coordinators of the project, namely the Government of Kenya (GoK) and the Nairobi City Council (NCC), with the utmost support from UN-Habitat.

The importance of cognitive respect may be recognized here. This concept holds that no one knows his or her specific situation better than that individual, (Wera 3). Had the GoK consulted the target beneficiaries of the site and service schemes, more appropriate sites and loan repayment plans within the people's budgets could have been developed. Since this was not done, gentrification became the norm rather than the exception: many target beneficiaries decided to sell their plots to middle and upper-income households who were financially better-equipped to build new housing on the valuable government-provided serviced sites. This essentially rendered the projects failures, save for their contribution to Nairobi's middle-income housing stock.

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<sup>21</sup> The report is titled, "Behind the Curtain, a Study on Squatters, Slums and Slum Dwellers."

## 3.3.1.1 A Non-Conventional Site and Service Case Study: The Huruma-J Cooperative Housing Group

While many site and services projects failed to substantially improve the lives of most target beneficiaries, not all completely failed. Although the improvement or upgrading of their actual housing stock is taking a long time, the current community housing cooperative of Huruma-J has been developing community members' homes since 1973. The members first organized themselves and then asked the GoK for a site. After a tenant and purchase scheme was attempted and failed due to the inability of the group to raise the deposit money for that scheme, the GoK turned toward the site and service option for this community. Each household was provided a serviced plot without houses by the government, with intact sewer and water on every 20'x30' plot.

The Huruma-J cooperative group consists of 35 members. It is one of many small groups within a larger group called the Huruma Housing Co-operative Society, which is affiliated with the National Housing Co-operative Housing Union (NACHU). Over time, they have developed their houses on their plots. As a group they save, invest, build, and repeat to build houses for group members using small loans from the GoK, (Huruma-J; NSA 110).

The Huruma-J self-help community has used a non-conventional finance approach through small government loans since 1973. They focus on one household at a time. Once the community has saved half of the money required to purchase the materials to upgrade and to purchase the title for the plot, the community pays the GoK-run NACHU half and receives twice the amount back – the full cost of the project. The money is invested in the next agreed-upon household, both to buy the title of the plot from the GoK for 20,000 Ksh (\$280) and to buy materials (mainly cement to make blocks). Repayment of the loan takes about four-years. The community cannot receive another loan until the previous is paid back. Although this housing scheme is very slow (in 2003 not all community members had built their improved houses yet from 1973), this strategy is providing real improvements in the community's well being. Additionally, this project has fostered a strong bond and sense of unity among stakeholders as well as a sense of ownership among the members that has prevented the gentrification so common to other non-financed site and service projects.

Yet despite the successes of this site and service/alternatively-financed project, Huruma-J also has its negative points beyond its long time frame. Garbage collection was originally provided by the NCC as part of the provision of free basic services. However due to financial

constraints caused by NCC mismanagement, there is no funding to provide this service anymore (which is the case for most of Nairobi). Other smaller organizations now provide the service at a cost.

More importantly, exemplifying the typical over-designing failure of site and service schemes, Huruma-J's original plots of 20' x 30' were larger than necessary for many families. Families then subdivided their plots or rooms if their house had already been constructed, to informally and illegally sub-let their extra space to additional families. This has happened not only on the Huruma project area, but also in working-class estates (neighborhoods) all over Nairobi. Since significantly more people are living in Huruma than it was designed for, the result of this sub-leasing trend has been the over-use and over-capacitating of the government-provided sewer system, water supply, and the dilapidation of the neighborhood roads.

While the GoK blames the residents for being irresponsible to over-populate their neighborhood,<sup>22</sup> residents blame the government for having a lack of responsibility to face reality and live up to their duty to maintain public services.<sup>23</sup> Sewage now flows in open dirt ditches in Huruma, much like in Kibera. While both sides' points are relevant, the underlying reason for the sub-dividing of the Huruma plots is the original allotment of overly large plots by the GoK. This happened due to the lack of input of the target beneficiaries through a participatory planning and design process to identify the plot size and design best suited for the needs of the Huruma-J cooperative group.

Although Huruma-J residents have certainly benefited from rent income generated by their extra space,<sup>24</sup> had the intent to rent out portions of their plots been expressed to the government, a larger sewer system could have been installed. The draw back to this is the probability that the GoK would not have allowed the group to have the site after expressed interest in informal landlordism. Unfortunately, many Nairobians hold little respect for such government laws and regulations because they are not practical to the reality of Nairobi's acute housing shortage. While the formal legal system cannot be expected to simply formalize the

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<sup>22</sup> From the author's personal interview with Titus Agwanda of the Ministry of Lands and Settlements.

<sup>23</sup> From the author's interview with the Huruma-J housing cooperative group.

<sup>24</sup> In fact, many of Huruma-J residents are elderly. They therefore depend on the income from their sub-letting for survival.

dominant informal sector, the GoK must give cognitive respect for the unique reality of specific population groups in both policy formation and project coordination.

One of the key components of this site and service scheme project that could and should be used today is the small (micro) loans that were provided to a community housing cooperative on very favorable and sensitive terms. While normal housing loans and mortgages are common avenues for middle and upper-income groups to purchase housing in Nairobi, most of these opportunities are unavailable to low-income groups in areas such as Huruma-J and Kibera-Soweto simply due to their inability to pay them back on the given terms. On a positive note, the GoK's 1997 Sessional Paper on Housing called for the expansion of such unconventional finance loans to more low-income groups, (NSA 111).

### 3.3.2 Failures of early Slum Upgrading Schemes

The original slum upgrading scheme also ran into failures similar to those of the site and service projects. While upgrading public infrastructure in existing slums certainly improved the environment and provided healthier living conditions for the slum dwellers, these improvements also increased the land value. In addition to the public improvements, the individual improvements of existing housing stock created and will continue to create higher rents, unless substantial measures are taken to freeze the rents of upgraded housing.

This rise in values is of course completely normal within a free market. Since there is such an acute lack of housing within legal standards in Nairobi, especially the lack of middle-income housing, it becomes understandable why the GoK and UN-Habitat are seeking such a large-scale slum upgrading programme. In terms of the citywide housing market, the economic forces are simply too strong for brand new housing stock (as the KENSUP through the SSUP might produce) to *not* find its way into the hands of higher-income people. This has been the result in several recent “upgrade” projects discussed below.

Ultimately, the best response to these complexities of improving slum conditions must combine the positive points exemplified in the Huruma-J alternatively financed site and service project with those positives of slum upgrading, and then some. Slum upgrading is a great mechanism that can help a large number of people in a very tangible way in a relatively short amount of time. Pair this with characteristics seen in Huruma J – strong bonds of community due to a mutually-dependent, self-run housing cooperation group where residents have been

empowered to invest themselves in the improvement of their own community by having security of tenure and mutual economic dependencies – and the result begins to look like the ultimate housing development. While all of these components need to be included in a comprehensive slum upgrading theory and strategy, there are other critical components such as the development of income generating activities and access to assets, which are all included in the current upgrading theory, the Sustainable Livelihoods Approach (SL), discussed in the following chapter (4.0) on the KENSUP and SSUP.

### **3.4 The 1980s: The Enablement Approach and Structural Adjustment Programmes**

With the general failure of the self-help schemes in Nairobi's informal settlements (and other slums throughout the developing world) becoming apparent due to the sustained increase in slum growth throughout the 1980s, building international pressure provided a catalyst for the development of new urban governance strategies. The Bretten Woods international economic organizations – the World Bank and the International Monetary Fund (IMF) – led the global development paradigm shift based on neo-liberal market theory, which continues to form a large part of the theoretical foundation of current urban development strategies.

After development attempts with just two major stakeholders leading the initiatives were attempted and failed (public housing provision by the GoK followed by self-help by the people), the neo-liberal-based Enablement Approach attempted to involve an over-looked third party: the private sector. The main idea is to reduce the level of public or governmental involvement in the delivery and management of urban services since governments are largely inefficient without strong economic incentives to be otherwise. In place of a centralized governmental approach to development, the theory holds that the privatization of previously public provisions will increase efficiency, productivity, and will ultimately boost national economies of lesser developed countries (LDCs) to enable them to repay development loans to the World Bank, IMF, and other American and European financial institutions. This global foundational theory brought the Enablement Approach and Structural Adjustment Programmes (SAPs) to Kenya, both incorporating the ideas of decentralization, good governance, coordinated multi-lateral stakeholder networking, and increased community participation in development initiatives.

Kenya received its first heavy dose of SAP requirements in 1986. While the neo-liberal institutional changes within the GoK were implemented in the hope of national economic



growth, it was the informal settlements that bore the brunt of the burden and ultimately received very little if any actual benefit from the SAPs. Unlike the current Sustainable Livelihoods Approach, SAPs are not people-focused; they cut human services. Unfortunately during this period in Kenya's history, economic gains were allowed to take precedence over the human right to basic services.

SAPs required the GoK and NCC to withdraw from service and subsidy provision. Key services and subsidies for garbage pick up, sewage and water, road maintenance, housing, health care, and education that were depended on by slum dwellers were no longer available or significantly downsized at best. It was expected by the IMF that these voids would encourage growth in the private sector to fill them. For a while, the expected growth did materialize for several years in the early and mid 1990s when Kenya was viewed by the West as the beacon and model of African development. However this economic growth tended to disproportionately favor Kenya's middle and upper-income groups. While these groups could afford the extreme transition to sole dependence on new private sector services, the lower-income majority was barred from receiving these benefits due to high costs and hence witnessed the deterioration of what minimal service provision had existed in their informal settlements before the policy shift.

Similarly but in direct relation to housing during this time (late 1980s to the present), the Enablement Approach came to the forefront of informal settlement policy in Kenya. The push was in keeping with the reduction of the direct governmental provision of anything. Instead of directly providing housing,<sup>25</sup> LDC governments were advised to concentrate on their role as policy makers to provide a legal and economic environment with incentives that would "enable" other stakeholders to actually provide housing, infrastructure, and basic services. The approach depends on market competition to boost efficiency and quality – the basis of neo-liberal reform.

In addition to the new government role of "enabler," the title of "facilitator" also joined the GoK's new job description. According to Syagga, et al. in the NSA, "Governments were from now on expected to facilitate action by their citizens, private firms and non-governmental organizations [NGOs] to provide for themselves such services and at such standards as people themselves may choose," (19). Basically the Enablement Approach calls the Kenyan

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<sup>25</sup> The Kenya National Housing Corporation was still building low and middle-income housing not directly intended for slum dwellers during the 1980s.

Government (then and now currently) to be a coordinator or a manager of the many different stakeholders in development work. This is certainly a profoundly difficult task, especially given that it is hard for a government to manage projects without being biased to its own interests. This is clear in the case of the Kibera-Soweto upgrade project. The competing interests of the stakeholders are examined below in Chapter 5.0. Unfortunately this mandated task appears to have been too difficult for the GoK.

Ultimately, through the late 1990s to the present, the Kenyan economy has worsened. This has unfortunately largely undermined the current neo-liberal privatization theory and has rendered the large-scale achievement of its objectives, including poverty eradication, impossible. According to Syagga, et al., difficulties and failures of the GoK as “enabler” include an inadequate partnership system, poor coordination and networking between partners and stakeholders, with inherited “lopsided land policies inherited from colonial times” being the chief road block for the Kenyan Government. Without clear land or informal settlement policy, many donors had and still have no clear approach to working with informal settlements. Additionally, a widespread pattern of corruption permeating all levels of (predominantly urban) Kenyan society has helped erode Kenya’s initial prosperity.<sup>26</sup>

This illustrates that despite all the external causation factors of slums, it is ultimately the response and decisions of the Kenyan Government (GoK) and other governing bodies that determine economic and social opportunities. Poor decisions made by governmental officials over Kenya’s brief independent history, specifically during the 1990s, have largely undermined the benefits and economic achievement that Kenya was able to initially achieve through the Enablement Approach and the adoption of neo-liberal economic policies via SAPs. This occurrence of poor governance stems in part from a tendency of many Kenyan elites (both political and business) to focus on personal objectives centered on economic and/or political gain by standing upon the shoulders of the majority poor.<sup>27</sup>

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<sup>26</sup> This is discussed further in Chapter 6.0, section 6.1.

<sup>27</sup> This is the major theme of Ngugi’s novel, *Devil on the Cross* – the huge disparity between rich and poor and the abuse the poor receive from the rich both nationally in Kenya and internationally through economic imperialism. See pages 115-118 as pertaining to slum housing in Kenya. It is a speech by one of the many “robbers and thieves” gathered for a competition to prove themselves worthy to the international leaders of robbers and thieves, also known as Western financial firms.

Many Kenyans blame the decay of their economy and country during the 1990s in large part on their former president Moi and the rampant corruption that thrived under his authoritarian administration. Several major government scandals involving large sums of money have come under scrutiny of the law in court since President Kibaki took office in January 2003. Included cases are the Goldenburg Scandal, and several government officials flooding Kenya's sugar market with cheaper smuggled sugar from other African nations still under the Kenyan label. In the latter case, a once major industry of Kenya has been strangled to death, hurting tens of thousands of sugar farmers and ultimately contributing to rural-urban migration and the growth of Kenya's informal settlements. Contributing to this, during the 1990s the Nairobi City Council (NCC) developed a serious lack of funding due to mismanagement. Due to the failure of their revenue collection scheme and some city councilors' misuse of what little funds were available, the NCC has been unable to play a strong role in helping Nairobi's housing crisis. The NCC has failed to directly provide basic services and affordable housing to many, and has failed to enable other stakeholders to provide these.

While it is unreasonable to blame all of Kenya's problems on Moi, he and his administration must be given due credit for the economic consequences of their actions that stole billions of shillings from the Kenyan people. Supporting the call of responsibility to the government, the Honorable Minister for Roads, Public Works, and Housing, Raila Odinga, placed most of the blame for the causation of Nairobi's slum crisis on the former KANU (Moi's party) administration for its decades of neglect to the housing sector, (Mutiga 1).

Despite the failures of the Enablement Approach in practice, these ideas helped lay the foundation of the current Sustainable Livelihoods Approach (SL). In response to the shortcomings of the GoK to sufficiently fill the role of facilitator and coordinator between diverse stakeholders involved in upgrading in the 1980s, the 1990s saw slum upgrading evolve into a strategy quite different than Turner's original self-help scheme.

### **3.5 The 1990s: What is Slum Upgrading today?**

Recently, slum upgrading has seemingly taken on a slightly different and expanded definition for the GoK compared to John Turner's 1973 minimized state theory. Syagga, et al. note that Kenyans were questioning what slum upgrading really was in the 1990s, as relocation and newly constructed housing schemes became associated with slum upgrading projects, (2).

This evolution has affected the nature of Kenya's "upgrading" projects in the 1990s and is affecting the way the Ministry of Roads, Public Works, and Housing is handling the current KENSUP and SSUP.

Instead of gradual self-help *improvements to existing housing* stock with outside organizations simply focusing on public infrastructure improvements and the GoK granting secure land tenure as Turner's original mechanism calls for, "slum upgrading" in Kenya has come to include the actual *provision of new housing* units with the affiliated temporary relocation component. This extension of the strategy is noted in the NSA (22), but was also implied in conversations about slum upgrading between the author and Kenyans from all stakeholder groups and sectors. The transition in "slum upgrading" from improving existing housing to providing new housing is evident in recent upgrading projects in Nairobi from the 1990s, such as the Kibera Highrise project, and in the current SSUP. The Kibera Highrise "upgrade" project (described further in the next section) provided new housing units and involved resettlement when the old structures were demolished, instead of only focusing on basic public services and infrastructure improvement. As for the SSUP, comments and speeches by the GoK head of the KENSUP and SSUP, Minister Raila Odinga, during 2003 strongly suggest that the SSUP is also headed down the resettlement and direct new housing provision path as well, which will be discussed in greater depth in the following chapters.

### 3.5.1 Lessons from four Slum Upgrading Initiatives from the 1990s

Despite several great ideas and strategies that have been developed over the last three decades such as Turner's self-help schemes and the enabling role of government, the successful implementation of slum improvement projects in Kenya is nearly non-existent. Common shortcomings of recent Kenyan upgrades revolve around a lack of affordability resulting in instant gentrification due to high building standards and administrative inefficiency, (NSA 181). At the heart of the matter, most urban housing and slum upgrade projects in Nairobi that have failed have one thing in common: a lack of community participation and input from the target beneficiaries about their views, needs, and aspirations. Okwemba notes, "Mr. Akech [Nairobi Deputy Mayor] admitted that the proposed upgrading of city council houses in various Nairobi estates backfired because the residents were not involved in the process." It is quite clear that most of Nairobi's settlement upgrading projects have been developed from the top-down, only to

end up too far removed from the target beneficiary community to actually improve their well being (connecting to Scott), which is clearly the underlying central objective of every settlement project.

These common failures of the GoK and NCC are extremely important to watch for in the KENSUP/SSUP. Breaking the Government's and the Council's bureaucratic patterns and habits of top-down slum upgrading will require special efforts. Unfortunately, despite the inclusive, diverse, and SL-based consultative efforts of the KENSUP to brainstorm and develop strategies for the KENSUP during its Inception Stage (2001-2002) with the direct purpose to thwart these previous upgrading failures, the Ministry of Roads, Public Works, and Housing (MoRPWH) of the GoK is leading the KENSUP down the same failing path with a lack of community participation on the SSUP. Thus, in examining four past slum upgrading projects in Kenya (Kibera Highrise, Mathare 4A, Voi Kenya, and The Kibera Urban Environmental Sanitation Pilot Project [KUESP]), the lessons will become clear of what ought not to be done and what has the promise of possible success in slum upgrading projects in tackling the current central challenge of eliminating gentrification through community participation. A look at these past initiatives will also allow the recognition of some of these old mistakes that are now present in the SSUP.

The most relevant example to the SSUP and for the residents in Kibera-Soweto is the Kibera Highrise project.

#### 3.5.1.1 Early-mid 1990s: Kibera Highrise/Nyayo Highrise<sup>28</sup>

Nyayo Highrise estate was built in the mid-1990s by the GoK-controlled National Housing Corporation. It was built on land that had been part of Kibera informal settlement that now borders Kibera-Soweto. This slum upgrading initiative has a special connection to the current residents of Kibera-Soweto, as many of them are those who were displaced by the building of the new Nyayo flats.

The GoK promised that Kiberan poor would benefit from the project and would inhabit the new structures. Residents were told that after they moved to their new temporary residence, their old neighborhood would be destroyed and rebuilt, after which they would be allowed to

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<sup>28</sup> See photo six on page v.

move back into the upgraded housing. Unfortunately, although the neighborhood was rebuilt as the Kibera Highrise flats, the originally displaced Kiberans never moved back in.

Instead, due to economic forces and possible political underpinnings, middle-class residents paying 10,000 Ksh (\$140) a month presently occupy Nyayo Highrise, (Christ the King, Memorandum). 10,000 Ksh is far too expensive for the majority of Kiberan slum dwellers who make on average 2000-3000 Ksh per month or about 100-150 Ksh per day (\$1.40-\$2.10).

Contributing to the poor not benefiting from Kibera/Nyayo Highrise is the fact that Nairobi's middle-income group is also experiencing a lack of housing. This has created competition between them and the lower-income groups for housing produced by slum upgrading projects, (Syagga, et al., NSA 95). Due to the high demand from middle-income earners, it is only natural for the housing market to be unable to artificially hold the cost of upgraded housing down for the target beneficiary groups.

Another major factor in the failure of this upgrade to benefit Kiberan slum dwellers is the economic and political corruption that was rampant and characteristic of former president Moi's regime (1978-2002). There are much higher rents to be made from brand new flats than the majority of slum dwellers are able to pay. The moneymaking opportunity on Kibera-Highrise proved to be too lucrative. After receiving control over the flats from the National Housing Corporation, the GoK Provincial Administration, likely involving political patronage, sold the new flats to other wealthier individuals and families.

Other major residential estates were also constructed on Kiberan land originally occupied by the Nubians. Built between 1962 and 1988, they include: Jamhuri, Otiende, Ngei, Onyonka, Fort Jesus, Salama, Soko Mjinga, Olympic, and Ayany. All of these replaced Nubian villages in Kibera however did not benefit most Nubians according to the Kibera Land Committee, (Mbaria, Kibera). What these new residential housing areas did do, similar to Kibera Highrise, is to reduce Kibera's land size,<sup>29</sup> displace residents thereby perpetuating and spawning the creation and growth of other slums, and to increase Kibera's population density.

All too often slum dwellers have never become the rightful beneficiaries of these "upgraded" developments. Whole communities have been left dismantled and dispersed at a distance from their original neighborhood, forced to make a new life and build new community

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<sup>29</sup> According to Mbaria's research, Kibera was 4,197 acres in 1918 cut down to 550 acres in 1971.

relationships in a new slum. This is why the residents of Kibera-Soweto, especially the tenants, are highly skeptical of the SSUP while fear, anxiety, tension, and confusion are so easily elevated there.

If the Kibera-Soweto Slum Upgrading Project (SSUP) proceeds in a similar manner of simply building new flats after temporarily relocating the slum dwellers on that land, the possibility of achieving this same unsatisfactory result is highly probable.

### 3.5.1.2 1989-2000: Mathare 4A – A Case Study

The Mathare Valley is similar to Kibera in that it is one of Nairobi's oldest (1924) and largest (73.7 hectares/180 acres) informal settlements. Mathare 4A is one area of the slum valley, comprising approximately 23,000 people – less than half of Kibera-Soweto – having a typical Nairobi slum density of about 250 housing units per hectare (compared to 25 in middle-income estates), (Otiso no pag.).

The upgrade project in Mathare 4A was initiated in 1989 by the Catholic Church lead by Fr. Klaus Braunreuter, (Opiata and Bodewes). The project was based on the tri-sector partnership model that has become common in development initiatives and is strongly advocated by Otiso. The three sectors included in this model of development are state (public), voluntary (NGOs), and private sectors. The five-year project (by plan) started in May 1992 after Braunreuter established funding from the German Government (specifically the Kreditanstalt fur Wiederaufbau), and convinced the GoK to provide land for the project and to relax building codes to keep costs down to suit the local economy better (i.e. smaller rooms, higher population density, and non-concrete building blocks). Relaxing building codes is an important point of debate for all slum upgrading projects. While it is critical that intended beneficiaries are not displaced by high costs, safety ought to not be over compromised. Additionally, Werlin points out that lower standards and quality causes facilities to quickly deteriorate, requiring regular maintenance from residents. Thus, *if* residents own their upgrade project by being engaged in the whole process, this need not be a stopping block for Mathare 4A or any other project.

The actual physical upgrading included the following: construction of 8,000 rooms for housing, business stalls, and schools using non-concrete blocks and tiles with Approtect's (an NGO) technology. Infrastructure improvements included streetlights, a footpath and road

network, a water and sewer system, and a toilet/shower/clothes washing concrete slab with water for every ten housing units, (Otiso no pag.).

Whereas the Enablement Approach typically gives the national government the role of project facilitator between stakeholders in the other sectors, in this project the Catholic Church filled this role. The title deeds for the land in question were actually issued to the Church for ninety-nine years as a temporary means of regularizing land tenure for the project, (Opiata and Bodewes 1). The Church went on to also become project manager and implementer through its affiliate, Amani Housing Trust, created in 1996 by the Catholic Archdiocese specifically for the Mathare 4A project. The Catholic Church filled this role since Fr. Braunreuter initiated the project and because the German Government did not want the GoK to implement this project due to its poor housing provision history, (Otiso).

According to Otiso, the main success of the project is that most of the target beneficiaries were not displaced and actually benefited from the upgrade. However Opiata and Bodewes disagree on this point stating, “Many of the tenants in the upgraded areas are in fact non-residents who have been allocated structures because of bribes paid,” (4). One factor that may be behind this discrepancy is that Fr. Klaus and the Amani Housing Trust (the project leaders) were found to be making exaggerated or inaccurate representations of the project, (Opiata and Bodewes 4), which Otiso likely relied upon.

With this in mind, Otiso identifies four factors that contributed to the success of the project based on the high retention of the original target beneficiaries. First, although frustrating structure owners and other would-be landlords, a renter-occupied scheme (renting from the Archdiocese) instead of a tenant-purchase scheme was adopted. This thwarted the economic incentives for target beneficiaries to sell or sub-let upgraded units to wealthier individuals. While it is positive to ensure that the target beneficiaries actually benefit by living in the upgraded housing built for them, Opiata and Bodewes found that residents had originally accepted the project in its earlier form: as a tenant-purchase scheme. The plan would have given each family three rooms, allowing the family to rent out the other two. After twenty to thirty years, money received from rent would be enough to purchase their home, (3). The plan was changed to make the 4A community life-long tenants of the Archdiocese without their input. This led to “residents [who] consequently feel they have been lied to and used by the Project,” (Opiata and Bodewes 3).



The second factor contributing to target beneficiary retention was that pre-upgrade rents were maintained after the project. Rents were determined by the ability of the tenants to pay, in some cases being lower than structure owners' rents. A flexible payment plan throughout the month helped tenants finance their new housing, (Otiso). Opiata and Bodewes however found many tenants paying more than they had previously and for smaller structures due in part to additional separate utility bills for water, toilets, and security that residents cannot afford, (4).

Thirdly, as will be important in the Kibera-Soweto Upgrade Project (SSUP), a strict allocation system was used to ensure that only bona fide Mathare 4A residents received upgraded units (instead of recent migrants or higher income groups seeking to take advantage of the project.) On the issue of community participation, residents were required to sign a legally binding contract stating that they would participate in the project beforehand, (Ostiso).

Fourthly, dislocation was also kept low (in keeping with the traditional Turner slum upgrading mechanism) by the building of some new units on open land before old units were demolished.

Finally, the fact that infrastructure has been improved and added in Mathare 4A shows rather concretely that some good did come of the project. This is what David Kithakye of UN Habitat focused on when asked in an interview with the author about the failure of the Mathare 4A project. He said it is not a failure. Kithakye's manner of speaking about this project gave the impression that everything went smoothly making it a good model for future upgrades. Although some of the above points could be used as models for future projects, the negative outcomes of this project also provide counter-examples of what not to do.

Beyond the questionable successes, there were a number of challenges and outright failures to the 4A upgrade revolving around structure owner-led opposition. On a positive note, although the Land Acquisition Acts and the current Constitution of Kenya state that there is no compensation for acquired private property, the Mathare 4A project set a different precedent by providing structure owners compensation (who had acquired land which they did not legally own), (Gitau, Olima ii). However, the amount of compensation was decided unilaterally by the project leaders based only on the structure, was often below its real value, and did not allow an appeal process to debate compensation, (Opiata and Bodewes 3).

Beyond structural compensation, the Catholic Church (via Amani Housing Trust) did not seek to dialog, involve, and benefit structure owners with the project. Instead, this key sector of

the target beneficiary group was written off as a minority group that did not need to be listened to, (Opiata and Bodewes 6). Therefore, despite receiving compensation for their structures, there was no attention paid to the larger issue of the elimination of structure owners' livelihoods from rent payments, illegal though they were. Unlike Kibera (less so in Kibera-Soweto), wealthier politicians and business people do not comprise a significant proportion of the structure owners in Mathare 4A. According to Opiata and Bodewes, single mothers who rent out a spare room or two of their houses constitute the majority of 4A's structure owners, (3).

The project's threat of income and security disruption understandably provided strong incentive for structure owners to oppose the upgrade project. This is a common trend in upgrading that has already been at work in Kibera. It was easy for the 4A project implementers, as in other projects, to ignore the rights and needs of structure owners since most have enjoyed years of illegal and tax-free rent income. However this does not justify ignoring the unique losses and interests of structure owners. In fact, as illustrated in this case study, structure owners actually require special attention and involvement to gain their support for urban development projects since they tend to be the losers of upgrade projects by default.

Unfortunately the Amani Housing Trust did not handle the structure owner-led opposition well. Instead of working with the opposition, the Trust and the funders pushed the project through. Okwemba reported in Nairobi's newspaper, the *Daily Nation*, "...the Catholic Church slum upgrading initiative in Mathare 4A has been marred by violence because the slum dwellers perceive the programme as a ploy to evict them from their homes." Hired thugs would threaten, intimidate, and in some cases rip off roofs and doors in the middle of the night of those in 4A who opposed the project or had trouble paying rent, (Opiata and Bodewes 3). After these residents moved, their structures would be demolished to open up land for the project's new housing and infrastructure. Needless to say, this violent confrontation resulted in growing opposition.

In May 1998, the NGO legal agency, Kituo cha Sheria, filed on behalf of 4A's residents with approximately 1,000 plaintiffs for an injunction to ban the forceful and violent demolitions of houses in Mathare 4A, (Opiata and Bodewes 4). However Kenya's High Court responded that the 4A residents had no standing to sue.

November through December 1998 saw violence in Mathare 4A escalate as the project administration pushed on with occasional bloody confrontations between project demolition

gangs and opposition houses. After several human rights groups requested the halting of the project, Archbishop Ndingi declared the project ought to halt and be implemented in a manner favorable to the residents, (Opiata and Bodewes 5). Although the Provincial Commissioner (GoK) formed a task force in January 1999, the result was a report based on one day of random interviews with Mathare 4A non-structure owner residents, which recommended that the project continue as planned since the opposition was a minority group. As of August 2003, the project remains incomplete and the Catholic Church remains the landlord of the upgraded facilities.

The underlying and most important reason for the conflict and violence that surrounded the Mathare 4A upgrading is that residents were not allowed to participate in the decision making for this project. Both the GoK and the German Government allowed the Amani Trust (tied to the Catholic Church) to be the main decision maker. Although residents were technically on the Consultative Advisory Board for the 4A upgrade (similar to the Settlement Project Implementation Units of the SSUP), it was actually only two residents who were not elected by the community, (Opiata and Bodewes 3). This upgrade was lead by an administrative body lead by the Catholic Church, who thought it knew what would be best for 4A residents. Although the Amani Housing Trust did guess right to benefit some tenants who did not experience a rise in rent, structure owners were completely ignored. Although undoubtedly having the best of intentions, by not adequately allowing for community participation in making decisions directly affecting them, the Archdiocese and the Amani Housing Trust alienated and marginalized some of the very people that the project sought benefit.

### 3.5.1.3 Mid 1990s: Voi, Kenya – The Tanzania-Bondeni Project

An alternative to the Catholic Church (or other organizations) playing the rather awkward role of temporary landlord for a slum upgrading project as in Mathare 4A, is the community land trust scheme. Eric Makokha, the Chief Executive Officer of the Shelter Forum, finds community land trusts to be one of the best land tenure options available to slum neighborhoods. In community land trusts, land title is given to the collective community while residents individually own their structures. Individuals can only sell their home and land with the approval of the community. This tenure system tends to be sustainable by creating accountability, trust, and initiative within communities, as well as minimizing the negative effects of the land market on low-income residents. The Tanzania-Bondeni Project in the small

town of Voi used this new land management model and has proved to be one of the most successful upgrading projects in Kenya.

The Voi project was based on three principles: community empowerment, professionalization of the support agencies (in particular local agencies), and an establishment of a partnership between beneficiaries, the local government and the collaborating NGOs, (MIT Web). Interestingly, these principles comprise the main components of the current Sustainable Livelihoods Approach (SL) to development discussed in the next chapter, which is the theory supposedly guiding the SSUP.

Due to the community emphasis, the Voi project was on a much smaller scale than Mathare 4A and other previous GoK upgrading initiatives. In fact, the GoK had no significant role in the project, (Makokha). Leadership centered on the small town's city council. Syagga, et al. note that Voi's success was largely due to the fact that the community (target beneficiaries) determined the degree of infrastructure improvements and made their decisions based on what they could afford, (NSA 182). This speaks loudly to the SSUP: it is clear that local leadership and strong resident participation in the planning and design phase as well as the implementation phase are necessary for a successful slum upgrading project.

#### 3.5.1.4 1997-2001: The Kibera Urban Environmental Sanitation Pilot Project (KUESP)

This recent project is interestingly more along the lines of the original 1970s slum upgrading scheme than other recent "upgrade" projects. The Kibera Urban Environmental Sanitation Pilot Project (KUESP) was being planned by the World Bank, the Department of International Development, and the French Development Agency from 1997-2001 and was to focus on physical infrastructure based on the United Nations Development Programme (UNDP) - World Bank Strategic Sanitation Approach instead of on housing, the focus of the SSUP.

Although the project acknowledged Kibera's complexity and the need for community participation, the project has been stalled if not killed due to its unpreparedness to comprehensively ameliorate the very complex and volatile land situation the project leaders know exists in Kibera but do not fully understand. The situation in Kibera revolves around the lack of secure tenure and residents' corresponding fear of forceful eviction and demolition by the GoK or outside organizations. This fear is often exploited by powerful individuals who have an

economic or political stake in Kibera to manipulate residents against upgrading projects by misleading them to believe that a project will harm them when the opposite may be true.

We can therefore understand why this project, similar to the SSUP in 2003, created immediate hostility in Kibera with just the mention of temporary or permanent relocation (eviction) of housing units and business kiosks as part of the strategy. Even though relocation is sometimes necessary to make land available for settlement reorganization and de-densification, relocating either housing units or business kiosks carries with it the potential for violence and death that no development agency wants to be responsible for. This is why the KUESP has not gone forward. Some residents are willing to violently fight against projects like the KUESP that often threaten to take away homes through temporary or permanent resettlement. However violence is also not often spurred by residents but rather by youth thugs hired by politicians or structure owners who oppose a given project due to personal economic or political interests. Violent opposition results only in loss, confusion, bloodshed, and death, which Kibera knows all too well. The violence that Kibera and other Nairobi slums such as Mathare 4A have experienced in the past from forced eviction resulted primarily from a lack of information on both sides: those opposing and implementing the projects. The lack of information is ultimately a symptom of a non-participatory-focused project that fails to assign the importance to grassroots information gathering that it deserves.

The KUESP was in many ways on the right track to providing a real improvement in living conditions in Kibera through its sewer and road infrastructure focus. However the project leaders were not prepared to meet the challenges of coordinating and facilitating the kind of participatory scheme Kibera requires to avoid project-crippling opposition. In addition to noting that the main constraint in Kibera is indeed the lack of secure tenure, Gitau and Olima highlight the importance of the globally recognized key participation component for current slum upgrading initiatives in their report titled, “Land Tenure and Tenancy Concerns and issues in Kibera,” prepared for the KUESP project planners:

Notwithstanding the tenure concerns, any implementation of an upgrading programme in the informal settlements will only be successful in realizing its objectives and be both sustainable and replicable only if there is community participation, (iii).

This advice hits home with the SSUP both in timing and place, affirming the participatory SL process the KENSUP/SSUP is advocating on paper.

In addition to the KUESP effort and the SSUP to upgrade Kibera on a large scale, many smaller-scale infrastructure projects have been completed in Kibera as well. For example, Oxfam headed a project to build toilets (latrines) and bathing facilities in Kibera, as did the World Bank in several locations. The World Bank and other organizations have also put in cement drainage ditches to replace dirt ditches. While smaller infrastructure projects are not a cure-all to the proliferation of slum conditions in Kibera, these projects serve a very important purpose by providing real and tangible improvements in Kiberan communities quickly. Due to their smaller scale, they are much easier to plan and implement than all-inclusive slum upgrading programmes like the SSUP.

### **3.6 Conclusion**

After considering the above slum upgrading initiatives it is clear that slum upgrading initiatives that focus only on providing new infrastructure and housing are as ineffective as treating skin cancer with band-aids. While it seems like building new housing for slum dwellers will solve the problem of slums, in reality the problem spreads and multiplies under the inappropriate treatment resulting from a mis-diagnosis caused by a poor patient-doctor relationship. Time and time again non-comprehensive upgrade initiatives have failed to directly benefit target beneficiaries, and more importantly and specifically, have failed to improve slum dwellers' long-term quality of life – the principle objective of every human settlement project.

The initial cause of these failures is economically based. Nice housing and infrastructure is the most concrete and obvious improvement in slum dwellers' well being.<sup>30</sup> However this is only one component of any family's well being, and a component that is not necessarily the most important, just the most obvious. A slum family that receives a new flat to live in within a neighborhood that does not have sewage running in open ditches along narrow pathways has outwardly improved its well being – the band-aid that covers the real problem. If that family cannot or at best struggles to make financial ends meet, then having a nice(r) place to live has

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<sup>30</sup> This is the reason this kind of slum upgrading is luring to many governments, such as Kenya, who are interested in providing tangible results fast, both to their donors and to their slum dwellers to win their financial and political support respectively. A further discussion of this issue follows in Chapter 5.0, section 5.4 on the GoK.

actually not improved that family's livelihood since living in their new housing is not sustainable, that is they will have to move out when they are pushed beyond their budget for rent. Furthermore, a poor family living in a brand new flat is completely counter to the natural economic forces at work in Kenya's free-market capitalist economy, which controls rent rates.

Inherent market pressures exist on upgrade beneficiaries that often result in wealthier families living in the improved housing (gentrification), making it no mystery why it has been so difficult for some upgrade initiatives to actually help a large percentage of the project's original target beneficiary group. Either market forces put the rent of a flat in an upgraded neighborhood at too high a price for slum dwellers to afford due to the lack of sufficient regulation and subsidization (as was the case in the Kibera Highrise "upgrade"), or gentrification occurs: even when slum dwellers are ensured to live in new housing built by an upgrading project, the option of selling their rights to their flat to a wealthier family in order to make hard cash appears too good and economically logical *not* to do.

Yet these economic forces are not new and need not thwart the Kibera-Soweto Slum Upgrading Project (SSUP) and future slum upgrading projects of the KENSUP. A proper diagnosis can be given if there is good dialog between the patient and doctor. Every community has unique needs and interests that must be communicated to project facilitators, making every slum upgrading project one of a kind. The best way for this information exchange to happen is through a participatory process that not only involves but empowers the target beneficiary community to take ownership in their project and engage in the decision-making process of planning and designing their project, in addition to being highly involved in the project implementation. This is at the heart of the current Sustainable Livelihoods Approach (SL). Syagga, et al. support these conclusions, stating, "...most [upgrading] projects...have been undertaken with minimum involvement of the beneficiaries in projects that were proved to be economically and socially unsustainable. Thus, the challenge is to upgrade settlements in a way that lends to social environment and economic sustainability at appropriate standards and in a participatory fashion," (NSA 22).

Therefore the focus of the KENSUP/SSUP ought to include an economic development component and a participatory process involving strong dialog between the target beneficiaries of Kibera-Soweto and the facilitating body, the GoK, which is certainly much easier said than done. Fortunately, the KENSUP/SSUP do indeed state these objectives in their respective

programme documents. The next chapter examines the plausible solution that the KENSUP offers the 60,000 slum dwellers of Kibera-Soweto through the SSUP on paper, rooted in the Sustainable Livelihoods Approach (SL) that has recently (2000) become globally-accepted as the best approach to human settlements upgrading.



#### **4.0 The new Initiative: The Kenya Slum Upgrading Programme (KENSUP) & The Kibera-Soweto Slum Upgrading Project (SSUP)**

*“The most significant and innovative aspect of the Kenya Slum Upgrading Programme is the enabling of the slum dwellers and other stakeholder[s] to be fully and actively involved in improving their own livelihoods and neighborhoods.”*

-Hon. Raila Odinga, Minister of Roads, Public Works and Housing<sup>31</sup>

The preceding chapter gave a brief overview of the Government of Kenya’s previous efforts to address the complex problems of Nairobi’s informal settlements. Although many smaller scale projects have contributed to improving life in Kibera in small ways by providing new pit latrines and concrete drainage ditches, few large scale slum upgrading projects both in Kibera and the whole of Kenya have been successful at sustainably improving the lives of the original target beneficiaries. The few that have been more successful, such as the project in Voi, Kenya, have been smaller in scale and focused on community empowerment through a participatory approach, building strong partnerships between stakeholders, and employing community instead of individual land tenure schemes. This raises a critical eye to the current KENSUP/SSUP initiative, which is attempting the largest comprehensive slum upgrading programme Kenya has ever seen, motivated by the looming shadow of an ever growing slum population in Nairobi and Kenya’s other urban centers.

This chapter explores what the KENSUP and SSUP are on paper and in theory, according to the programme documents, press notices, and minutes from meetings between officials involved in the project. The Sustainable Livelihoods Approach (SL), which is fully endorsed by UN-Habitat and Syagga, et al. in the 2001 Nairobi Situation Analysis (NSA), appears to be the guiding theory behind the SSUP. This theory is summarized in the first section below in a continuance of the policy timeline from the previous chapter. This chapter provides a basic understanding of the KENSUP and leads into its critical analysis in the following two chapters.

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<sup>31</sup> From the 8 August KENSUP press notice in Nairobi’s *East African Standard*, (GoK and UN-Habitat P3).

