

# **A Critical Analysis of the Implementation of the Slum Upgrading Policies in Kenya**

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**Declaration**

I, Diana Mutheu Mwau, declare that this is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. This thesis is being submitted as part of the degree requirement of Master of Social Science in Policy and Development in the Faculty of Humanities, University of KwaZulu-Natal, Pietermaritzburg, South Africa. No part of the current work has been submitted previously for any degree or examination in any other University.

Student Signature:  Date: 30/Nov/2013

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**Dedication**

To My Grandmother, Mrs. Naomi Mbeneka.

## **List of Acronyms**

AFD	Agence Française de Développement
COHRE	Center on Housing Rights and Evictions
CBO	Community Based Organisations
FBO	Faith Based Organisations
IFRA	Institut Français de Recherche en Afrique (French Institute for Research in Africa)
KENSUF	Kenya Slum Upgrading Fund
KENSUP	Kenya Slum Upgrading Programme
KISIP	Kenya Informal Settlements Improvement Programme
MDGs	Millennium Development Goals
MoH	Ministry of Housing
NCC	Nairobi City Council
NCEO	Nairobi City Environmental Outlook
NGO	Non-Governmental Organisation
SSDS	Sites and Services Development Schemes

## **List of Figures**

Figure 1: Kibera Population by Tribe

Figure 2: Aerial View of Kibera

Figure 3: Kibera Villages

Figure 4: Soweto East Zones A, B, C and D

Figure 5: Building in Lang'ata decanting site

Figure 6: Two rooms and Kitchen

## **List of Tables**

Table 1: Ambiguity-Conflict Matrix; Policy Implementation Processes

### **Abstract**

For the past five decades, the provision of adequate housing for the urban poor has been an elusive exercise in Kenya, as in most developing countries. Several years before Kenya's independence in 1963, concerns over the proliferation of slums and informal settlements began to emerge. Various intervention strategies have been attempted without any significant success. This study examines the historical manifestations of policies adopted by the Kenyan government to address the issue of slums from its independence to date. Since then, the Government of Kenya has recently shifted its approach from slum demolition to slum upgrading initiatives as an intervention measure. This study focuses on the case study of public housing project in Kibera Soweto East in Nairobi, an initiative conceived under the Kenya Slums Upgrading Programme (KENSUP), courtesy of a partnership between Government of Kenya and the United Nations Human Settlements Programme (UN-HABITAT) which began in 2002. Despite the timely intervention of KENSUP, various challenges encounter its implementation initiatives. This study aims to understand this complexity by uncovering the underlying KENSUP's implementation challenges and suggest some recommendations to enhance the efficiency of government in providing its poor with decent and affordable housing.



## Table of Contents

<b>A Critical Analysis of the Implementation of the Slum Upgrading Policies in Kenya .....</b>	<b>i</b>
<b>Declaration.....</b>	<b>ii</b>
<b>Acknowledgements .....</b>	<b>iii</b>
<b>Dedication .....</b>	<b>iv</b>
<b>List of Acronyms .....</b>	<b>v</b>
<b>List of Figures.....</b>	<b>vi</b>
<b>List of Tables .....</b>	<b>vii</b>
<b>Abstract.....</b>	<b>viii</b>
<b>Table of Contents .....</b>	<b>ix</b>
<b>Chapter One: Introduction .....</b>	<b>1</b>
<b>1.1 Background .....</b>	<b>1</b>
<b>1.2 Significance of the study .....</b>	<b>3</b>
<b>1.3 Research problems and objectives.....</b>	<b>4</b>
<b>1.4 Research problems and objectives: Broader issues to be investigated.....</b>	<b>4</b>
<b>1.5 Principal theories on which the research project is constructed .....</b>	<b>5</b>
<b>1.6 Research methodology .....</b>	<b>6</b>
<b>1.7 Structure of dissertation.....</b>	<b>7</b>
<b>1.8 Conclusion .....</b>	<b>7</b>
<b>Chapter Two: The Theoretical Framework of the study .....</b>	<b>8</b>
<b>2.1 Introduction.....</b>	<b>8</b>
<b>2.2. Reviewing Concepts in Public Policy .....</b>	<b>8</b>
2.2.1. Public Policy .....	8
2.2.2 Who makes policy?.....	10
2.2.3 Factors influencing public-policy-making. ....	11
2.2.4 Policy as the implementation of goals .....	12
<b>2.3 Policy Implementation.....</b>	<b>12</b>
2.3.1. Top-Down perspective on Implementation.....	14
2.3.2. The Bottom-Up Perspective on Implementation.....	15
2.3.3. The ambiguity-conflict model.....	16
2.3.3. Factors affecting successful implementation .....	18
2.3.4 Threats to implementation .....	20
<b>2.4 Policy Implementation as a set of tasks.....</b>	<b>25</b>