#### 4.1 2000-Present: The Sustainable Livelihoods (SL) Approach to Slum Upgrading

The Sustainable Livelihoods Approach is the evolution of the 1990s development experts' questioning of what slum upgrading ought to entail. Encompassing components of past strategies including participation, enablement, and privatization, SL wraps up the best of these concepts with the notion that *people are the starting point* of all slum upgrading projects.

Moving away from John Turner's original 1970s self-help slum upgrading mechanism that gave the government a minimal role, in recognizing the value of every stakeholder in slum upgrading, SL follows in line with Werlin's theory that realizes the importance of a strong<sup>32</sup> governmental role in slum upgrading to compliment the grassroots effort. Werlin thus advocates a "bottom-up/top-down" development strategy in full realization of the weaknesses of a purely self-help (bottom-up) urban upgrade scheme that lacks stability, policy foundation, and resources that only a national government can provide for true sustainability. This approach also recognizes the inadequacy of the private sector, NGOs, and international organizations in serving the housing needs of the poor alone. Balance between the top and the bottom is key, however. SL warns against government involvement becoming too centralized and authoritarian, which is reminiscent of Kenya's past upgrading failures.

SL realizes the complexity of slum development and the need for comprehensive upgrading. The UN-Habitat affiliate, Cities Alliance, defines slum upgrading as a mechanism of improving the well being of slum dwellers by focusing on "physical, social, economic, organizational and environmental improvements undertaken cooperatively and locally among citizens, community groups, businesses and local authorities." Although physical upgrading of infrastructure and housing remains a major component of slum upgrading and certainly improves the quality of slum dwellers' lives in a very real and tangible way, long-term sustainability of poverty reduction requires social and economic development through education, training, and a focus on supporting the growth of more income generation initiatives to allow households to afford to stay in their upgraded neighborhood and maintain any new facilities constructed through an upgrade.

Following SL's key idea that people are the starting point, SL recognizes that every community is different with unique needs and interests, meaning no two slum upgrading projects

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<sup>32</sup> This means *better* governance not bigger governance.

will or should be the same. Therefore according to SL theoretical underpinnings, the only way a slum upgrade project can be fully and completely successful is through a strong participatory spirit of the residents that focuses much of the project's time and energy on the preliminary planning and designing phase since it is impossible for government officials to know a community's unique needs and interests without asking. This lines up with development theorists James Scott, a Yale anthropologist and political theorist, and Peter Berger, a sociological expert in social ethics.

Scott is against large-scale, state-run projects. His criticism is that these projects are developed in a vacuum by "officials of the modern state" who are removed from the society they govern. They therefore must rely on limited typifications of reality to make policy and project decisions outside the specific interests and needs of the beneficiaries, (76). Leaders cannot lead a project, programme, or a country for that matter without accurate information of what is happening on the ground. In the case of the KENSUP and SSUP, that information resides with the slum dwellers for whom the project is for.

Connecting to these ideas, Berger emphasizes and affirms the necessity of target beneficiaries to play a major role in preliminary planning and decision-making processes. He states, "Those who are the objects of policy [sh]ould have the opportunity to participate not only in specific decisions but in the definitions of the situation on which these decisions are based," (xiii).

During project planning a given community's unique situation ought to be examined by both the project facilitators and the community. Possible solutions may be proposed and discussed with all stakeholders in the community to identify the best way forward. At this time local organizations such as NGOs and CBOs may step forward and offer leadership, facilitation, guidance, and education when necessary to slum dwellers in the process of problem identification, goal setting, assessment of available choices, and the process of community decision making. In this manner of strengthening community relationships, slum dwellers are supported and encouraged by the government (typically through local government) and other stakeholders to step forward, to rise to the occasion, and are empowered with new capacities to address and manage their own community upgrade project to improve their own livelihoods to the fullest extent realistically possible. Ultimately, residents will counteract the vices of poverty and poverty itself, which is the ultimate objective of comprehensive slum upgrading. Not only is

slum dweller capacity building important for successful project completion but it is also vital for its sustainability, as Saxena asserts, “The essence of participation is exercising voice and choice and developing the human, organizational and management capacity to solve problems as they arise in order to sustain the improvements,” (qtd. in Cornwall 6).

These main ideas and concepts comprising SL have been presented to the GoK and other stakeholders in the massive 200 page Nairobi Situation Analysis (NSA) document, which was researched and written especially for the KENSUP in 2001. Moreover, the GoK has their own policy driving the participatory approach to the KENSUP. Kenya’s 1996 Physical Planning Act includes the provision that residents must be involved in the planning process for physical development of their area, (Acttoki).

#### **4.2 Objectives of the KENSUP and the SSUP**

The Kenya Slum Upgrading Programme (KENSUP) is the current (2003-04) major collaborative effort by the GoK and UN-Habitat to directly and systematically address the informal settlement crisis in all of Kenya’s urban centers beginning in the capital, Nairobi. Specifically, the village of Soweto within Kibera (one of thirteen villages housing about 60,000 people) was selected by a site selection committee in 2002 to be a possible starting place for this nation-wide programme.<sup>33</sup> Consequently, the Kibera-Soweto Slum Upgrading Project (SSUP) is the current and single major venture of the KENSUP and is therefore the focus of this analysis. In addition to national social and development incentives, the KENSUP/SSUP is globally motivated by the UN Millennium Development Goal Number 7, Target 11, to achieve “a significant improvement in the lives of at least 100 million slum dwellers by 2020.”<sup>34</sup>

In initiating the KENSUP, the GoK acknowledged the existence of Kenyan slums and their deplorable living conditions, the negative social and economic effects they have on the country, and their failed past housing policies. In developing the KENSUP, the GoK stepped forward to make a long-term commitment with the support of UN-Habitat to show its dedication to achieving the programme’s principle objective:

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<sup>33</sup> For further discussion about how Kibera-Soweto was selected for the KENSUP, see Chapter 6.0, section 6.5.

<sup>34</sup> Unfortunately with UN reports showing the number of global slum dwellers to double by 2030 to nearly two-billion people, even if this noble goal is achieved (which is unlikely), its gains will be immediately lost.

*“...to improve the livelihoods of people living and working in slums and informal settlements in the urban areas of Kenya through promoting, facilitating, and where necessary, providing security of tenure, housing improvement, income generation, physical and social infrastructure, including addressing the problems and impacts of HIV/AIDS,” (Government of Kenya and United Nations Human Settlements Programme, KENSUP programme document).*

The SSUP principle objective is the same as above but without the phrase “where necessary,” as all of the points that follow that phrase *have* been deemed necessary in Kibera-Soweto, (Government of Kenya and United Nations Human Settlements Programme, SSUP).

In accordance with SL, the KENSUP’s comprehensive approach incorporates six major objective areas within the primary objective: secure tenure, housing improvement, income generation, physical infrastructure, social infrastructure, and HIV/AIDS. Behind each are a multitude of challenges and essentially individual projects, all slated to be addressed by the SSUP.

As discussed above in relation to The Kibera Urban Environmental Sanitation Pilot Project (KUESP) and John Turner’s original self-help slum upgrading mechanism, establishing security of tenure is the most important component of any slum upgrade. Most housing-focused organizations around the world agree that the provision of secure tenure is one of the most important and fundamental steps in improving living conditions and protecting the human rights of slum dwellers worldwide. In their Kibera report for the KUSEP project, Gitau and Olima note that if the multitude of problems and conflicting interests on Kibera’s land are not directly “addressed at the initial stages and carefully planned for and considered in the actual project,” any upgrading project in Kibera would not only face problems and constraints in the implementation phase, but would also jeopardize the project’s sustainability. Remembering Kibera’s past violent conflicts due to insecure tenure revolving around forced evictions triggered by the lack of rent payment by tenants allegedly between structure owners and tenants on rent rates, Kibera is in more urgent need of secure tenure than some of Nairobi’s other informal settlements. Recognizing this, a major goal of the KENSUP/SSUP is to give slum dwellers secure tenure.

Providing secure tenure in Kibera-Soweto is easy to write but extremely difficult to bring to fruition. The programme documents state that Kibera-Soweto (and future KENSUP settlements) “will be designated as ‘tenure secure Zone[s]’,” (Government of Kenya, KENSUP 8). This will only be an early temporary state until a consultative process with residents, structure owners, and other stakeholders determine the most appropriate tenure system for Kibera-Soweto. The main objective of the temporary “tenure secure Zone” is to “eliminat[e] unlawful evictions and provid[e] certainty of residence,” (KENSUP 8). This is a very welcomed position of the GoK by tenant slum dwellers and NGOs. A moratorium on all evictions in Nairobi’s slums has been the long standing primary recommendation to the GoK by numerous organizations, of note including the Federation of Slum Dwellers (Nairobi-based), Kituo cha Sheria (legal service NGO), and Christ the King Church. However the provision of secure tenure is not an end in itself. In staying consistent with the current Sustainable Livelihoods Approach (SL) while also remembering the shortcomings of the minimized government role and self-help focused schemes of the 1970s (site and service, and slum upgrading), the SSUP seeks to be comprehensive by addressing the other components of sustainable settlement improvement.

Housing improvements will be aided by relaxing building standards and by-laws to allow the use of locally available low-cost materials and technologies and encouraging co-operatives for communal resource pooling. This point follows the example given by the Mathare 4A project, discussed in the previous chapter.

A focus on income generation is one of the most important components of KENSUP’s primary objective that sets it apart from past initiatives in following SL. Keeping in mind that a major failure of past housing projects in Kenya is that they have been unaffordable for target beneficiaries, recent development discussions have emphasized a focus on developing new and creative methods for residents to generate higher incomes. Strategies to achieve this goal of the SSUP include not restraining the informal economy, providing loans that have easy terms that are both accessible and realistic to slum dwellers, using micro finance institutions to provide these loans to help create new and grow existing small and medium enterprises in Kibera-Soweto, and investing in human resource development through business support services, (Government of Kenya, SSUP 7).

Elements of the physical infrastructure objective include roads, water, sanitation and storm water drainage, and security through means such as street lighting. These make up a large part of the concrete improvements that beneficiaries as well as international donors like to see.

Included elements of the social infrastructure objective may include schools, health clinics, social halls, and playgrounds. While these larger structures are possible avenues for future KENSUP projects, the SSUP appears to be focused on housing and physical infrastructure instead of schools, clinics, etc.

Part of the SSUP social component realizes Kibera's own unique struggle with HIV/AIDS. In 2001, UNICEF reported 50,000 AIDS orphans in Kibera alone. By specifically mentioning HIV/AIDS in the KENSUP and SSUP programme documents, the GoK and UN-Habitat create positive awareness and formal recognition for the complications of HIV/AIDS in Kibera. However, comprehensively handling the HIV/AIDS issue in Kibera is beyond the scope of the SSUP. Any real focus on these issues will need to continue coming from separate government and UN initiatives, NGOs, CBOs, religious-based organizations, and other international organizations. Several HIV/AIDS efforts are already established in Kibera provided by various organizations. Providing more clinics and special treatment for HIV/AIDS patients and families will not likely be the focus of the KENSUP Programme Secretariat (GoK) in Kibera, while housing and infrastructure will.

Beyond the objectives directly geared towards the target beneficiaries, other SSUP objectives revolve around improving the slum upgrading process for the KENSUP Replication Phase, or future projects. Specific objectives include building the capacity of the KENSUP institutional structure, strengthening the partnerships between stakeholders for future citywide slum upgrades in Nairobi, and consolidating a range of upgrading policies and mechanisms to streamline the process, (SSUP 3).

The key remains how the GoK will go about meeting all of the above objectives. According to the programme and project documents, the KENSUP/SSUP Secretariat vows in true SL rhetoric that, "All these [objectives] will be done through engaging full and active participation of stakeholders," (Government of Kenya, SSUP 3; KENSUP 5). As we will see in Chapter 5.0, this is unfortunately very difficult to do.

### 4.3 Background

Although the new National Rainbow Coalition (NARC) administration was swept into office on the winds of change in January 2003 to peacefully oust the previous 24-year corrupt and authoritarian KANU administration, the Kenya Slum Upgrading Programme (KENSUP) was actually initialized by the former President himself, Daniel arap Moi. The original slum upgrading programme was called the “Collaborative Nairobi Slum Upgrading Initiative.” This came about from an initial meeting in November 2000 between former President Moi, and the Executive Director of UN-Habitat, Mrs. Anna Tibaijuka. Resulting from this meeting were a committee and a task force, created respectively by the GoK and UN-Habitat to discuss the benefits of a partnership.

Upon the meeting of these two bodies in January 2001, it was decided to pursue the development of a joint comprehensive slum upgrading initiative. The Joint Project Planning Team (JPPT) was established to lead the effort until further institutional structuring developed. Comprised of four members from both the GoK and UN-Habitat, the JPPT remains a key branch of the current institutional framework of the KENSUP and SSUP.

In February 2001, President Moi officially announced the Collaborative Nairobi Slum Upgrading Initiative. This later evolved into the Collaborative Nairobi Slum Upgrading Programme, which then developed into the current Kenya Slum Upgrading Programme (KENSUP) that has a national scope.

Shortly after Moi’s announcement, the JPPT designated four phases of the initiative, including the Inception Phase, the Preparatory Phase, the Implementation Phase, and the Replication Phase. Despite the previous two years that the Collaborative Nairobi Slum Upgrading Initiative was operating at the administrative level in the Inception Phase, the KENSUP did not become official until 16 January 2003 with the signing of the Memorandum of Understanding between the GoK and UN-Habitat. The two leading bodies were represented by Mrs. Anna Tibaijuka, the Executive Director of UN-Habitat, and Honorable Raila Odinga, both the Minister of Roads, Public Works, and Housing, and the Member of Parliament (MP) for



Kibera.<sup>35</sup> It was at this signing that Minister Raila announced that Kibera-Soweto would be the first slum to be upgraded under the KENSUP.<sup>36</sup>

Nonetheless, the effort that became the KENSUP produced numerous key documents during the Inception Phase. This phase ran for the first year (2001) after the GoK and UN-Habitat agreed on the collaborative upgrade initiative in January 2001. In line with the Sustainable Livelihoods Approach (SL), the Inception Phase focused on an effort to gather information from diverse stakeholders in Nairobi to identify or develop the best strategies to be used in this slum upgrading programme. Of these documents, the Nairobi Situation Analysis (NSA) by Syagga, Mitullah, and Gitau (2001) is the largest (nearly 200 pages) and most valuable to the programme. It examines nearly all angles of Nairobi's informal settlements, including a history and review of past and current upgrading strategies, providing invaluable information to slum upgrading stakeholders. The NSA authors used a consultative process in gathering the information for their report, but more importantly circulated a consultative version of their report to all potential stakeholders and interested parties in Nairobi to stimulate debate and discussion while generating diverse input on the city's slum situation and how the KENSUP may address its challenges in a sustainable manner. Input from this was incorporated into a finalized version of the NSA.

Other documents include the Policy Framework for Slum Upgrading paper, which sought to redress the shortcomings of the National Housing Policy and highlights the need for an integrated development approach with special emphasis on the benefiting communities,<sup>37</sup> the Pilot Site Selection Process papers, and the Media Strategy paper.<sup>38</sup>

The Slum Upgrading Policy Report (2001) by the Task Force on Policy Framework provided the GoK further key guidance on the importance of a SL development approach for the

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<sup>35</sup> Before President Kibaki and the NARC administration took over power in the GoK January 2003, Raila had served as the Secretary General for NARC's opposition, the KANU party, under Moi.

<sup>36</sup> Many NGOs involved in Nairobi's informal settlements and the KENSUP are concerned about the political implications of the KENSUP's first upgrade taking place in Minister Raila's own parliamentary constituency. See Chapter 5.0, section 5.8.1 for further discussion.

<sup>37</sup> These ideas parallel those of the Sustainable Livelihoods Approach (SL) endorsed as the best way forward by Syagga et al. in the NSA.

<sup>38</sup> It is quite amazing to know this document exists after this analysis has identified (below) the utter lack of information on the ground in Kibera-Soweto throughout 2003 to be one of the main factors working against the success of the SSUP.

KENSUP. According to the report, “The improvement of shelter and [the] alleviation of poverty [by] incorporating sustainable livelihood strategies, are recognized as crucial measures for people living and working in slums and informal settlements,” (5). The KENSUP Task Force suggested several key SL policy recommendations to the GoK including:

-Advancing local economic development through the promotion of income-generating activities, access to credit, the strengthening of community-based financial systems, and by providing the regulatory framework within government agencies to enable and encourage small-scale industries and businesses (in the informal sector) to operate in upgrading and resettlement areas. Furthermore, locally available materials and labor-intensive methods shall be used for the whole upgrade.<sup>39</sup>

-The commitment that, “Beneficiaries will be involved and empowered in deciding their priority needs to facilitate cost recovery once initial services are provided,” (5).

Although all the thinking, brainstorming, and theorizing that has gone into these documents by numerous committees composed of people from diverse organizations and stakeholder groups since 2001 is excellent, what really matters is the effectiveness in turning all of these good ideas into concrete improvements. To this end, the GoK and UN-Habitat have arranged an institutional structure for the KENSUP and its first project, the SSUP.

#### **4.4 Institutional Structure**

Given the complexity of the SSUP’s comprehensive nature and its responsibility of managing a potential major transition of 60,000 individuals in Kibera-Soweto, an efficient and agile institutional structure is mandatory for achieving the strong partnership and unity among the SSUP stakeholders that SL and lessons from past projects identify as being critical for sustainable success. The KENSUP institutional structure follows the tri-sector partnership

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<sup>39</sup> However it should be noted that this report and other reports do not call directly for the labor for the upgrade construction to come from the community being upgraded. Although this was a provision of Turner’s original self-help slum upgrading mechanism used by the World Bank in the 1970s, the KENSUP recognizes the need for skillful construction workers from private construction firms who may or may not live in the project area.

strategy endorsed by Otiso (similar to the Mathare 4A project), involving the three major sectors of public, private, and voluntary organizations. Based on the KENSUP and SSUP programme documents, the following summarizes the institutional structure for this programme and project:

**-Programme Secretariat** – Established in the GoK Housing Department under the Ministry of Roads, Public Works, and Housing. The Secretariat is in charge of co-ordination and facilitation of project planning, implementation, monitoring, and evaluation between the stakeholders, and will be the link to UN-Habitat.

**-Joint Project Planning Team (JPPT)** – Working with the Secretariat, this technical team has been the center of activity and forward motion on the KENSUP. Representatives comprising this team come from UN-Habitat, the Nairobi City Council (NCC), the National Housing Corporation (GoK), and Shelter Forum (an NGO). They have been in charge of defining the scope of the programme and the Kibera-Soweto project thus far, of preparing schedules, proposals, budgets, and other “technical” aspects of the KENSUP/SSUP.

**-Project Implementation Unit (PIU)** – Based in the Nairobi City Council (NCC) Housing Development Department. This is to be the primary implementation body.

**-Settlement Project Implementation Unit (SPIU)** – This body will be the main connection to and inlet for Kibera-Soweto resident participation in their slum upgrading project. The unit will be composed of selected representatives from the Kibera-Soweto community. Responsibilities include identifying all settlement stakeholders (such as grassroots organizations) in their community and project needs. This unit will mobilize grassroots participation, discuss land tenure arrangements, and outline procedures for community involvement in carrying out the slum upgrading project. The SPIU(s) will work closely with the PIU and Programme Secretariat.

**-Inter-Agency Co-ordinating Committee (IACC)** – The IACC works through sub-committees, working groups, and Ad Hoc task forces to provide policy and programme

direction to the KENSUP/SSUP. The site selection sub-committee was one of these sub-committees. It will also establish “innovative ways” of facilitating the implementation of KENSUP’s Slum Upgrading Projects.

**-The Inter Agency Steering Committee (IASC)** – This group will provide additional guidance, facilitation and support to the Programme. It will specifically advise the two head executives of the KENSUP/SSUP, the Minister of Housing, Raila Odinga, and the Executive Director of UN-Habitat, Anna Tibaijuka.

**-The Multi-Stakeholder Support Group (MSSG)** – This component of the KENSUP/SSUP institutional structure has played a key role of being the vital though weak link to the community level in Kibera-Soweto by disseminating what information MSSG members could about the KENSUP and SSUP. Members include representatives from NGOs, the GoK, development agencies, private organizations, donors, and one Kibera-Soweto community representative. As stated in the SSUP document, the MSSG “provides a powerful mechanism for participatory decision-making and information sharing,” (5).

*-Adapted from the SSUP document, (5).*

It should be noted here that this full institutional structure for the SSUP has not yet been created as of April 2004. As will be discussed in the next chapter, the SPIU for Kibera has not been formed nearly a year after the launch of the SSUP and the MSSG has been rendered inactive by the GoK.

## 4.5 Funding

Funding for the Preparatory Phase of the SSUP (post January 2003) is coming primarily from the Cities Alliance, a joint initiative between UN-Habitat and the World Bank including ten donors comprised of international bilateral agencies.<sup>40</sup> The initial grant of \$240,000 meant for

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<sup>40</sup> Included are donor agencies from Canada, France, Germany, Italy, Japan, the Netherlands, Norway, Sweden, the United Kingdom, and the United States, (GoK and UN-Habitat sign).

preliminary procedures will not go towards actual provision of new or upgraded housing and infrastructure. The GoK was to contribute an additional \$60,000 to the Preparatory Phase according to the SSUP document, and it is hoped that Soweto residents will mobilize funds to contribute as well. All SSUP funds will be placed in a Trust Fund managed by a board of directors yet to be determined.

Other international agencies and governments have funded past components of the KENSUP Inception and Preparatory Phase,<sup>41</sup> while others will step forward for the later Implementation Phase. The Implementation Phase is estimated at US\$2.1 million in the KENSUP document or US\$3.5 million in the SSUP document, interestingly both released in March 2003 concerning the project in Kibera-Soweto. Either way, according to Makokha, as of 28 July 2003, donors for the SSUP Implementation Phase had not yet been sourced.

#### **4.6 Favela Bairro, Rio de Janeiro: A comparative slum upgrading programme**

The KENSUP is certainly not the world's first large-scale urban informal settlement upgrade programme. Favela Bairro<sup>42</sup> is currently the largest upgrading programme in Latin America, seeking to upgrade all medium-sized informal settlements in Rio de Janeiro by 2004, (Riley et al.). Although this goal seems quite lofty and similar to that of the KENSUP, Favela Bairro was launched in 1994, which gives an idea of the timeframe involved with this kind of large-scale slum upgrading programme. Unlike the KENSUP, Favela Bairro is focused on one city alone and is thus headed and facilitated by the Municipal Government of Rio de Janeiro instead of the national government. This helps keep the programme decentralized and managed closer to the target beneficiaries.

Of key interest, the programme has a specific focus away from Rio's largest slums. The programme leaders realize that their chances of success are significantly reduced in Rio's largest slums. Unlike the KENSUP, the Favela Bairro upgrade coordinators sought to begin with an easier and more manageable pilot project before mustering up the confidence and gaining the experience necessary to tackle Rio's worst informal settlements in a separate initiative. This suggests that the KENSUP's site selection of Kibera-Soweto for the KENSUP's starting point

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<sup>41</sup> For example, the August 2002 Nairobi Situation Analysis Supplementary Study: A Rapid Economic Appraisal of Rents in Slums and Informal Settlements, (Syagga et al.) was funded by the Government of Belgium.

<sup>42</sup> *Favela* is the term for informal settlement in Brazil.

may not have been best due to Soweto's intimate connections to greater Kibera, one of Africa's largest and most politically complex informal settlements.<sup>43</sup>

Both the Favela Bairro programme and the KENSUP are examples of a current global trend towards complex large-scale slum upgrading projects. The KENSUP will ultimately encompass all of Kenya's slums under one programme. In the past, previous initiatives have been more localized, especially during Kenya's 1960s and 1970s self-help era.<sup>44</sup> It appears that the rising urgency and magnitude of urban poverty around the world has caused governments and international organizations alike (such as UN-Habitat and the World Bank) to feel obligated to respond to this massive crisis with equally massive programmes. The GoK must not, however, take any of the alluring short cuts to a genuine SL approach that exist; the risk of failure in Kibera-Soweto if short cuts are taken is simply too great.

#### **4.7 Conclusion**

From 2001 to 2003 the GoK and UN-Habitat created the KENSUP on paper to be a list of noble and ambitious objectives, involving complex institutional arrangements based on globally shared policy ideas, development theories, and urban poverty reduction strategies. These development ideas, specifically those of slum upgrading, are shared by organizations large and small ranging from UN-Habitat to small NGOs working in development. Although global agreement and consensus on slum upgrading via SL is certainly a good thing for poverty reduction efforts around the world, Riley, Fiori, and Ramirez note upon evaluation of the Favela Bairro programme in 2001, "[there is] a widespread failure to explore the complexity of the approaches they advocate," (Sec.5). The KENSUP and SSUP have experienced just this. The difficulties, conflicts of interest, and contradictions that have existed, currently exist, and will exist in future stages of the large-scale, multi-sector KENSUP programme and SSUP project are very real, and more importantly pose significant threats to their success in both Kibera-Soweto and beyond. These difficulties and conflicting interests of the KENSUP/SSUP stakeholders are examined in the next chapter.

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<sup>43</sup> The political underpinnings of Kibera-Soweto's selection as the pilot project for the KENSUP are discussed further in Chapter 6.0, section 6.5, "The KENSUP's Site Selection Controversy."

<sup>44</sup> This is referring to countless other self-help development initiatives not specifically mentioned in this paper.

## 5.0 Stakeholder Analysis

*“...slum upgrading is ultimately about reaching consensus among groups with highly divergent interests. That is, balancing the incentives and investment capabilities of the structure owners, with the basic needs and human rights of the very poor, while at the same time engaging the political will of the provincial administration and local municipal council,”*

-Syagga, Mitullah, and Gitau<sup>45</sup>

The KENSUP and SSUP were introduced in the last chapter as the current slum upgrading initiative in Nairobi through an overview of both the programme (KENSUP) and its pilot project (SSUP) as they existed on paper in 2003. This chapter comprises the first and primary half of the analysis by individually examining each major stakeholder group in the KENSUP/SSUP. Each stakeholder’s role, interests, motivations, and relative power as they relate to the SSUP and larger KENSUP are examined. It will soon become clear how contradictory various stakeholders’ interests are and why the SSUP has correspondingly struggled in its early stages.

Building trust and unity within a common vision between all stakeholders is very important for a truly successful and sustainable slum upgrade project. Trust and unity are also vital concepts for good urban governance, (Rakodi, et al. 26). UN-Habitat Executive Director, Anna Tibaijuka, states, “There is now an emerging international consensus that good governance is a crucial pre-requisite for poverty eradication.” A successful participatory urban governance process requires the inclusion and understanding of all relevant stakeholders, including their interests, roles, and potential contributions, (UN-Habitat, Tools 22).

Cooperation that pushes becoming a kind of camaraderie between the various stakeholders involved in the SSUP, and the KENSUP on the larger scale, is needed to achieve the shared objectives of all involved in the SSUP. Fractured actors will inevitably work counter

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<sup>45</sup> From: Nairobi Situation Analysis Supplementary Study: A Rapid Economic Appraisal of Rents in Slums and Informal Settlements, (5).

to the benefit of Kibera's poor. As an old African parable goes, "It is the grass that suffers when two elephants fight."

## 5.1 Tenants

*"If there are international organizations that wish to help build houses in Kibera through the Government, let the Government accept, if the Government first empowers the citizens."*

-Ignatius Namenje, Kiberan Tenant<sup>46</sup>

Of all the SSUP stakeholders, it ought to be quite clear that the urban poor of Kibera-Soweto, as the target beneficiaries, are the most important of all the stakeholders. They are the reason that the GoK and UN-Habitat have spent over three years developing and preparing for the KENSUP during its Inception Phase. UN-Habitat affirms this logic throughout their publications.<sup>47</sup> As it is, tenants comprise the clear majority of Kibera-Soweto's residents – 80% according to Bodewes, (Social and Cultural Analysis no pag.). Out of this majority, approximately 60% are between the ages of 10 and 24, according to Khasiani of Kenya's Population Studies and Research Institute. Tenants pay monthly rent to structure owners who usually hire agents to collect rents.

The main interests of Kibera-Soweto tenants include fulfilling their basic human rights to adequate shelter, security, and freedom from forceful eviction, all of which are not presently met. Related priority interests are having inexpensive rent rates to allow enough money for other living expenses, and living in a location that allows walking to work to cut out transportation costs. The fulfillment of these latter two interests is why most people are living in Kibera slum in the first place.

Tenants are the poorest group in Kibera, making an average of \$1.00-\$3.00 a day.<sup>48</sup> According to Bodewes and Goux, only about 17% of Kiberans are formally employed, leaving the majority of slum dwellers to work in the informal sector as casual workers. These residents

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<sup>46</sup> Interview with the author, 27 June 2003.

<sup>47</sup> One document, for example, is *Guidelines on how to undertake a National Campaign for Secure Tenure*, (6).

<sup>48</sup> From Bowdewes, Social and Cultural Analysis (no pag.), however these figures are popularly accepted as Kibera's average by multiple sources.



work without employment benefits as welders, painters, housemaids, food and consumer product vendors, etc. Since the average Kiberan family spends approximately \$1.40 (100 Ksh) on food a day (between 50-100% of an individual's income), even with multiple income earners, families are left with a very tight budget to cover other living expenses like rent, (Bodewes, Social and Cultural no pag.). These numbers make it clear that any fluctuation in rent rate can seriously disrupt a family's budget.

According to a 2003 study by Goux, a UN-Habitat researcher, rents in Kibera-Soweto were cheaper than Kibera's average, which is \$8.00-\$16.00 or 575-1150 Ksh per month. Most tenant families in Soweto paid between \$7.00-\$9.00 or 500-650 Ksh per month for a ten square foot single room, (9). An average single room houses five to eight people, the size of most families. However in tough times, residents are always willing to help family and friends by sharing their space if they are collectively able to pay rent. The bottom line is that tenants will oppose the SSUP if they think their rents will go up. Therefore, the SSUP must be designed in such a way to avoid this natural economic tendency of improved housing.

Unfortunately, rents in Kibera-Soweto have already risen due to people wishing to benefit from the SSUP. Gentrification slowly began after Minister Raila's 11 February 2003 announcement that new housing in Athi River (35km from Nairobi) was becoming part of the Kibera-Soweto Slum Upgrading Project (SSUP). According to Goux's study for UN-Habitat, as of June 2003 (before the Preparatory Stage of the SSUP officially started), some Soweto structure owners were already asking \$2.80 (200 Ksh) or 35% more per month for a one-room rental, (12). Although the Athi River component of the SSUP has since been dropped,<sup>49</sup> some original tenants have already been displaced, which deserves special attention by the KENSUP/SSUP Secretariat and other top officials. As difficult as it may be to enforce, the SSUP ought to limit project benefits to tenants who have been living in Kibera-Soweto before January 2003 when the pilot project site of Kibera-Soweto was first announced.

A major advantage to tenants living in Kibera is its prime location between Nairobi's city centre and the industrial area, where most Kiberans with formal employment and some casual laborers work. Nearby, higher income residential areas provide residents with other jobs such as

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<sup>49</sup> See the section 6.3.4 of Chapter 6.0 titled, "The Athi River Controversy," for further discussion of this old project component.

house cleaning, cooking, and security. Being close enough to walk to work, Kibera provides a special attraction to both migrants and residents of other informal settlements, which keep its population growing and stress on its people and resources building.

Politically, tenants tend to give their vote and support to those politicians who simply provide some type of short-term incentive. This rampant use of bribery makes tenants particularly vulnerable to extensive political exploitation. In the past, tenants and resident structure owners alike in Kibera have been politically manipulated or pacified with 500 Ksh notes (about \$7) to vote a certain way or to not protest an issue, (Darr). In an interview regarding his 2001 song criticizing corruption in Kenya, songwriter Eric Wainaina said, “*Nchi ya Kitu Kidogo*, if there is one thing that Kenyans live under it’s the fear of challenging authority. By singing, I showed that it’s possible to stand up and speak without putting your life in danger,” (qtd. in Lacey). It is this fear that Wainaina talks about that has kept Kiberans quiet and pacified by their own supposed freely elected representatives.

Kibera’s key political figure is their Member of Parliament (MP), who also happens to be the Minister for Roads, Public Works, and Housing, and the head Government executive for the KENSUP, Honorable Raila Odinga. Raila is from western Kenya, which is the same region most of Kibera’s tenants call home. In the past, Raila has typically favored tenants over structure owners in his constituency. At times this has benefited tenants. Yet it is argued by some that this is just a way to exploit Kibera as a voter bank. Although this may be an unwarranted assumption at present since the author does not know Raila’s true intentions, the Minister’s political connections to Kibera ought to be an area of major concern for all involved in and monitoring the SSUP. The NGO Coalition on Urban Land/Housing Rights Campaign expressed its awareness and concerns on this matter at a July 2003 meeting.<sup>50</sup> These political complications will be further discussed in various sections throughout the rest of this paper.

The economic power division between tenants and structure owners runs deep. Since the “tenant-landlord” scheme in Kibera is unofficial and illegal, structure owners resort to the threat and use of forced eviction to enforce rent payment from their tenants, often with the help of local authorities (including chiefs [national government] and city councilors) and their incited youth thugs. One eviction victim, a single mother of three named Jael Mutiso, explains her situation as

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<sup>50</sup> The NGO Coalition’s meeting will be further discussed below in the NGO stakeholder section, section 5.8.1.

quoted by the *Daily Nation*, “They burnt down my house at night with all my belongings. I cannot go back and have nowhere to go...,” (qtd. in Onguje 24).

Since the demand for inexpensive housing is so high in Nairobi, tenants often feel exploited by their structure owners. Tenants’ housing structures are congested, have no running water or electricity, often have leaking roofs, and usually have grossly inadequate sanitation through shared pit latrines. Moreover, structure owners in Kibera typically do not invest in improvements to their shanty structures, allowing them to reap large profits, (Syagga, et al., NSA Supplement 44). Indeed, many tenants are powerless and must “take or leave” whatever shelter is offered. Kiberan resident and tenant, Jacob Amayo Mack’Amayo, explains his take on the political-economic difficulties between Kiberan tenants and structure owners shortly after tension boiled over into violent clashes in December 2001:

Structure owners have oppressed us so much and the anger you see here is of the exploited tenants. In the first place, you live in trenches (*mtaro*) with no toilets but the owner wants some deposit as conditionality for moving into their structures. Once in the structures, KANU [the ruling government party at the time] youths are hired to evict you, the tenants for any delays in monthly rental remittance. They brutalize and cut people at night, (qtd. in Onguje 45).

Supporting Amayo’s experience, Christ the King Church notes, “we have also observed the formation of groups who are primarily engaged in criminal activity and thuggery, with many having close affiliation to political parties and local authorities in Kibera,” (Memorandum 9 Oct.2003). It is usually these groups, incited by the political authorities they are connected to, that are responsible for forceful evictions of tenants and other violent encounters within Kibera. The authorities’ motivations for inciting violence revolve around both maintaining the political-economic status quo by keeping order by any means possible in an otherwise chaotic living situation, and the desire to build additional political power. These local political groups, composed primarily of young men, play a key role in Kibera’s political power structure, explored further in the next chapter. Although positive groups have also formed, such as those discussed below in section 5.9, “Community-Based Organizations,” Christ the King Church has observed the negative groups to be more prominent within the Kiberan community.

As is common in all of Nairobi’s slums, in addition to being economically divided, tenants in Kibera-Soweto are also ethnically divided from their structure owners. According to

Goux, tenants in Kibera-Soweto are primarily Luyha and fewer are Luo, both from western Kenya, (7). As for Soweto's structure owner composition, Goux found most to be Kikuyu, with a small proportion of Kamba and Luyha, (11).

Many Luos and Luyha have moved to Nairobi within the past two decades. Similar to most of Kibera, Bodewes's 2003 study found 80% of Kibera-Soweto's residents to have moved directly from rural areas, most from western Kenya, with the rest having moved from other slums within Nairobi, (Social no pag.).

The Luo and Luyha ethnic groups of western Kenya, among others, retain strong connections to their rural home area. In fact most tenants of Kibera-Soweto do not identify their urban houses as their homes even if most of their time is spent in their city houses. In their view, their rural residences in the up-country are their true homes. Some tenants view their time in Nairobi as only temporary; they plan to work for several years to make and save money to then go back to their rural homes. Many send part of their earnings back to their rural home areas where hard cash is in extreme shortage. Like most Luos, in an interview with the author Kiberan tenant Namenje explained that he would prefer to live back "home" if his rural area in western Kenya was more developed and had job opportunities. He proposes that businesses in Nairobi could de-centralize and move to the rural areas to aid economic development outside of Kenya's major urban centres.

As Namenje implies, urban and rural development are directly linked. For example, some tenants have a house or plans to build a house in their rural home area, preferring to invest their income and energy there instead of in Nairobi. As slum dwellers this makes their living conditions more tolerable, causing them to have less concern over the condition and maintenance of their urban house than they would otherwise. This is an interesting fact that must be taken into account as the urban poor's contribution to the perpetuation of Nairobi's slums. This cultural aspect of some of Kibera's tenants could limit their willingness to participate and take ownership in the SSUP process. Yet it must also be considered that most slum dwellers simply do not have the option of investing in an urban home. High expense and the unavailability of land make legal urban home ownership an unreachable goal for nearly all Kiberan tenants. The urban poor entertain goals of returning to their rural homes because those areas offer real possibilities for an autonomous life, above all including ownership of land and a house. While

these rural-urban linkages are very important to consider for the slum upgrading process in Kibera, further exploration of them is beyond the scope of this paper.

Most Kiberan slum dwellers maintain fears that any new slum upgrading initiative will have negative effects on their lives. This fear is warranted and comes directly from the experience and outcomes of several previous housing projects that have left other slum dwellers not only with empty promises of an improved life, but actually in a worse state than before the upgrade attempt.

Of special relevance to the tenants of Kibera-Soweto is the Nyayo/Kibera Highrise upgrade project, which was completed in the mid-1990s.<sup>51</sup> As discussed in further detail above in Chapter 3.0, section 3.5.1.1, this housing project borders Kibera-Soweto village. Many of the current Soweto tenants were permanently displaced by the Kibera Highrise project that never fulfilled its initial primary objective to benefit them largely due to unaffordable rent prices. Moreover, those who relocated for the new Kibera Highrise flats had to go through the hassles and insecurities of relocating to a new slum or finding space in a different part of Kibera without a resettlement plan. This has made the tenants of Kibera-Soweto especially leery of government-led slum upgrading projects.

More detrimental to a displaced family's survival than having to find new housing, is the disruption to their source of income. As mentioned above, most Kiberans earn their living through small informal businesses, making the effect of the upgrade on their businesses a special concern for the majority of tenants. Some of the additional difficulties of temporary relocation for informal sector entrepreneurs come to light when considering kiosk owners who retail food and many other goods. While some run their small businesses from their residences if they have a good location on a busy pathway, many have a separate kiosk space that requires additional rent. For the latter group, upon relocation they must also relocate their kiosk (if demolition and new housing construction takes place as it did with the Kibera Highrise project), which means the challenge of finding a new space and structure owner from whom to rent. Location is naturally one of the most important factors of business success, and upon relocation, both residential and kiosk rental entrepreneurs must struggle to establish a new clientele, taking a major hit on an already fragile income source.

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<sup>51</sup> See photo six on page v for an image of the Kibera Highrise project.

Furthermore, if an upgrade or housing project that provides brand new living units is successful, tenants will have to move a second time from their temporary resettlement site into the new housing, meaning also a second re-establishment of their businesses. For those who depended on selling from their residential locations, further difficulties will be found in living on the second or higher floor of a new apartment building where customers are not likely to come. These are just a few of the issues facing Kibera tenants, which clearly exemplifies the absolute necessity for the SSUP Secretariat to consult the Kibera-Soweto residents for their input into the project and ensure their genuine participation during the planning and design phase. Kibera-Soweto tenants have unique and specific needs and interests, both in terms of desired housing architecture and in business location options.

A group of Kibera's entrepreneurs actually put their needs forward to the GoK. After Minister Raila's August 2003 announcement of the Kibera-Soweto Slum Upgrading Project (SSUP), tenants and structure owners alike with small businesses that will be disrupted by the SSUP asked the Government for alternative sources of income and a guarantee that they will get the new structures after the upgrading is finished, (Amran 2). According to Amran, the tenants were in agreement with the structure owners in vowing not to move until the GoK met their conditions. To the author's knowledge, the GoK had not developed a plan to specifically address this issue as of April 2004.

Another important issue that the SSUP must address is the economic incentives facing tenants that threaten to derail the achievement of the project's principle objective. If an upgrade programme were successful in offering slum dwellers brand new housing units based on Kenya's housing policy standard of two rooms plus its own kitchen and toilet<sup>52</sup> instead of improving existing housing stock, although the GoK could try, it is unlikely that the beneficiaries' occupation of such units could be enforced. Large economic incentives would create a gray market for selling rights to the flats. In this unofficial mini housing market for the upgraded flats in Kibera-Soweto, slum dwellers would have enormous incentive to make fast cash by selling their right to a housing unit to someone of a higher economic and social class.

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<sup>52</sup> This housing standard was originally created in the Sessional Paper No. 5 of 1966/7 titled, "Housing Policy in Kenya." The housing standard included an interpretation of Kenya's Public Health Act, which also provided the legal justification of slum demolition in the 1960s and 70s.

Not only is hard cash the commodity in highest demand and the most difficult to secure when working in the informal economy, but it gives people a choice in how to invest it – which for many is sending it to their rural homes. In terms of physical conditions, most Kiberans have adapted to the slum lifestyle. For these people, brand new housing units are not necessarily their top priority. Often other monetary priorities like school fees, supporting family and friends both new to Nairobi and back at their rural homes, and investing more in their informal business often all are more urgent and important to Kiberans than taking a new flat to live in, which has been pushed in front of them by the Government on a gilded silver platter without their asking.<sup>53</sup> This drives home why it is so important for the SSUP and other similar slum upgrading projects to foster a real sense of ownership and incentive for self-investment among the benefiting community so as to work as a counter force to economic incentives such as these that frustrate the SSUP's objectives.

The best way to cater to the Kibera-Soweto community is to engage them in the planning process of the SSUP. The facilitation of their decision-making process is necessary to identify and come to agreement as to how they as a community want to benefit from the SSUP, what the actual fruit of the SSUP effort might look like, and most importantly in deciding how to get from here to that agreed upon end product.

Contributing to the tenants' needs, most residents of Kibera-Soweto lack any college education and many have not finished secondary school since it was only made free in January 2003 after NARC took office. Most importantly, nearly all tenants and Kibera residents in general do not understand how the slum upgrading process is supposed to work. This should come as little surprise to the reader. Much of this is due to both the lack of successful examples and the abundance of failed housing initiatives and violent confrontations with the local authorities. Although the residents certainly have an obligation to participate and engage themselves in the SSUP process, the leading organizations must first empower residents to become the active participants called for by the Sustainable Livelihoods Approach (SL), by at

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<sup>53</sup> This is actually what inspired John Turner's development of his self-help slum upgrading theory discussed in Chapter 3.0, section 3.3, which focused on providing the necessary aspects (such as secure tenure) to encourage gradual improvement of existing structures instead of public housing schemes that had notoriously failed. For many reasons unknown to the author, except that it may have seemed like the quickest and most effective way at the time to address Nairobi's housing crisis, the GoK moved back to the provision of all new housing for slum upgrading in the mid 1990s. This policy momentum now threatens the SSUP.

the very least educating residents on what slum upgrading is and how the process works within the KENSUP/SSUP structure.

This is where experts from other SSUP stakeholders such as experienced shelter-focused NGOs, UN-Habitat, and the GoK could come together with the Soweto community. This collaborative effort could happen in a way that would share the responsibility of managing such a challenging process, and would also generate ideas with the Soweto community about possible options available for the SSUP process and its end product. Namenje, an eight-year Kiberan resident agrees with this SL-based process. In an interview, Namenje called on his Government to firstly empower its citizens, “If there are international organizations that wish to help build houses in Kibera through the Government, let the Government accept, if the Government first empowers the citizens.”

A key point in facilitating the process of generating community input is that contrary to the beliefs of some upper GoK officials, slum dwellers cannot always rely on the local government in Kibera (including chiefs and city councilors) to represent their interests. As will be illustrated by comparing this section to the “Local Authorities” section below, chiefs and city councilors have their own interests that are often quite different from tenants’. Therefore, it is in the interest of the Kibera-Soweto tenants that their local government leaders are not substituted for authentic community input, which the GoK has a tendency of doing. An authentic involvement of the Kibera-Soweto community in the development of the SSUP is the approach advocated by SL and endorsed by the GoK and UN-Habitat on paper, making it the only clear path forward.

## **5.2 Structure Owners**

Structure owners in Kibera-Soweto, like those in Nairobi’s other informal settlements, have a quasi-legal right of occupation granted in writing by the Provincial Administration or no right at all. Most structure owners are in the second grouping, most having paid a bribe or on-going cut from their rent earnings to the local chief and/or city councilor to obtain and maintain a plot(s) in Kibera-Soweto to rent out to tenants for a monthly fee. Either way, from the structure owners’ point of view, their ownership is legit and valid because they had to make an investment to “buy” their plots.



An investment is exactly how structure owners view ownership of structures in Kibera-Soweto. As it is, Kibera is the most profitable housing investment in Nairobi. Syagga, et al. in the NSA Rapid Economic Appraisal of Rents in Slum and Informal Settlements, report Kibera to have the highest return of any housing investment in greater Nairobi, coming in between 102 and 130% annually as compared to 60-80% annual returns from other informal settlements in Nairobi, (15). The high demand for Kibera housing comes in part due to its prime location, cheap rents, and excellent market to sell goods due to its enormous population of 700,000. The fact that most structure owners are not required to (since they do not legally own the land) and therefore do not invest any money into the structures themselves, only adds to the profitability of renting out rooms in Kibera.

These lucrative profits have attracted many wealthy investors to Kibera, who each owns many row buildings comprising about ten to twenty rooms each. According to the NSA Rapid Economic Appraisal report, a single room costs roughly \$175 (12,686 Ksh) for structure owners to buy, (cited in Mbaria, Slum Housing). However it is difficult to know how bribes are worked in since every informal arrangement between a structure owner and the local authorities is unique, not to mention every structure's value is different depending on varying quality: mud versus cement floor, metal door or gate for security versus none, leaky versus water-tight roof, etc.

In order to protect their investment, structure owners must bribe the necessary political and violent powers to be of service when others might encroach on their structures or their financial returns. The violent powers typically comprise youth thugs, who are hired to enforce monthly rental payments through threatened and actual forceful evictions, as described in the "Tenants" section above.

In protecting their investment, it is in the interest of structure owners to gain security of land tenure from the GoK by receiving or buying land title. After Minister Raila announced the launch of the upgrade in Kibera, (6 August, 2003) Amran reported in the *East African Standard* that structure owners asked the Government for title deeds and compensation for their structures if they are to be given up as part of the SSUP as Raila demanded, (2). Those owners referred to by Amran went so far as to agree with tenants (who have their own conditions) to vow not to move until the GoK met their conditions.

There are several types of structure owners in Kibera-Soweto. The two main classifications are absentee and resident. Absentee structure owners do not live in the community and rarely visit. Instead, they often hire agents to collect their rents and manage their structures. Often tenants do not know who their structure owner actually is. Although most structure owners in Kibera are absentee, Kibera-Soweto has a relatively high percentage of resident structure owners. According to a study by Bodewes, 70% of the structure owners live in the Soweto community, compared to the 85% of Kiberan structure owners who are absentee, (Social no pag.). Ethnically both Bodewes and Goux found Kikuyu and Kamba (less so) to comprise Soweto's structure owner population, with no Nubians (the original settlers of Kibera dating back to World War I).

Most structure owners are starkly politically and economically divided from their tenants. In Kibera as a whole, according to a study by Mugo (2000) as phrased by Syagga, et al., "...out of a sample of 120 landlords [Kiberan structure owners] interviewed 57% were public officials (government officers and politicians)...[who have] enough influence to ensure they are not displaced," (Supplementary 15). Most of these public officials are absentee structure owners who are in for the excellent investment payback. Yet chiefs and assistant chiefs are also government officers, who live right in Kibera.

Comprising only 20% of the total Kibera-Soweto population, structure owners are clearly some of the most powerful people in Nairobi's informal settlements, following only after members of the GoK Provincial Administration. Unlike tenants who are some of Nairobi's poorest citizens, many structure owners fit into the middle to upper class. The divide is less so for residential structure owners who are closer in socioeconomic status, often live in similar conditions, and in some cases live in the same structure as their tenants. With economic power comes political power through the adept ability to finance necessary bribes to city councilors, chiefs, and the rest of the way up the Provincial Administration's chain of command as necessary to advance their interests, focused on economic gain and the protection of their investment.

Although in Kibera the best money-making opportunities for this stakeholder group most likely lie in maintaining the status quo, Syagga, et al. note, "...upgrading usually confers more powers to the landlords/structure owners with the tenants ultimately getting pushed out of the project due to the increased rents," (NSA 176). However, due to a lack of information and dialogue between the GoK, UN-Habitat, and the Kibera-Soweto community, structure owners (as

with tenants) have been left in the dark as to SSUP details, including most importantly, how they will or could benefit from the project and be involved with it. Therefore, since the KENSUP and SSUP appear focused on helping tenants with little mention of structure owners, the latter group has a growing fear of losing their investments and most importantly their financial security based on monthly income from rents.

To differing degrees of severity, structure owners' incomes depend on the rents they charge. Not all structure owners are wealthy. Some claim rent earnings as their only source of income. This must be respected on an equal level as tenant small business owners who will also need alternative income sources during the upgrade. Understanding their interest in maintaining their current status of living for their families, it is no wonder that the majority of structure owners are very much in opposition to the SSUP.

Following the precedent set in the Mathare 4A upgrade, structure owners ought to be compensated for their structural and financial losses. The NSA Supplementary Study also supports that structure owners should be compensated for their losses, however it implies that only some of a given structure owner's structures will need to be given up to "de-densify" Kibera-Soweto for the upgrade project, an issue that will ultimately depend on the decisions made by the community through the Settlement Project Implementation Units (SPIUs). In reality, structure owners *must* be compensated or else they will never support the SSUP. Without the backing of Soweto's second most powerful stakeholder group (second only to political leaders), it will be impossible for the SSUP to succeed in its objectives. Worse still, if the GoK does not work with structure owners to ensure that they will clearly benefit from the SSUP, the slumlords will actively work against it.

Unfortunately, on 6 August 2003, Minister Raila appeared to take an opposing position on Kibera's structure owners instead of building a cooperative partnership. In his announcement, Raila told structure owners they had six months to resign the Government land that their structures occupy, (Amran). Unless Kibera-Soweto structure owners own structures in other Kiberan villages or other Nairobi slums, Minister Raila asked Kibera's structure owners, contrary to the NSA (the major work guiding the KENSUP with policy recommendations), to simply give up *all* the land that their structures are on (and presumably their actual structures and monthly rents) without *any* compensation. Creating unnecessary tension, Raila has threatened the future of the SSUP with his decision to take a hard-nosed, authoritarian-type stance on the

SSUP instead of building much-needed unity among the stakeholders through his role as head GoK official on the SSUP.

Six months later in February 2004, forceful evictions approved by Honorable Raila took place in and around Kibera, however not for the purposes of the SSUP. After one month, much outrage from human rights groups, and a communication between the Pope and President Kibaki, the evictions were temporarily stopped.<sup>54</sup> This rash action from the GoK has left structure owners in more fear of losing their structures and investments, confused along with most of the Kiberan community, and most importantly, more leery and untrusting of the Kenyan Government than ever as leader of the SSUP.

Realizing Kiberan structure owners' growing opposition, an extraordinary effort is required to ensure that this stakeholder group is well informed and included in the project. Regrettably, this has not yet happened as of April 2004 and worse, there has been no effort by the GoK to actively involve either tenants or structure owners from Kibera-Soweto on the SSUP at all. As a result, structure owners in Kibera-Soweto and likely from other Kiberan villages (due to the misunderstanding that the whole Kibera settlement was to be upgraded by the KENSUP) have already been organizing against the SSUP. Christ the King Parish is aware of at least one group of Kiberan structure owners that was meeting weekly, as of September 2003, to pool resources for a temporary injunction against the SSUP, (Memorandum 9 Oct.).

The potential of this stakeholder group to completely derail the SSUP is real and must be taken seriously. For example, in Korogocho (a slum on Nairobi's north end), structure owners permanently stalled a community-based housing upgrade being lead by an NGO called Pamoja Trust in August 2000. They accomplished this by organizing and attaining a court order to stop the social and physical mapping of the community, a critical stage that the SSUP is currently in, (Memorandum 9 Oct.; GoK and UN-Habitat, "The Kenya..." press notice). This reiterates how critical it is for the three key administrative members of the KENSUP/SSUP – the Programme Secretariat, the JPPT, and the PIU (the GoK, UN-Habitat, and the NCC) – to organize themselves to collaborate with the structure owners in Kibera-Soweto to strategize how the structure owners will benefit from the SSUP. The best way to initially connect with structure owners would likely be through a blanket effort to connect with the whole Kibera-Soweto

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<sup>54</sup> Chapter 6.0, section 6.3.3 carries a further discussion of these recent evictions in 2004.

community, which would have the distinct goal of generating ideas and possible arrangements for the SSUP through dialoging, ultimately working towards a consensus in which both structure owners and tenants will benefit.

### 5.3 The United Nations Human Settlements Programme: UN-Habitat

*“Our main business is the people of Kibera and how best they can improve their living conditions...The [Kibera-Soweto Slum Upgrading] programme is for the people of Kibera, by the people of Kibera.”*

-Mr. David Kithakye, UN-Habitat Human Settlement Advisor<sup>55</sup>

The United Nations Human Settlements Programme (commonly referred to as UN-Habitat) is the United Nation’s programme agency specializing in shelter and urban development. It is focused on ameliorating the multitude of problems stemming from massive urban growth in the developing world and providing adequate shelter to all. UN-Habitat was only recently raised to full Programme status in the UN system on 1 January 2002 by UN General Assembly Resolution A/56/206, (UN-Habitat web). This happened *after* the launch of the Collaborative Nairobi Slum Upgrading Initiative (the precursor to the KENSUP). Prior to that this UN body was known as the United Nations Centre for Human Settlements (UNCHS), which was created at the Habitat I meeting in Vancouver, 1978.

Since UN-Habitat is fairly new on the scene of development in its present form, there is a reasonable amount of pressure on the organization to develop a good reputation. To achieve this, the organization must perform, produce results, and succeed in its endeavors. This pressure comprises both external and internal forces. The most obvious pressure comes from the international donor community who largely funds UN-Habitat’s programmes through affiliate international organizations such as Cities Alliance, the main funding source of the KENSUP. Other pressure comes from the UN General Assembly and international experts who developed the Programme’s responsibilities and goals in the political document known as the *Habitat Agenda* at the 1996 Habitat II conference on cities in Istanbul, Turkey.

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<sup>55</sup> Interview with the author, 10 July 2003.

While UN-Habitat is involved in some 154 technical programmes and projects in 61 countries around the world addressing shelter, urbanization, and good governance activities, the KENSUP is the largest slum upgrading programme that the organization has undertaken since its status was changed in 2002. Although every organization that undertakes a project puts its reputation on the line, UN-Habitat is in a more vulnerable position than some stakeholders due to both its youth as a full UN Programme, and the large scope and high profile of the KENSUP/SSUP. With Nairobi as UN-Habitat's world headquarters, there is an additional pressure to perform well since the organization is physically close to the project.

Human Settlements Advisor of UN-Habitat, David Kithakye, knows that Habitat's reputation is on the line with the Kibera-Soweto Upgrade Project (SSUP). In an interview with the author, instead of focusing on the potentially strong role that UN-Habitat could play in such an important slum upgrading project with its expert advice rooted in extensive experience and theoretical expertise in urban development strategies and methods, not to mention their physical proximity to the SSUP, Kithakye emphasized the distance between UN-Habitat and the SSUP. This emphasis seemingly acknowledges the questionable path the SSUP was headed down at that time, 10 July 2003, and continues to head down into 2004. Kithakye stated multiple times in his interview that UN-Habitat is only supporting a Kenyan Government project. If representatives of UN-habitat went to Kibera, they would only be supporting the process of the Government of Kenya.

This perspective is not unique to Mr. Kithakye. Marie Goux, Ph.D. student and UN-Habitat intern, also witnessed this UN-distancing from the SSUP from the inside of the organization, (personal interview). Moreover, on 17 June 2003, other representatives from UN-Habitat met with parish leaders from Christ the King Church in Kibera-Line Saba in answer to the parish's request for information on the SSUP. According to the Church's memorandum to Archbishop Giovanni Tonucci on 9 October 2003, "The Habitat representatives started th[e] meeting by insisting that the UN had no project in Kibera and stated it was the project of the Government of Kenya," (5). Similarly, Kithakye stated in his interview that the SSUP was hardly a UN-Habitat project at all, but went further to say that it was also hardly a GoK project either. He said that the SSUP is really the Kiberan slum dwellers' upgrading project, "The programme is for the people of Kibera, by the people of Kibera."

Unfortunately this is far from the truth on the ground. In the minds of many of the target beneficiaries and supposed project owners (the tenant slum dwellers of Kibera-Soweto), the SSUP is another abstract GoK project that is being pushed on them from the top-down, quite contrary to the project's propaganda (see Appendix I). Further discussion of this paradox is found throughout the preceding and following sections.

Despite the seemingly contradictory non-involved stance of UN-Habitat on the SSUP, some distancing is warranted. Kithakye's emphasis of disassociation brings to light UN-Habitat's real fundamental political weakness in the KENSUP as well as in its other partner projects, despite the fact that UN-Habitat is the other *half* of the KENSUP partnership. According to Article V and XI of the Memorandum of Understanding Between UN-Habitat and the GoK, the GoK is the body that holds ultimate responsibility for the KENSUP and SSUP, the realization of its objectives, and the bearing of all Programme risks with limited exceptions, (6,10). The chief role of UN-Habitat in the KENSUP and SSUP is thus limited to project funder and technical supporter.

Yet UN-Habitat's role cannot be completely downplayed. UN-Habitat is a member of the Joint Project Planning Team (JPPT) (the main decision making body next to the Secretariat of the KENSUP) along with the NCC, the GoK, and Shelter Forum. The JPPT worked and continues to work with the KENSUP Secretariat (based in the GoK's MoRPWH) to define the scope and details of the SSUP. UN-Habitat has been a leader in developing recent urban development strategies and theories, including the Sustainable Livelihoods Approach (SL). In keeping with SL, UN-Habitat's main theme stresses the importance of strategically involving slum residents in their own upgrade. These great ideas are not only well developed and emphasized in UN-Habitat's own literature, but also in the actual KENSUP and SSUP programme documents and press notices<sup>56</sup> that UN-Habitat co-authored or approved.

According to Kithakye, the SSUP is taking a SL approach. He said that the SSUP does not want to disturb what is going on already in Kibera, that the programme wants to build on that – very important. This suggests that UN-Habitat holds the traditional meaning of “slum upgrading” in mind for the SSUP: improving existing housing instead of demolishing and

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<sup>56</sup> See Appendix I for the full KENSUP Press Notice of 8 August 2003, and Appendix II for the KENSUP Consultancy Ad also published on 8 August 2003.

building new housing units. This is an ideological rift with the GoK Ministry of Roads, Public Works, and Housing, and its Minister, Honorable Raila Odinga.

Since Raila and UN-Habitat are not on the same page, it is no wonder that the GoK's implementation of SL in Kibera has thus far failed. But this means that UN-Habitat has also failed, albeit indirectly. UN-Habitat's indirect role of "GoK supporter" in the KENSUP and SSUP certainly does not translate to zero UN responsibility for what the GoK does or does not do in Kibera-Soweto through the SSUP.

Due to the acute lack of information for the people of Kibera in 2003, as discussed above structure owners were organizing against the KENSUP and preparing for violent encounters if necessary. According to Bodewes, a lawyer who works in Kibera and dialogues with UN-Habitat, during 2003 the UN had very little knowledge of what was going on in Kibera, (letter to the author, 24 Nov. 2003). Although UN-Habitat was not aware of the building tensions and opposition to the SSUP in early 2003, since their learning of the situation, UN-Habitat has been frozen in their powerlessness to change the situation. The UN's silence and inaction during this critical time period has only contributed to the deterioration of the SSUP's potential of successfully meeting its objectives.

#### **5.4 The Government of Kenya (GoK)**

*"The existence of slums is of great concern to the Government as they accommodate a large proportion of the urban population who suffer the most deplorable and inhuman living conditions, threatening the country's social and economic growth."*

-Honorable Raila Amolo Odinga, E.G.H., Minister of Roads, Public Works, and Housing, and Member of Parliament (MP) for Kibera<sup>57</sup>

*"We are committed to making participation our hallmark of administration and management."*

-Amos Kimunya (NARC), Minister for Lands and Settlement<sup>58</sup>

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<sup>57</sup> Quote spoken at the signing ceremony of the *Memorandum of Understanding* between Raila representing the Government of Kenya and Mrs. Anna Tibaijuka, the Executive Director of UN-Habitat, January 2003. Quoted in "GoK and UN-Habitat sign..."



In line with Werlin, who emphasizes the importance of the role of government in slum upgrading as coordinator and facilitator, the Government of Kenya (GoK) holds the top position of KENSUP/SSUP Programme Secretariat. As mentioned in Chapter 4.0, this leading administrative and facilitative Secretariat is based within the Housing Department of the Ministry of Roads, Public Works and Housing. The Department of Housing has written much policy that is well thought out and recognizes key rights and needs of slum dwellers such as security of tenure and preventing forced eviction. Most housing policy papers note the GoK's overarching goal to provide adequate housing to all of its citizens, (Kituo cha Sheria, The Kenyan 7).

Consequently, in theory the GoK would appear to be a great leader of the SSUP. Unfortunately, the GoK has failed over the last decade to implement these policies and hence deliver the promised adequate housing to the majority of its citizens. Among the many reasons for policy implementation failure given, the Department of Housing itself noted in 1999 that lack of political will is the primary cause for the failure of the GoK to implement its housing policies, (Kituo cha Sheria, The Kenyan 8).

Adding further reservations to the ability of the GoK to lead the SSUP, throughout the 1990s the GoK struggled to meet the UN's housing goals. This was due to economic decline, an inadequate partner system, poor coordination, and rampant corruption within the Moi administration. This resulted in a downward spiral of less spending and lower project productivity. According to the NSA, living conditions actually grew worse for most of Nairobi's population throughout this decade. This means that the GoK has yet to successfully implement a housing strategy that helps a large residential community. While UN-Habitat has assumed more of a backseat role in the SSUP, providing "support" to the GoK, the historical evidence indicates that the GoK needs a stronger partner in the UN if this current upgrade is to be successful.

The GoK's central interest is to maintain the order and stability in Kenya. Part of this mission includes quelling threats of social unrest and crime that, as Minister Raila stated in the quote at the beginning of this section, threaten Kenya's development – which is the second

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<sup>58</sup> Kimunya firmly declared this on behalf of the campaigning NARC administration in August 2002 on the issue of informal settlements shortly before Kenya's national election, (qtd. in ITDG-EG).

related and nearly equal interest of the GoK. Since slums are usually sources of unrest and crime, it is in the economic interest of the GoK to make slum upgrading a key component of its housing and development policy.

On the global level, the GoK has an obligation by international law to be continuously working towards the meeting of the human right of all Kenya's citizens to have adequate housing. In addition to the Universal Declaration of Human Rights, the focal international convention that the GoK freely signed is the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which was acceded by Kenya 1 May, 1972. With regard to housing rights, it declares that member states will, "take the appropriate steps to ensure the realization of...the continuous improvement of living conditions," (Kituo Cha Sheria, A Guide to 7). As it is, in 1993 the UN Committee on Economic, Social, and Cultural Rights scrutinized the GoK for failing to submit progress reports as mandated in the ICESCR, and reported that it found the GoK to be in gross violation of the ICESCR:

With regard to the right to adequate housing, the Committee notes with great concern that practices of forced evictions without consultation, compensation or adequate resettlement appears to be widespread in Kenya, particularly in Nairobi, (qtd. in Kituo cha Sheria, The Kenyan).<sup>59</sup>

The GoK is also required by the ICESCR to domesticate the rights named in the Covenant. However according to Kituo Cha Sheria, "The present Kenyan law...clearly demonstrates that the Kenyan government never complied with this requirement," (A Guide to 18). Actually, the present Constitution of Kenya does not give the right to adequate housing. Article 70 provides for the right to and protection of privacy and property, however for this constitutional protection to apply, one must legally own the property or land that one's structure is on in the case of housing, (Kituo Cha Sheria, A Guide to 18). Fortunately this will be changed once the new draft Constitution is implemented. According to the Shelter Forum, an NGO highly involved in Kibera with the SSUP, "The draft constitution states that every person has the right to safe and adequate housing guaranteed by the state. It also states that no one may be evicted from their homes or have their house demolished without a Court Order," (The New

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<sup>59</sup> Source cited by Kituo cha Sheria: "Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant." UN USCOR Comm'n Concluding Observations/Comments, UN Doc.E/C.12/1993/6 (1993).

Constitution 11). Regrettably, as of April 2004, the new Constitution has not yet been implemented.

While these large interests remain the foundational motivation for the Government's undertaking of the KENSUP and the SSUP, short-term NARC party and individual economic and political interests comprise the real forces behind the GoK's motivation and decision-making on this upgrade project.

Financially, the GoK is completely dependent on the UN and the international donors UN-Habitat established for the KENSUP/SSUP through Cities Alliance. The present NARC government inherited a large budget deficit from the notoriously corrupt 24-year ruling KANU administration. The occurrence of corruption became so bad in 1998 that the IMF and World Bank cut off its support to Kenya until major changes were made. Although the GoK is supposed to be contributing approximately \$60,000 towards the SSUP Preparatory Phase, without UN-Habitat the SSUP and the KENSUP would not be possible.

In order to build confidence in current supporters and in order to find new donors, the GoK has an interest to produce concrete results in a timely manner. Unfortunately, the SSUP is already behind the original scheduling of the KENSUP. Although this might have been expected with such a complex multi-sector slum upgrading project, it has created additional urgency within the GoK to move the SSUP forward as quickly as possible. According to Syagga, et al. in the Nairobi Situation Analysis Supplementary Study: A Rapid Economic Appraisal of Rents in Slums and Informal Settlements report, the KENSUP Inception Phase was to end with the start of the Preparatory Phase in January 2002, with implementation slated to begin in November 2002, (3). The reality of the SSUP (the concrete realization of the KENSUP) is that the Preparatory Phase actually began one and a half years later in July 2003, and the Memorandum of Understanding between the GoK and UN-Habitat was not signed and Kibera-Soweto announced as the first project site until January 2003, only after which could the Preparatory Phase truly begin one year later than planned. The initial funding received from the UN-Habitat partner, Cities Alliance, was \$250,000 for the Preparatory Phase. According to Makokha, as of 28 July 2003, no donors had been sourced for the next phase, the Implementation Phase, which is budgeted at US\$ 3.5 million in the SSUP document. It is also likely that further funding will not become available until the Implementation Phase is begun.

Beyond attracting donor funding, providing quick and tangible results to the Kibera slum dwellers will win their political support and vote. Growing criticism of the NARC administration from the general public is giving political incentive to the GoK to move the SSUP forward by any means possible. Pressure is building daily for the NARC administration to live up to the bold campaign pledges of President Mwai Kibaki to build 150,000 new housing units a year and to create 500,000 new (formal) jobs a year during his five-year term.

The GoK is depending nearly entirely on the success of the KENSUP through the SSUP to provide the bulk of the promised 150,000 housing units for NARC's ambitious yearly goal. This is a dangerous reliance at the present moment not only because of the waning possibility of a successful upgrade in Kibera-Soweto, but also because this shows a serious divergence from the theoretical participatory upgrade process described in the KENSUP/SSUP programme documents and UN-Habitat publications. Meeting NARC's housing pledge with the SSUP means that the GoK would have to construct new structures instead of empowering residents to improve their existing structures, the latter of which is the original definition of "slum upgrading." This shows that Raila's media statements about a pre-planned SSUP in the *Land Update* and *The Kibera* (discussed below in Chapter 6.0, 6.4.3) appear to actually be in line with the larger agenda of the NARC administration.

As head of the Ministry of Roads, Public Works, and Housing, and the seat of the KENSUP/SSUP Secretariat, Minister Raila Odinga receives the brunt of the above-mentioned political pressure and holds the most powerful position in the KENSUP and the SSUP. His power has been amplified by UN-Habitat's distancing itself from the SSUP. The SSUP is now essentially at his whim.

Now a member of the ruling NARC party, Minister Raila blames the present housing crisis in Kenya's urban centers on the previous KANU administration for its decades of housing neglect. However he himself had been a powerful player in that administration as the Secretary General of KANU, (Mutiga 1). An expert at getting media attention, Raila has been vocal about the shames of the previous administration and boastful about the NARC's campaign promise of providing a very tangible and concrete 150,000 new housing units a year. With regards to the KENSUP and SSUP, Minister Raila's personal primary political interest is to perform and

provide this promise not only to his country, but also to his own public constituency of Kibera, to whom he is a Member of Parliament.<sup>60</sup>

Naturally, the pressure to produce quick results under these circumstances is high. In the face of years of housing provision failure for Nairobi's slum dwellers, years of corrupt national government that has robbed the majority of Nairobians basic service provision among other things, and in the wake of a very popular change of power after a long 24 years with former President Moi's authoritarian regime, Raila and the rest of the GoK want to show the Kenyan people that they will not let them down. In the wake of high hopes that most Kenyans had after Mwai Kibaki won the 2002 presidential election, the GoK's failure or delay to provide concrete results in Kibera through the SSUP has the potential to accelerate an already diminishing support for NARC.

Although some statements by Minister Raila assure the participation of all stakeholders and express how committed the GoK is to "working to improve the living conditions of its citizens...[by] the delivery of 150,000 housing units per year," (UN-Habitat, [Finland](#)), his other statements and actions speak louder, showing his charlatan nature on SL. For example, Raila has posed himself offensively against structure owners by issuing a six-month ultimatum in August 2003 demanding that structure owners give up the land their structures are on and approved forced evictions in and near Kibera in February 2004, (Amran).<sup>61</sup> The Minister for Lands and Settlement, Amos Kimunya, supported Raila's ultimatum with the oversimplified position that the "landlords" in slums like Kibera across Kenya will simply have to give up their land because it belongs to the Government, and that the GoK will ensure that no land is available for the building of shanties, (Amran; Ahmed). Minister Raila and others in the NARC administration appear to view the gamble on a longer-term, more difficult and comprehensive slum upgrade that emphasizes a planning and design process involving slum dweller participation, as being too great a risk for a country impatiently waiting to see what their "new" government can do.

However, views within the GoK are varied. Housing Department Director, Grace Wanyonyi, regrets the lack of consultation with Kibera-Soweto residents, calling it a blatant

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<sup>60</sup> However, as with most politicians, Raila has other non-public constituents with much more political-economic power over Raila than Kiberan slum dwellers.

<sup>61</sup> See Chapter 6.0, section 6.4.2 for a further discussion on Raila's media statements and their adverse affect on the KENSUP/SSUP.

error. She is also adamant that corruption not be “entrenched in this noble project [the SSUP],” (Amran; Ahmed). As director of the department in control of the KENSUP/SSUP under Raila’s ministry, Wanyonyi and Raila are in a power struggle over the project. As it turns out, Raila’s high profile, two-decade long political career has dealt him immense political power and recognition throughout Kenya that no one can compete with.

For the SSUP to be successful, it is imperative that common ground be found between Raila, Wanyonyi, Tibaijuka (Executive Director of UN-Habitat), and all the other many experts involved on the KENSUP. They must amend their differences and move forward by SL, unified for the benefit of the Kiberans.

### **5.5 Local Authorities: Chiefs and the Provincial Administration**

Kenyan informal settlements lack the popularly elected representative local governmental structure to lead the process of project identification and initiation to improve neighborhoods and their larger city. This is not to say that no structure exists. In fact just the opposite is true. Kibera-Soweto’s list of local governmental authorities includes a chief, assistant chiefs, Wazee wa vijiji,<sup>62</sup> city councilors, and police. While these authorities exclusively control the political economy in Kibera, none of these public officials are popularly elected.<sup>63</sup> Instead, this sprawling political power structure is comprised of appointed individuals carrying political favor with the Government’s higher officials to carry out the will of the GoK on the local level. The chiefs and assistant chiefs are the lowest and most local of this political structure called the Provincial Administration, which effectively extends the fingers of the GoK into every urban neighborhood and rural town in Kenya. Other offices within the Provincial Administration include the Provincial Officer (PO) and District Officer (DO), both of whom are not significantly involved in the SSUP enough to warrant specific attention. Corruption is rampant within this non-elected governing bureaucracy. Residents must pay a bribe to these authorities to receive their attention or services for anything. The nature of this local governmental structure in Kibera greatly

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<sup>62</sup> This is a group of “elders” that assist chiefs. Vijiji elders are nominated by chiefs to work with them in controlling the settlement, (NSA 146).

<sup>63</sup> This will be changing if and when the new Kenyan Constitution is enacted.

contributes to the difficulty of establishing unity within the Kibera-Soweto Slum Upgrading Project (SSUP).

Of all the Provincial Administration, the role of chief is most important and significant with regards to the SSUP. The chiefs' role is to be the mouthpiece of the GoK at the local level. Chiefs provide the only link between the GoK and Kiberan residents. The Kibera-Soweto chief and surrounding chiefs from neighborhoods such as Kibera-Line Saba, however, have not been big players in the planning and developing of the SSUP, (Bodewes letter). This has created a very perilous situation. In Kibera and other informal settlements, Syagga, et al. note that, "they [chiefs] wield immense powers that can facilitate and/or block development," (NSA 133). Involving the local chief(s) and assistant chiefs is necessary for local SSUP political support. It is unfortunate that these local leaders of Kibera-Soweto have not been more involved.

Another concern is the fact that Kiberan residents do not have a say in who their chief is. This has created a gap of decision-making power between them and important aspects of their lives, and has fostered corrupt governing. Until government officials cannot be bought by structure owners, tenants in Kibera will at best have a difficult time voicing and receiving a response to their interests to really improve their living conditions. The situation is nevertheless looking up for democracy with the new Kenyan Draft Constitution, which will provide for the popular election of chiefs – should the new Constitution ever make it through the maze of Kenya's diverse political and ethnic divisions.

Nairobi's informal settlement chiefs and city councilors have illegally allocated slum plots for decades, providing themselves supplemental incomes. Respected public leaders including chiefs, city councilors, police, wazee wa vjiji, and even upper-ranking politicians are all in on the deal. Similar to most of Kenya's urban slums, in exchange for money, local authorities are more than willing to "sell" plots in Kibera either verbally or in writing. This "selling" of plots to structure owners is unofficial and illegal according to the Chief's Act, (Christ the King, Memorandum). Depending on the agreement between the chief and the structure owner, plot holders may have to pay the chief or other local authority an annual payment to maintain their plots and structures in Kibera, or simply give a lump sum when a plot is "purchased." The money they make from the informal land allocation pattern of Kibera slum gives all of these local authorities ample motivation to work to maintain the status quo, which translates into their working to foil the SSUP.

Success for chiefs is measured almost exclusively by their ability to maintain the “peace” in their neighborhood. In selecting structure owners, chiefs typically select those who will help maintain the peace and not agitate the community. This goes rather naturally with maintaining the status quo. Another instrument of “peace maintenance” is the distribution of financial support in times of need to slum dwellers in Kibera to prevent an uprising or in times of elections to insure certain candidates maintain power or those with the right connections are newly elected. The Kiberan political power structure and how its forces are working against the success of the SSUP are further discussed below in Chapter 6.0, sections 6.1 and 6.2.

Due to the above-mentioned economics of corruption and bribery, the local authorities (specifically chiefs) in Kibera-Soweto have an interest to work against the SSUP. Therefore, unless given a good reason not to,<sup>64</sup> Kiberan chiefs are likely to side with structure owners to thwart the efforts of the SSUP to provide improved (and formalized) housing for Kibera-Soweto. If not outright organizing and rumor milling against the SSUP, other stakeholders must be aware that local authorities and structure owners could attempt to dominate a government-led “participatory” process (should this ever come to fruition) to ensure overly-favorable terms of agreement for themselves. Opposition from this stakeholder group would best be redirected towards supporting the SSUP by including this group in the intimate workings of this project and by developing a project strategy that will benefit them. Incentive of benefit for local authorities ought to be included in the SSUP, and any future KENSUP slum upgrading initiative, if their support and political will is to be harnessed.

## 5.6 The Nairobi City Council (NCC)

*“Over the last decade, Nairobi has gone from the ‘Green City in the Sun,’ to a level of decay that is unacceptable. The heart of the Republic of Kenya is Nairobi; but Nairobi is bleeding. The time to stop that bleeding is now and not later. We know it can be done.”*

-Councilor Steve Mwangi, Mayor of Nairobi, July 1993<sup>65</sup>

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<sup>64</sup> One good reason would be pleasing Minister Raila and other GoK higher-ups. This would be a strong counter force to local authorities’ supplemental incomes from structure owners if Raila and other upper GoK officials did decide to take a stand to do the SSUP right, and put significant political pressure on the chiefs to cooperate.

<sup>65</sup> Quoted from Washington University web.



Although Kibera has a population over twice as big as Minneapolis, USA (the former having more than 700,000 people), and the “village” of Soweto alone within Kibera has a population matching most of Minneapolis’s suburbs (50-60,000 people), there is no separate Kibera let alone Kibera-Soweto city government. Nor do any of Nairobi’s other neighborhoods, rich or poor, have their own elected city council. The whole of Nairobi’s 2.5 to 3.5 million citizens are governed by the one City Council of Nairobi, in addition to the National Government’s Provincial Administration, described in the preceding section.

According to Rakodi, et al., local governments around the developing world lack the capacity and resources including legislative authority, financial resources, and managerial capabilities to effectively manage urbanization, (15). The Nairobi City Council (NCC) is no exception. According to Syagga, et al., the city of Nairobi has no autonomy from the Kenya National Government (GoK), (147). Additionally, despite rapid social and economic changes that have taken place in Kenya over the past twenty years, political and administrative structures within the NCC (as well as at the national level) have remained largely unchanged. Meanwhile, the population in Nairobi’s slums increases every year with more and more people coming under the NCC’s authority. Yet most of these newcomers receive nothing from the NCC except a local city councilor who is only willing to provide his services for bribe money.

The NCC has been assigned the highly important role of main project implementer for the SSUP, (Government of Kenya, SSUP 4). Hence, the Project Implementation Unit (PIU) is established within the NCC Housing Development Department. However, the NCC is not in a position to effectively fill this role, especially in Nairobi’s most complex slum, Kibera.

Currently the NCC does not provide basic services to Kibera except for a few water lines. Otherwise, services such as sewer, garbage pickup, adequate water lines, and electricity are only dreams. This situation has grown worse since the NCC continues to exclude Kibera and other informal settlements from city plans and budgeting, largely because the NCC has little money and the slums are unofficial with no legal status.

As it stands, jurisdiction over the SSUP has been a struggle at times between the GoK and the NCC. Within the capital city, both governing bodies have control and interests over urban public lands, such as Kibera.

Between the GoK and the NCC, there is an overlapping of departments and services relevant to the SSUP. Although according to the SSUP document the NCC is charged to

“coordinate city level activities,” (Government of Kenya, SSUP 4), the GoK is the Kibera-Soweto project head responsible to “co-ordinat[e]...project planning, implementation, monitoring, and evaluation,” all of which happens mostly on the city level too, due to the nature of the project, (SSUP 5). While the NCC’s Housing Development Department is said on paper to be in charge of the SSUP “facilitation in provision of required infrastructure and services,” it is the Housing Department within the GoK Ministry of Roads, Public Works, and Housing – the national infrastructure-providing body itself – that is at the head of the SSUP as the Programme Secretariat, (SSUP 4). While the NCC is charged with the “generation and provision of information” about the SSUP, their role (as implementer) has been minimal thus far as the Implementation Phase has not yet begun as of April 2004, (SSUP 4). The GoK and UN-Habitat established this project in 2001 and are leading it today. Therefore it is them, not the NCC, who best know where the KENSUP and SSUP are and therefore must be in charge of the media campaign and information dissemination. As it is, it *has* been the GoK and UN-Habitat to issue press notices in Nairobi’s daily newspapers about the project, contrary to this note in SSUP project document.

The duplication of authority between the NCC and the GoK and the resulting inefficiency of government services goes down to the community level. While the GoK has chiefs living in most neighborhoods of Nairobi, the NCC also has its city councilors living throughout Nairobi. Kibera’s NCC city councilors’ interests are very similar to those of the Kiberan chiefs, including maintaining the peace in a volatile yet politically important settlement, and making extra money on the side by illegally allocating plots to and collecting regular payments from structure owners as a cut of the otherwise 100% profit and tax-free rent money.

These examples of government overlap illustrate the continuance of Kenya’s historical struggle to achieve real decentralization and devolution of power in development. According to Omiya, “Over the years, the Kenyan government’s decentralization strategy has always been a tool of control over local-level development,” (Omiya 202). Yet the SSUP’s placement in the capital city is a special situation. Clearly with its strong physical presence in Nairobi, it is easy for the National Government (GoK) to override the NCC in its shadow and perhaps rightfully so. After all, the GoK is the body that initiated the KENSUP/SSUP, and is the head facilitator of this initiative. However the extent to which the NCC has not been a major player in the KENSUP and SSUP thus far (April 2004) must raise caution flags to all observers that the GoK may be

repeating its history of gaining more control over local developments through supposedly “decentralized” structures and initiatives, instead of truly distributing power to local governing bodies such as the NCC and the phantom Kibera-Soweto Settlement Project Implementation Unit (SPIU), the latter of which is discussed further in Chapter 6.0, section 6.3.2.

Yet despite these concerns, Nairobi Mayor Joe Aketch supports the GoK’s dominant leadership on the SSUP. In a statement made in the *Daily Nation*, 10 May 2002, Aketch approved the top-down authoritarian manner in which the GoK (through Minister Raila) is managing the SSUP, in addition to acknowledging the subservient relationship the NCC has with the GoK on the SSUP through his tone. Mayor Joe Aketch states, “This land [of Kibera] belongs to the Government and has only been given to people on temporal basis. Therefore when the Government comes up with a project like the one in the process now [the SSUP], it will repossess its land and work out a formula how people are to benefit,” (qtd. in Okwemba).

Unfortunately, Mayor Aketch does not appear to be a strong proponent for SL participatory slum upgrading. Through his statement, Aketch indicates that he believes it is the GoK’s rightful role to design and implement the SSUP as they see fit. To him, the people of Kibera-Soweto ought to play the role of passive project beneficiaries who simply will receive what is handed to them from above. This position is completely opposite of SL, which focuses on community empowerment through capacity building and community organizing to give fruition to self-identified and self-designed development projects.

Despite Aketch’s apparent anti-sustainable livelihoods position, it makes sense in light of the NCC’s failure to solve Nairobi’s land and housing problems. According to Syagga, et al., “The NCC lacks clear and specific policies for housing, land use, planning and land management. Consequently, the council cannot coherently and creatively respond to housing and development challenges facing it,” (NSA 95). This shed’s light on the NCC’s own limitations and lack of capacity to effectively fill its role as the PIU to implement the GoK/UN-Habitat upgrade project in Kibera.

The lack of effective land and housing policy has of course been an overwhelming roadblock to improving living conditions in Kenya’s slums. Yet despite the NCC’s current position of policy disempowerment, SSUP-involved NGOs call upon the NCC to rise to the challenge of citywide leadership on the KENSUP to improve its deplorable slum situation. The NGO Community calls upon the NCC to take on the necessary albeit daunting task of policy

reformulation, (NGO Community, Informal 4). The NGOs also implore the NCC to not be merely passive to the GoK on the SSUP, but to instead lead the policy process affecting Nairobi's slums. Included in this request is the provision of secure tenure, the regulation of land allocation within Nairobi's city limits, and a serious effort to ultimately achieve the provision of adequate shelter for all, all of which would greatly aid the SSUP process, (Informal 4).

Improving Kibera-Soweto through the SSUP is clearly in the long-term interest of the NCC as an institution. The NCC is currently in a major long-term financial crunch. Structural Adjustment Programmes (SAPs) in the late 1980s and early 1990s have rendered the Council ineffective at providing basic services and infrastructure maintenance (especially roads and sewer). If sustainable improvements in well being and income generation in Kibera can be achieved (starting with Soweto village), the NCC could gain much-needed additional revenue from locally funded services and taxes in Kibera. The potential for tax revenue is very high by just regularizing the land ownership system for Kibera – already housing nearly one-third of Nairobi's population – which currently goes untaxed. As much as the individual councilors, chiefs, and structure owners might not want it, legalizing Kibera and establishing a secure land tenure system would allow much of the money now going to line the pockets of councilors and chiefs to be rightfully directed to the NCC. This would allow the NCC to strengthen their services, relevance as an institution, and capacity for being a major player in future KENSUP and non-KENSUP slum upgrading projects. A stronger and relevant NCC overseeing a legalized land allocation and taxation system would be a very significant contribution to stabilizing Kenya's economy, which would attract more foreign investment and tourists (the latter being the third largest industry of Kenya behind tea and coffee).

The SSUP may serve as a starting place for the NCC to begin this reformation. The NCC must join with the other KENSUP stakeholders to empower slum dwellers by investing the time, energy, resources, and patience for a genuine partnership in the multi-lateral collaboration required by SSUP using the Sustainable Livelihoods Approach (SL). Of specific interest to the NCC, fulfilling their partnership will include working with the Kibera-Soweto community (and other Nairobi slums later) through their local councilors to help expand local income generating activities through various initiatives, while also including the removal of policy barriers to the growth of the informal economic sector. This will certainly help create a much healthier but also a more relevant and fruitful relationship between Kiberan slum dwellers and

their city council, as the NCC's initial investment in people will mature to provide long-term economic rewards.

Throughout 2003, the NCC has come under scrutiny by President Kibaki's anti-corruption campaign. Several investigations in 2003-2004 have put the NCC in the hot seat. The GoK's new anti-corruption police were investigating the Council's use of the Infrastructure Programme's funds to build roads, (Njeru, et al.). Additionally, both the Efficiency Monitoring Unit as well as a probe ordered by the Minister of Local Government, Karisa Maitha, were investigating the Council whose reports indicted the council for mismanagement (Churchill Otieno; Njeru, et al.). The stakes are high, as Churchill Otieno explains, "...report findings may lead to the disbandment of the council," (no pag.). Unfortunately the Council's seat became too hot when a suspicious fire engulfed Nairobi City Hall in flames on 2 March 2004, just before the investigative reports were to be issued. Priceless and irreplaceable documents, records, research material, and city plans dating back 100 years were lost in the fire. Former Nairobi mayor, Nathan Kahara, noted the loss as "a major setback to the future development of the capital city," (qtd. in Njeru, et al.).

The real risk of disbandment clearly illustrates the urgency of reform within the NCC. The major challenge lies in mobilizing the interest of the whole Council to end corruption amongst its individual members. Cracking down on corruption connects to the need for additional transparency and accountability of both individual council members as well as the NCC as a whole. Moreover, reducing Council corruption connects to the larger issues of reawakening the vision, mission, and spirit of the NCC's public service to Nairobians – 60% of whom are slum dwellers. These changes are mandatory for increasing the ability of the NCC to effectively perform not only on the SSUP but in all of its endeavors. It is the hope of the author that the NCC will use the tragic City Hall fire to provide the necessary momentum to seriously address these major tasks, enabling itself to check the dominance of the GoK over the SSUP.

## **5.7 The Nubian Community**

Although few if any Nubians will be directly involved in the SSUP since almost none live in Kibera-Soweto, their ethnic group's situation and interests are unique compared to the other residents of Kibera. There is potential for Nubian hostility towards the upgrade. As the oldest ethnic group in greater Kibera and making up a good percentage of the structure owners

there, the Nubians have been working to receive official land title in Kibera since they first settled in Kibera in 1912 under temporary occupancy permits from the British colonial administration, (Parsons). Several acts have come before the GoK to grant certain parts of Kibera to the Nubians that they lay claim to. Most recently, former President Moi actually approved one of these measures in the late 1970s. Unfortunately, it was never enacted due to oversight or corruption. It is difficult to know the exact reasons why the Nubians got overlooked, however it is likely that no one wanted the difficulty of confronting the land issue in Kibera, or knew how to do it. Moreover, other Kiberan structure owners would be very upset about not getting land title themselves. It is also possible that some members of the GoK who were connected politically and economically to Kibera did not want the Nubians to gain ownership and purposefully stalled for this reason.

If any resident group has a right to the land in Kibera, it is the Nubians. Since the SSUP is not benefiting them, Nubians have good reason to be frustrated with the GoK who is responsible for the selection of Kibera-Soweto site for the KENSUP. Accordingly, the GoK should be sensitive to the Nubian position. While advancing the SSUP, the GoK ought to revisit and actually implement the directive to give Nubians the land titles to parts of Kibera that they should already rightfully have.

## **5.8 Non-Governmental Organizations (NGOs)**

**Note:** *Throughout this section the term, “NGOs,” will usually refer only to those NGOs who have been involved in the Kibera upgrading process and the larger KENSUP.*

NGOs play a critical role in Kibera. Due to their direct involvement on the grassroots level, NGOs’ objectives and interests typically line up with those of the people they are serving. They often act as advocates for the rights and interests of their own target beneficiaries. As outside organizations, they provide key services and support to people that governmental bodies and agencies (both through the GoK and the NCC) are simply unable to provide. Not only do these organizations provide practical services, but long-standing NGOs in Kibera also play a vital role in solidifying the social-cultural network in the Kibera community by gathering residents together for education and training as well as project coordination and leadership.

Among the many NGOs at work in Kibera, The Shelter Forum, Kituo cha Sheria (legal

services), and Maji na Ufanisi are three that have been especially active in Kibera upgrading efforts. The first two have been highly involved with community groups, churches, and residents in Kibera directly relating to the Soweto upgrade, while Maji na Ufanisi has done other small-scale upgrading projects around Kibera in addition to becoming involved with the SSUP through a contract.

The Shelter Forum is actually included in the Joint Project Planning Team (JPPT), an important body of the SSUP institutional structure described in Chapter 4.0, (Government of Kenya, SSUP 5). They have been involved for most of the way with the KENSUP and have been one of the few concrete links to the residents of Kibera. They were involved in leading a grassroots information effort comprised of two meetings in Kibera in June and July 2003 that were forcefully disbanded. At the meetings, the Shelter Forum explained in general what slum upgrading is and they helped organize a committee whose task was to contact UN-Habitat and the GoK to find out what they planned on doing with the SSUP. Kituo cha Sheria also helped lead these grassroots meetings in addition to organizing their own events and initiatives in Kibera to help sensitize and mobilize the community on slum upgrading, as other NGOs have also done.

Unfortunately, in the last half of 2003, both Shelter Forum and Kituo cha Sheria have lost much of their presence in Kibera-Soweto, (Bodewes, letter). Neither of these NGOs was actually focusing on Soweto village, rather all of Kibera. Although Soweto's upgrade does affect the greater Kiberan community since misinformation and rumors have led many to believe the KENSUP is upgrading all of Kibera, as of November 2003, a strong presence in even greater Kibera from these organizations was lacking. This can be attributed to the inactivity of the Multi-Stakeholder Support Group (MSSG), which has contributed to division and a rise in competition among the NGOs further described below in the MSSG sub-section.

Maji na Ufanisi has been working in Kibera building bore holes and drains, and was still present in Kibera as of late 2003. By using a community organizing approach, they have experienced success in these small-scale upgrading projects, although it is slow going, (Bodewes, letter). Around November 2003, Maji na Ufanisi was working on a contract project for the SSUP in collaboration with Acacia Consultants in Kibera, (Bodewes, letter). According to an ad for this consultancy project placed by the GoK and UN-Habitat, the objective of this two-month project was to compile a list of stakeholders in Kibera with contact information and a description of the work each does.

These three NGOs are all members on the NGO Coalition on Urban Land/Housing Rights Campaign. Other members include Pamoja Trust, Upinde Trust, the National Housing Co-operative Housing Union (NACHU), and the Intermediate Technology Development Group-East Africa (ITDG-EA). Although the official KENSUP institutional structure that most of these organizations were a part of, the Multi-Stakeholder Support Group (MSSG), has been non-functional as of late, the NGO Coalition has continued to discuss concerns over the SSUP at meetings outside of the formal KENSUP process.

### 5.8.1 NGO Concerns

Although involved NGOs were generally pleased with the stakeholder consultations that took place in the early stages of the KENSUP (when it was called the Collaborative Nairobi Slum Upgrading Initiative), they still held mixed reactions about the effort even back in 2001, which have only grown increasingly apprehensive throughout 2003. Initially, some NGOs were skeptical and concerned about the new slum upgrading initiative due to the GoK's failure on previous upgrading efforts, (NGO Community 2). Recent developments in the SSUP, however, have given involved NGOs real issues to worry about.

Beyond wondering how the GoK was going to provide secure tenure peacefully with a large group of structure owners all vying for a position of ownership and power in Kibera-Soweto (2001), more urgent concern has recently been fostered around the information void that exists on the ground about the SSUP. In July 2003, the NGO Coalition was highly concerned about the lack of information among Kibera-Soweto residents about the SSUP that has caused confusion and fear within the community. This situation has been caused by a lack of dialogue between the GoK, UN-Habitat, and the Kibera community, (2).

The lack of information is only a symptom of a greater problem. NGOs are very concerned about Kibera-Soweto's minimal community participation, which the Coalition noted at a meeting in July 2003, (2). Recognizing and knowing from experience the importance of basic popular participation theory in development, the NGO community wants residents to be involved at all levels on this project, "especially...where critical decisions are made," (Informal 3). This position follows the Sustainable Livelihoods Approach (SL).

Anticipating the lack of community participation, in their statement presented at a 2001 GoK/UN-Habitat workshop, NGOs suggested going beyond the planned Settlement Project



Implementation Units (SPIUs) for resident involvement.<sup>66</sup> In addition to fully supporting the creation of SPIUs, the NGO Community suggested that Kibera-Soweto community representatives also be included in the top administrative bodies of the KENSUP, including the Joint Project Planning Team (JPPT) and the Inter-Agency Coordinating Committee (IACC), (3). Regrettably, as of March 2004 no SPIU had been formed, let alone the issuance of an invitation to Soweto community residents to join the JPPT or IACC.

Relating to the questionability of the SSUP site selection, the NGO Coalition is highly concerned with the political implications of Minister Raila Odinga's position of power over the SSUP while it takes place in his own constituency, (2). NGO leaders are well aware of the increased political forces now at work in the pressure cooker that is Kibera, which only increases the risk for the potential failure of the SSUP. The NGOs' concern on this matter is so strong that a proposal came up at the Coalition meeting in July 2003 to relocate the whole KENSUP project outside of Kibera, (2). While there may be good reason to examine this possibility, the NGO Coalition agreed that this course of action would be too ambitious. Not only is it too late in the process, but a political confrontation between the NGO Coalition and Minister Raila Odinga would be a dangerous maneuver. Working to change the site of the KENSUP pilot project out of Kibera would create a nasty situation of heightened tension for all stakeholders involved. Violence would be likely and would hurt the people of Kibera worst – something no one wants to have happen.<sup>67</sup>

### 5.8.2 The Multi-Stakeholder Support Group (MSSG)

As an official component of the KENSUP and SSUP institutional structure, the Multi-Stakeholder Support Group (MSSG) provided the involved NGOs, such as Shelter Forum and Kituo Cha Sheria, a major voice in the SSUP on the administrative level. NGOs in the MSSG had also been able to contribute to the KENSUP by information dissemination and consensus building among the Kiberan community on the ground. In addition to the specific NGO concerns discussed above, in general NGOs wanted emphasis on process, which meant taking more time to sensitize, involve, ultimately empower residents, and generally follow the

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<sup>66</sup> As described in Chapter 4.0, the SPIU is the KENSUP/SSUP institutional body to be comprised of elected Kibera-Soweto community members.

<sup>67</sup> For further discussion of the Site Selection Controversy, see Chapter 6.0, section 6.5.

Sustainable Livelihoods Approach (SL), while the Kenyan Government was conversely more concerned with producing a concrete output fast, (Makokha).

Due to the disagreement between the NGOs and the GoK, the latter stopped calling the MSSG's monthly meetings in early 2003 using its authority as the KENSUP Secretariat. This has rendered the MSSG powerless and a non-actor in the KENSUP. This Government action has greatly troubled the NGO Coalition. It is a serious mistake and has proved to be a major hit on the stability and prospects of success for the SSUP. The GoK essentially put an end to what had been a relatively consultative process of the KENSUP, now going completely against the people-centered approach advocated in the KENSUP and SSUP documents. Furthermore, the GoK turned their back on a wealth of information and experience that Nairobi's NGOs bring to the table. Yet most importantly, the suspension of the MSSG has destroyed their link to the Kibera-Soweto residents and the corresponding element of resident participation that UN-Habitat was counting on being the foundation of the KENSUP and SSUP. It is unfortunate that the GoK chose the easier route instead of choosing to work out their differences with Nairobi's NGO community.

As a result, NGOs have regrettably become increasingly divided. According to Christ the King Church, as of September 2003 many residents believe that NGOs in Kibera are now in competition with each other instead of being unified in working to achieve the best possible upgrade for the Soweto community, (Memorandum 9 Oct.). The minutes from a meeting of the NGO Coalition on Urban Land/Housing Rights Campaign held in July 2003 confirm the suspected competitive air between NGOs involved in the Kibera-Soweto upgrade, (2). Rumor among the residents was that UN-Habitat would be outsourcing various consultancy contracts to NGOs to gather information and run certain parts of the project, (Memorandum 9 Oct.). These rumors were legit as in the 8 August 2003 *East African Standard*, the GoK and UN-Habitat placed an ad for a consultancy assignment to prepare a report summarizing all actors present in Kibera-Soweto for the SSUP.<sup>68</sup> As mentioned above, this assignment was given to Acacia Consultants and Maji na Ufanisi. This explains why Christ the King's efforts to gather more information about the SSUP from NGOs involved in Kibera were fruitless. Some NGOs are not willing to share information on their initiatives in worries that competing organizations will

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<sup>68</sup> See appendix II for the full consultancy ad.

attempt to out-do their efforts. Ironically the GoK noted in their ad that one of the goals of this consultancy project, in keeping with the SL's emphasis on unity amongst stakeholders, was to, "ensure that there is no duplication and/or unhealthy competition, but synergy."

In reality, NGOs working to sensitize and mobilize Kibera communities, in part by explaining the basics of what slum upgrading entails, have been highly divided and uncoordinated in their efforts, (Makokha, letter). This has resulted in the duplication of efforts that the GoK and UN-Habitat were trying to avoid. This has in turn further divided and confused residents who now have differing ideas about slum upgrading and what may or may not happen in Kibera-Soweto or all of Kibera, (Christ the King; Makokha, letter). Unfortunately the consultancy effort of the GoK and UN-Habitat to move towards fully involving stakeholders in the SSUP has backfired. It has only contributed to the growing disunity among the NGOs as well as the residents themselves, which began with the GoK's conscious decision to not call the MSSG to meeting.

### 5.8.3 Other Interests

In further understanding the growing competitive nature of NGOs involved in the KENSUP, funding and survival must be considered primary interests for every NGO. Funding is typically provided through grants from government bodies or other donors including larger NGOs to implement their own grant money according to the organization's core mission and specific objectives. NGOs' objectives are used to find grants with similar specifications as to what kinds of efforts the money can be used for. For continued funding, NGOs typically must report their progress back to their funders, which provides a major source of motivation and accountability for these organizations. However, one-time issued grants (often from the Kenyan Government with international aid funding) may not have this level of accountability, potentially leading to questionable funding use.

While it appears that NGOs would clearly be an asset to the positive progress of the SSUP in Kibera-Soweto, it is likely that not all NGOs have the best interest of the Kibera residents as their top priority. In an interview with Titus Agwanda from the GoK's Ministry of Lands and Settlement, he pointed out that NGOs in Kibera depend on bad conditions to exist. An NGO that has built its mission around serving those in Kibera as a result of the poor conditions there would be in a sense working themselves out of their jobs if major improvements

were to come about as a result of their work. They would also be out of a job if the SSUP were successful. Therefore, for their own well being and self-interest in survival, (unless they have written a planned death into their constitution or project proposal) NGOs will first seek to be involved in the SSUP as much as possible in order to boost their experience and involvement record to help them receive future grants. However if involvement is not possible, there exists a motive to work against the SSUP. Agwanda warned against insincere organizations with selfish interests, suggesting that some NGOs may even look for ways to sabotage a slum upgrading project to ensure themselves work and grant money. David Kithakye of UN-Habitat also warned the author in his interview that some NGOs are involved in upgrading merely for their own benefit.

It must be noted here that these comments represent the views of the GoK and UN-Habitat, which comprise the administrative top-half of the KENSUP and SSUP. Whereas they hold feelings of distrust toward NGOs, so do NGOs, CBOs, and tenants (who comprise the bottom-half of the SSUP) hold corresponding feelings of suspicion and distrust towards the GoK and the UN.

Although these feelings on both sides may be passed off as being typical or even healthy in a democracy for citizens to question their government, in this case of a specific development project, suspicion and distrust go against the current development theory, SL. Since unity and trust are agreed to be key components of this multilateral slum upgrading project, all stakeholders ought to become aware of the stigmas they hold about the others. All stakeholders ought to work towards eliminating their feelings of mistrust through dialogue and partnership building. Everyone involved in the SSUP has a responsibility to build the unity required for the SSUP's success, with the greater responsibility falling on the GoK as Programme Secretariat – specifically the Housing Department and its mother organization, the Ministry of Roads, Public Works, and Housing, especially if they continue to pursue a predominantly top-down development approach. In the mean time, the NGOs still involved in Kibera are struggling in their efforts to help move the SSUP forward, while others have completely disconnected with the KENSUP.

## 5.9 Community-Based Organizations (CBOs)

These local organizations are exceptionally valuable to the Kibera community. CBOs provide some of the strongest civil stability in an otherwise haphazard, unplanned settlement.<sup>69</sup> According to Linus Onyango, the coordinator of the Kibera Community Development Agenda (KCODA), there were nearly 500 organizations already working in Kibera as of July, 2003, not limited to Soweto village.

Some CBOs in Kibera include The Kibera Community Development Agenda (KCODA), the Kibera Water Users and Hygiene Group, Ushirika wa Usafi Laini Saba, Lindi Ushirika wa Usafi na Maendeleo, and Mukuru Ushirika wa Usafi na Maendeleo. Although these organizations may not be specifically affiliated with the SSUP, they are an example of the pre-existing organizational structure that does exist in Kibera that UN-Habitat officer, David Kithakye, mentioned in an interview as wanting to tap into for the SSUP. Unfortunately as Christ the King Church notes, few if any at all are located in Kibera-Soweto, (Memorandum 9 Oct.). These community organizations were self-started by Kiberan residents from other Kiberan villages who wished to do something to help with the laundry list of challenges their settlement faces. Major problems identified by KCODA include: Lack of access to land and affordable and secure housing, human rights abuses, drug abuse, the HIV/AIDS pandemic, unemployment, water shortage, lack of access to information, degraded environment, poor drainage, communal/ethnic violence, poor governance, domestic violence, child abuse, rape, illicit brews, poor health, poor infrastructure, and insecurity, (*The Kiberan* issue two).

For example, the Kibera Water Users and Hygiene Group is seeking to directly address the deplorable sewage situation, (*The Kiberan* issue one 4). Open drainage ditches often clog with plastic bags and other uncollected garbage making a horrible sewage situation worse. Their impact and ability of mobilizing is evident in the approximate 600-person clean-up project this CBO executed on 12 May, 2003, (*The Kiberan* issue one 4).

Perhaps the most promising development in Kibera regarding the Kenya Slum Upgrading Programme (KENSUP) is the response of the KCODA community organization (comprised of

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<sup>69</sup> Another major source of stability in Kibera stems from the illegal and violent means of forceful eviction used by structure owners to enforce the payment of monthly rents. However this form of stability violates international human rights law, General Comment No.4 on adequate housing adopted by the Committee on Economic, Social, and Cultural Rights in December 1991, 6<sup>th</sup> session, (Kituo Cha Sheria, A Guide to 9).

Kiberan youth<sup>70</sup>) to the information vacuum created by the GoK, UN-Habitat, and the Nairobi City Council about the SSUP. After meeting to discuss the various problems of Kibera that they were growing tired of, a small network of residents formed KCODA in June, 2002, who were originally united by watching TV together in a nearby office. They decided that instead of forming another group to provide a basic service to Kibera like garbage pick up (to add to the nearly 500 pre-existing groups), they would address the area of media and community communication, one of the most important needs that had gone unmet, especially after the launch of the Kibera-Soweto Upgrade Project (SSUP). With the help of the NGOs, Shelter Forum and Kituo Cha Sheria, the dream of this youth group has been implemented, with two issues of a news letter called *The Kiberan*, published as of February, 2004. According to Makokha (Shelter Forum), *The Kiberan* was supported by Shelter Forum and other NGOs that had been active in the Multi-Stakeholder Support Group (MSSG) in response to their disconnection to the SSUP by the KENSUP Secretariat. The newsletter is not a part of the official KENSUP and SSUP media strategy.

*The Kiberan* serves as a strong grass-roots response to one of the most critical factors working against the SSUP: the media and communication failure by the SSUP Programme Secretariat and Project Implementation Unit (PIU).<sup>71</sup> Directly contributing to the participation theory integrated in the KENSUP and SSUP documents that is failing to solidify under the SSUP management team (i.e. the GoK Housing Department and the NCC Housing Development Department), is the core mission of *The Kiberan's* creator, the KCODA: "...to mainstream popular participation in policy formulation and dispensation structures at all levels of society," (Onyango, The KCODA). *The Kiberan* is perhaps the brightest step forward for Kibera, giving a sign that there is hope for a successful upgrade project there. It is the hope of the author that the KCODA's effort will be continually supported and utilized by not only NGOs, but also by the GoK and UN-Habitat to communicate with the people of Kibera.

An additional organization deserving to be mentioned briefly for its shared interests, even though not exactly an NGO or a CBO, is a Nairobi-wide grass-roots effort, Muungano wa Wanavijiji, or the Federation of Slum Dwellers. After decades of disorganization and

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<sup>70</sup> The term "youth" in Kenya includes young adults 12-30, with 18-26 year-olds being the most common age range involved in self-organized "youth groups."

<sup>71</sup> For further discussion on the SSUP communication failure, see Chapter 6.0, section 6.4.2.

vulnerability to the unjust policies of the GoK, Nairobi's slum dwellers organized themselves into this federation to raise awareness and stand up for their housing rights. They advocate for the changing of unjust land laws that perpetuate urban poverty in Nairobi's slums. Three key demands from their manifesto that have been adopted by Kituo cha Sheria in their work for Kiberans and other slum dwellers include:

- 1) A moratorium on demolitions and evictions that is implemented with the full protection of the law.
- 2) Official recognition of the right to the land on which the urban poor live.
- 3) Secure and permanent tenure to the residents of the informal settlements, (Kituo cha Sheria, The Kenyan Perspective 15).

CBOs will continue to play an important role in Nairobi's slums. They are a major resource that the KENSUP and SSUP leaders cannot afford to not use.

#### **5.10 Christ the King Church, Kibera-Line Saba**

Although this parish community is located next to Soweto in Line Saba instead of in the target community of the SSUP, they hold a distinctive position in Kibera as being the only church with a permanent structure, a full-time pastoral team, and a congregation that is comprised nearly 100% of Kiberan residents. Many of the church's parishioners are from Soweto, giving Christ the King Church a unique insight to the needs and concerns of the SSUP's target beneficiary group, as well as an inside understanding of the politics between the various stakeholders in greater Kibera. Since the upgrade will directly affect members of this community, the KENSUP and SSUP has been a very important issue for the church since Kibera-Soweto was announced as the KENSUP pilot project site in January 2003. Within the spirit of the Catholic Social Teaching, the church's pastoral team explains, "Our aim is to ensure that the upgrading takes place in a peaceful manner that protects and respects the dignity of every human life in Kibera," (Memorandum 9 Oct).

The church's leadership team is a valuable resource of information from the grassroots level that ought to be fully utilized by the GoK and UN-Habitat for guidance and input on the Kibera-Soweto Slum Upgrading Project (SSUP).

### 5.11 International Donors

For the last two decades there has been a growing call to the international community for greater involvement and investment in the developing world. Within this movement there has been special emphasis on Africa – arguably the least developed continent besides Antarctica. The call has been coming from development experts, various international organizations, UN bodies, conferences, and the documents produced by these meetings. The main targets of this call for investment and partnership are the wealthier developed nations of Europe, Japan, and North America. Although these national governments have of course been asked for aide money, economic development more importantly depends on capital investment from private businesses and individuals within these countries.

One example of this growing call to action is the Tokyo Declaration on African Development. This document was unanimously adopted by 1,000 delegates from sixty-three countries at the Tokyo International Conference on African Development in 1993, (UN Chronicle). Highlights of the declaration’s specific goals include political and economic reforms to aid economic development through the private sector to meet the lofty goal of a six percent real growth rate per year of gross domestic product in African nations.

In response to this call for investment for economic development in Kenya, agencies from numerous countries have stepped forward to make the KENSUP possible. Organized through Cities Alliance, donor agencies come from Canada, France, Germany, Italy, Japan, the Netherlands, Norway, Sweden, the United Kingdom, and the United States, (GoK and UN-Habitat sign). Although the term “investment” implies that investors are hoping to make money from their investment, in the case of the KENSUP, the donor funding comes as an offering to fulfill the global responsibility that they have been called to without the strings of profit attached.

Despite this, like most investors, the KENSUP donor agencies are waiting in anticipation to see and hear about the fruit of their investment. Donors want to know that their money was well spent and worth it. If good results develop from the KENSUP through the SSUP, there is a strong likelihood that donors will again invest to continue the KENSUP’s efforts in other slums around Kenya. On the other hand, international donors may be hesitant to further invest in the KENSUP if the SSUP is unsuccessful or overly slow to produce, or worse, if it generates violent conflict instead of the amelioration of slum conditions that it promises.



In addition to being called to global responsibility and investment in Kenya, the project financiers also hold a critical responsibility in ensuring that their project does not violate human rights, especially those of the target beneficiary group – the Kibera-Soweto residents in the case of the SSUP. Furthermore, donors have a responsibility to hold the GoK and UN-Habitat accountable through an active involvement in the KENSUP. Donors ought to ensure that the KENSUP indeed benefits instead of hurts the target beneficiary group and that the project is not only implemented according to its approved design contained in the KENSUP and SSUP programme documents, but that it is also implemented in the most ethical and just manner possible.

Minister Raila's proposition of temporarily resettling Kibera-Soweto residents as part of the SSUP therefore ought to be of grave concern to the KENSUP's donors. Not only is the temporary resettlement of all or most Kiberans of Soweto village not included in the KENSUP and SSUP documents and has been shown to be a recurring component of failed past upgrade projects,<sup>72</sup> but it also places the KENSUP/SSUP at risk of breaking international law.

International legal documents require a comprehensive resettlement plan before such a resettlement is initiated. As of April 2004, no such plan had been developed for the KENSUP/SSUP to the author's knowledge, although Minister Raila had already announced a temporary resettlement component of the SSUP over a year earlier in Athi River,<sup>73</sup> and resettling of Kibera-Soweto residents around Kibera continues to be given as a component of the SSUP by the GoK. In respect to temporary resettlement as a slum upgrading component, international law documents that are relevant to the KENSUP international donors include the following:

- 1) The International Covenant on Economic, Social and Cultural Rights, to which Kenya is a signatory and party to, Article Twenty-Two, General Comment Number Two on International Technical Assistance Measures, paragraph six:

International agencies should scrupulously avoid involvement in projects which...involve large-scale evictions or displacement of persons without the provision of all appropriate protection and

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<sup>72</sup> See Chapter 3.0, section 3.5.1 "Lessons from four Slum Upgrading Initiatives from the 1990s."

<sup>73</sup> See Chapter 6.0, section 6.3.4 for further discussion on the Athi River resettlement controversy.

compensation, (qtd. in Christ the King Church, Memorandum RE: Kibera Urban Environmental Sanitation Project, 19 Nov. 2002 2).

2) Guidelines issued by the Organization for Economic Co-operation and Development (OECD) for aid agencies sponsoring projects:

Donor countries should not support projects that cause population displacement unless they contain acceptable resettlement plans for protecting the rights of the affected groups, (qtd. in Christ the King Church, Memorandum 19 Nov. 2002 2).

3) The World Bank Operational Directive 4.30, Section Four:

Where large-scale population displacement is unavoidable, a detailed resettlement plan, timetable, and budget are required, (qtd. in Christ the King Church, Memorandum 19 Nov. 2002 2).

If the SSUP is going to be successful in Kibera-Soweto, the project's international donors need to become more active in the project. Since they are one more step removed from the project than UN-Habitat, it may be difficult for the donors to effectively put pressure on the GoK to follow through with the high standards based on SL that the KENSUP has developed since 2001. Yet this should be no excuse. This kind of international political pressure on the Ministry of Roads, Public Works, and Housing could prove to be quite effective in helping to steer the KENSUP/SSUP back on track. Development aid is not about donating money and forgetting about it. Success can only be achieved through unified and engaged donors who share the vision and commitment of the slum upgrading project in Kibera-Soweto.

### **5.12 Private Sector in Housing**

Nairobi's private housing sector is unfortunately not yet involved with any significance in the SSUP. However, the GoK and UN-Habitat make numerous references in their KENSUP documents and have discussed in meetings<sup>74</sup> that they want the private sector to play a key participatory role in housing development in relation to Kenya's former and present National

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<sup>74</sup> This is according to printed meeting notes from 28 January, 2002, (Notes, 4).

Housing Policy. Despite their clear wishes to involve the private sector, the sector has not yet been effectively pulled into the SSUP.

Historically, the private sector has done little if anything to help the majority 60% who live in informal settlements in Nairobi. With such a high demand for housing in Nairobi it would seem that housing would be an excellent investment for Kenya's entrepreneurs. In fact, just the opposite is true. According to Otiso, the main reason the private sector has not been at the forefront of providing housing is due to limited profit making opportunities, (section 3.2). There is simply not enough money to be made, especially in providing *quality* low-income housing. The poor majority does not have the money to pay the rent required for most landlords to break even, let alone make a lucrative profit. The reason for this is that the market value of land within Nairobi's city limits, even land that was previously unvalued and unwanted, has risen to such an extent that it is basically inaccessible for low-income access. Land value has risen with the rising number of Nairobi's residents along with increased commercialization. The United Nations identified access to land as the current "greatest single obstacle to the improvement of urban living conditions," (qtd. in Gitau and Olima 2; [UN, 1993]). This may help explain why Minister Raila was reaching for far off Athi River (35km from Nairobi) for a possible SSUP temporary resettlement site in early to mid 2003.

In addition to the lack of profitability, Bodewes notes two other major reasons why the private sector is not involved in addressing Nairobi's housing crisis. The first is Kenya's long history of foreign donors providing for nearly all of the country's housing improvements. Most of these improvements have come through the World Bank and the International Monetary Fund (IMF). According to Bodewes, this has created an expectation that foreigners will continue to pay for future housing, (Letter, 4 Jan, 2004).

The second and most important reason is the lack of security of tenure due to Kenya's land problems remaining unresolved, (Letter, 4 Jan, 2004). Kibera's land officially belongs to the GoK, and unofficially to numerous structure owners, many who are politically and/or financially powerful (as discussed above in the "Structure Owners" section 5.2). Those who are part of the current Kibera political-economic power structure do not want additional prospective entrepreneurs competing with them. Maintaining the slum-like housing situation in Kibera is extremely profitable for current structure owners and local government officials. Without any money spent on upkeep, utilities, or taxes, illegal Kiberan slum housing is Nairobi's most

profitable real estate investment, providing an annual return between 102 and 130% compared to 60-80% annual returns from other informal settlements in Nairobi, (Syagga, et al., NSA Rapid Economic Appraisal of Rents in Slum and Informal Settlements 15). This is the backbone of Kibera's political-economic power structure that firmly maintains the status quo and makes sure to keep the true private housing sector out of the Kiberan market. Beyond this political threat, prospective housing entrepreneurs also find the risk too great to build in Kibera since the GoK could take over or destroy new housing units since they would be built on public slum land.

More than simply general inaction, it has been suggested (with the presence of substantial motive to support the claim) that in some cases landlords of all socio-economic flats and houses, who comprise the portion of the private sector directly involved in housing development and provision in Nairobi, have actually worked against the success of slum upgrading projects. Kimeu, a Kenyan native and former resident of Nairobi, acknowledges that middle to upper-scale landlords in Nairobi have hired youth and others to thwart upgrading plans in the past by spreading false rumors among residents to turn communities against projects. The youths explain that it is just another ploy by the GoK and the wealthy to move them out of their slum community in order to develop the land for middle and upper class housing to generate profit. These statements are unfortunately believable from past experience in Nairobi.

The motive for Nairobi's landlords to oppose slum upgrading projects lies in the citywide housing market. They, similar to the structure owners in Kibera, are simply working to protect their interests. Their central interest is protecting their real estate investment and monetary income derived from rents paid by their tenants. Although not directly involved with the SSUP, landlords outside of Kibera have everything to lose and nothing to gain from competing standards in housing that would result from a large housing upgrade programme like the KENSUP. If an upgrade programme were successful in offering slum dwellers brand new housing units based on Kenya's housing policy standard of two rooms plus its own kitchen and toilet, and *ensured* their occupancy of such units by having a fixed low rent, there would be considerable pressure on middle and upper class landlords to lower their own rents or improve their facilities to justify the difference in rental rates in the face of competing and changing housing standards in Nairobi.

Like structure owners, there is no inherent free-market incentive for the private sector to support the KENSUP and SSUP. While these and other losses to the private housing sector must

be considered, unlike Kibera's structure owners, it is not justified to ensure that all private landlords throughout Nairobi directly benefit from the SSUP. However, legislation protecting against their losses (i.e. a drop in rents) may be a key strategy the GoK ought to consider to alleviate destructive opposition from this stakeholder group.

### 5.13 Conclusion

Every KENSUP/SSUP stakeholder group holds a relatively high level of mistrust and suspicion towards at least one other stakeholder. On the macro level, stakeholders can be divided into opposing groups on two different levels. The first opposing pair comprises the SSUP bottom-half or grassroots stakeholders on one side, and the SSUP top-half or governmental administrative stakeholders on the other. Generally, stakeholders in the bottom-half include Kiberan tenants, structure owners, CBOs, RBOs, and NGOs, while stakeholders in the top-half comprise the GoK including the Provincial Administration, UN-Habitat, the NCC, and the KENSUP's international donors. Nationally, mistrust between these two macro groups has developed over the years due to poor urban housing policies and failed upgrading projects by both the GoK and the NCC, which now stands as a major roadblock for the SSUP. It is along this divide that a lack of dialogue and an information vacuum about the SSUP existed during 2003. This led in one case to the threat of violence by a city councilor in June 2003 to disband a meeting of Kiberan CBOs and NGOs due to a false suspicion that the meeting was organizing against the SSUP, explored further in the next chapter.

A second major dividing line can be drawn between stakeholders that want the SSUP to be successful, and those that either have an interest for it not to be successful or do not care. It is along this dividing line that pits tenants against structure owners. Since 70% of Soweto's structure owners live in the community,<sup>75</sup> this means resident against resident in some cases. In addition to structure owners, other stakeholders who could also threaten the SSUP include select local and higher authorities of both the GoK and the NCC who are directly or indirectly involved in making money off of the status quo informal nature of Kiberan rent payment and land ownership, as well as select private landlords from other parts of Nairobi whose rent rates could

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<sup>75</sup> This is according to a May 2003 study by Bodewes on Kibera titled, "Social and Cultural Analysis of Christ the King in Line Saba, Kibera."

be lowered by possible new slum housing. Other smaller divisions exist between various stakeholders and even within single stakeholder groups, such as the GoK.

To build a sustainable and successful SSUP, there must first be unanimous agreement that violent confrontation between stakeholders will never be used as a means to one's ends. The success of the SSUP depends on the commitment of each stakeholder group to not only do the obvious – collaborate, communicate, and peacefully and diplomatically move towards a solution that will benefit all parties involved – but to also bend over backwards to compromise some of their own interests when better for the whole of the project. The only way agreement will be reached is if each stakeholder gives more to the SSUP than they expect to receive from it.

The success of the Kibera-Soweto Slum Upgrading Project (SSUP) will ultimately be judged on how well the Soweto community maintains the project improvements and how many original target beneficiaries are left to benefit years after its Implementation Phase. It is important to note that after the SSUP has been implemented, the Kibera-Soweto resident community will be left as the only active stakeholder. Benefiting communities of development projects usually have the sole responsibility of maintenance. Successful maintenance in Kibera-Soweto will only be fulfilled if residents have had a sense of ownership in the project from the beginning. This sense of ownership can only be fostered by the community's involvement from the Inception Phase on – or in the case of the current SSUP, as soon as possible since the Inception Phase has already come and gone. The importance of community participation, the manner in which it should happen, and criticism against the theory are discussed in the next chapter.

This chapter provided an overview of the inherent complexity of the KENSUP/SSUP in regards to the diversity of this initiative's stakeholders and their interests. The SSUP analysis continues in the next chapter on a different level that examines the details of specific conflicts and complexities that have arisen out of key interactions (or lack thereof) between the above stakeholder groups. The issues revolve around corruption and the importance of community participation and dialogue.

## **6.0 Critical Analysis of the SSUP: Factors working against the Project**

The last chapter analyzed the KENSUP and SSUP from the perspective of each individual stakeholder and their diverse interests. This chapter journeys deeper into the complexities and confusion surrounding the KENSUP and SSUP introduced in the preceding chapter. Specifically, in addition to exploring larger trends such as Kenya's culture of corruption and its effect on Kibera and the SSUP, this chapter examines key issues including the project's disorganization, its trend towards centralization, and ultimately evidence that the GoK is not serious about applying the key ideas from the KENSUP's theoretical foundation of the Sustainable Livelihoods Approach (SL) on paper, which advocates a participatory people-centered approach in Kibera-Soweto.

The major supporting ideas of this chapter revolve around the ambiguity of the KENSUP and SSUP and the lack of positive stakeholder interaction. The project's media coverage has been shrouded in conflict between the GoK and the Kiberans. Its leaders were quiet when dialog and information was so urgently needed, and when official information did come, it caused major tension, was inaccurate, or was simply too late.

All of this suggests that the SSUP is following in the footsteps of failed slum upgrading projects gone before. This trend could be unintentional or deliberate. While it is the hope of the author that the former is true, the reader may come to his or her own opinion.

### **6.1 Kenya's Culture of Corruption**

*"It happened that now and then the Council would borrow money from the American-owned World Bank, or from European and Japanese banks, to finance the construction of cheap houses for the poor. That was a source of real fat. I can remember one time when the Council demolished some shanties at Ruuwa-ini. The plan was to erect a thousand houses there instead. The money was loaned to the Council by an Italian bank. The company that won the tender for building the houses was Italian. But, of course, it had first given me a small back-hander of about 2,000,000 shillings. I put the money in my*

*account and knew that the campaign money had been repaid. Now I waited for the returns on my investment in the elections,”* -Kihaahu wa Gatheeca, fictional character<sup>76</sup>

The system and network of corruption in any government can be very difficult to change. Kenya is no different. Former President Daniel arap Moi's twenty-four year presidency (which ended in January, 2003) is now recognized as being one of Africa's many exceedingly corrupt regimes, despite its role in building Kenya's once excellent status as a model of development in Africa. *Imara*, the newsletter of the Association of the Sisterhoods of Kenya Justice and Peace Commission (AOSK-JPC), points out that, "Corruption has become a vice that has eaten into all sectors of our Kenyan society, with public institutions being the most affected," (2). Since most of Kenya's top officials have historically been involved in some kind of corruption, it has been even more alluring for those lower ranking to also become involved. This has created an environment that is very difficult to change, and even produces hostile responses to those attempting to change the status quo.

For example, in 1995 the mayor of Nairobi, John King'ori, had been leading an initiative to stop corruption in the City Council (NCC). In response to his rather noble work for the betterment of all Nairobians he received a clear message, unquestionably from fellow councilors, that they did not like his threatening the way they do business. The message came not only in the form of death threats, but in an actual assassination attempt by an incited youth that thankfully only wounded him, (Lorch).

The corruption in the Nairobi City Council that former Mayor King'ori was drawing attention to is just a small part of the cancer that has been eating away at Kenya's once high prospects as East Africa's leading economic center and development model. Corruption on the national level contributed to rendering the nation unqualified for its IMF funding in 2000 and undesirable to private international investors. The IMF had become aware of the high level of corruption in the GoK and refused to release some US\$400 million until Kenya could prove, "that it ha[d] a foolproof mechanism of fighting corruption," (Munaita). Contributing to the IMF's decision and proving the existence of the corruption problem, in August 2001 Members of

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<sup>76</sup> This is one of Ngugi's fictional characters, who is a self-made Kenyan businessman become politician via corrupt housing and business projects in *Devil on the Cross*, (115-116). Through Kihaahu wa Gatheeca and others, Ngugi offers a heated criticism of corruption among Kenya's wealthy elites in Nairobi.



Parliament (MPs) went so far as to protect themselves and their illegal practices by voting down an independent investigative body on corruption, (Lacey).

This long pattern of corruption has not only become a way of life in higher Kenyan politics and political economy during Moi's regime, but has also trickled down to all sectors and walks of life. MP Kiraitu Murungi commented on how wide spread corruption and bribery has become in Kenyan culture at a 2001 conference on the issue, "Corruption is not limited to ministers, permanent secretaries and other top state officials. Corruption is everywhere. The chief, the businessman, the teacher, the driver, the messenger, the farmer, the rich and the poor – your brother and mine – are involved," (qtd. in Lacy).

This culture of corruption and bribery has been one of the most important factors that has created and perpetuated the current slum conditions in Nairobi. Two decades of swindling public funds have left Nairobi's infrastructure a mess. Former mayor King'ori explained in 1995, "Nairobi has been dismantled. Water and sewage is a great problem. Roads are a huge problem. We lack the funds. We are paying a lot of money for telephones and electricity, but why do we not have enough? I complain like other citizens. The charges are there but the services are not there," (Lorch). The services are not there because corrupt leaders have been lining their pockets. For example, it has been common for both councilors and provincial authorities to make contracts with contractors to do certain projects (usually to improve the city's infrastructure) after being paid a bribe by the contracting company, which ultimately comes out of the government money to be paid for the contract. Shrouded in confusion and a lack of communication and accountability, the work often does not get done, but the money cycles around until everyone has taken their own cut of the government money. As suggested in the quote at the top of this section, some of these projects have included new housing and slum upgrading initiatives.

In 2004, President Mwai Kibaki is continuing his anti-corruption push that brought him into office. He met with District and Provincial Commissioners in February 2004 to implore them to set the example of non-corrupt practices. In a statement on corruption, President Kibaki stated, "We have to make up our mind that we shall route out corruption so that the resources of this nation are used for the development of the nation, there is no one who doesn't know how to use government money well. We cannot therefore have any excuses, if you are corrupt you should not be in government," (qtd. on Statehouse web). Kibaki said accountability is now

pped in the use of government monies for development. Apparently some Provincial Commissioners were not submitting project reports on how government money was used until yeas later, (Statehouse web).

Kibera MP and Housing Minister, Raila Odinga, boldly joined Kibaki's anti-corruption campaign in August 2003. According to Raila, the push to end corruption is a war that has "zero-tolerance" as its slogan. Furthermore, Raila claimed that it will not distinguish between ordinary citizens and top executives in government. The *Daily Nation* quoted Minister Raila Odinga going so far as to say that, "If Raila Odinga, is found to have committed acts of corruption, he will be charged," (qtd. in Teyle).

The following section will explore some of the questionable political connections that govern economics and living conditions in Kibera.

## 6.2 Kibera's Dominant Political-Economic Power Structure

*"It is in the interest of the ruling elite to continue to prevent easy access to land by the urban poor because controlling access to land as a scarce resource provides a source of cash income and political support."*

-Syagga, Mitullah, and Gitau<sup>77</sup>

*"As for me, I'll never abandon theft and robbery that is based on housing. There's nothing on this Earth that generates as much profit as people's hunger and thirst for shelter."*

-Kihaahu wa Gatheeca, fictional character<sup>78</sup>

Supporting the above quotations, McAuslan asserts that wealthy urban elites of most developing countries control and manipulate the law to ensure that present systems of land allocation and use remain for their benefit, (28). This is certainly the case in Nairobi. As explored in Chapter 5.0, many higher-ups who own structures in Kibera work very closely with local politicians in the slums (including the Provincial Administration and city councilors) who

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<sup>77</sup> In the Nairobi Situation Analysis (NSA), (48).

<sup>78</sup> Quoted in Ngugi, (118).

unofficially create and deliberate over their “laws” governing land and who is allowed to own structures.

Agents comprise another part of Kibera’s power structure. Agents are hired by structure owners to collect rents and manage their structures since most absentee owners themselves understandably do not want to threaten their own lives by visiting and maintaining their structures themselves. Moreover, recognizing Kenya’s abundant source of cheap youth labor,<sup>79</sup> structure owners and politicians alike have a history of hiring young men to harass and manipulate Nairobi’s slum dwellers to their interests including rent collection, forced eviction, and political control. Youth are often hired on a long-term basis, thus ensuring that they remain organized and connected to the political authorities or wealthy absentee structure owners to whom they are connected. Because of their constant presence and availability to their inciters, these puppet youth groups play a key role in Kibera’s political and economic power structure.

Given the fact that Kibera and many other informal settlements in Nairobi are not legally recognized by the GoK and are officially located on government land, the practice of charging rent by structure owners is relatively unstable. In order to maintain order in this system, as in a legal and secure tenure area with normal landlord-tenant relationships, the ultimate motivator for tenants to pay rent is the threat of eviction. Unfortunately, the methods that structure owners and politicians use for eviction in Kibera often violate tenants’ basic human rights.

In the majority of Kibera’s forced evictions over the last ten years, youth and older “thugs” were hired to actually carry out the forceful evictions, involving the threat of or the actual use of brutal and coercive methods. A common occurrence became unexpected house burnings that would happen in the middle of the night. These violent acts affected particular structures that had either changed hands or housed people who could not pay rent or refused to pay in protest to their squalid living conditions. An example of the latter are the famous December 2001 clashes that took place in Kibera, (Onguje). The protest resulted only in violence and death.

Interestingly, Kibera’s December 2001 clashes were sparked by infamous statements of both then President Moi and Kibera MP, Raila Odinga (currently the Minister of Roads, Public Works, and Housing). Both politicians declared that structure owners did not have the right to be

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<sup>79</sup> In Kenya the term “youth” includes anyone between twelve and thirty years old.

charging rent to Kibera's residents since they do not own the land. One of Nairobi's newspapers, the *Daily Nation* quoted Raila, "The landlords must reduce rents because the land on which Kibera slum is built is government land. You cannot be called a landlord if you do not own land; those who have constructed houses on government land are government tenants," (qtd. in Onguje 2001).

The 2001 clashes strongly suggest that the political-economic power structure of Kibera runs all the way to the top of the Kenyan government. The incentive is clear. With 700,000 people concentrated in a small area, Kibera is the largest voter bank in the country. The notoriously corrupt government under Moi did not hesitate to exploit this resource for their political advantage. Christ the King Church states, "We [Christ the King Church] are aware that politicians have recruited and trained militias that are created for the express purpose of forcefully carrying out the agenda of the political party," (Memorandum 19 Nov. 2002 5). Although recently elected President Kibaki (2003) has given Kenyans hope for an end to corrupt practices, the following evidence suggests little has changed in Kibera.

In an interview with Ph.D. student and UN-Habitat intern, Goux, I learned that the Minister of Roads, Public Works, and Housing himself has his fingers sunk deep into the Kibera political power structure. Apparently Minister Raila has hired youth to live in Kibera to aid in his politicking, and information gathering and dispensing. He allegedly has paid the rents for these youth for several years now. Most of them are from the Luo ethnic group from western Kenya (the same region Raila is from where he enjoys strong support) and come to the Minister's service at his whim. If they are unwilling to do what he asks, the young men are easily replaced with many more from rural western Kenya who are willing to do whatever it takes to have a chance at big city life in Nairobi. Goux came to have this knowledge after personally meeting and interviewing these youth in 2003.

Further evidence of the minister's political use of youth in the Kibera power structure comes from the statement of an anonymous structure owner published in The Quest for Human Dignity.<sup>80</sup> This publication focuses on Kibera's December 2001 clashes supposedly between structure owners and tenants over rents. Yet according to this Kiberan structure owner, the

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<sup>80</sup> This publication was prepared by the Nairobi-based NGO, Peace Net and the CBO, Kibera Youth Program for Peace and Development, authored by Onguje, Philip, 2001.

violence was not initiated by the structure owners or the tenants, but rather by youth hired by the NDP political party – the party of Minister Raila at the time:

It is the NDP youth that put up placards saying president Moi decreed rents should not be paid...[it] is the NDP youth that are attacking and destroying landlords' property. There is no tenant that is fighting a landlord [structure owner]...The truth is that it is the NDP and the Luos that have brought the violence in Kibera. It is not the landlords. And again it is not the tenants...What we can say is that you advi[s]e the government to talk with Raila to restrain his youth from interfering in the housing and rents issues in Kibera and you will not see any violence, (28-29).

The statements by former President Moi and MP Raila encouraging residents not to pay rents in Kibera in early December 2001 came at a critical time politically. At that time, both of these political leaders were heading towards a coalition of their two parties, KANU (Moi) and NDP (Raila). Their statements came during a pre-election period, (2002 was an election year) thus raising the question if their motive was indeed voter support from Kibera's mass numbers of tenants, in effect using Kibera as a voter bank. Christ the King Church supports this analysis, "The December clashes are a good example of how this exploitation works...It appears that government officials and politicians wanted to take advantage of this very volatile situation to curry political favor with certain ethnic communities," (19 November, 5).

Given the present political state, little will change in Kibera until members of the GoK and Provincial Administration significantly change the manner in which they conduct their political affairs. This means that the SSUP is up against very unfavorable odds – against a well-established political power structure that is giving no sign of changing. However a major change in the GoK is on the way. The new Kenyan Constitution that is still in the works as of 2004, provides hope that long over-due change is sincerely in process. How much the new Constitution will positively affect Kibera's political-economic power structure remains to be seen. Still, all of the SSUP's stumbling blocks cannot be attributed to Kenya's faulted political system alone. The leaders of the KENSUP have mismanaged the SSUP and have failed to successfully implement SL-based participation in Kibera-Soweto, which has created much turmoil and has endangered the lives of Kibera's residents.

### 6.3 Community Participation in the SSUP

*“Things can only work if governments participate in people’s programmes and not if people are asked to participate in government programmes.”*

-Rahman, Director of the Orangi Pilot Project’s Research and Training Institute in Karachi, Pakistan<sup>81</sup>

Beginning in the 1970s in part from the work of John Turner,<sup>82</sup> participation has grown to be a major component of development projects on all scales around the world. Countless articles, program documents, and most authoritatively, site analyses on actual slum grading projects indicate that the genuine participation and involvement of the target beneficiary community is crucial to the sustainable success of any initiative seeking to improve that community’s well being. In response to this global trend, UN-Habitat and the GoK created the Settlement Project Implementation Unit (SPIU) as part of the official KENSUP institutional structure to act as the central mechanism to involve the Kibera-Soweto community in the SSUP.

Despite the solid theory, programme documents, and KENSUP/SSUP press notices that claim community participation as the hallmark of this project, the Kibera-Soweto community has not been actually or meaningfully involved in the SSUP. Unfortunately, the SSUP’s failure to implement popular participation while publicly advertising that the target beneficiaries (Soweto slum dwellers) *are* directly participating is in keeping with the major criticisms against participation as a development theory. This break from the theoretical framework of the KENSUP and SSUP seriously threatens the SSUP’s potential success.

#### 6.3.1 The Argument for Participation in the SSUP

Nearly everyone will agree that all people hold the basic right to participate in decisions affecting their life. The difficulty lies in how well this right is protected and exercised. According to Justice in the World, “Participation constitutes a right which is to be applied both in the economic and in the social and political field,” (point 18). Moreover, point 71 emphasizes the importance of participatory project planning, “through mutual cooperation, all peoples should

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<sup>81</sup> Quoted in Hasan, 81.

<sup>82</sup> Turner’s slum upgrading theories are discussed above in Chapter 3.0, section 3.3.

be able to become the principle architects of their own economic and social development.” Following this, the participation endorsed by the Sustainable Livelihoods Approach (SL) is not limited to the implementation phase of a project. Rather, SL entails the full inclusion of target beneficiaries throughout the whole slum upgrading process, most importantly including the problem identification and decision-making processes that happen while planning and designing the project. According to Berger, “Those who are the objects of policy [sh]ould have the opportunity to participate not only in specific decisions but in the definitions of the situation on which these decisions are based,” (xiii). Therefore following Berger, a true participatory SL SSUP would have had community meetings starting in early 2003 (right after Raila announced the Kibera-Soweto site for the KENSUP) to gather detailed information directly from Kibera-Soweto’s residents about what specific issues and needs are actually most important to the community – before time had passed to allow for project opponents to spread false and manipulative rumors about the project.

Several housing improvement projects in Pakistan have experienced achievement based on the wisdom discussed by Berger and essential in SL. One of them, the Orangi Pilot Project Housing Programme (OPP) originally established in 1980 in Karachi, Pakistan, has experienced much success, (Hasan 82). Based on the potential of community empowerment, the OPP did not focus on infrastructure and service delivery, or housing provision as many slum upgrading projects do. Instead, the OPP promoted the growth and capacity building of community organizations to lead project designing and implementing, supported co-operative action, and provided expert technical support to the local organizations and individuals in Orangi Township. Before the project, Orangi had no sewer and almost no water – similar to Kibera. Through self-organized “lane groups,” residents collected enough money and self-managed the construction of buried sewer systems in their lanes. In this manner, all but the main trunk connections and possible treatment plants (constructed by the government) could be financed and managed on the local level at a lower cost.

Although Kibera as a whole has many absentee landlords that would make a project like this difficult there, according to the KENSUP Site Selection Committee, Soweto village has a higher percentage of resident landlords than Kibera’s average who would be more willing to invest in such an initiative. Even if the OPP model is not feasible in Kibera-Soweto, Hasan summarizes the model’s central message, “...empowerment is possible and feasible, provided

that architects and planners change their attitude and learn to trust people,” (81). This is a message the Government of Kenya needs to hear.

If the target beneficiaries of the SSUP (the Kibera-Soweto residents) are not included in the planning phase of the SSUP,<sup>83</sup> then as Scott points out, state officials are left in a self-made information vacuum. Within this vacuum, GoK authorities (both national and local) will be, and already have been, forced to assess the needs and interests of the Kibera-Soweto residents based not on their reality on the ground, but on the limited typifications available to the GoK about their situation as slum dwellers. According to the Shelter Forum, the situation will grow worse if slum residents are not actively involved in the design and planning as well as the implementation of the KENSUP and SSUP, saying in fact that, “...this programme [SSUP] will not succeed,” if target beneficiaries do not participate, (6).

Assuming what the needs and goals of a poor community are by outside project leaders described by Scott is quite common even for non-governmental workers. One example is a small Latin American community explained by Sociologist, Dr. Ron Pagnucco. A few foreign volunteers approached the community with the funds for a participatory slum upgrading project. After gathering information from residents, the community’s priorities turned out to be much different than the project leaders expected. The first thing the community wanted to build was a soccer field with large stadium lights so the community could come together to play and watch soccer at night after work. The community wanted the lit soccer field before they wanted a new sewer system and other basic infrastructure items that most westerners automatically assume to be the top priorities of any developing community. Had the community not been consulted, they would have received an unwanted sewer system that would have likely deteriorated over time by negligence resulting from a lack of ownership in the project, in addition to not having their priority needs met. Non-locals regularly falsely assume what the top priorities for residents are.

Alternatively, Wera points out, “By allowing the ‘objects’ of the policy to work on the solution rather than having one forced upon them, a vested interest is fostered within the group and the decisions made represent the reality of those affected,” (3). The Kibera-Soweto community’s input on critical decisions shaping the SSUP is the only path to creating a project in

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<sup>83</sup> Which may or may not be too late to change as of April 2004.



Kibera that will address the real and actual needs of the urban poor that the SSUP is aiming to help.

If Kibera-Soweto residents are actively involved in the planning and designing of their SSUP, in addition to gaining the community-wide vested interest mentioned by Wera, individuals' incentive, initiative, and ownership in the project will also be created. All of these are key elements of long-term sustainability of an upgraded Soweto village and eventually the whole of Kibera. Moreover, the Soweto community's involvement in designing the solution to their problems will align the residents with the other SSUP stakeholders (namely the GoK) and fundamentally contribute to creating the unity and synergy needed for success – emphasized by SL and exemplified in the OPP. Instead of resisting, mistrusting, and being suspicious of the GoK, Kibera-Soweto residents would be able to dedicate themselves in partnership to the primary objective of the KENSUP and SSUP: to sustainably improve their own livelihoods and living conditions by deciding the best local upgrading and tenure scheme for their community with the *support* of the top-half of the SSUP – GoK, the NCC, and UN-Habitat – in addition to select NGOs organized together for collaboration.

Rahman, the director of the Research and Training Institute of the Orangi Pilot Project, sums up participatory slum upgrading, “Things can only work if governments participate in people's programmes and not if people are asked to participate in government programmes,” (qtd. in Hasan 81). This is precisely what the Sustainable Livelihoods Approach (SL) demands.

Applied to the SSUP, all of the above show that without the emphasis on grassroots involvement in decision-making to balance out the necessary administrative top-half of the SSUP valued by Werlin, the SSUP risks unsustainability and ultimate failure to improve the lives of the target beneficiaries, even if initial improvements are experienced for several years. Worse still, without the above SL conditions the SSUP risks the outcome of violence. This would come from both Kiberan residents against the project and local government officials through incited youth attempting to maintain order in a chaotic community. Conflict could also be expected between structure owners and tenants over the rent rates and management of whatever sparse or sour fruit the SSUP might be able to produce without the input of the Kibera-Soweto community in the planning and designing of their upgrading project.

With the importance of participatory development in mind and the guidance of UN-Habitat, the GoK has claimed in writing and in speeches that it will follow SL in the SSUP and

the larger KENSUP. The KENSUP document states that all objectives of the programme, “...will be done through engaging full and active participation of stakeholders,” (Government of Kenya 5). The SSUP document is even more specific by naming residents, “This [slum upgrading] will be through the active involvement of slum dwellers, public authorities, domestic and international investors alike,” (Government of Kenya 1). Even the GoK head of the KENSUP, Minister Raila Odinga, has himself publicly endorsed a participatory approach for the SSUP on multiple accounts. A UN-Habitat Media Centre article covering Raila’s announcement of the KENSUP states, “Mr. Odinga stressed that, in common with other best practices from around the world, tenants and landlords would be consulted and fully involved in the planning and execution phases of the slum upgrading project to ensure that their needs and concerns are addressed,” (Major Initiative). Echoing this, in the 8 August 2003 KENSUP press notice<sup>84</sup> Raila writes that slum dwellers will be “fully and actively involved in improving their own livelihoods and neighborhoods.” However Raila actually does not have a real choice in the matter. In addition to international pressure, Kenya’s 1996 Physical Planning Act requires that residents be involved in the planning process for physical developments of their area, (Acttoki). Unfortunately even this law has failed to guarantee genuine community participation in Kibera-Soweto.

### 6.3.2 Potential Participation via the Settlement Project Implementation Unit (SPIU)

With the value of an SL participatory process clear, the next major question is how should this resident participation be realized in the SSUP? The difficulty in answering this question has stood as a roadblock to grassroots participation not only in the SSUP but also in other development initiatives around the world. It is much easier to talk about involving residents in designing a project than actually realizing it. The gap between participatory upgrading talk and walking the walk is a major problem in the SSUP and raises several other questions.

Just how far should the concept of participation be taken? Through what mechanism should the Kibera-Soweto community participate in the SSUP? Should the GoK make a concerted effort to actively include the residents of Kibera-Soweto in the public policy-making

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<sup>84</sup> See Appendix I for the full press notice.

process on a level in which all community members are involved? While democratic idealism would answer yes to this last question, there are serious doubts as to if this could ever be sensibly possible. Hurdles existing for this all-inclusive level of community participation include crippling organizational complexity and the resulting exceedingly slow process that would produce little to no forward motion on the project. Additionally, the fact of reality is that some Kibera-Soweto residents lack the will, ability, and/or availability (time wise and economically in losses from their income-generating activity) to commit to a deeply involved decision-making role in the SSUP. The natural response to this dilemma in a democratic nation such as Kenya is the use of representatives who are justly and democratically elected to a body to serve as the voice of the people of Kibera-Soweto regarding their interests, needs, and concerns.

Such a representative body is actually mandated as part of the official KENSUP institutional structure in the KENSUP and SSUP documents. The KENSUP/SSUP call for the creation of the Settlement Project Implementation Unit (SPIU). The SPIU's purpose is to mobilize grassroots participation for the SSUP and be the voice of the community in directing the Kibera-Soweto Project. Unfortunately according to Makokha and Bodewes, as of March 2004 Kibera-Soweto's SPIU had not yet been formed – fourteen months after Raila's announcement of Kibera-Soweto as the KENSUP's pilot project.

The formation of this group is absolutely critical for upholding the goals of community participation present in the KENSUP and SSUP programme documents. According to the arranged institutional structures of the KENSUP and SSUP as of March, 2003, the SPIU is to provide the primary and in fact now the only avenue for all local community participation in the SSUP since the Multi-Stakeholder Support Group (MSSG) no longer meets.<sup>85</sup> It would be easiest to form the SPIU from existing self-organized community groups, which is exactly what the GoK and UN-Habitat were planning to do, (Christ the King Church). Unfortunately this is not a viable option.

Contrary to assumptions held by UN-Habitat and the GoK, Soweto is one of if not the least organized villages of Kibera. According to Christ the King Church, which has many parishioners from Soweto (located in neighboring Kibera-Line Saba), developed and organized community groups (NGOs and CBOs) in Soweto simply do not exist, (Memorandum 9 Oct.).

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<sup>85</sup> See section 5.8.2 of Chapter 5.0 for further discussion on the NGO-focused MSSG.

Confirming this, Goux's research also found that Soweto's lack of pre-existing community organization is partly due to the community's higher percentage of recent rural-urban migrants and a younger than average population compared to other Kiberan villages, (6). Adding to the disorganization is the community's current shifting population composition due to gentrification resulting from the anticipation of SSUP benefits by outsiders. Further illustrating this reality, nearly all of the CBOs and NGOs that the KENSUP Secretariat has worked with during the Inception Phase to develop the framework of the national KENSUP are based elsewhere in Nairobi or in other Kiberan villages that are not target beneficiaries of the SSUP. Although community-organizing efforts have been working in Huruma (the top ranking settlement identified by UN-Habitat's Site Selection Committee for the KENSUP<sup>86</sup>) for the past four years, organizing efforts have not even been started in Soweto, (Christ the King, Memorandum 9 Oct). This means that the GoK and the NCC cannot depend on pre-existing groups in Kibera-Soweto to organize themselves into a SPIU and otherwise take care of the community participation component of the SSUP on their own. An intentional special effort is required to create the SPIU in Kibera-Soweto and the GoK and NCC must step up to fulfill their roles as coordinators and facilitators with the strong leadership and support of UN-Habitat to conduct this effort.

The key criticism is that the GoK and UN-Habitat were not even informed of this situation on the ground in Soweto at the end of 2003 – nearly one year after they had publicly announced Kibera-Soweto as the first project of the KENSUP in mid January 2003. Had the GoK and UN-Habitat been more organized and in dialogue with the community or surrounding communities such as Kibera-Line Saba, they could have immediately begun taking the necessary measures to facilitate the creation of one or several SPIUs in Kibera-Soweto after the Secretariat's announcement. Part of the confusion is associated with the questionable site selection process that chose Kibera-Soweto for the first KENSUP project, discussed in the last section of this chapter. As it is, the effort to form a SPIU in Soweto is far behind schedule and there is much to do.

Forming one or several SPIUs in Kibera-Soweto will involve a lot of work, and will be a very sensitive issue. Several key questions must be addressed before forming the SPIU(s). For example, how will Kibera-Soweto residents select community representatives? While it is easily

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<sup>86</sup> Huruma and the conflict with the site selection process are discussed in the last section of this chapter, 6.5.

stated that the community will select the SPIU members, given Kibera's nature as a political tinderbox, this task will be difficult to do justly. Should a full community election be held? Although challenging to organize, this would be the best and most just method. Who will run the election? While in one sense it would be logical for the GoK to place local chiefs and city councilors in charge of it since they are the local governmental authorities, due to the vested interests of all three of these governmental groups in Kibera-Soweto and their notorious corruption, it would be much better if a neutral third party or a multi-lateral group ran the election. UN-Habitat would fill this leadership role for the SPIU formation process excellently, and could earn back the trust of the Kiberan community on the KENSUP. If UN-Habitat lacks the resources to send their own experts into Kibera, then they should coordinate and support creditable NGOs to lead the formation of SPIU(s) by election in Soweto. The KENSUP Secretariat will need to authorize UN-Habitat and corresponding NGOs for their election activities according to the current Memorandum of Understanding between the GoK and UN-Habitat. Without this policy spark from the Secretariat (based in the MoRPWH), UN-Habitat or neutral third parties (such as NGOs) will not begin the process on their own and conversely, such an election process demands one coordinated effort to eliminate mass confusion and chaos that would come from many disjointed SPIU formation efforts.

After the election has been arranged, how will it be monitored to ensure validity and fairness, especially when acknowledging the community's bi-polar interests between structure owners and tenants? Both structure owners and tenants have strong incentives to take whatever measures are necessary to ensure that their stakeholder group comprises the majority of representatives on the SPIU(s). Therefore the SSUP officials, and monitoring NGOs and CBOs all must enforce that a proportional number of structure owners to tenants are elected to represent Soweto in the SPIU(s), based on the groups' relative population percentages in the Soweto community. Given that 80% of Kibera-Soweto's residents are tenants, they ought to comprise roughly 80% of the SPIU representative body.

Of further concern, according to Goux's study, wealthier or politically connected people have already started migrating to Kibera-Soweto (gentrification) in anticipation of enjoying whatever benefits the SSUP might ultimately provide. Besides creating a problem of rising rents that are unjustly and pre-maturely displacing the urban poor targeted by UN-Habitat and the GoK to benefit from the SSUP, there arises the question of representation of Soweto's new

residents on the SPIU(s). In fairness to the original target beneficiaries and to set an important precedent for future KENSUP upgrade projects, officials ought to prohibit the new wealthier migrants from both the fruits of the SSUP, and certainly from being representatives on the SPIU(s). But *how* will these wealthier residents be controlled and kept out of the SPIU(s) and the SSUP as a whole to ensure the original poorest of Kibera-Soweto actually benefit from and hold the community voice in the SSUP? One possible strategy suggested by Goux is to only allow residents who can prove they have lived in Soweto since before January 2003<sup>87</sup> to be included in the SSUP and its SPIU(s), (12). This will prove extremely difficult to do given the state of corruption in Kibera and demands attention and strategy development from all KENSUP stakeholders, especially UN-Habitat – the most experienced stakeholder with slum upgrading projects.

Considering the high stakes involved with the SSUP since Kibera shanty houses are the highest returning housing investment in Nairobi, in general all participants and observers should expect the attempted bribing of and violent threats against whoever is running the SPIU election. Everything that can be must be done to stop these forces and protect those working for a just process. Since structure owners have an unfair economic advantage over tenants, such an election must be closely monitored by many third party organizations to eliminate all bribery and corrupt practices.

Realizing Kibera's complex and heated political environment, these issues are just some of the challenges facing the implementation of community participation in the SSUP. Unfortunately these difficulties may prove too daunting for the GoK, as the SSUP Secretariat, to follow through with. Between the initial meetings of the Joint Slum Upgrading Initiative<sup>88</sup> in November 2000 between the GoK and UN-Habitat, to October 2003, NGOs were the closest level of organization to the slum dwellers either leading body had directly interacted with. While relying on NGOs for key information about the situation on the ground ought to be a component of the SSUP, the difficulty and complexity involved with implementing community participation down to the next level – the final grassroots level of ordinary slum dwellers – should not be reason to evade it. Recent Kenyan history shows that this project will not achieve its goals

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<sup>87</sup> This is when Kibera-Soweto was announced as the site for the KENSUP.

<sup>88</sup> This was an early name for the Kenya Slum Upgrading Programme (KENSUP).

without such grassroots residential input.<sup>89</sup> In the face of this challenge, the KENSUP programme documents actually provide a framework for the democratic formation of a SPIU.

According to Makokha and the Inter Agency Co-ordinating Committee (IACC) report, it is in fact the Nairobi City Council (NCC) that holds the direct responsibility to facilitate the formation of the SPIU(s) in Kibera-Soweto through the Council's KENSUP Project Implementation Unit (PIU) structure, (10). While the KENSUP document confirms this NCC/PIU role, the SSUP document makes no mention of the NCC/PIU responsibility to help form the SPIU(s). This has contributed to the confusion surrounding how community involvement will actually be implemented in the SSUP. To help the NCC, according to the meeting notes of an October 2001 workshop, the Secretariat (GoK) agreed to monitor the SPIU(S) formation, while the Joint Project Planning Team (JPPT) would help to run the elections, which proves that the KENSUP architects did intend for an actual SPIU election, (Inter Agency Co-ordinating Committee 1).

Beyond the above Kenyan governmental entities facilitating the formation of the SSUP grass-roots body, Makokha of the Shelter Forum hopes NGOs will also be involved with the creation of the one or more SPIUs in Kibera-Soweto, (Personal Interview). Christ the King Church also recommends not only one community SPIU group, but the formation of several democratically elected community groups in light of Soweto's lack of pre-existing community organization, (Memorandum 9 Oct.). This is a good suggestion as it will involve more residents in the SSUP both directly and indirectly.

Despite the positive fact that the SPIU is a part of the KENSUP and SSUP institutional structure, it is implied by the unit's name – the Settlement Project Implementation Unit – that this group will only be involved in the Implementation Phase of the SSUP and not in the planning and design processes of the Preparatory Phase – the most important phase for community participation. One could argue that this offers some explanation as to why this core community group has not yet been formed, since the SSUP is not yet in the Implementation Phase as of April 2004. In response, it must be noted that the KENSUP and SSUP programme documents in addition to the IACC Sub-Committee Working On The Programme Organization and Institutional Structure Final Draft Report, have charged the SPIU with key activities directly

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<sup>89</sup> See Chapter 3.0, section 3.5.1, "Lessons from four Slum Upgrading Initiatives from the 1990s."

related to the Preparatory Phase and the design and planning of the actual end product of the SSUP. Following SL, these activities involve gathering input from the target beneficiaries about their unique needs and interests. Specifically, there are two points (“b” and “e”) from the IACC report section 6.1 titled, “Terms of Reference [for the SPIU],” which state that instead of simply implementing a pre-designed project from the top administrative half of the KENSUP/SSUP institutional structure as the SPIU name implies (Settlement Project *Implementation* Unit), the SPIU (and therefore the Soweto community through representatives) will be meaningfully involved in *shaping* the SSUP by holding the following responsibilities:

- b) Identify the social and physical infrastructure and other project intervention *needs of the settlement*, (12).
- e) Liaise as necessary with both PIU and the Programme Secretariat in *project planning*, implementation and monitoring, (12). [*Emphasis added in both points.*]

Therefore, it is clear that the failure of the SSUP to connect with its target beneficiaries in Kibera-Soweto in a participatory, engaging, and empowering manner by early 2004 is not the fault of the way in which the KENSUP and SSUP have been theoretically designed and structured. It is also not the fault of the consultative KENSUP Inception Stage (2001-2002) which designed the Programme’s institutional structure with the ideas of creating a participatory slum upgrading programme based on the ideas of SL.<sup>90</sup> Rather, the disconnection between the GoK and the residents of Kibera-Soweto appear to be the primary responsibility of the GoK Ministry of Roads, Public Works, and Housing, in which the KENSUP/SSUP Secretariat is based, and secondarily the responsibility of the Nairobi City Council, which comprises the SSUP Project Implementation Unit (PIU). Remembering the KENSUP/SSUP institutional structure outlined in Chapter 4.0, section 4.4, the Secretariat is in charge of the co-ordination and facilitation of project planning, implementation, monitoring, and evaluation between the stakeholders, while the PIU is to be the primary implementation body. Although the KENSUP and SSUP documents state that the SPIU will work closely with the Secretariat and the PIU, both

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<sup>90</sup> It should be noted here that the KENSUP Inception Phase did not, however, directly involve *target beneficiary* slum dwellers. The reason for this is that a specific community had not yet been selected as a pilot project at the end of the Inception Phase in 2002.



of these bodies have failed to fulfill their duties to facilitate the creation of a SPIU in Kibera-Soweto.

Beyond the absence of a SPIU, according to diverse sources the Kibera-Soweto community has not been involved in the SSUP at all, nor have community members been so much as informed of the actual project details. According to Amran, Kiberan residents Mutemi, Namenje, and Opwanda, a Memorandum dated 9 October 2003 from Christ the King Church, and a letter to the author from Bodewes (in Nairobi) dated January 2004, any kind of government consultation meetings with the Kibera-Soweto community had not taken place previous to January 2004.<sup>91</sup> This is clear evidence of the MoRPWH's failure to effectively facilitate and organize the SSUP, and illustrates the Secretariat's lack of commitment for genuinely facilitating a SL participatory slum upgrading programme, which would have been otherwise shown by the Ministry's helping to form SPIUs in Kibera-Soweto immediately in early or mid-2003 in preparation to launch the SSUP's Preparatory Phase (July 2003), and by seeking the necessary information to do so in a timely manner.

Although the GoK attempted to respond to the demand for community involvement by providing information on the SSUP in August 2003, it was already much too late. On 8 August 2003, the GoK published a press notice about the KENSUP signed by Minister Raila Odinga in the *East African Standard*. In the notice, Raila promised a "Consultative process to establish/identify required improvements...in the coming months."<sup>92</sup> The notice unfortunately only provided general information about the Government's intentions in Kibera-Soweto and gave no intention of democratically forming a SPIU. While any positive involvement of the community would be welcomed at any time, a silent and slow-moving GoK throughout 2003 has already caused much damage. The GoK and UN-Habitat also held an official launching ceremony for the SSUP in mid-October 2003. Yet this cannot hide the fact that the Kibera-

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<sup>91</sup> It could be argued that slum dwellers *have* been consulted and involved in the KENSUP process. Information-gathering efforts such as the major Nairobi Situation Analysis effort of 2000-2001 *have* consulted "grassroots organizations [and] slum dwellers' organizations" thus involving slum residents. However not only were these participating slum dwellers' organizations not limited to Kibera (instead coming from nearly all of Nairobi's slums), but residents' participation in the general KENSUP information-gathering phase by no means excuses the GoK, the NCC, and UN-Habitat from insuring and facilitating a similar vigorous participatory role of slum dwellers in the planning and design phase (arguably the most important phase of slum upgrading) of the specific project in Kibera-Soweto (the SSUP), and in every subsequent phase in the SSUP.

<sup>92</sup> See Appendix I for the full press notice.

Soweto community was kept uninformed about the details of the intentions and process of the SSUP (and therefore about the future of their homes and businesses) from January 2003 (when the Soweto site was announced) to October 2003, and arguably later than this into 2004 for some details such as which and how residents will be guaranteed an improved or new living unit. While there were sporadic newspaper articles during the first ten months in the *Daily Nation* and the *East African Standard* that covered Minister Raila's statements on the SSUP, this media coverage often caused even more tension in Kibera instead of diffusing it.<sup>93</sup>

In addition to the Government's passivity in facilitating participation in Kibera-Soweto, as discussed in the NGO section 5.8 of Chapter 5.0, the GoK also willfully rendered the Multi-Stakeholder Support Group (MSSG) inactive in early 2003. The MSSG was a main body of the KENSUP institutional structure and had provided an important official forum for NGOs and CBOs in Kibera to voice their concerns (which often lined up with those of the target beneficiaries) throughout the KENSUP Inception and Preparatory Phases. In early 2003, the KENSUP Secretariat (GoK) simply stopped calling meetings of the MSSG, which was one of its responsibilities, (Makokha, letter). Makokha, the CEO of the Shelter Forum (an NGO in Nairobi), suspected the disagreement between the NGO Coalition and the GoK over the process and timeframe of the SSUP as the likely reason behind the GoK's action or inaction as the case may be, (Personal Interview). In general, the NGO Coalition wanted emphasis on process, involving more time to sensitize, involve, ultimately empower residents, and generally follow the Sustainable Livelihoods Approach (SL), while the GoK has been more concerned with quickly producing a concrete output. This difference of opinion had also previously affected the site selection process, which led to the JPPT taking over the MSSG's responsibilities in the site selection project component during 2002, indicating a long-standing conflict between the MSSG and the GoK.

The loss of the MSSG was a tough hit on the level of community participation, coordination, and unity within the SSUP. This loss has undoubtedly contributed to the information void in Kibera and the stalling of the SSUP. Furthermore, the GoK and UN-Habitat were well aware of the benefits of this body, stating in the SSUP document that the MSSG,

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<sup>93</sup> This added tension is explored below in section 6.3.4 titled, "The Athi River Controversy," and section 6.4.2, "The SSUP's media coverage."

“provides a powerful mechanism for participatory decision-making and information sharing,” (Government of Kenya 6). This indicates that the KENSUP Secretariat’s inaction to call the MSSG into meeting throughout 2003 was indeed a deliberate effort to undermine competing views on how the upgrade in Kibera ought to be conducted, instead of working in cooperation to come to a consensus.

In effect, the SSUP has become an increasingly centralized slum upgrading initiative. This trend is consistent with Kenya’s recent history. As in many developing countries, centralization has been a pattern in Kenya’s urban planning since the nation’s independence in 1963, using an approach where the urban periphery takes up services and projects pushed out from the centre, (Syagga, et al., NSA 161). According to Omiya, Kenya’s top government officials also have a history of not only centralized slum upgrading initiatives but of using the GoK’s very decentralization strategy as a means to control local-level development, (202). More specifically, in terms of Kenya’s past development planning using participation theory, Syagga, et al. state, “...the elites and experts normally make the major decisions regarding what is desirable and community participation is normally seen as a means of legitimizing what has already been decided upon,” (161). Unfortunately the GoK appears to be leading the SSUP down this road that looks all too familiar. This is both the central criticism against popular participation theory in general, and the author’s analysis of the way the GoK has used participation in the KENSUP, both of which are explored in the next section.

### 6.3.3 A Critical look at the GoK’s use of Participation in the SSUP

The previous section established that the KENSUP/SSUP architects had planned for a seemingly effective mechanism (the SPIU) to implement the development strategy of popular community participation. Yet no SPIU or other actual community-wide participation effort directly related to the SSUP occurred in Kibera up until April 2004. These issues raise serious questions about the GoK and its current ability and commitment to “facilitate” a participatory SSUP according to the Sustainable Livelihoods Approach (SL). Of the questions raised, the central concern is *why* has the Ministry of Roads, Public Works, and Housing under the direction of Minister Raila Odinga not followed through with the SL community participation concepts and mechanisms ingrained in the KENSUP and SSUP documents? Specifically, why has the Ministry not directed or facilitated the formation of the SPIU(s)? Why did the GoK neglect their

media strategy until August 2003? Why did the GoK not connect to its target beneficiaries early on when all the slum upgrading literature, including the Nairobi Situation Analysis (NSA), advises that they ought to?

These are difficult and complex questions whose complete answers are beyond the scope of this paper and will shape future research and analysis on the KENSUP and SSUP. However, part of the answers to the above questions is connected to a growing school of thought that criticizes popular community participation as a development theory. The following will begin to shed some light on the above “why” questions.

Over the last two decades, “participation” has become a catch phrase in the sphere of development. Unfortunately, through the popularization of the concept of participation in development, it has become rare to find a deep appreciation for and more importantly a thorough understanding of the complexity involved with this deceptively simple concept. As explored in Chapter 5.0’s Stakeholder Analysis, the multi-sector, SL, comprehensive slum upgrading programme that is the KENSUP/SSUP on paper is a momentous proposal and challenge, yet it is a challenge that was not sufficiently respected at the time by its architects. With the concept’s growth in popularity, according to the Institute of Development Studies (IDS), many academics and practitioners have grown increasingly critical of the contradiction between claims and practice and the way participation theory is being abused in development work. Many would argue that the KENSUP/SSUP leaders have misused the promise of community participation since it has not yet materialized as of April 2004.

Some critics of participation would condemn those who conceptualized the KENSUP/SSUP for not fully appreciating what they were saying when they planned the KENSUP to be participatory. This position would go on to say that the Programme architects used key phrases like “slum dwellers will be involved, engaged, and will participate and plan their project,” only because that is the current global developmental jargon with which the KENSUP paperwork must agree.

Some would argue that the GoK did not fully understand or take seriously the implications behind their bold statement in their 8 August 2003 SSUP consultancy ad, which reads, “The people living in slum areas will lead the slum upgrading process.”<sup>94</sup> The argument

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<sup>94</sup> See Appendix II for the full consultancy ad.

follows that the GoK simply wrote this statement because it sounds good and it is what Kenyans *want* to hear; especially from the newly elected NARC administration that is offering hope for a better government in Kenya. Moreover, international donors want to hear that people are leading their own process of slum upgrading. Concerned people around the world want to hear that the GoK is really establishing a decentralized slum upgrading project. This statement is also good for the international publicity that is key for Kenya's sources of foreign investment and exchange, which are primarily associated with tourism. Yet in reality, the above statement from the consultancy ad is an oxymoron for if it were true, it would have been written by a self-organized group of Kibera-Soweto community members, not the Government of Kenya.

As it is, it is clear that it is in fact the GoK who is leading the slum upgrading process in Kibera since the MoRPWH placed the ad (with UN-Habitat's approval). What's more, the GoK's Ministry of Roads, Public Works, and Housing (MoRPWH) also exclusively comprises the KENSUP Programme Secretariat and has lead the whole KENSUP process since former President Moi initiated it in 2000. Clearly the GoK's initiation and leadership alone are not negative things, of which the GoK's initiation of the KENSUP is actually a good thing in the author's opinion. However, the above points make it clear that the GoK's statement, "The people living in slum areas will lead the slum upgrading process," simply cannot be taken seriously as the KENSUP and the Kibera-Soweto project (SSUP) are currently organized.

Similarly, participation critics would argue that Minister Raila Odinga likewise did not completely understand or mean the implications of his bold declaration in the KENSUP 8 August 2003 press notice<sup>95</sup> to their full extent. Raila's announcement reads:

The most significant and innovative aspect of the Kenya Slum Upgrading Programme [KENSUP] is the enabling of the slum dwellers and other stakeholders to be fully and actively involved in improving their own livelihoods and neighborhoods.

Recognizing participation's moralistic overtones, by basing his Ministry's development project<sup>96</sup> on the concept of community participation, Raila makes it difficult for people to

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<sup>95</sup> See Appendix I for the full press notice.

<sup>96</sup> The SSUP is of course also supported by UN-Habitat in funding and technical guidance (the latter given only if asked for by the GoK), however the GoK now has essentially all political control of the SSUP in Kibera.

criticize the SSUP. To do so would be to seemingly condemn the slum dwellers themselves, since they are allegedly “fully and actively involved” in a “self-help” type project that is already the Kibera-Soweto slum dwellers’ own project according to Kithakye of UN-Habitat. Yet as has been shown throughout this paper, in reality the residents are far from “owning” the SSUP. The Institute of Development Studies (IDS) explains this critical view in that community participation has come to be a “legitimizing device, drawing on the moral authority of claims to involve the poor in defining and pursuing their own development to place the pursuit of other agendas beyond reproach,” (IDS website). Given Kenya’s reputation for corruption, it is conceivable that there is some truth in this view as applied to the Kenyan Government (GoK).

Perhaps the GoK does have other agendas for Kibera behind the public front they have given for the SSUP. In fact the recent evictions in Kibera in February 2004 for the purpose of clearing land for the proposed expansions of the Kenya railway,<sup>97</sup> the electrical company, and the dual roadways proposed to cut through Kibera, provide strong evidence that the Ministry of Roads, Public Works, and Housing (MoRPWH) does indeed have other agendas for Kibera. Unfortunately, these alleged agendas appear to be undermining much of the potential benefit that the SSUP has not yet provided Kibera. The problem is that the three development projects mentioned above are much more alluring to the GoK (specifically to the MoRPWH who will oversee them in addition to the SSUP) than the SSUP.

Development expansions of the Kenya railway, the electrical company, and the roadway are very large business deals that undoubtedly involve many hundreds of millions worth of US\$ in international donor money to Kenya. Depending on the politics that decide which companies get the contracts, there could be quite a bit of incentive in the form of backhanded money for MoRPWH officials to focus on these other three projects before the SSUP. Making them even more attractive, these new projects are much more straightforward than effectively managing the difficulties of an authentic community participatory approach in Nairobi’s most complex slum, Kibera. Clearly, there is incentive for the GoK to not follow through the Sustainable Livelihoods Approach (SL) on the SSUP as outlined in this project’s official documents.

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<sup>97</sup> For a better understanding of the lack of space in Kibera around the Kenya railway, see photo four at the beginning of this paper on page iv.

While their mentioning draws critical attention to this aspect of the MoRPWH's two-faced handling of Kibera and further questions the authenticity of the Ministry's commitment to apply SL to the SSUP (a key point of this analysis), further investigation of these and other possible hidden agendas of the GoK working behind the SSUP is beyond the scope of this paper.

Continuing the critical argument against the GoK's use of participation theory, perhaps the chief reason the GoK did agree to a participatory KENSUP based on SL is because there was simply no real choice. The participatory SL approach is the current globally accepted method of slum upgrading and poverty eradication. UN-Habitat and the international community (who is funding this programme through Cities Alliance) would find it unacceptable to approach such a large national slum upgrading programme any other way. In this way, the IDS explains that participation has in this manner come to be globally superficial, over simplified, based on weak theoretical foundations, and largely misunderstood.

Although critics have called the *manner* in which developing countries apply participation into question, the concept itself remains legit and essential for many avenues of political and social life, including above all in this paper, slum upgrading. As a concept fundamentally based on democracy, it is bound to be difficult and challenging. Yet these drawbacks are no reason to remove popular participation from slum upgrading. The participation-based Sustainable Livelihoods Approach (SL) is not only based on values of justice, but has been shown in past slum upgrading initiatives to be the key to sustainable success in projects that have implemented it effectively.<sup>98</sup> Correspondingly, a lack of community participation has been the root cause of failure in projects that imposed a top-down designed project on suspicious target beneficiaries.

Although the drafters and creators of both the KENSUP and the SSUP have intended the SSUP slum upgrading initiative to be different than previous schemes in terms of its high inclusion and involvement of the residents on a local level,<sup>99</sup> it appears that once again the participation of residents, even by indirect inclusion through elected representatives in the SPIU, is just a development ideal that is too difficult to be realized in this large-scale project. Or, at

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<sup>98</sup> For example the Voi, Kenya project and the Orangi Pilot Project Housing Programme in Pakistan described above.

<sup>99</sup> This was confirmed in the author's interview with David Kithakye of UN-Habitat, and reiterated in the KENSUP press notice of 8 August 2003.

least the leaders of the SSUP appear to think that real community participation is too difficult. It is the author's opinion that following the KENSUP's original plan for resident participation through the SPIU mechanism is quite possible if the MoRPWH, particularly Minister Raila, was to decide that that is what it/he wants. Achieving the authentic participation of the community would also be a probable success if the GoK decided to work with and assist the NGOs to accomplish this goal, the first part being the creation of one or several SPIUs in Kibera-Soweto.

Echoing Hasan's slum upgrading lesson from the Orangi Pilot Project Housing Programme in Pakistan, Syagga, et al. warn in the NSA against the continuance of the Kenyan Government to exclude residents from decision-making processes on projects affecting them. Syagga, et al. conclude:

...as long as the central government [of Kenya] as well as development agencies do not have faith in the community to manage implementation of projects and ability to collect revenue through cost recovery, control of projects and criteria for decision-making are likely to remain centralized which in turn hinders realization of effective community participation at [the] local level and the realization of sustainable solutions to poverty alleviation, (161).

The likelihood of a policy change on participation in the SSUP remains low if the GoK's decision to involve Athi River in the SSUP without Kibera-Soweto's residents' input is any sign of their commitment to "allow the people to lead their own upgrading project."

#### 6.3.4 The Athi River Controversy

The Athi River controversy of 2003 stands as a prime example of the Government of Kenya's continued patterns of using non-participatory practices and centralized policy-making. Athi River (also known as Mavoko) is a town located about 35km from Nairobi with about 200,000 residents within the municipal city limits of Nairobi, (Agutu). Following a pattern of urban sprawl similar to the American model of development, Athi River has experienced quick growth due to the creation of its Export Processing Zone (EPZ) and is catering towards a growing lower and middle-income population, (Goux 14).

In early 2003, this Nairobi suburb was unexpectedly pulled into the SSUP. After his February 2003 mention of a connection between Athi River and the SSUP, Minister Raila Odinga officially announced in May 2003 that the residents of Kibera-Soweto (60,000) would be



temporarily relocated to Athi River during the upgrading of their settlement, (Christ the King, Memorandum 9 Oct 4). Allegedly, after temporary relocation, the old slum housing would be destroyed to make room for new structures. A *Daily Nation* article by Otieno reported a more moderate plan. According to Otieno, UN-Habitat Executive Director, Mrs. Anna Tibaijuka, confirmed that land had been identified in Athi River to receive only *some* Kibera residents to Athi River. According to Tibaijuka, only those who worked near the Export Processing Zone would be moved as part of the SSUP. Even if the latter were true, most Kiberans trusted Raila and were therefore under the impression that the whole Soweto settlement was going to be relocated. Without direct communication between the GoK/UN-Habitat and Kiberans outside of daily newspapers, rumors about the relocation spread.

This situation naturally created high levels of fear, anxiety, and most detrimental: major opposition to the SSUP early on in the project. After a later announcement of the launch of the Kibera-Soweto Slum Upgrading Project (SSUP) by Minister Raila on 8 August 2003, tenants and resident structure owners alike expressed further concerns about being temporarily relocated in far away sites such as Athi River, (Amran 2). Although Raila ultimately changed his stance on using Athi River as part of the SSUP due to strong public opposition and Tibaijuka stepping up to essentially cancel the proposition from UN-Habitat's end in October 2003,<sup>100</sup> the whole ordeal illustrates the recklessness and unilateral approach Minister Raila has taken with the KENSUP and the SSUP.

Throughout the whole situation, both Raila and Tibaijuka violated the agreed upon procedures explained in both the SSUP and KENSUP documents. In regards to the de-densification of Kibera-Soweto the SSUP document states in section 5.6, "Demolitions will be kept to a minimum and/or avoided as much as possible," (Government of Kenya 7). Moreover, "Decisions on the demolitions and relocations will be taken with *full involvement of the community*," [emphasis added] (7). Section 3.2.4 of the KENSUP document states that any relocation and compensation of structures "will be done through consensus among tenants, structure owners and the local leadership," (Government of Kenya 7). However the Kibera-Soweto community was not involved on any level in the decision to make Athi River their temporary relocation site.

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<sup>100</sup> Confirmed by Bodewes and Mutemi in letters to the author.

Unfortunately, the community had no avenue to be “fully involved.” The only means of community input and participation as mandated by the KENSUP and SSUP programme documents would have been through the Settlement Project Implementation Unit (SPIU). As discussed in the previous section, the SPIU has yet to be created as of April 2004. Moreover, the GoK and UN-Habitat have no intention to create this community representative body until after a survey has been completed in Soweto by hired consultants, despite the mandated involvement of the SPIU in this survey. The whole Athi River controversy illustrates the obvious past and current need of the SPIU in Kibera-Soweto.

If the Kibera-Soweto community had been consulted on relocation to Athi River, this town would have never become a possible relocation site. Athi River would be a poor site selection for most Kiberan slum dwellers. Its very adoption into the SSUP serves as a prime example of the failure of the GoK and UN-Habitat to follow through on their promises to consult and involve their target beneficiaries in making important decisions that will directly and profoundly affect their lives and well being in the planning of the SSUP.

Moving to Athi River would be an extremely difficult transition for most Kiberan slum dwellers and would not line up with the majority’s interests. Kibera’s close proximity to jobs is a vital interest of her residents. Contrary to some opinions that many residents in Kibera-Soweto already work in Athi River in the EPZ, most Kiberans work in Nairobi’s near-by industrial area or in private homes of wealthy neighborhoods surrounding Kibera. Kibera’s close location to these areas plus the City Centre allow residents to walk to work and completely eliminate transportation costs. Living 30km away from Nairobi in Athi River would not only incur transportation costs likely using more than half if not all of the average day’s wages, but would destroy Kibera’s social networks, communities, schools, and small businesses.

Although in theory Athi River’s new and fast-growing Export Processing Zone (EPZ) industrial area could offer unskilled employment opportunities to Kiberans, Goux’s 2003 study found that employee turn-over in some of the EPZ companies is quite low. This means that few jobs would actually be available to the new comers. Additionally, after interviewing several companies, Goux concluded that many EPZ companies would prefer hiring original Athi River residents over Kibera-Soweto residents in large part due to negative slum dweller stigmas, (16).

Moreover, if the pattern of urban sprawl continues (which is likely), the value of land and housing units in Athi River will continue to rise as the demand increases. Another town closer to

Nairobi, Kiserian, located 17km from Nairobi has already experienced luxurious upper-class housing unit development by private developers, (Goux 5). It is very likely that this upper-class housing speculation will soon happen in further away Athi River. This would in turn add fuel to the fire of economic incentive for Kiberans who would have been allocated housing units or land in Athi River through the SSUP (permanently or temporarily) to rent out or sell their housing space to willing and waiting wealthier individuals. Such transactions would happen under the table as they would clearly thwart the objectives of the SSUP. Goux, who worked with UN-Habitat on the SSUP in 2003, notes that slum dweller beneficiaries would be vulnerable to being manipulated (both psychologically and physically) to sell under value by wealthier and more powerful individuals, (5).

Unfortunately, Minister Raila took none of this into account when he made the decision to use the Athi River housing project for the SSUP. Had he and his MoRPWH worked more closely with community organizations in Kibera or even UN-Habitat and their researchers in a participatory manner *before* making and announcing his decision, Raila would not have pursued Athi River as a project component for the SSUP. The GoK position of wanting to use Athi River instead of building a brand new settlement for slum dwellers can be easily understood as an effort to consolidate projects for economic savings since Athi River has both pre-existing infrastructure and new low-income housing that would not need to be constructed from scratch.

The project in Athi River was originally a separate low-income housing project run by the Finnish Government. In return for debt cancellation it owed Finland, the GoK provided a section of land in Athi River where Finland was to build model low-incoming housing, (Bodewes, letter 24 Nov). This arrangement is similar to debt-for-nature swaps, a method that American and European conservation groups have used in Latin America over the last two decades to preserve rainforests, (Ehresmann). In need of a temporary location for the residents of Kibera-Soweto during the upgrade, Minister Raila decided to incorporate this project into the SSUP.

The GoK's lack of participatory decision-making and their failure to properly facilitate communication and unity between KENSUP stakeholders goes beyond not involving Kibera-Soweto residents. The Athi River municipal council itself was not involved in the early 2003 decision by Raila to incorporate their Finnish housing project into the Kibera-Soweto upgrade. Understandably upset at this disrespect and centralist assumption that Athi River would do

anything the national Ministry of Roads, Public Works, and Housing (MoRPWH) instructs without consultation, Athi River's mayor, Joseph Mutuku Musau, stated his town's opposition to the measure, "We will not allow the Government to bring these people [Kiberans] here as the ministries of Public works and Lands have not involved us in the plans," (qtd. in Agutu).

Beyond mayor Musau's resistance to the GoK, current Athi River residents have also had an extremely negative response to the settling of Kiberans in their community via the SSUP. Existing residents of Athi River fear the stereotypical negative social implications that tens of thousands of slum dwellers would bring to their suburban community such as crime, drugs, illegal brews, prostitution, and general degradation of living conditions. Athi River residents were understandably worried about issues such as where the new children would attend school and where the Kiberans would receive health care. The lack of any kind of answer from the MoRPWH (GoK) to these questions increased tension and opposition to Minister Raila and the SSUP in both Athi River and Kibera.

Attempting to integrate Kiberan residents into Athi River would be difficult, as mixing socio-economic classes in neighborhoods is anywhere in the world. Steinhorn and Diggs-Brown found that genuine and stable economically and ethnically diverse neighborhoods in America required deliberate community organizational and participatory measures for their sustainability. The central issues were to stop the flight of higher-income families and the corresponding drop in real estate value that accelerates the process, as well as building intentional communities across ethnic and economic lines. While flight would not necessarily be likely in Athi River, the supposedly short-term nature of Kiberan's in the area would not allow for quality community building and integration, which would compound negative feelings on both sides, and would add to the instability of the whole situation in the Athi River community as well as the SSUP and KENSUP. Furthermore, Athi River has several of its own small informal settlements in need of care. Mayor Musau goes on to explain how this fits in with his council's struggles and frustrations with the national Government, "We have our own people who need to be assisted and cannot watch as others are brought from outside to benefit," (qtd. in Agutu).

After the outcry about relocation, Minister Raila ultimately changed his position in July 2003. He stated that no one will be forced to move to Athi River in July 2003 and reiterated this point at the official SSUP launch ceremony in October 2003, (Mutemi, letter). Instead of using the Finnish housing project in Athi River, there was a new emphasis in 2004 on using GoK

acquired land near the women's prison, in closer proximity to Kibera, for SSUP temporary relocation sites. This provided a great relief to Kiberans. Currently, only those who voluntarily wish to relocate to Athi River will do so. This, however, makes sense only to the small number of Kibera-Soweto residents who already work in the EPZ.

Had Minister Raila lead the Ministry of Roads, Public Works, and Housing to consult mayor Musau and the Athi River City Council before making such a major policy decision (as would be expected in any participatory upgrading project as large as the SSUP) the above conflicts could have been addressed and probably avoided. This cooperation would have produced either a workable agreement, or more likely, it would have become clear much earlier to Minister Raila that Athi River is not suitable for the SSUP. This would have saved hundreds of thousands of Kiberans from needless confusion and anxiety about their future. It also would have kept the political climate in Kibera much calmer – the opposite of which is now one of the leading factors currently working against the potential success of the SSUP. As it is, the SSUP's potential success has been greatly jeopardized by the lack of participation and collaboration in the Athi River controversy of 2003, as well as by the other issues this paper has examined above. Despite the GoK's trend towards a centralized approach on the KENSUP's SSUP in Kibera, the grassroots have not been waiting passively for the GoK to facilitate their participation, explored in the next section.

#### 6.3.5 The Grassroots Response

In the face of the lack of effort by the GoK, NCC, or UN-Habitat to inform and involve Kibera residents about the slum upgrade, residents have taken their own initiatives. Included in these grassroots efforts are *The Kiberan* newsletter and a series of meetings by Kiberan NGOs, CBOs, and residents in June-July, 2003. These two initiatives illustrate how intrinsic community participation is and how willing some Kiberan residents are to get involved. This self-help and self-organization has been strongly encouraged not only by the GoK throughout Kenya's independent history and the spirit of Harambee<sup>101</sup> (self-help fundraiser), but also by NGOs, UN-Habitat, and other international development stakeholders. Slum dwellers in Kenya have been

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<sup>101</sup> The word "Harambee" actually stands as the only word on the seal of the Government of Kenya as the national motto.

criticized lately for depending too much on what others can do for them, “others” including the Government, NGOs, and international donors, instead of focusing on what they can do for themselves – a key component of popular participation theory.<sup>102</sup> Unfortunately, one of the grassroots efforts that developed was met with hostility by the Nairobi City Council (NCC).

In frustration and concern over the massive information void and the lack of dialogue between Kibera residents and the GoK, UN-Habitat, and the NCC, several NGOs and a CBO took action to help. Kituo cha Sheria (NGO), the Shelter Forum (NGO), and the Kibera Community Development Agenda (KCODA) – the youth group who started *The Kiberan* newsletter – called and facilitated a meeting with some Kiberan organization leaders to discuss the SSUP in early June, 2003, (Mutemi). It is important to note that this meeting did not have an official link to the SSUP, and those in attendance were from all over Kibera, not just Soweto village. According to Mutemi, a Kiberan resident who was in attendance, this first meeting produced a successful brainstorm and discussion on concerns that people had on slum upgrading in their community, (Personal Interview). Additionally, Kituo cha Sheria explained present housing policies and the pros and cons of upgrading. Beyond ideally having a voice in the project about to affect their lives, Kiberans from every village simply wanted to know what the upgrading plan was for their settlement. The group formed a 12-person committee to contact the GoK and UN-Habitat to gather information on the Kibera upgrade, (Mutemi).

Regrettably, the committee was unable to share its findings with the over 200 residents who came for the second meeting on 28 June 2003. Soon after the meeting began, youth thugs equipped with whips arrived to break up the “illegal” meeting, (Mutemi; Christ the King, Memorandum 8). The youth had been hired to disband the meeting by local city councilors in fear that those at the meeting were organizing against the SSUP. The councilors as well as the youth were also upset that they had not been included, which initially spurred their suspicions of the meeting.<sup>103</sup> Heeding the youths’ orders to disband, those gathered dispersed without sharing

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<sup>102</sup> In development theory, this paradigm shift originally occurred in the 1970s after John Turner’s writings on self-help development became popular. Governments transitioned from a focus on providing the basic-needs to the poor without their input to the assets-based development theory that focuses on what individuals and communities already have and how they can mobilize and use these skills and resources to self-improve their living conditions – ideas now again prevalent in SL.

<sup>103</sup> Although the KCODA Kiberan youth group was included, there are many different youth groups in Kibera that can be competitive with one another, as some NGOs have become.

information. This dramatically reduced the creditability of the NCC, which was already bad.<sup>104</sup> Instead of trust, Kibera residents felt bitterness towards the NCC – the body who was supposed to be leading the SSUP on the ground through its official SSUP institutional structure, the Project Implementation Unit (PIU).

This violent confrontation<sup>105</sup> was yet another tough hit on the SSUP. While the residents, NGOs, and CBOs were attempting to do exactly what the GoK called for in the KENSUP – “The people living in slum areas will lead the slum upgrading process” – the local government crushed this quality bottom-up effort that was in the Kenyan spirit of self-help. This confrontation illustrates how important dialog, communication, and information dissemination really are for the SSUP and larger KENSUP – and how much they are lacking in this initiative. It also sheds light on the culture of violence that exists within the fabric of Kenya’s local and provincial governments, which will remain a major factor hindering popular participation in the SSUP and its success until addressed. If the GoK and UN-Habitat had not left so many key organizations and people in the dark between January and July 2003, contrary to their participatory strategy outlined in the two programme documents,<sup>106</sup> there is a good chance that this mishap could have been avoided. As it is residents, NGOs, and CBOs are fearful to meet in Kibera due to the high tension surrounding the upgrade. The unity and enablement that was to be created by the NCC and the GoK for the KENSUP and SSUP have been replaced with disempowerment and marginalization – the opposite of the KENSUP/SSUP’s objectives.

Currently, even if the Nairobi City Council (NCC) or the GoK turn around and wish to meet with residents in the consultative and information-sharing process that the KENSUP documents and press notices affirm will happen, at least some if not most residents will be fearful to show up to any meeting due to the possibility of violence. If they do show up, there is an additional fear to speak up because residents might think their opinion will not be heard by authorities who already have a plan of how the slum upgrade is going to go. Worse still, residents may likely not speak up due to the fear of being targeted by the authorities as a resister

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<sup>104</sup> See section 5.6 on the NCC in Chapter 5.0 for more information and the NCC’s current state of affairs.

<sup>105</sup> Though no one was actually injured, the situation was violent due to the real threat of physical assault.

<sup>106</sup> While the GoK and UN-Habitat did issue a press notice on the KENSUP printed on 8 August 2003, it was much too late, coming itself over a month *after* this 28 June 2003 meeting.

to the SSUP upgrade initiative, which may bring about forced eviction or other forms of coercion to achieve cooperation with the pre-planned project. Whether or not these fears are warranted, they are real for Kibera's residents and are likely to now critically disable a governmental effort for the active participation and involvement of the Kibera-Soweto slum dwellers in "their" upgrade project – should the GoK change its policy on the SSUP and insist that resident participation in the planning and design phase authentically happens.

After examining the contradiction between the KENSUP's participation theory and the SSUP's actual lack thereof on the ground, the next section will examine the information vacuum and lack of media coverage that the SSUP has received. All three issues are directly related to the GoK's disorganization on this project and UN-Habitat's failure to step up to both challenge and aid the GoK.

#### **6.4 The KENSUP's Information Vacuum and Poor Media Coverage**

*“The success of the [Kibera-Soweto Slum Upgrading] project will depend upon, among other things, an effective information and media strategy. Educating both the general public and the residents of Soweto village will be crucial. The Government [of Kenya] and UN-HABITAT will establish a mechanism to co-ordinate the media campaign and to continually respond to media interests at all stages of project development and implementation.”*

-SSUP document, (7)

In addition to the lack of community participation discussed in the previous section, the principal factor working against the success of the Kibera-Soweto Slum Upgrading Project (SSUP) has been an acute lack of information among the Kiberan residents from the GoK and UN-Habitat. The lack of timely, accurate, and cohesive information about the SSUP has created unnecessary confusion, anxiety, and tension among all KENSUP stakeholders – the most important and volatile being the Kiberan residents. This has carelessly threatened the SSUP's potential success, and has at times stimulated the political climate in Kibera dangerously close to violence. Both the lack of participation and the information vacuum in Kibera are related to the larger issue of the general disorganization and poor facilitation of the SSUP by the GoK-controlled KENSUP Secretariat (based in the Ministry of Roads, Public Works, and Housing) in



addition to its conscious parting from the KENSUP's Sustainable Livelihoods (SL) theoretical framework.

Compounding the lack of direct communication between the MoRPWH and Kiberans, acutely inadequate media coverage has shrouded the KENSUP and the SSUP in uncertainty and misunderstanding. Despite a comprehensive Media Strategy paper<sup>107</sup> that was drafted for the early Collaborative Nairobi Slum Upgrading Initiative (which became the KENSUP) complete with an estimated US\$28,300 budget, the actual media coverage of the KENSUP and SSUP has been spotty and unsuccessful. The Media Strategy document warns of the urgency of its central objective to not only inform the general public about the upgrade initiative but more importantly to, "Inform and educate local grass-root communities, particularly selected communities, [i.e. Kibera-Soweto presently] of the procedures involved in slum upgrading in order to avoid controversy and costly misunderstandings," (2). Unfortunately the GoK, specifically the Ministry of Roads, Public Works and Housing (MoRPWH), has decided not to give the KENSUP Media Strategy the priority it deserves. Furthermore, Minister Raila Odinga and the MoRPWH seemingly have their own plan for the SSUP, which lies well outside the parameters set within the March 2003 KENSUP and SSUP programme documents and Raila's 8 August KENSUP press notice.

#### 6.4.1 Confusion on the KENSUP and SSUP timeframes

The phases of the SSUP (KENSUP's pilot project) overlap the same set of phases that comprise the full national programme, the KENSUP. This overlap has caused confusion between the mother programme and the daughter project and has contributed to raising the general level of confusion and misunderstanding surrounding the KENSUP and SSUP among most stakeholders, especially among Kiberan residents. This has greatly jeopardized the SSUP both in losing what potential trust and support Kibera-Soweto tenants might have originally had, in addition to fanning the flames of opposition to the SSUP among some structure owners.

Firstly, the date that the SSUP was actually begun is unclear. The discrepancy does not lie with the sources, but rather in the reality that the SSUP has simply had a very foggy and

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<sup>107</sup> The full title of this paper is: Media Strategy for the Government of Kenya / UN Habitat Collaborative Nairobi Slum Upgrading Initiative. This final draft was completed during the KENSUP Inception Phase, before January 2003 when the GoK and UN-Habitat signed the Memorandum of Understanding on the KENSUP.

unsure start, despite the project's magnitude and importance as the starting point of a nation-wide slum upgrading programme. There are four major dates regarding the beginning of the SSUP component of the KENSUP:

**-January 2003:** Kibera-Soweto was officially announced as the pilot project site of the KENSUP in January 2003 by Minister Raila Odinga at the signing of the Memorandum of Understanding between the GoK and UN-Habitat. Also, the KENSUP press notice signed by Raila on 8 August 2003 names the “beginning of 2003” as the start of the KENSUP Preparatory Phase, which is essentially the same as saying the SSUP Preparatory Phase since the national KENSUP essentially became the specific SSUP at this time since there were no other active KENSUP projects between January and August 2003 ; herein lies the confusion.

**-July 2003:** The SSUP officially got under way with the (real) start of its Preparatory Phase. This date was given in interviews by Eric Makokha (Chief Executive Officer of the Shelter Forum), David Kithakye (UN-Habitat Human Settlements Advisor), and Mutemi, Namenje, and Opwanda (three Kiberan residents).<sup>108</sup> This start date was also confirmed by Titus Agwanda, an official from the GoK Ministry of Lands and Settlement, also in an interview with the author.

**-8 August 2003:** The GoK and UN-Habitat placed a Consultancy Ad in the *East African Standard* advertising the hiring of an outside organization to complete the first activity of the SSUP Preparatory Phase, a stakeholder identification report.

**-October 2003:** Seemingly realizing the lack of public knowledge in Kibera concerning the SSUP, the GoK made the effort to *officially* “launch” the SSUP in late October 2003, according to the second issue of *The Kiberan*, a local newsletter (5). Although nearly

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<sup>108</sup> All three Kiberans did not hear of or see any start on the ground in Kibera before July 2003 or even into September 2003 for that matter. In fact, according to Mutemi and Bodewes there was no direct dialog between the Kibera-Soweto community and the GoK or UN-Habitat through at least the start of 2004, unless it was done in secret or exclusive of certain residents, which would completely foil the point of fostering an open dialog with the community to encourage participation.

four months had passed since the July starting date, it was the Preparatory Phase – not the Implementation Phase – that was launched (again) at this time. Presiding over the launch ceremony was Kibera’s own Member of Parliament (MP), Public Works and Housing Minister, and GoK head of the SSUP, Honorable Raila Odinga.

Deciding which of these dates is the true start of the SSUP is up for debate. For the purposes of this paper, the author will assume July 2003 as the start date.

Secondly, adding to the discrepancy between the KENSUP’s and the SSUP’s Preparatory Phases, some activities that are listed as part of the KENSUP Preparatory Phase, which according to Syagga, et al. began in January 2002 and were scheduled to end in October 2002,<sup>109</sup> were directly related to the SSUP, which itself did not actually enter the Preparatory Phase until July 2003 as mentioned above. Additionally, as mentioned above, the KENSUP press notice written and approved by the GoK/UN-Habitat on 8 August 2003 conflicts with the July 2003 SSUP Preparatory Phase start date, instead stating that the KENSUP “Preparatory Phase began at the beginning of 2003.” Yet the primary activities that the Preparatory Phase “will begin with,” according to the SSUP programme document (3), were not started until at least six months after “the beginning of 2003” in August 2003. The primary activities of the SSUP Preparatory Phase include a detailed assessment of Kibera-Soweto, first involving an identification of all Kibera-Soweto stakeholders focusing on which community, non-governmental, and religious organizations are present there and what they are doing, and secondly involving a detailed physical and social mapping of the settlement. Both of these tasks are to be done “including consultations with structure owners, tenants, and state authorities” to achieve their ends, (Government of Kenya and UN-Habitat, SSUP 3). Since the GoK and UN-Habitat did not place a consultancy ad in the *East African Standard* daily newspaper advertising the hiring of an outside organization (presumably an NGO involved in shelter) to act as a consultant to complete the first activity of the SSUP Preparatory Phase (the stakeholder identification report) until 8 August 2003, clearly the KENSUP/SSUP Preparatory Phase actually did not start at the “beginning of 2003,” as Minister Raila claims it did in the KENSUP press release also issued on

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<sup>109</sup> From the Nairobi Situation Analysis Supplementary Study: A Rapid Economic Appraisal of Rents in Slums and Informal Settlements, (August 2002) (3).

8 August 2003. It is also clear that the Preparatory Phase was not completed in 2002, as planned by Syagga, et al. Interestingly, Raila's claim of the SSUP's early 2003 start in the KENSUP press notice actually appeared in the same 8 August 2003 issue of the *East African Standard* as the above mentioned consultancy ad that stands as the only concrete mark (aside of formal announcements and ceremonies) of the beginning of the SSUP Preparatory Phase.<sup>110</sup>

Although scheduling and timing details such as this may not seem directly important to the ultimate success of the SSUP, the diverse conceptions of the project timeframe illustrate the lack of coordination within the KENSUP and SSUP and have caused great confusion and anxiety among the target beneficiaries of Kibera-Soweto and other stakeholders. These misunderstandings are largely the fault of the KENSUP Secretariat (GoK). The Secretariat's disorganization has also contributed to an unwarranted high level of tension that has affected all of Kibera (not just Kibera-Soweto village) since the first rumor of a slum upgrading project happening there spread like wild fire even before Raila's formal announcement of the Kibera-Soweto KENSUP site in January 2003.

#### 6.4.2 The SSUP's Media Coverage

During the critical first eight months after Minister Raila announced Kibera-Soweto as the first project of the KENSUP in January 2003, until the Minister's 8 August 2003 KENSUP press notice, there was no evidence that the KENSUP Secretariat had enacted any comprehensive media strategy as outlined in the Media Strategy paper. The limited coverage that the upgrade project has received has not been consistent. Various sources have contradicted each other over key aspects of the upgrading initiative such as its name, where and when it will take place, what it hopes to do, and how it will be done.

To begin with, Mulama<sup>111</sup> wrote in her article for the Inter Press Service News Agency, "The Kenya Slum Upgrading Programme [KENSUP] seeks to improve 150,000 houses in Nairobi and other urban centres per year." This statement has mixed-up the facts. In reality the number "150,000 per year" came from current National Rainbow Coalition (NARC) President Mwai Kibakye's bold campaign pledge in 2002 to provide not *improvements* to existing housing

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<sup>110</sup> See Appendix I and II for the KENSUP press notice and consultancy ad respectively, from 8 August 2003.

<sup>111</sup> Even Mulama's title is false: "Questions Hang Over UN's Goal of 'Cities Without Slums' by 2010." In reality, the UN goal is set for 2020.

but actual *new* housing that did not exist before in Kenya's urban centers. Although the NARC GoK has now incorporated the KENSUP as part of their strategy to create the promised 150,000 housing units per year after winning the late 2002 presidential election, when the initial campaign pledge was made, the GoK planned the KENSUP to only provide or improve some of the 150,000 units per year.

Additionally, time wise, Mulama's above statement is not realistic for the KENSUP to do alone. Currently, the Soweto Slum Upgrading Project (SSUP) is the first and only project under the KENSUP. Kibera-Soweto alone has 60,000 residents, which is about 8% of Kibera's population of 700,000. By conservatively low estimates there are on average four people per housing unit, which means there are at most 15,000 households that need an improved or new housing unit from the SSUP. As it is, the SSUP has already taken more than one year and still has not produced anything for just these 15,000 housing units in Kibera-Soweto. If the GoK is actually trying to fulfill NARC's over-zealous housing promise, it can be understood why Minister Raila Odinga is trying to push the SSUP to the provision of new low-income housing instead of facilitating a genuine participatory upgrading project. But these issues and questions are not clear in the media, Kibera's only real source of information on their upgrade project during 2003.

A key symptom of the SSUP's major media failure is that it has been unclear throughout 2003 if the impending future KENSUP upgrade involved all of Kibera or just Soweto village. In several KENSUP news articles covering statements by Housing Minister Raila, the specific declaration of the Soweto village of Kibera being the actual project site of the KENSUP was not mentioned at all. For example, Soweto village was not mentioned in an exclusive interview with Raila about the Kibera upgrade by an NGO, the Kenya Land Alliance (KLA), for their April-June 2003 issue of their newsletter, *Land Update*. This phenomenon happened again months later in a heated article by Amran in the *East African Standard* (8 August, 2003), one of Nairobi's most popular newspapers. Moreover, the author of this thesis witnessed the popularity of generalized talk about the "Kibera upgrade" without specific mention of Soweto among Nairobians between June to August 2003 while the Athi River controversy was being covered, indicating there were other media articles that also failed to pinpoint Soweto village. Due to this, for all anyone knew, everything Minister Raila said in this time period about how the supposed

“participatory” project was going to be run, including the controversial temporary relocation to Athi River, was to potentially affect all 700,000-plus Kiberans.

This lack of key information created anxiety and confusion as the other approximate 640,000 Kiberans who do not live in Soweto village became needlessly worried about their future stability, livelihood, and community life, thinking they too would have to relocate. This unclear media coverage coupled with a major vacuum of information from the GoK and UN-Habitat on the SSUP recklessly increased pre-existing tension in Kibera to a level that has seriously threatened the success of the SSUP. The misunderstanding that has been fostered has also increased Kiberans’ suspicion and mistrust of the GoK, which has resulted in well-established opposition to both the SSUP (lead by structure owners) and to any other talk of upgrading efforts in Kibera associated with the Government or UN-Habitat. According to Bodewes, UN-Habitat lacks a fundamental understanding of how complicated the Kiberan community is, and does not realize how much opposition really exists from the Kibera-Soweto village against the SSUP, (letter to the author).

Amran’s article showcases the opposition between the Kiberans and the Government of Kenya (GoK). The title itself is prophetic of an impending violent confrontation between Raila and Kiberans. In large print the title, “Raila, Govt brace for fight in Kibera,” stood on the front page of the *East African Standard’s* 8 August 2003 edition. It would have been difficult for anyone walking by Nairobi’s numerous newsstands to have missed it that day.<sup>112</sup> Amran described the situation nearly as divided and heated as two boxers waiting to battle. Minister Raila was in one corner, with structure owners and tenants miraculously united in resistance against Raila’s centralized authority over the SSUP in the other. In the words of Amran, Minister Raila’s position on the upgrade was, “...that Kibera’s landlords [or structure owners] have six months to relocate to make room for the slum upgrading programme,” (1). Raila’s “move it or lose it” ultimatum naturally put structure owners on the defense and fueled their resistance against the SSUP. Instead of building unity and “avoiding controversy and costly misunderstandings,” as the GoK stated they would in the KENSUP Media Strategy document, Minister Raila and this media coverage actually increased the division and tension between Kiberan residents and the Government of Kenya.

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<sup>112</sup> See Appendix III for the front-page image.

It is rather ironic that it was in this same issue of the *East African Standard* (8 August 2003) that the one-page press notice for the KENSUP was issued, buried on page “P3.” In an undoubtedly positive media effort by both the GoK and UN-Habitat (signed by Honorable Raila), the basics of the KENSUP are explained.<sup>113</sup> However, the theoretical press notice strongly contradicts the air of a reality bounded in conflict as projected by Amran’s whole front-page article. Amran’s reporting largely undermines the fine print of the positive KENSUP description that many fewer are likely to have read. Instead of an aggressive Minister Raila giving structure owners a six-month ultimatum to surrender their land causing Kibera residents to unite in opposition to the Government, the official KENSUP release calmly states:

The most significant and innovative aspect of the Kenya Slum Upgrading Programme [KENSUP] is the enabling of the slum dwellers and other stakeholders to be fully and actively involved in improving their own livelihoods and neighborhoods. Full involvement and contribution of stakeholders is therefore the hallmark of the implementation strategy, (GoK and UN-Habitat).

If anyone were to have read the KENSUP press notice after reading Amran’s front-page article, they would not have been able to take it seriously. The dichotomy existing between Amran’s apparent eyewitness reporting and the GoK’s public facade is simply too great to accept.

Additional media conflict is illustrated by the consultancy ad placed by the GoK and UN-Habitat for the KENSUP, also in the *East African Standard* of 8 August 2003. The ad is soliciting the services of outside organizations to identify existing stakeholder groups in Kibera. The consultancy ad states a similar allegiance to the SSUP’s SL people-focused development as Raila’s KENSUP press release. The consultancy ad states, “The people living in slum areas will lead the slum upgrading process,” (third par.). Yet according to Amran, the Kibera residents have in fact been led by the GoK. In his front-page article, Amran explains how both Kibera tenants and structure owners deny ever being approached by the GoK regarding the SSUP. He writes, “They [Kibera structure owners and tenants] argued that they are being forced to do what has already been decided by the Government,” (2). This connects back to the above participation section 6.3.3 and supports as holding true for the SSUP, the critical view that

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<sup>113</sup> See Appendix I for this press notice.

participation theory is often used only as a justification for centralized decision-making in present development projects around the world. Although Amran's reporting may not be fair since the GoK is technically only responsible to Kibera-Soweto instead of all of Kibera, it appears that Kibera-Soweto residents are indeed being forced to fulfill a centralized project, explored further in the next section.

Furthermore, the consultancy ad's very solicitation of outside services to identify actors in Kibera is contrary to the mandate given in the SSUP programme document concerning the Preparatory Phase's identification of all Kibera-Soweto stakeholders. According to the SSUP and KENSUP programme documents, and the IACC<sup>114</sup> Sub-Committee working on the Programme organization and Institutional Structure's final report (2001), the identification and documentation of all necessary settlement stakeholders in Kibera-Soweto is under the jurisdiction of the Settlement Project Implementation Unit (SPIU), (Government of Kenya, SSUP 5; Government of Kenya, KENSUP 11; IACC 12). Unfortunately this institutional structure of the SSUP, to be composed of elected community members of Kibera-Soweto, was not formed as of March 2004. The 8 August 2003 ad was answered by many competing NGOs and CBOs, and was eventually awarded to Maji na Ufanisi and Acacia Consultants. Moreover, at the time of the completion of this paper (May 2004), the physical and social mapping process was to be just getting underway under another consultancy without the SPIU, (Bodewes). This further illustrates not only the media contradictions, but also a dichotomy between the GoK's actual decisions on the SSUP, and the KENSUP's original plan in the official programme documents released just five months earlier in March 2003.

In addition to the consultancy ad, the 8 August 2003 KENSUP press notice also contains a fallacy related to the SPIU. The notice states reassuringly to the Nairobi public that, "An Institutional Framework for co-ordination, implementation and monitoring of the [KENSUP] Programme involving all relevant Government Institutions, Local Authorities, Community Organizations, donor and development partners has been put in place." However the full SSUP institutional structure has in fact *not* yet been put into place. As of April 2004, the SPIU for Kibera-Soweto remains non-existent over 8 months after the press notice, as has been mentioned

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<sup>114</sup> This is the Inter Agency Co-ordinating Committee of the KENSUP institutional structure.



elsewhere in this paper. The top-half of the KENSUP/SSUP institutional structure<sup>115</sup> has failed to facilitate the creation of this absolutely critical community group that represents the Kibera-Soweto community's only voice in "their" project. The GoK and UN-Habitat deliberately overlooked the lack of an SPIU to favorably explain the then current stage of the KENSUP to the Nairobi public in this press notice, one of their first official media announcements. This only compounded the confusion surrounding this quagmire of a slum upgrading project and provided more fuel to strengthen the opposition already organized against it.<sup>116</sup> The GoK pushed its trust past its limits with the Kiberan people.

Moreover, the press notices states, "The Programme [KENSUP] recognizes that sharing of correct and timely information is critical in a delicate process such as slum upgrading." While this may or may not represent the actual present thinking of the KENSUP Secretariat (GoK), as discussed earlier in this paper, the Secretariat's actions clearly do not reflect what they have written. In addition to the above-mentioned fallacy about the SPIU formation, the Secretariat's 8 August 2003 press notice simply came months too late, only after much damage to the SSUP's potential success had already been allowed to ferment, with the Athi River controversy of May-July 2003 being case in point (section 6.3.4 above).

Yet for the media coverage the SSUP has received, it is difficult to assign responsibility for the SSUP's contradictions and unclarity. On one hand, it appears that Minister Raila of the MoRPWH is to blame. He did not clarify Kibera-Soweto in many of his comments during 2003, and he appears to have taken a forceful and confrontational stance with structure owners, quite contrary to SL. Outside of the 8 August 2003 press notice, many of Minister's Raila's statements that are quoted and paraphrased in Nairobi's media (such as in the Amran article discussed above and the KLA article further discussed below) go completely against the KENSUP and SSUP programme documents and the SL people-centered development strategy that the KENSUP claims to be based upon. The Minister's statements also do not line up with what other KENSUP leaders have been saying about the Kibera-Soweto project (SSUP), including Grace Wanyonyi (GoK Housing Department), David Kithakye (UN-Habitat), Patrick

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<sup>115</sup> This includes the Secretariat (GoK), JPPT (GoK, UN-Habitat, etc.), and PIU (NCC).

<sup>116</sup> See Chapter 5.0, section 5.2, "Structure Owners," for further discussion of organized opposition to the SSUP.

Acttoki and Titus Agwanda (GoK Ministry of Land and Settlements), and Eric Makokha (Shelter Forum) discussed above in this paper. These contradictions have confused many.

On the other hand, the authors of the articles could be blamed for writing and paraphrasing Minister Raila with a bias and agenda to thwart the SSUP and/or raise opposition to the GoK by putting Raila in a negative light. It is also possible that some authors simply exaggerated or manipulated Raila's statements to attract the attention of media consumers, especially in articles covering the drama of the Athi River relocation conflict. Additionally, Nairobi's media authors could be criticized for casually writing about a very sensitive situation without a full understanding of the SSUP. This situation has made it easy for the details of the KENSUP and SSUP to get mixed up. Nonetheless, the whole media and information problem could have been avoided if the GoK's MoRPWH had better organized the SSUP in general and followed through with the KENSUP Media Strategy that was outlined well before 2003 in the final draft of the document titled, Media Strategy for the Government of Kenya / UN-Habitat Collaborative Nairobi Slum Upgrading Initiative, and then reiterated in the SSUP project document (March 2003).

Despite giving Minister Raila the benefit of the doubt for his offensive tone with Kibera's structure owners and his general misalignment with other KENSUP leaders, recent forced evictions approved by Raila suggest that it is not just the media exaggerating his comments. A large eviction and demolition campaign on and around 12 February 2004 destroyed more than 400 structures including a clinic, churches, schools, and housing structures estimated to house approximately 2,000 people, (Mbaria, Pope). The demolitions were executed by Raila's Ministry of Roads, Public Works, and Housing (MoRPWH) because the structures were apparently located on road reserves that the Ministry wanted to reclaim. Ironically, most of the structures destroyed were located in Raila Village, named in honor of Minister Raila Odinga, their Member of Parliament (MP). Raila Village is located near Kibera, or actually in Kibera according to *Daily Nation* writer, Mbaria. There was much looting on homes whose owners were not prepared since they thought they did not live on the road reserves. This combined with apathetic police greatly contributed to the GoK's already negative reputation on slum policy and upgrading, (Buildings on).

Raila Village's mass demolition clearly violated international human rights law on forced evictions, remembering Kenya's membership to the International Covenant on Economic, Social,

and Cultural Rights as of 1972. Many organizations stood up in protest against the evictions in addition to esteemed individuals including UN Special Rapportuer on Adequate Housing, Miloon Kothari, and Pope John Paul II. Although President Mwai Kibaki finally agreed under pressure to “temporarily halt the demolition of slums,” this rash measure by Minister Raila and his Ministry has raised concern and anxiety in Kibera-Soweto even higher. Soweto residents, especially structure owners to whom Raila’s August 2003 ultimatum was directed towards, now wonder if they too will meet a similar fate as Raila Village’s residents did. Moreover, Raila’s action unfortunately seems to validate many of the previous rumors floating around Kibera that the GoK is not to be trusted on the SSUP.

Besides those who lost everything they owned, the most unfortunate result of these demolitions is the message Minister Raila is sending to his constituents of Kibera-Soweto. It is a message of power that delivers fear. If the structure owners and tenants alike of Kibera-Soweto had any thought of questioning or challenging Raila’s Ministry on the manner in which the SSUP is being run and executed (that is without the community’s authentic input on the plan and design of the upgrade), they will now think twice before standing up for their right to participate again. This seemingly works into Minister Raila’s plan, since he has apparently had the whole SSUP planned since early 2003.

#### 6.4.3 The Pre-Planned Kibera-Soweto Slum Upgrading Project (SSUP)

The SSUP document states, “Beneficiaries will be involved and empowered in deciding their priority needs...,” (Government of Kenya and UN-Habitat 6). Raila also wrote himself in the 8 August 2003 KENSUP press notice that slum dwellers will be “fully and actively involved in improving their own livelihoods and neighborhoods.” However brief research into the media coverage of Raila’s statements about the KENSUP during 2003 reveals that Minister Raila Odinga had the plan and design for Kibera-Soweto’s “upgrade” set in his mind at least six months before he described the SSUP at the official launching ceremony in October 2003. The minister’s explanation of the type of structures to be built for this slum upgrading program in interviews months before the SSUP even began its Preparatory Phase in July 2003 raises the question as to just how participatory and “resident-run” this upgrade project is, as UN-Habitat’s David Kithakye had assured the author was the case. This, along with Raila’s contradictory

handling of Athi River in early 2003 originally involving mass involuntary relocation,<sup>117</sup> lines up with the Minister's "say one thing, do another" leadership on the SSUP.

One major interview with Raila that showcases the Minister's preliminary plan for the SSUP appeared in the Kenya Land Alliance (KLA) April 2003 publication, *Land Update*. In a lengthy two-page exclusive interview with Raila, Kiberans learned directly or by word of mouth what Raila planned to do with their community:

In places such as Kibera, apart from relocating dwellers, we need to de-populate the area as the population is quite dense. Even if we went up to three or four stories, still there would be no land available for amenities such as schools, dispensaries, shopping centers and so on...

[UN-Habitat and the GoK recognize] the enormity of the problem in terms of the numbers involved and realize we have to go vertically rather than horizontally. Therefore, we will have to construct high rise houses, (Raila, A Ministerial Policy 5).

After being challenged by KLA of the great possibility his proposed upgrading strategy has of becoming another contentious and potentially violent hot bed like Mathare 4A,<sup>118</sup> Raila responded defensively, similar to Kithakye of UN-Habitat in his interview with the author, emphasizing first that the Mathare 4A conflict had been resolved. Further pressed by KLA on the similarity of his above strategy of building vertically and the failed Kibera Highrise (Nyayo Highrise) project, Raila assured that this current slum upgrade was going to be different than previous failed low-income housing initiatives, again similar to Kithakye's comments. Unlike Kithakye's emphasis on the Soweto-Kibera upgrade being the residents' project, however, Minister Raila continued painting his vague politicized, ideal, and pacifying portrait of the Soweto-Kibera project in his KLA interview:

When Nyayo Highrise was upgraded, those who moved into this estate were the middle-class and the slum dwellers were displaced. If this were to happen, we would be creating another slum elsewhere. However, under the UN Habitat Scheme, we will ensure that the current slum tenant remains the tenant in the upgraded houses, (Raila 5).

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<sup>117</sup> See section 6.3.4 above for further discussion of the Athi River controversy.

<sup>118</sup> See Chapter 3.0, section 3.5.1.2 for a brief case study on this slum upgrading project.

How the GoK or UN-Habitat will ensure this remains to be seen. Complications and conflicts of interests arise if the GoK requires Soweto residents to live in newly built flats. For many slum residents, it is not in their interest to live in a high-rise flat unless they change how they earn a living. For example, slum residents who operate small kiosks selling fruit or consumer products from their dwelling place would be put out of business if they lived on the second or higher floor in a high-rise flat. Due to land scarcity and tough competition with other kiosks, most of these shop owners would not be able to set up a new separate kiosk.

Additionally, some residents would prefer to rent out or sub-lease a new flat given to them for additional income than to live there themselves. Instead of wanting a better housing situation, some enterprising upgrade beneficiaries (tenants) will seek to turn their SSUP benefit into a class mobility opportunity to become a landlord even though that means remaining themselves at slum-level living conditions. If they do not mind living in slum conditions, who should stop them? For these people, a long-term economic upgrade with a secure income is more important than a nicer housing structure, of which the former is certainly much more difficult for the GoK or UN-Habitat to provide. Yet Kibera-Soweto tenants' turning the SSUP into an opportunity to become landlords while not living in the product of the project seems to pervert the objectives of the KENSUP and the SSUP. More importantly, it is precisely this economic potential of becoming a landlord that has caused a displacement of original Kibera-Soweto residents by wealthier individuals (gentrification) in anticipation of receiving the fruits of the SSUP, which has already made Raila's promise of ensuring that the "current slum tenant remains the tenant in the upgraded houses" impossible to completely fulfill.

It appears as though Minister Raila does not fully appreciate or understand the difficulty of what he is suggesting. For those original residents left in Soweto, it will be nearly impossible to force them to live in storied flats, as was the case in the Kibera Highrise project located next to Soweto village. If flats were what the Kibera-Soweto community wants, then there would only be the gentrification problem. Residents would want to move in and enjoy the high-rise lifestyle. I am not suggesting that Soweto residents do not want flats, only that if they are given something they do not want, the SSUP will ultimately fail to benefit them in the manner intended.

This raises the most important question: what do the Kibera-Soweto slum dwellers want? What do the residents of Soweto-Kibera want to have happen with this project that has seemingly fallen like manna from the sky to them? The key is that *they* must give the answers,

or else they will not have ownership or appreciation for the project – both of which are required for sustainability. The residents themselves must participate in the planning and developing of their slum upgrade programme as David Kithakye (UN-Habitat), most development theorists, and “lessons learned” from past project reports have said. In line with political theorist, James Scott, without gathering and seriously considering fair and unbiased information from the community, Minister Raila and other top GoK or UN-Habitat officials who are far removed from the reality of Kibera cannot lead a successful SSUP by simply dictating what end product the SSUP ought to create from limited information, in Raila’s case, high-rise flats.

Conversely, Minister Raila is claiming to be including slum dwellers in the KENSUP process. In addition to the KENSUP 8 August 2003 press notice that claims slum dwellers will be fully involved to “identify required improvements,” in an August 2003 speech announcing the KENSUP,<sup>119</sup> Minister Raila stated, “...tenants and landlords would be consulted and fully involved in the planning and execution phases of the slum upgrading project to ensure that their needs and concerns are addressed. In fact, consultation meetings with slum dwellers have already started,” (Major Initiative). It is, however, uncertain where these consultation meetings took place. Interviews by the author with members of Christ the King Church and slum dwellers in Kibera-Line Saba (located next to Kibera-Soweto) suggest no such consultations took place in Kibera-Soweto. Furthermore, the fact remains that there was no community representative Settlement Project Implementation Unit (SPIU) formed in Kibera-Soweto in August 2003 (or by early 2004 for that matter) with whom official consultations could have taken place as mandated in the official KENSUP/SSUP institutional structure.<sup>120</sup>

How and with whom did Raila’s slum dweller consultations happen? It is possible that because Raila did not specifically say “Kibera-Soweto” or SSUP in his August 2003 speech, he could have been referring to efforts to begin KENSUP projects in other slums in Nairobi. Nevertheless, the evidence suggests that if any consultations with residents actually did take place in Kibera-Soweto in 2003, they did not influence Minister Raila, the MoRPWH, or the

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<sup>119</sup> This is another case of the KENSUP and SSUP’s numerous announcements and launchings that have created an air of ambiguity surrounding both parts of the upgrading initiative. In reality, the KENSUP was started in 2001 and the Kibera-Soweto starting project was officially “announced” in January 2003 when UN-Habitat and the GoK signed the KENSUP Memorandum of Understanding. Moreover, the SSUP was separately “launched” in October 2003, not August 2003.

<sup>120</sup> See Chapter 4.0, section 4.4 for an outline of the KENSUP/SSUP institutional structure.

KENSUP Secretariat at all since Raila's plan for building high-rise flats in Kibera-Soweto through the SSUP was not altered between his exclusive KLA interview in April 2003 to October 2003.

Two months after his August 2003 speech in October, Raila explained the whole plan for the SSUP to the people gathered for the official SSUP launching ceremony in Kibera-Line Saba at a site ironically next to Kibera Highrise, a bitter reminder for many Soweto residents of that failed upgrade project that now houses middle-class residents instead of them, (Onyango in *The Kiberan*, 2<sup>nd</sup> issue). Honorable Raila had the SSUP planned and ready to go for his "launching" speech, the product of which is four-storied flats identical to the Kibera Highrise estate. While this kind of concrete information from the GoK provided some relief to Kiberans who had been stuck in a state of uncertainty and confusion due to the information vacuum, it is simply impossible for the GoK to have completed a comprehensive participatory process in the spirit of SL in two months time, especially without a SPIU.

Beyond short-cutting the full involvement of the community in the decision-making and planning for the SSUP, Minister Raila's plan for Kibera-Soweto contradicts the official documents outlining the KENSUP and SSUP. Raila's plan to build four-storey highrises in Kibera-Soweto contradicts section 4.7 of the KENSUP Programme document which states that although some structures may have to be demolished and relocated to make room for service wayleaves and rationalized planning, "Demolitions will be kept to a minimum and/or avoided as much as possible," (Government of Kenya 9). In order to build highrises in Kibera-Soweto, all or nearly all existing structures will need to be demolished. Furthermore, section 3.2.4 of the same document states that any relocation and compensation of structures "will be done through consensus among tenants, structure owners and the local leadership," (7). Remembering the Athi River controversy and Amran's article in the 8 August 2003 *East African Standard* titled, "Raila, Govt Brace for Fight in Kibera," which covered Minister Raila's six-month ultimatum given to structure owners to make room for the KENSUP, it is clear that the Minister is not following this KENSUP stipulation. Raila's highrise agenda simply does not even vaguely follow these explicit KENSUP components nor other general directives, plans, and SL strategies laid out in the collective documents surrounding the KENSUP and SSUP.

This again raises questions that cannot be ignored. Why is Minister Raila set on building highrise flats when that strategy failed miserably in the Kibera Highrise project in the mid 1990s

due to gentrification? Why has he made the decision about what the end product of the SSUP will be without genuinely consulting the Kibera-Soweto community as publications signed by him (such as the 8 August KENSUP press notice) said would be done? Some of these questions may be answered in understanding the GoK's interests to produce a fast concrete output through the KENSUP to show their international donors and the Kenyan people that the GoK is capable of concretely improving its citizens lives, among other interests explored in the GoK stakeholder section 5.4 of Chapter 5.0 above. Further investigation into these questions is, however, beyond the scope of this paper. Given all of the confusion that has surrounded the KENSUP and SSUP due to the specific fact that the SSUP is taking place in politically charged Kibera, it is interesting to note that Kibera-Soweto was actually not ranked first by the site selection committee.

### **6.5 The KENSUP's Site Selection Controversy**

In the course to select a pilot site for the KENSUP, the leading KENSUP bodies engaged in an extensive process that consulted diverse stakeholders in early 2002. The Inter-Agency Coordinating Committee (IACC) of the KENSUP established a committee to evaluate short-listed sites that were chosen by criteria developed by the Multi-Stakeholder Support Group (MSSG). This committee ranked settlements in terms of "suitability for pilot implementation." Specifically, the following weighted criteria were used to rank possible sites:

Land Status 25%

Absence of Infrastructure 15%

Community Organizations 15%

Impact with respect to population and area size 15%

Ratio of resident landlords to tenants 15%

Other – including structure conditions and interventions by other agencies 15%

The results of the IACC special committee are as follows:



<b>Name</b>	<b>Weighted Score%</b> [higher means better for the KENSUP]
1) Huruma Village	66
2) Kibera-Soweto	57.5
3) Mariguini South B	51
4) Kibera-Makina	50
5) Deep Sea Parklands	48.5
6) Mukuru Kwa Ruben	47.5
7) Korogocho	41.5
8) Kingstone Mukuru	28

Interestingly, Kibera-Soweto is not the top ranked site. In fact it is eight and a half percentage points lower than Huruma, which is the largest margin between any two consecutive sites of the top seven. This understandably caused a bit of confusion initially. The magnitude of the incongruity and confusion between Huruma's top ranking in the KENSUP site selection process and Kibera-Soweto's actual selection for the KENSUP pilot site is clearly illustrated in an issue of the *Land Update*, produced by the Kenya Land Alliance (KLA). In its July-September 2002 issue, it states that a pilot project of the GoK and UN-Habitat "Nairobi slums upgrading project"<sup>121</sup> had already started, but not in Soweto. The article reads, "...a pilot initiative to upgrade the Huruma informal settlement in the Starehe Division in Nairobi has already started," (*Nairobi Slums* 1). So the question remains, why is Kibera-Soweto the first site of the KENSUP when Huruma ranked above Kibera-Soweto in the supposed exhaustive site selection process? The answer revolves around Kenyan politics.

Although former President Moi did take the positive step to initiate the KENSUP in 2000, the effort was not without political self-interest. Despite the results of the site selection committee and UN-Habitat's natural desire to choose top-ranking Huruma, in November 2002 Moi refused to sign the pilot project papers of the KENSUP unless the first project was done in Kibera, part of Moi's long-time constituency of Langata District. This rejection of Huruma happened nearly one year after comments on lowering rent in Kibera by both Moi and Raila

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<sup>121</sup> This is an unofficial name for the Collaborative Nairobi Slum Upgrading Initiative/Programme (the early name of the KENSUP) used by the KLA author.

Odinga provoked violent clashes in Kibera in December 2001. Perhaps Moi wished to make something up to his constituents, perhaps not.

Either way, the selection and retaining of Kibera-Soweto for the pilot project site of the KENSUP has been purely political, based on the interests of former President Moi and current Minister Raila, both of whose constituencies include Kibera.<sup>122</sup> Even after UN-Habitat attempted to change the KENSUP pilot site (back) to Huruma after Kenya's 2002 election replaced Moi with President Kibaki, Kibera-Soweto remained. The reason is that after Moi left office, Minister Raila essentially assumed control of the KENSUP and holds the lead GoK position of power on the KENSUP as the Minister of Roads, Public Works, and Housing – the seat of the KENSUP Secretariat. Like Moi, Raila has a strong interest to benefit his Parliamentary constituents in Kibera (Langata District). He played a lead role in Moi's regime in its later years as Secretary General of the KANU party, and switched to the NARC party shortly before the 2002 election when it was clear that political power was shifting and KANU was going to lose the election. Raila Odinga has generally become one of the most powerful and respected politicians in Kenya, whom President Kibaki (NARC) cannot afford to disagree with. President Kibaki, as patron of the KENSUP, therefore allowed the KENSUP pilot project to remain in Kibera-Soweto so as to maintain the fragile political coalition and unity that helped put him into office.

Despite the political manipulation that has put the entire future success of the long-term national KENSUP on the line, the questionability of Kibera-Soweto as the first project site has not been widely discussed or debated in Nairobi. In fact some sources assume that Kibera-Soweto was chosen legitimately via the official site selection process outlined in the programme documents. In a new but critically influential grassroots media source available to Kiberans called, *The Kiberan*, the reason for the Kibera-Soweto site selection was given to be simply “because of its uniqueness,” and its positive fulfillment of the site selection criteria – which of course is not entirely true unless one considers a second place ranking that is only 87% as good as the first ranking site equal, (2<sup>nd</sup> issue 2 and 5). Some stakeholders including UN-Habitat may simply recognize their political powerlessness to do anything to persuade Minister Raila

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<sup>122</sup> This was confirmed in an interview with Goux and a letter to the author from Bodewes.

otherwise. At this point in the KENSUP, the lack of debate on this issue may be for better or for worse, but it remains a critical point of note in this analysis.

#### 6.5.1 Kibera-Soweto should not have been ranked second

While the IACC site selection committee was not responsible for ultimately choosing which site was to be selected for the KENSUP, the second-place ranking assigned to Kibera-Soweto is questionably high. The fact of the matter is that land, political, social, cultural, and economic issues in greater Kibera are incredibly complex and fiery. This is understandably so in the most populous slum in Sub-Saharan and East Africa. According to Gitau and Olima, Kibera's land issues are more complex than other previous sites of slum upgrading in Nairobi, such as Mathare 4A, which achieved a marginal level of success only after much heated conflict. Bodewes agrees, noting that UN-Habitat does not realize and appreciate how complex Kibera is, (Letter 24 Nov). It is therefore clear that Kibera demands much more attention for a successful comprehensive slum upgrading project than other possible KENSUP pilot sites and previous slum upgrades in Nairobi.

The KENSUP site selection committee undermined Kibera's complexity by ranking Kibera-Soweto a generous second place. It may be argued that part of Kibera's land complexity derives from the Nubian community's viable right to Kiberan land ownership from their long-standing history in Kibera since 1912. The corresponding fact that there are nearly no Nubians living in Kibera-Soweto makes it appear as though Kibera-Soweto would be a satisfactory site for the KENSUP after all. However, that several articles have called Soweto's land ownership "clear" (one being in *The Kiberan*) shows a lack of appreciation for general non-Nubian-related land complexities that surround structure ownership instead of outright land ownership in all of Nairobi's slums. Although it is "clear" in Soweto that the Kenyan Government (and not the Nubians) officially owns the land, the heart of all informal settlement land controversy surrounds not who actually owns the land so much as who controls the structures and therefore owns the rent money they produce.

The complexity of power in Kibera related to structure ownership stems from the history of countless exchanges of plots and structures for money or political favors since World War I. Although many structure owners might try to link their plot's ownership back to the Nubians' legit temporary occupancy permits that were granted pre-World War II, most plots in Kibera

have other illegal beginnings. Most structure owners came to own their structure through a chain of bribery paid to local chiefs, city councilors, and/or previous structure owners. The situation is heated due to the enormous economic rewards from such an investment, with Kibera slum structures actually being the best real-estate investment in greater Nairobi, (Syagga, et al., NSA: A Rapid 15).

Further illustrating why Kibera-Soweto should not have even been ranked second in the site selection process is the forced eviction campaign of February 2004 in Kibera authorized by the Ministry of Roads, Public Works, and Housing. Forceful and violent evictions for the proposed construction of a city by-pass road displaced over 2,000 people and greatly increased anxiety and confusion in Kibera. But road developers are not the only ones with their eyes on Kibera's prime location. Cutting directly through Kibera is the main line of the Kenya Railways Corporation to western Kenya, which is badly in need of upgrading itself.<sup>123</sup> Also criss-crossing Kibera are power lines owned by Kenya Power and Lighting Co. Ltd. Both of these major industries followed suit and issued notices in Nairobi's newspapers in February 2004 announcing intended evictions of structures located 100 feet of the rail line and under or near power lines.

Although President Kibaki eventually called for the temporary halt to these slum demolitions, the bottom line is that Kibera is an unsuitable starting site for the KENSUP. Kibera, although direly in need of upgrading, is a political hotbed making quality and sustainable upgrading activities by an inexperienced KENSUP institutional administration with such a large project (directly affecting 60,000 people) extremely difficult. Even though just the one village of Kibera-Soweto is directly involved in the SSUP, the fact of the matter is that all of Kibera (over 700,000 people) is worried about the upgrade and will be affected by it somehow.

First ranking Huruma would have (rather obviously due to its highest ranking) been a much better KENSUP pilot project site than Kibera-Soweto. Huruma has simpler land status, better community organization, and most importantly, a cooler political environment without as many differing interests, powerful figures, and forces involved both politically and economically. This puts Huruma at a much lower risk for violent conflict and conflict in general. Doing the first KENSUP project in Kibera before well-established national slum upgrading policies, experience, and best practices are secure has needlessly put all stakeholders involved at a high

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<sup>123</sup> See photo four on page iv of the railroad cutting through Kibera.

risk for failure to accomplish their objectives. This is exactly what Rio de Janeiro's Favela Bairro slum upgrading programme has been seeking to avoid by focusing first on Rio's smaller slums.<sup>124</sup> Unfortunately it is the slum dwellers who are left to bear a disproportional amount of any negatives that come of the whole Kibera-Soweto upgrading process. This was an unnecessary risk that has not only put the entire Kenya Slum Upgrading Programme on the line, but more importantly, it has put Kiberan lives at stake.

In spite of this, after all this time and buildup too many people are expecting the upgrade programme to benefit Kibera. It would be too difficult to change sites and would create a state of hyper confusion and turmoil. Although the NGO Coalition on Urban Land/Housing Rights Campaign agrees that the political connections of Minister Raila to Kibera is of grave concern and a significant risk to the success of the KENSUP, they decided in July 2003 that a proposal to change sites would be too ambitious, (2).

It is not, however, too late to change the nature of the Kibera-Soweto Slum Upgrading Project (SSUP) from a high-rise construction project that Raila has created it to be, back to its original intent and purpose. That original project conception encompasses authentically and sustainably aiding Kiberans in Soweto village by providing a stable national policy environment for slum upgrading and empowering residents and building capacity within the community to aid their improvement of their own living conditions through problem identification, strategy development, decision-making, resource generating, and community implementation more in line with the Sustainable Livelihoods Approach (SL). As UN-Habitat settlement advisor David Kithakye said, the proper role of the GoK and UN-Habitat is supporter of slum dwellers, not distributors of pre-planned and pre-determined housing schemes that fail to take into consideration the target community's unique needs and interests.

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<sup>124</sup> See section 4.6, Chapter 4.0 for a further discussion of this slum upgrading programme in Brazil.

## **7.0 Conclusion**

The theoretical framework for the KENSUP that began to be formed in 2001 is based on the global development strategy called the Sustainable Livelihoods Approach (SL). SL developed directly from the evolution of development theories and strategies from the last three decades. As illustrated in Chapter 3.0, the Government of Kenya (GoK) tried a wide range of policies, from demolition to site and service schemes emphasizing self-help, in attempting to manage the growing informal settlement problem in Nairobi and Kenya's other urban centers. Most of these policies failed due to specific idiosyncrasies of each strategy, while others encompassed good ideas that simply failed due to the manner in which they were implemented. SL has woven some of these good ideas together with a focus on the people that a given project will help, while also recognizing the importance of solid government leadership to coordinate all of the different stakeholders of slum upgrading so as to build the necessary unity and trust for collaboration between otherwise estranged parties.

The KENSUP's following SL means that the SSUP's target beneficiaries (Kibera-Soweto residents) are to play an active role in their upgrade project. The most important aspect of resident involvement is their empowerment, or at the very least the empowering of a democratically elected representative body of the residents, to identify and prioritize problems in their community that they want the SSUP to address. The KENSUP's community representative units are called Settlement Project Implementation Units (SPIUs). SL also means that NGOs and CBOs are to play a major role in educating residents about slum upgrading and the different possible schemes they could chose from. It is important that the organizations working in the Kiberan community are teaching the same things, which is possible when effectively coordinated by the GoK and the Nairobi City Council (NCC) through the KENSUP Secretariat and PIU respectively, or by UN-Habitat if need be. Finally, the residents, through the SPIU(s) of KENSUP projects, are to participate in making the decisions about what the actual products of their upgrade project will be.

Throughout this paper I have supported SL and the KENSUP's theoretical foundation based on this development approach. Both UN-Habitat and the GoK created the KENSUP based on genuine wishes and interests to improve the deplorable living conditions of Kenya's urban slum dwellers. The programme's objectives are, therefore, noble and greatly needed. My

contention with the KENSUP lies rather with the handling thus far (January 2003-April 2004) of its first project, the SSUP, in the village of Soweto in Kibera.

In answer to its primary research question, this paper has shown that the SSUP is in fact not following SL very closely and is therefore headed towards failure of achieving its goals; the primary goal of which is improving the livelihood and well being of the residents of Kibera-Soweto. But worse than not meeting its goals, the GoK has actually worked directly against them; unintentionally I hope. In response, UN-Habitat has not stood up to challenge the GoK on this issue. They have instead taken a passive role in the SSUP.

Sometime during 2003, the SSUP lost its projection to meet its goals. My research has shown that most of the responsibility lies with the Ministry of Roads, Public Works, and Housing (MoRPWH) of the GoK. Instead of building unity and trust between the various stakeholders involved in the SSUP (as is the Government's role as KENSUP facilitator and Secretariat), the GoK allowed and fostered division, tension, and suspicion to become characteristics of the SSUP. The GoK should have been well aware of the difficulties of building unity and trust when such diverse interests exist among the SSUP's stakeholders. Yet instead of taking the necessary precautions to effectively manage the project along SL principles, the MoRPWH's careless and at times intentional malicious handling of the SSUP throughout 2003 has greatly jeopardized the project.

Between January 2003 and August 2004, there was no direct dialogue between the GoK and the Kibera-Soweto community, and very little if any official information was available about the SSUP in Kibera as a whole. Nairobi's mass media served as the only medium of information exchange. The unofficial media coverage that the KENSUP and SSUP did receive during this time, especially that covering the Athi River controversy, was confusing and contradictory, creating more apprehension in Kibera contrary to the KENSUP's official media strategy. When the GoK finally did make an official public announcement about the KENSUP with its 8 August 2003 press notice in the *East African Standard* newspaper, its overly positive rhetoric starkly contradicted Amran's front-page article discussing the conflict between Kiberans and the GoK.<sup>125</sup> Additionally, in early 2003 when the NGOs involved with the KENSUP through the Multi Stakeholder Support Group (MSSG) sat in disagreement with the GoK over how the SSUP

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<sup>125</sup> See Appendix I for the KENSUP press notice and Appendix III for the 8 August 2003 front-page headline.

should be run (wanting instead a slower project emphasizing participatory processes), the GoK simply disempowered the group and eliminated their opposing views and input on the SSUP. Finally, contrary to the GoK's own SL-based KENSUP blueprints, the Kibera-Soweto community was not authentically involved in the planning and decision making processes for their SSUP. Instead, the Ministry of Roads, Public Works, and Housing announced its own plan for the end product of the SSUP: four-storied flats.

As head of the KENSUP Secretariat, and the Ministry of Roads, Public Works, and Housing, Minister Raila Odinga has lead the GoK away from SL back to the provision of public housing reminiscent of Kenya's late 1960s informal settlement policy. Raila's proposed new highrises in Kibera-Soweto would undoubtedly benefit Nairobi as a whole by increasing the city's low and middle-income housing stock. The flats would also ease political pressure on NARC to fulfill its over-zealous campaign promise of building 150,000 new housing units a year for Kenyan slum dwellers. However the SSUP now risks, like similar projects before it, ultimately becoming unable to sustainably benefit the urban poor it is directed at helping due to its top-down, non-participatory planning and design phase, and its lack of focus on economic development in Kibera. Although development theorist, Werlin, did call for a strong governmental role in slum upgrading, his model uses a top-down/bottom-up approach. Thus far, as of April 2004, the SSUP has been missing the bottom-half of the current SL slum upgrading strategy with the absence of a SPIU. At best, it will be extremely difficult to benefit the majority of the Kibera-Soweto target beneficiaries with the new high rise flats after they are built due to similar economic pressures that have made middle-income residents the actual beneficiaries of several past upgrade initiatives, the most relevant being Kibera Highrise, which coincidentally neighbors Kibera-Soweto.

A significant difficulty of Raila's SSUP plan is that all Kibera-Soweto residents must be first relocated before the highrises can be built. Displacing some 60,000 people is no small task. In addition to households, countless small businesses will need to be relocated not once, but twice, in order to move back into Raila's new flats. The interim time between their first relocation and settling into the new housing will be a vulnerable period for Soweto residents. Incomes will be disrupted as established clientele and other community bonds are broken or greatly strained at best.



Notably, Raila's SSUP highrise plan is in danger of breaking international law. Large scale evictions or the displacement of persons are highly discouraged by nearly all international and UN housing documents, including The International Covenant on Economic, Social and Cultural Rights, to which Kenya is a signatory and party. Where displacement is absolutely unavoidable, a comprehensive resettlement plan is required before such a plan is initiated. No such plan exists for Kibera-Soweto as of April 2004. More on point, the entire displacement of Kibera-Soweto is not necessary for a successful SSUP.

In the past, slum upgrading has meant slowly improving existing structures by empowering the residents to take ownership in their homes to improve them themselves. While it may seem like this may not be practical for Kibera since structure ownership there is very complex and political, the Government's plan to bulldoze the current Soweto settlement to make room for the new high rise apartments also does not respect current structure owners. This is a significant dilemma of the Kibera-Soweto project.

Furthermore, SL and much current slum upgrading literature (including that of UN-Habitat) emphasize the stimulation of income-generating activities and a broader focus on community empowerment than just housing and service provision. While it is possible that after the Kibera-Soweto community is temporarily relocated, the SSUP will come to focus on the issue of assisting the target beneficiaries to create sustainable income-generating activities, the fact remains that if slum dwellers are unable to pay their rents, they will move out of the new highrises. Since this would completely thwart the main objective of building the highrises, this fact illustrates why resident participation in the planning and design phase of the SSUP is so important. It is crucial that the KENSUP Secretariat addresses this issue with the target beneficiaries *before* any housing construction begins.

The above issues of relocation and income generation need not be impassible barriers for the SSUP. However the issues of insufficient dialoging and information exchange between the GoK and the Kibera-Soweto community, the absence of a SPIU and effective community participation in the planning of the SSUP, the corresponding centralized planning and control of the SSUP by the GoK's MoRPWH, and the Ministry's decision to build unsuitable high rise flats after temporarily relocating 60,000 people of Kibera-Soweto, are all major issues that greatly threaten the potential success of the SSUP and must be addressed immediately. Since the SSUP is its first project, the national-scale KENSUP as a whole is also at risk financially and

experientially. Without a successful slum upgrading project in Kibera-Soweto, international donors will be difficult to find and the KENSUP institutional structures will remain inexperienced in successful slum upgrading.

After an excellent three year in-depth KENSUP Inception Phase involving diverse stakeholders, it would be a major loss if the SSUP failed to meet its high potential. Not only would it be a discredit to the GoK, but to all organizations involved. The groundwork for the KENSUP is solid and thorough, the Nairobi Situation Analysis (NSA) and its supplemental studies attest to that. My research has shown that the current problems of the Kibera-Soweto Slum Upgrading Project (SSUP) are ultimately the result of poor upper-level management and decision-making involving strong political and economic underpinnings. Counter-productive to the SSUP's objectives, decisions by the MoRPWH and Minister Raila have deepened divisions and exacerbated tensions among SSUP stakeholders.

Contrary to the guidelines in the official KENSUP and SSUP documents, Minister Raila's highrise plan has been developed and chosen for Kibera-Soweto without that community's participation and consultation in the problem identification and decision-making processes – the most important phases of a slum upgrading project. While Minister Raila holds dominant political control of the KENSUP's SSUP in Kibera as this settlement's MP and head of the MoRPWH, other GoK KENSUP leaders such as Housing Department Director, Grace Wanyonyi, do not agree with the direction Raila has taken the SSUP. Wanyonyi regrets the lack of consultation with Kibera-Soweto residents. UN-Habitat undoubtedly agrees with Wanyonyi and would prefer the GoK to follow SL more closely, however they realize their lack of political power due to the respected sovereignty of the GoK and the UN's weak position as a mere supporter of the GoK's KENSUP according to the Memorandum of Understanding signed between these two bodies in January 2003. Nonetheless, the lack of information to Kiberans between January 2003 and August 2003 about the SSUP, intensified by Raila's six-month ultimatum (given in August 2003) to Kiberan structure owners to get out of the way for the KENSUP, pitted structure owners and tenants alike against an aggressive GoK in suspicion of their intentions. The residents' attitudes will now be difficult to change and mobilize for the SSUP.

Factioning has also happened among NGOs and CBOs. Several NGOs are moving forward with their own separate initiatives to help residents in Kibera understand slum upgrading

while others have disengaged from the KENSUP process completely. Meanwhile, in the absence of any other agreed upon way forward for the SSUP due to the Secretariat's mismanaging the SL participatory process between diverse stakeholders in 2003, the GoK has reverted back to its historical centralized and authoritarian methods of directing housing projects. As the NSA warns, past projects that have followed this pattern imminently end up not being socially or economically sustainable. Unfortunately, due to the Ministry's blatant disregard for the new strategies presented and advocated for in the NSA, and their ignoring of other stakeholders such as the NGO community who provide a valuable link to the target community, the SSUP is doomed for a similar fate met by many projects before it unless a drastic and complete re-directing of the project takes place to put it back on its original trajectory described in the project and KENSUP documents.

In the author's opinion, large bureaucratic upgrade programmes like the KENSUP will always struggle to achieve their goals. Although they all attempt to somehow involve the residents of a given slum estate in the project, logistically it is often too difficult to actually do in the short timeframes many governments desire. Using the ideal democratic participatory process that is recommended and outlined in the KENSUP/SSUP documents by creating SPIUs might prove to be relatively chaotic and time-consuming at first. Democracy, although more just and ideally desired, can seem much less efficient than a hierarchical, top-down governing structure. Many people in the GoK, especially Minister Raila who held a high role in the previous ruling KANU party, know the benefits of a hierarchical government very well after working under former President Moi's twenty-four year authoritarian regime. If something needs to be done within a short timeframe, a hierarchical structure with centralized decision-making proposes a very alluring alternative to participatory democracy, though the suitability of the product may be poor.

This paper has shown that Minister Raila and other KENSUP GoK leaders appear to be drawn to the hierarchical and centralized manner of governing, despite NARC's 2002 campaign platform against this ideology. At the same time, the GoK and UN-Habitat claim to be facilitating a grassroots "self-help" movement through the SSUP illustrated by their public statement, "The people living in slum areas will lead the slum upgrading process," (Consultancy ad). My research has shown that this is simply not the case. SSUP policies and its planning

have been shaped by the GoK with little knowledge of the needs and priorities of the majority of Kibera-Soweto's residents.

The GoK's assumed centralized planning of the SSUP contradicts major development theorists who contributed to the shaping of the current Sustainable Livelihoods Approach (SL) that is supposedly guiding the KENSUP. Both Scott and Berger realized that isolated policy makers (in this case, government slum upgrade planners) cannot develop effective strategies without generous consultation and input from the objects of that policy or upgrade programme. Turner, who believes in minimized government for development projects, would be disgusted by the large role the GoK has taken in the SSUP. Finally, even though Werlin and Balogun would conversely applaud the strong role that the GoK has assumed in the SSUP as such a role is necessary to both handle the complexities of such a large slum upgrade (Werlin) and to actually achieve the objective of popular participation (Balogun), even these two development theorists would criticize the blatant lack of the "bottom-half" (comprising the target community) of their dual "top-down/bottom-up" development models.

If the GoK goes forward with Raila's proposed public housing plan in Kibera, opposition is likely to build against the new NARC administration, already struggling to make a name for itself and maintain public support. Building four-storey flats in Kibera-Soweto would be an exact repeat of the Kibera-Highrise project, which failed to benefit any poor Kiberan slum dwellers due to higher rents and political issues. The current tenants of Kibera-Soweto comprise many of those who were displaced by this previous failure. They remember their stab in the back from the GoK, and will be quick to oppose another project as such.

Given the present political state in both Kibera and greater Kenya, little at best or nothing at worst will change in the possibility of the SSUP being successful until the GoK fundamentally changes the nature of its Provincial Administration (PA) by way of its new Constitution. The infiltration of political corruption in Kibera between chiefs, assistant chiefs, city councilors, and structure owners of all walks of life makes unity between the SSUP's stakeholders a very challenging goal, if not simply impossible. A major component of this PA corruption is that no official of the PA hierarchy (chief, assistant chiefs, district officer, and provincial officer) is publicly voted into office. However Kenya's new Constitution does call for the democratic election of these officials, giving hope for a truer representation of local communities in its

governmental leaders who will, ideally, reject the pattern of bribery and corruption so rampant in Kenya at the time of writing.

## **8.0 Suggestions and Alternatives**

Given the above conclusions, there are several suggestions that I would like to propose for a path forward that could possibly help put the SSUP back on its original Sustainable Livelihoods Approach (SL) course. My research strongly suggests that sticking to the KENSUP's original SL theoretical framework is the best way to achieve a successful slum upgrading project in Kibera-Soweto (through the SSUP). A successful SSUP will ideally stand as a model for future projects of the KENSUP. The following suggestions are by no means comprehensive nor are they the only way forward for a successful SSUP.

Over arching all of the following suggestions, the Ministry of Roads, Public Works and Housing (MoRPWH) of the GoK, as the leader and facilitator of the SSUP, needs to earn the trust of the Kiberans. The GoK must show the Kiberans that they will not let what happened in Kibera Highrise happen again. The MoRPWH must do its job to support the empowerment of the residents in Soweto so that they may have a voice, and that they may use that voice to communicate their needs and concerns during the upgrade. The tension that has built in Kibera over the last year (2003 and early 2004) from a lack of information, false rumors, and actual forced evictions approved by the MoRPWH must be dissipated through non-violent outlets such as community base groups to discuss the Kibera-Soweto situation and upgrade project. The KENSUP's official base groups are called Settlement Project Implementation Units (SPIUs).<sup>126</sup>

In the interest of sustainably achieving the SSUP's goals, all forward motion on implementing the SSUP as described by Minister Raila Odinga at the official SSUP launching ceremony in October 2003 (i.e. temporarily displacing the majority of Kibera-Soweto village) should immediately stop until the following things are done:

- 1) Any decisions made by the MoRPWH and Minister Raila should be put on hold until approved by one or several democratically and justly formed Kibera-Soweto Settlement Project Implementation Unit(s) (SPIUs).

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<sup>126</sup> This is a mandated KENSUP institutional structure that comprises nearly the only venue for target community input into slum upgrading projects. As of April 2004, no SPIU officially existed in Kibera-Soweto to the author's knowledge.

- 2) A large-scale informational campaign should be launched in Kibera-Soweto to educate all target beneficiary residents on the KENSUP, the SSUP, how the SPIU(s) will be created, and on slum upgrading in general. The campaign should explain the specifics of the upgrading project, most importantly describing the SL process that the SSUP will now take and how the residents can actually participate in guiding their project.

2a) Additionally, reasons behind all decisions regarding what design of housing and infrastructure that have already been made by the GoK and NCC should be explained. However other possible slum upgrading schemes with examples from around the world should also be thoroughly explained and discussed as real possibilities for Kibera while noting the positives and negatives of each scheme.

2b) UN-Habitat ought to play a major role in this campaign by training and strongly supporting key NGOs and CBOs through their expert staff with knowledge of diverse slum upgrading schemes and grassroots mobilization experience. The KENSUP Secretariat, based in the Housing Department under the MoRPWH, must initiate and coordinate, or give the power to UN-Habitat to coordinate its own effort, to organize NGOs and CBOs for this grassroots level educational campaign due to the current structure of the agreement between the GoK and UN-Habitat.

- 3) A similar large-scale and consistent media campaign for the general public in Nairobi should be arranged, as provided for in the KENSUP's documents discussing media strategies.
- 4) Efforts to authentically form the Settlement Project Implementation Unit(s) (SPIUs) in Kibera-Soweto should be coordinated and begin as soon as possible. SPIUs will offer true long-term members of Kibera-Soweto the opportunity to evaluate, critique, and contribute to the plan and design of how the SSUP will be materially and non-materially realized as or through representatives of the Kibera-Soweto community (60,000 people). Through the formation process, it should be realized and celebrated that the very creation and empowerment of these democratically elected committees is fulfilling a major SL

objective of the SSUP and KENSUP to mobilize and directly involve the target beneficiary community in a real way to steer their upgrading project.

4a) The SPIU(s) should be created through a genuine democratic process to allow legitimate residents in Kibera-Soweto to choose their own community leaders separate of the area chief, assistant chiefs, and city councilor. Although the KENSUP Inter-Agency Co-ordinating Committee's (IACC) Sub-Committee working on the Programme Organization and Institutional Structure (2001) state that SPIU formation should be coordinated and facilitated by the Project Implementation Unit (PIU) of the Nairobi City Council (NCC), since the NCC has experienced internal problems involving an investigation into its corruption, a fire in the city hall (early 2004), and has generally been a weak stakeholder in the SSUP, the PIU will require much assistance to form the SPIU(s) in Kibera-Soweto. Therefore, the KENSUP Programme Secretariat (MoRPWH) should coordinate with the Joint Project Planning Team (JPPT), the PIU, and UN-Habitat to facilitate the elections for Soweto's SPIU(s). However, recognizing the rampant corruption that also exists in the GoK, UN-Habitat would be the best neutral party to lead the SPIU formation process, especially given its many experts in the field of grassroots organizing for settlement projects. If UN-Habitat lacks the resources to send their own experts into Kibera, then they should coordinate and support creditable NGOs and CBOs to lead the formation of SPIU(s) in Soweto. These organizations will first need to mobilize and educate the Kibera-Soweto community about how the election process will happen and what the SPIU(s) will mean to the Kibera-Soweto residents as their voice in the SSUP.

4b) The KENSUP Secretariat (based in the MoRPWH) will need to authorize UN-Habitat and corresponding NGOs and CBOs for their SPIU election activities in Kibera-Soweto according to the current Memorandum of Understanding between the GoK and UN-Habitat. Without this GoK policy spark, UN-Habitat or other neutral third parties will not and cannot begin the election process on their own, which requires one coordinated effort to eliminate mass confusion and chaos in Kibera.



4c) New wealthier migrants to Soweto who anticipate benefiting from the upgrade project should be excluded from the SPIU(s) and the SSUP in general out of fairness to the original SSUP target beneficiaries. This includes not allowing recent migrants to enjoy the product of the upgrade if it involves new housing like high rise flats, and also excluding them from being representatives on the SPIU(s) since they do not accurately represent the Kibera-Soweto community, one of Kibera's poorest. This will also set an important precedent for future KENSUP upgrade projects that will hopefully curb gentrification in project areas.

Exactly how these new wealthier residents will be controlled and restricted from the SPIU(s) and the SSUP to ensure the original poorest of Kibera in Soweto village actually benefit from and hold the community voice in the SSUP is a very difficult and important issue. One possible strategy suggested by Goux is to only include those residents in the SSUP and its SPIU(s) who can prove that they have lived in Kibera-Soweto since before January 2003 – when Kibera-Soweto was announced for the KENSUP, (12). While this is a good suggestion that I support, it may prove to be extremely difficult to do given the high level of corruption in Kibera. This issue therefore demands much attention and strategizing from all KENSUP stakeholders.

4d) The proper formation of one or several SPIU community bodies will take time and will be difficult. Yet it is absolutely crucial to the success of the SSUP that no short cuts are taken. These groups will play a major role in building support among the Kibera-Soweto residents (both tenants and structure owners alike) for the SSUP, which is required for the project's success. The SPIU(s) will be the fundamental link between the KENSUP's "top-half" (GoK, UN-Habitat, and the NCC) and the "bottom-half" (the target beneficiaries of Kibera-Soweto) as demanded by the Sustainable Livelihoods Approach (SL) and asserted by the GoK itself.

5) The KENSUP Secretariat should end the ambiguity regarding its own commitment to truly leading an SL project in Kibera by fully committing *in practice* to the full participation of the Kibera-Soweto residents to back up its public statements on the matter. This full resident and stakeholder involvement should happen not only during the

Implementation Phase of the SSUP, but also in the actual planning and designing of the SSUP, designated to happen during the Preparatory Phase. If this means that the MoRPWH's current plans for building four-storey flats for Kibera-Soweto's upgrade need to be completely changed, so be it. Yet such plans (as described by Minister Raila and discussed in this paper at the end of Chapter 6.0 in section 6.4.3) are not a waste since they can still be presented to the SPIU(s) as a possible upgrading scheme among others to be chosen from.

5a) As Balogun suggests, capacity building for a strong local participatory and decentralized upgrade effort should not be limited to residents at the grassroots level, (172). Local GoK, NCC, and UN-Habitat officials therefore ought to be included in the local governance capacity-building process.

- 6) The KENSUP Secretariat should immediately call the MSSG to meet and reinstate regular meetings at least monthly with its original members. New members ought to also be considered for joining this body, including but not limited to other NGOs, CBOs, and Kibera-Soweto residents.
  
- 7) A detailed plan of resettlement and compensation must be developed and presented to the residents of Kibera-Soweto if the SPIU(s) and other institutional bodies of the SSUP are in agreement that it is best for the target beneficiaries to include the mass displacement (temporary or permanent) of their community for the SSUP. Not only is such an approved plan crucial to counteract crippling opposition to the project from the residents that has the potential to turn violent (as seen in the December 2001 clashes in Kibera), but a detailed resettlement plan is also required by international law.<sup>127</sup>

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<sup>127</sup> This includes the Covenant on Economic, Social and Cultural Rights - General Comment Number Four: all forced evictions are a *prima facie* violation of the Covenant. Article 22 paragraph six of General Comment Number Two on the International Technical Assistance Measures (Fourth Session, 1990) warns that, "International agencies should scrupulously avoid involvement in projects which...involve large-scale evictions or displacements of persons without the provision of all appropriate protection and compensation..." Furthermore, the World Bank Operational Directive 4.30 Section Four states very clearly, "Where large-scale population displacement is unavoidable, a detailed resettlement plan, timetable, and budget are required," (Christ the King Church, Memorandum on Kibera Urban Environmental Sanitation Project).

7a) Any such resettlement plan should ensure that SSUP target beneficiaries will be financially supported by the GoK and UN-Habitat to help match what they were making before the relocation. On the minimum, SSUP target beneficiaries ought to have enough money to pay for at least the basics of food, shelter, medicine, and continuing their children's education under the college level without having to use personal savings while this massive social and economic transition is going on. This is to acknowledge the vulnerability of Kibera slum dwellers who work in the informal sector and will experience a major disruption in their incomes during the transition period to temporary and then permanent residencies.

7b) Special attention should be given to structure owners since they have nothing to gain and their incomes to lose in the SSUP. Since a successful SSUP needs structure owners' support, beyond compensating structure owners for the fair value of their structures, it is very important that the people from this stakeholder group (and their associates who need it) receive assistance to establish new legit income sources. However it is also possible that Kibera-Soweto and the KENSUP Secretariat could decide to somehow allow structure owners to benefit in another way from the SSUP, such as using a rent-to-buy scheme that would allow current structure owners to remain structure owners in a future upgraded Kibera-Soweto village.

This financial support is in response to Kenya's lack of a social-economic safety net in times of unemployment. According to Patrick Acttoki from the GoK Ministry of Lands and Settlement, unemployment aid money has never been discussed in the GoK as an issue relating to slum upgrading, (personal interview). Providing such a financial support system as part of the SSUP could greatly lower the probability of gentrification in an upgraded Kibera-Soweto, and hence insure that the SSUP fulfills its primary goal of sustainably improving the living conditions of the current residents of Kibera-Soweto.

To achieve the above recommendations of stopping, evaluating, and redirecting the SSUP, the GoK ought to invite UN-Habitat to increase its direct involvement in the SSUP to keep the project from permanently derailing from the Sustainable Livelihoods Approach (SL).

The GoK's continued distancing from the KENSUP's theoretical framework would be detrimental to accomplishing the objectives of the KENSUP and SSUP.

### **8.1 Actively Engage Youth (30 years of age and under)**

Youth comprise the clear majority of Kenya's population, with Kibera having even more than the national average. According to Khasiani of Kenya's Population Studies and Research Institute, 60% of Kenya's 28.7 million people are between the ages of 10 and 24. Moreover, Global Virtual University (sponsored in part by the United Nations Environmental Programme [UNEP]) found 43% of Kenya's population under 15 in 2001. As such, young people comprise an extremely important group that needs to be focused on and recognized by all development stakeholders for being the primary grassroots go-power of development that they are. From my own experiences with the KASTA youth groups of Kariobangi neighborhood in Nairobi, I have witnessed the high potential and empowering spirit of self-organized youth groups. However, these groups desperately need resources, guidance, and training from NGOs, UN-Habitat, the GoK, and other organizations in positions to support youth groups.

Supporting my experience, Anthony Mutuku writes in the youth-organized newsletter, *The Kiberan*, "It is...very important that the community and government take immediate measures to ensure that these young people are taken care of and therefore saving the whole population...If these young people are not going to be supported, the future of the country becomes doomed..." Mutuku is referring to all the negative vices of urban slum life that work together to eat away at the souls of Kibera's young people. The challenges faced by youth living in Kibera are similar to those faced by youth, especially financially disadvantaged youth, around the world. Among the many challenges facing young Kiberans are HIV/AIDS, drug abuse, acute poverty and the corresponding lack of resources for secondary schooling or higher education,<sup>128</sup>

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<sup>128</sup> Secondary schooling after the American equivalent of eighth grade is not free in government public schools in Kenya. Families must struggle to make hard decisions between eating enough and paying school fees month to month. Before January 2003, primary school was also not free. While more children attend primary school in Kibera and Nairobi's other slums than one might imagine (often through private "informal" schools), under-education due to lack of funding is certainly a major constraint for youth growing up in informal settlements.

In one case, I met an incredibly bright 22-year-old Kenyan from the town of Isiolo, located north of Nairobi. He had applied to several prestigious American universities, including Harvard and Brown, and was accepted to all. However, without a full-ride scholarship including transportation, attendance at one of these universities that he had earned a place in was impossible. In the meantime he is leading an NGO that he organized focused on changing traditional cultural attitudes that support Female Genital Mutilation (FGM).

domestic violence, insecurity, discrimination, unemployment and the lure of joining a gang, and for women, being financially forced to solicit themselves sexually, which contributes to HIV/AIDS – full circle. Because of the real value of the energetic contribution youth have to give in providing an integral contribution to the success of the upgrading project in Kibera-Soweto (SSUP), the KENSUP on the national scale and in slum upgrading initiatives throughout the world, local, national, and international organizations must do whatever it takes to ensure that positive forces, influences, and opportunities are more powerful than those seeking the self-destruction of young people, lest Kenya's (and the world's) future become ever more unstable, oppressive, and violent.

Therefore, participation efforts in slum upgrading around the world ought to focus a substantial amount of time and energy on young people. Having drive, energy, passion, and a real long-term stake in the future of their community, young people will continue to provide the go-power to produce concrete results that communities may otherwise never see. Furthermore, recognizing again that youth form a strong majority of the population in nearly all urban slums, any SL participatory strategy for slum upgrading would be ineffectual if young people were not given due voice and input.

It is when youth are alone and isolated from those who sincerely care about their well being that their challenges become overbearing. As Mutuku names, "...[without] a lot of attention, assistance and direction to enable them [youth] to make good decisions and become responsible people in the future," there is nothing to stop the above named urban vices from spoiling pristine fruit. However when organized together, the real potential of young people is unlocked. It is therefore critical that all development stakeholders in Nairobi make a special priority to get involved with existing youth groups by providing much-needed resources and support through guidance and training of new skill sets, in addition to encouraging and aiding the formation of new youth groups without spurring negative competition. If positive youth groups are not actively supported, young people will turn to gangs, whose profits are drugs and justice is violence, which will greatly thwart any efforts of the Kenya Slum Upgrading Programme in Kibera or any other urban slum in Kenya.

## **8.2 Secure Land Tenure must be included in the SSUP and KENSUP**

In Kibera, the lack of secure land tenure is the most important policy issue in any discussion concerning slum upgrading. If structure owners legally owned the land, they would have incentive to improve their structures to allow them to charge higher rents. Better, if the resident tenants owned their land and structures they would invest in their own housing themselves, both financially and with their labor. Either way, providing secure land tenure is a must for any slum upgrading project in Kibera.

Secure land tenure need not be individual ownership of one plot. As exemplified in the Huruma-J neighborhood of Nairobi (discussed in Chapter 3.0, section 3.3.1.1), community land ownership offers a bright alternative to a possible lifetime of debt that may be required to individually purchase a plot of city land. Since the political and economic situation is so unstable in Kibera, the Kibera-Soweto community should have different flexible and locally defined tenure systems available to choose from. UN-Habitat, the GoK, and NGOs will need to work together with the SPIU(s) to develop several different land tenure systems that could work in Kibera-Soweto. After the options have been presented to the community and feedback gathered, the SPIU(s) may discuss and decide on behalf of the community which scheme is best. The NSA offers advice from past projects, which “finds that emphasis should be placed on community-based insurance and credit schemes to ease the financial burden and distress of the slum residents,” (Syagga, et al. ii). SSUP leaders must develop strategies to avoid the value of the land becoming so high that the poorest of Kibera-Soweto would be unable to access land.

## **8.3 Alternative Strategies**

In response to Minister Raila’s high rise agenda in Kibera, one logical strategy that has oddly not been discussed much, is to build upgraded housing according to the target beneficiaries needs and plans first, then move residents only once: “build first, move once.” This would seemingly greatly reduce the financial and social difficulties of having to displace a large population twice when using a temporary residence before the actual new housing and infrastructure is constructed. Since new housing would have to be built for the temporary occupants anyway (which could likely house residents up to one or two years), there is really little reason not to shift the investment of research, input gathering, consulting, and project planning and design to go immediately into the construction of the new permanent infrastructure

and housing units on the new site. This would nearly eliminate all the anxiety, confusion, and mistrust in the SSUP facilitators (GoK) held by Kibera-Soweto residents, since residents are most worried that the SSUP will become another Kibera Highrise that will not benefit any of them after they are “temporarily moved” – or evicted.

Now that Minister Raila has announced that the SSUP’s temporary relocation sites will be on nearby sites around Kibera instead of 35km away in Athi River, this “build first move once” approach seems more relevant than ever. In interviews, both Acttoki of the GoK Ministry of Land and Settlement, and Kiberan resident Namenje gave the lack of open land as the main excuse against this strategy. However the GoK appears to be willing and able to access enough land near Kibera for the temporary relocation of the 60,000 people of Soweto village. While it may be that access to such land is dependent on the temporary nature of its occupancy, there certainly ought to be a strong initiative to examine and consider the option of building the real SSUP end product before moving Soweto’s 60,000 people if it has not already been looked into.

#### **8.4 Future Research**

This paper has examined the Kibera-Soweto Slum Upgrading Project (SSUP), a current slum upgrading initiative of the KENSUP that is still being realized. Due to this, there are naturally many avenues for future research, especially given that conditions in Kibera and the project itself could change at any time. Parts of this paper may already be obsolete. Nonetheless, a successful SSUP and KENSUP require the continuation of much reflection, evaluation, information gathering, and analysis. Through this process of researched writing on the SSUP, many difficult questions arose that I could not adequately answer and were beyond the scope of this already lengthy paper. The most important of these questions follow and will shape future research on the KENSUP and SSUP.

The central question is *why* has the Ministry of Roads, Public Works, and Housing (MoRPWH) under Minister Raila Odinga not followed through with the active community participatory SL concepts ingrained in the KENSUP and SSUP documents and recommended by the Nairobi Situation Analysis (NSA) report (2001)? Why has the KENSUP Secretariat not facilitated the formation of one or more SPIU(s) in Kibera-Soweto when these groups are required by the KENSUP institutional structure to make any decisions about a specific project? Related to this, how and why did Minister Raila decide on the SSUP’s end product – to build

four-storey flats in Kibera-Soweto – without the input from one or more SPIU(s) and otherwise without genuinely consulting the Kibera-Soweto community as publications signed by him (such as the 8 August KENSUP press notice) said would be done? Moreover, why is Minister Raila set on building high rise flats in Kibera-Soweto when that strategy failed miserably in the Kibera Highrise project in the mid 1990s due to gentrification?

More generally, why did the GoK and UN-Habitat neglect their media strategy until August 2003 since Kibera-Soweto was announced as the first KENSUP project site in January 2003? Why did the GoK not connect to its target beneficiaries in a timely manner when all the literature said that they ought to? Why has UN-Habitat distanced itself from the SSUP when it has the knowledge and expertise in slum upgrading that the GoK is lacking? How committed are the MoRPWH and Minister Raila to fully and authentically following through with the Minister's promise (August 2003) to let the target beneficiaries lead the upgrading process in the SSUP and future KENSUP projects?

Beyond the KENSUP management issues, plenty of work remains to be done on the ground working between the two main target beneficiary groups: Kibera-Soweto's tenants and structure owners. A few questions that just scratch the surface are: What are the different priority needs of the tenants and structure owners? What are their respective concerns with this slum upgrading project? What are their ideas on how to solve their worries? What would the SSUP look like and need to include for the majority of Kibera-Soweto's structure owners to accept and support the project? Who does each group think would be excellent, fair, open, and willing leaders to represent their stakeholder group on a SPIU?



## **9.0 Methodology and Acknowledgments**

On a Human Rights Fellowship with Chemchemi Ya Ukweli (CYU) (meaning “wellspring of truth”) in Nairobi, Kenya during the summer of 2003 (granted by the University of Minnesota Human Rights Center), I had the opportunity to research slum upgrading in Kenya on many different levels. Through several of CYU’s contacts, I was able to collect many of my vital primary sources. I am indebted to CYU for offering access to and assisting me in utilizing both their network of people and organizations in Nairobi for meetings and interviews related to this research project, as well as their own library of resources.

In addition to interviews with government, UN, church, and NGO officials and staff, I also had the opportunity to conduct field research and talk with residents and involved individuals in the Nairobi estates (neighborhoods) of Kibera, Huruma-J, Kariobangi, Korogocho, and Riverside. Of these, most directly relating to this project is Kibera, where I am most grateful to Christine Bodewes of Christ the King Church (Kibera) for her shared knowledge and expertise on Kibera, her guidance on a my topic focus, and her connecting me to Nicodemus Mutemi, Ignatius Namenje, and Andrew Opwanda who graciously shared their Kibera with me. From Kariobangi I am thankful to the secretariat of KASTA and the youth groups organized under them, especially the Exodus and Indigo groups for sharing their work with me.

I am further appreciative of the opportunity I had to discuss and share research with others focusing on Nairobi’s struggle of development and housing upgrading. I specifically want to thank Ph.D. researcher Mary Goux of France and Masters researcher Sabine Kanya (Eicholzer) of Switzerland.

Financially I am ever thankful to the University of Minnesota Human Rights Center and the supporters of the Laura Musser fund, who made this project possible through the Upper Midwest Human Rights Fellowship Grant. I owe much thanks to one of my readers, Dr. Jeffery Anderson, who encouraged me to apply for the Human Rights Fellowship Grant in the first place.

Logistically I am indebted to one my readers, Dr. Ron Pagnucco, for so willingly accessing his contacts in Kenya to arrange for my hosting by CYU and for his assistance with the fellowship grant application. Without him, this project would have never happened. Dr. Pagnucco’s contacts in Nairobi are the product of the international relationship that has been

built between the Diocese of St. Cloud and the Kenyan Diocese of Homma Bay. The key architects of this relationship are Bishop Okok in Homma Bay, Kenya, Peter Kimeu of Catholic Relief Services (CRS) in Nairobi, Kenya – a major supporter of CYU – and Bishop John Kinney and Father Bill Vos in St. Cloud, Minnesota USA. I am honored that my research could have been a product of this relationship.

Academically, I am most thankful for the invaluable guidance and generous patience of my advisor, Dr. Gary Prevost. His outstanding expertise in international relations and his questions about Nairobi pushed me to look deeper and harder at the politics of Kibera than I ever would have alone. It was a long but incredibly worth while journey together, Gary. Thank you.

I am also very thankful to two of my English major friends, Samantha Henningson and Joel Swenson, who read and edited sections of this paper. Samantha read and gave suggestions for editing on Chapters 4.0 and 5.0. Joel gave up two of his Saturday's to go through Chapters 1.0 through 3.0 with me. Their suggestions on these chapters helped enormously.

Finally, I must also thank Maryknoll veteran, Greg Darr, for a little one-hour conversation we shared in the Sexton cafeteria at St. John's University in May 2003. Greg gave me my first overwhelming introduction to the informal settlement situation in Nairobi. This conversation was vital in focusing my attention on Kenya's urban slums. He was the first to refer me to Christine Bodewes. Without this discussion, this paper would have been about a completely different topic. Thanks to him, I made it a priority to regularly visit informal settlements like Kibera while I was in Kenya. It is quite possible that I would never have crossed the threshold of Kibera slum had that discussion never taken place. Thanks Greg. It was worth it!

## **9.1 Weaknesses of this Analysis**

Although I believe that the conclusions and recommendations of this paper stand strong despite the following, the following weaknesses do affect some components of this paper.

First, part of the presented reality of the situation in Nairobi and Kibera concerning the SSUP in this paper are based off of that depicted in the city's daily and weekly newspapers. I most frequently used the *Daily Nation*, the *East African Standard*, and the *East African*. While daily newspapers are usually quite reliable, mistakes and misquotes do occasionally happen. The quotes that I used have not been contested to my knowledge, however the possibility exists. Of

key importance, I was not able to personally interview Honorable Raila Odinga (Minister of Roads, Public Works, and Housing) myself, and had to instead rely on the media for my information on his position and plan with the SSUP – quite similar to what nearly all Kiberans must do.

Second, the copies of the March 2003 KENSUP and SSUP programme and project documents by the Government of Kenya and the United Nations Human Settlements Programme (UN-Habitat) that I used may not be finalized copies. For example some documents I obtained, such as the Nairobi Situation Analysis (NSA) by Syagga, Mitullah, and Gitau, were the consultative versions instead of the final published versions. Since they were all I had to go off of, I took the two March 2003 programme documents to be the position of the GoK and UN-Habitat and what they planned to do with the KENSUP/SSUP. I did, however, obtain two copies of both the KENSUP and SSUP programme documents from two distinct and unrelated sources. The two sets were identical, leading me to conclude that what was written in this version of these two documents was the current understanding among the KENSUP stakeholders when I obtained them in June 2003.

Third, my interviews were not systematic. I certainly asked similar and often some of the same questions in different interviews, however each interview was unique and followed a pattern of questions resulting from my then current thought process about the topic and followed a path of the individual discussion.

Finally, I did not complete many interviews. I formally interviewed two officials from the GoK Ministry of Lands and Settlements, one official from UN-Habitat, one official from the Shelter Forum (an NGO), the Huruma-J housing cooperative group (about ten members), and only three Kiberan tenants and no structure owners. I met and spoke with many more people, in Kibera mostly tenants and one member of a structure owning family, and other individuals holding diverse places in society all around Nairobi, but only in casual conversation. Although this may be a weakness, specifically relating to my interviews in Kibera, I was advised by Bodewes (who works in Kibera) not to go door to door for random interviews with Kiberan residents. Given the seriousness of the situation in Kibera involving high tension, the acute lack of information that existed during June-August 2003 that continues to exist currently (April 2004) on a slightly lesser level, and the quickness of rumor-milling, mass interviewing had the

real potential to cause confusion and ignite conflict. In respect to everyone, I limited my Kiberan interviews to three residents that knew Bodewes.

Appendix I: KENSUP Press Notice 8 August 2004 from the *East African Standard*

EAST AFRICAN STANDARD, Friday, August 8, 2003

NOTICE P3



GOVERNMENT OF KENYA



UN-HABITAT

## THE KENYA SLUM UPGRADING PROGRAMME

### A COLLABORATIVE INITIATIVE BETWEEN THE GOVERNMENT OF KENYA AND THE UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME (UN-HABITAT)

“Government’s commitment to improving the living conditions of its people”

The Kenya Slum Upgrading Programme (KENSUP) is a joint initiative of the Government of Kenya and UN-HABITAT. The Programme was conceptualized over two years ago following a meeting between the former President H.E. Daniel Arap Moi and the Executive Director of UN-HABITAT Mrs. Dr. Anna Kajumulo Tibajuka. Due to its significance in the improvement of livelihoods and poverty alleviation, the Government of Kenya has accorded the Programme high priority and His Excellency President Mwai Kibaki is the Patron.

The principle objective of the Programme is to improve the livelihoods of people living and working in slums and informal settlements in the urban areas of Kenya through promoting, facilitating, and where necessary, providing security of tenure, housing improvement, income generation, physical and social infrastructure including addressing the problems and impacts of HIV/AIDS.

The Programme aims at developing and implementing appropriate service improvement that include, designs, delivery strategies and approaches. These will be achieved through:

- Security of Tenure (i.e. certainty of residential tenure including various systems of tenure and not only title, absence of violent forced eviction and relocation only where the site cannot be improved).
- Social Infrastructure (e.g. Schools, health clinics, social halls, playgrounds etc).
- Physical Infrastructure (e.g. access roads, security, water, reticulation, sanitation, storm water drainage, street lighting etc)
- Housing improvements - down-grading By -Laws, allowing appropriate low cost materials and technologies; fostering housing co-operatives for communal pooling of resources.
- Income generation e.g. employment, access to credit and markets.
- Assessment of the prevalence and impacts of HIV/AIDs and incorporation of strategies to address the problem.
- Building or strengthening the capacity for research, planning, implementation, monitoring, evaluation and replication of shelter and human settlements programmes at the Central Government, local authority and settlements/community levels.

#### Programme Phases

In order to manage the process in a comprehensive manner the Programme and its projects will have the following four phases:

- **The Inception Phase** - which entails a broad-based consultation and consensus building process among key stakeholders involved in Programme development.
- **Preparatory Phase** - will build on the analysis and consultation in order to prepare the groundwork for the implementation Phase. It will begin with systematic mapping including consultations with structure owners, tenants, and state authorities, and also efforts to establish national policies and institutional arrangements for city wide slum upgrading.
- **Implementation Phase** - Implementation of the projects in specific settlements through delivery of specific project services.
- **Replication Phase** - Analysis of lessons learned, replication and scaling up.

#### Institutional Framework

An Institutional Framework for co-ordination, implementation and monitoring of the Programme involving all relevant Government Institutions, Local Authorities, Community Organizations, donor and development partners has been put in place. The implementation of the Programme will embrace the principles of decentralization, partnerships, consultation, stakeholder participation, consensus building, leadership and the empowerment of beneficiary communities in upgrading projects.

#### Funding

The Government of Kenya jointly with the UN-HABITAT will mobilize the financial and other resources required for the realization of the objectives of the Programme. Funds mobilized will be placed in a Trust Fund managed by a board of directors. Beneficiaries and other Institutions, organisations and stakeholders, both local and International, who have interest in the Programme will be facilitated to invest their resources.

#### Scope of the Programme

The Programme will cover the urban areas in Kenya, starting with selected slums within the statutory, regulatory and legal boundaries of the Nairobi City Council and Kisumu Municipal Council. The first activity of the Programme is the Nairobi Slum Upgrading Initiative which will start with four sites with the aim of expanding to all the slum areas in the City. The four sites (Huruma, Soweto-Kibera, Mariguini and Deep Sea) were identified in the year 2001 following a detailed criteria developed by the Multi-Stakeholder Support Group and aimed at prioritizing the most appropriate ones to start with. During the selection process, it was decided that Kibera- Soweto be the first site, and be used to build institutional capacity and experience to inform the city wide process. Recognizing that slum upgrading is a very involving undertaking, investigations will commence in all the four sites but detailed analysis leading to the first implementation exercise will be in Kibera- Soweto.

#### Programme Status

During the Inception Phase the following were accomplished:

- The Nairobi situation analysis was conducted through a consultative process and documenting key factors which should be considered in slum upgrading.
- Preparation of a preliminary Policy framework for slum upgrading.
- Development of an Institutional Framework for steering the Programme.
- Selection of the sites for the Initial Upgrading Projects.
- A study on rents in slums and informal settlements to supplement the Nairobi situation analysis and to further inform the Programme preparation and implementation process.
- A Memorandum of Understanding setting out collaborative arrangements between GoK and UN-HABITAT was prepared.

The Preparatory Phase began at the beginning of 2003 with the preparation of the National Programme Document and a specific project document for the starting of the Nairobi initiative.

#### Next Steps

In the coming Months, the following Programme activities will be undertaken:

- Socio-economic and physical mapping of first project sites
- Consultative process to establish/identify required improvements
- Resource mobilization
- Establishment of institutions requisite for Programme implementation

The most significant and innovative aspect of the Kenya Slum Upgrading Programme is the enabling of the slum dwellers and other stakeholder to be fully and actively involved in improving their own livelihoods and neighborhoods. Full involvement and contribution of stakeholders is therefore the hallmark of the implementation strategy.

The Programme recognizes that sharing of correct and timely information is critical in a delicate process such as slum upgrading. The purpose of this press release is therefore to provide the public with a general overview of the Programme. Regular updates will be provided as the Programme progresses.

Any enquiries, suggestions and /or support for the Programme may be channeled to Programme Secretariat at the following address:

Director of Housing  
Ministry of Roads, Public Works and Housing  
Ardhi House 6th Floor  
P.O. Box 75323  
Nairobi  
Email: housdept@africaonline.co.ke

HON. ENG. RAILA A. ODINGA EGH, MP.  
MINISTER FOR ROADS, PUBLIC WORKS AND HOUSING

Appendix II: KENSUP Consultancy Ad, 8 August 2003 from *East African Standard*



GOVERNMENT OF KENYA.



UN-HABITAT

## CONSULTANCY FOR A SNAPSHOT STUDY OF ACTORS OPERATING IN KIBERA

In pursuit of its commitment to systematically upgrade slums in urban areas, the Government of Kenya in collaboration with the United Nations Human Settlements Programme (UN-HABITAT) has outlined a framework of engagement with people living and working in slum areas to improve their living conditions.

Urban areas in Kenya have large numbers of slums of different sizes and levels of complexity. In the past, several interventions have been undertaken to address different aspects of the conditions in the slum areas. These interventions have had varying results but the number of slum settlements have continued to increase while conditions have worsened. The Government recognises the need to consolidate and upscale the slum improvement initiatives in line with the Poverty Reduction Strategy Paper (PRSP). The Kenya Slum Upgrading Programme (KENSUP) has been established for this purpose and its projects will be executed in all the urban areas. In Nairobi City, which has over 100 slum settlements, the engagement will start in Kibera-Soweto.

The people living in slum areas will lead the slum upgrading process. It is therefore necessary to establish who does what in Kibera to ensure that there is no duplication and/or unhealthy competition, but synergy. A team of competent professionals will be recruited to:

- compile available information on existing actors, including active institutions, non-governmental organisations, community based organisations, technical development agencies/support groups, self-help groups, religious organisations and any others
- Complement the available information by conducting interviews with the identified actors in the area.
- Prepare a report showing:
  - 1) *Contact information* (Name, Contact person, Postal address, Physical address, Telephone, Fax, Email, Webpage (where available))
  - 2) *Descriptive information* (Short description of activities, Objectives, Partners, Thematic focus, Geographical focus within Kibera/Nairobi, Number of employees, funding and budgets, Status, linkages with other activities, etc)
  - 3) *Prospectus* (Future plans, Commitments, Following up)

### Submission of Proposals:

Interested and competent professionals, firms or organisations should submit written proposals, detailing how they will carry out the exercise, the team composition and the cost. Detailed TORs can be obtained free of charge from the KENSUP Secretariat, office of Director of Housing, Ministry of Roads, Public Works and Housing Ardhi House, Sixth Floor, Room 607.

Proposals clearly marked: KENYA SLUMS UPGRADING PROGRAMME, KIBERA ACTORS STUDY should be addressed to the Permanent Secretary, Ministry of Roads, Public Works and Housing and delivered to KENSUP, Secretariat Offices by 12 noon, on 22 August 2003.

### Qualification:

The Consultancy team should have proven experience in research activities, report production, programming and related competencies as outlined in the TORs. Ability to work within communities is a must. GIS competence will be required in the production of the report.

### Terms and Conditions

Consultancy will be on local terms and will be discharged professionally over a period not exceeding 30 workdays from date of commencement and within a period not exceeding two calendar months.



Appendix III: Front page of the *East African Standard* on 8 August 2003

**EAST AFRICAN**  
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**REGIONAL AIR**

# Raila, Govt brace for fight in Kibera

By Athman Amran

**Freedom for terror men is cut short**  
By Judy Ogutu

THERE was drama at the Nairobi High Court yesterday when five terror suspects charged with the murder of 15 people were released, then re-arrested and charged at court.

LANDLORDS and tenants in Kibera's slums yesterday dug in for a fight with the Government, giving tough conditions to be met before they can make room for a slum upgrading project.

The stance taken by the house owners and tenants puts them on collision course with the Government which is co-sponsoring the upgrading programme with UN-Habitat.

Also caught in the centre of the storm is the Ministry for Public



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