2.4.1 Policy legitimization .....	25
2.4.2 Constituency building .....	26
2.4.3 Resource accumulation .....	26
2.4.4 Organizational Design and Modification .....	26
2.4.5 Monitoring the Progress and Impact of Policy Change .....	27
<b>2.5 Conclusion .....</b>	<b>27</b>
<b>Chapter Three: Literature Review.....</b>	<b>28</b>
<b>3.1 Introduction.....</b>	<b>28</b>
<b>3.2 Definitions of slums.....</b>	<b>28</b>
3.2.1 Secure Tenure .....	31
3.2.2 Slum Upgrading .....	34
<b>3.3 Past slum interventions employed in Kenya.....</b>	<b>35</b>
3.3.1 Phase One.....	36
3.3.2 Phase Two.....	40
3.3.3 Phase Three.....	43
<b>3.4 Conclusion .....</b>	<b>43</b>
<b>Chapter four: The Case Study .....</b>	<b>44</b>
<b>4.1 Introduction.....</b>	<b>44</b>
4.1.1 Kibera.....	44
<b>4.2 The Kenya Slums Upgrading Program (KENSUP) .....</b>	<b>48</b>
4.2.1 Assessment.....	52
4.2.2 The Move to Paradise .....	55
<b>4.3 Challenges Facing the Implementation Process of KENSUP.....</b>	<b>57</b>
4.3.1 Community Participation .....	58
4.3.2 Multiple Actors .....	59
4.3.3 Secure Tenure .....	61
4.3.4 Politicization of the Upgrading Program .....	62
<b>Chapter Five: Conclusion.....</b>	<b>64</b>
<b>BIBLIOGRAPHY .....</b>	<b>67</b>

## **Chapter One: Introduction**

### **1.1 Background**

In developing countries, slums continue to be a challenge for policy makers. This is attributed to the complexities that are characteristic of these settlements and also because the population of urban people living in slums has continued to increase drastically (UN-HABITAT, 2003). Moreover, urgent policy attention is required to address the numerous issues that are evident in these settlements such as high populations, lack of access to social amenities, sub-standard housing, and socio-economic challenges such as escalating poverty, lack of secure tenure, and lack of sustainable employment (UN-HABITAT, 2003).

The growth and proliferation of slums in Kenya and specifically Nairobi began during colonization when Africans were pushed into reserves outside the city by the arrival of the European settlers (Diang'a, 2011: 136). After the attainment of independence, the new government inherited colonial land laws and urban planning standards that were completely unsuitable in addressing the rapid urbanization that followed independence. The government efforts to settle its landless citizens through land adjudication did not meet the demand for settlement and this led to the formation of informal settlements (Karanja, 2008: 10).

According to Diang'a (2011), previous attempts at addressing the housing situation date back as early as 1967, when the first comprehensive Housing Policy for Kenya was developed in Sessional Paper No. 5 of 1967. It not only made provisions for the erection of funded public housing for rental but also for the annihilation of informal settlements. However, the slums demolitions were largely unsuccessful since they only displaced but did not solve the problem. Furthermore, the publicly funded housing did not meet the needs of its target population and instead excessively favored the middle and upper income groups (Diang'a 2011).

In addition, Diang'a (2011) noted that the Government of Kenya began to recognize the inevitability of slums and informal settlements as early as 1970 when it set out the 1970/74 National Development Plan. The plan stated that slum demolitions would be postponed until housing shortage was eradicated. However, even after that public statement, there has been no drastic change in city organization since then. Guidelines on housing construction were

inflexible. This combined with the economic burdens of that time, also made it difficult to contrive these plans. Therefore informal settlements continued to develop.

Since then, policies addressing the slums and informal settlements problem have witnessed a gradual shift with emphasis on citizen participation through upgrading being supported as ideal (UN-HABITAT, 2003). Proponents of slum upgrading uphold it because it aims to develop the physical conditions of sub-standard housing without interfering negatively on the residents' social, physical or economic capital with the interventions being formulated in collaboration with slum residents (UN-HABITAT, 2003). However, despite the commendation that has been given to upgrading as an intervention measure, there seems to be a gap between the policy's intentions and the outcomes of implementation as observed in Kenya. Here, structures that have been mandated with the implementation process of the intervention have failed to do and have instead adopted to means which scholars such as Maina, (2013: 11) term as outdated. These include relocation of residents to other sites.

These settlements are people's responses to unfulfilled needs arising from, rapid urbanization, poverty, and inability to access secure land tenure, failure by the government to provide adequate housing. This in effect led to the deterioration of basic social amenities such as inadequate supply of water and sanitation facilities. Moreover, social infrastructure such as health centers and schools are congested and of low standard. Slum compounds are marked by open sewers and littered garbage as drainage systems have not been build and garbage collection systems have not been established.

Several issues arise from the foregoing introductory background to informal settlements experiences in Kenya. This study reviews the policies that have been put in place to address the issue of slum settlements in Kenya. It further reviews the policy shift towards slum upgrading as an approach to eradicating slums and informal settlements and the implementation challenges that are being experienced in effecting these changes. To review the implementation the study narrowed its analysis to Nairobi, Kenya. First, in order to gain an understanding of the policy shift, a review of previous policies that have been employed in Nairobi since independence to eradicate the proliferation of slums will be analyzed. This will be followed by a detailed analysis of the implementation of an ongoing program in Nairobi with an aim of identifying how the

policy objectives were being implemented and to identify some of the challenges facing the implementation of policy. Emerging from this study is an argument that is resonant with what policy studies continue to emphasize, namely, that the field of policy implementation is fraught with complexities and is ever changing.

## **1.2 Significance of the study**

The main purpose of the study was to investigate the challenges that hamper the implementation of the slum upgrading policy and program. Research findings have shown that the growth of slums in Nairobi has resulted from a variety of factors ranging from historical and contemporary in nature (Mitullah, 2003: 10) to which K' Akumu and Olima (2007) add on to say that some of the factors are legal and economic whereas others are cultural. During the colonial period, the people of Kenya witnessed a large-scale government sanctioned spatial segregation based on race and reinforced by planning laws as well as exclusionary zoning regulations. Syagga (2001: 30-31) further notes that rural-urban migration and the variations in income between the rural and urban areas, as well as within urban areas have contributed to the growth of slums in Nairobi. This study is therefore anchored on the assumption that despite overwhelming local and global factors, the government has failed to conceive a plan that would ensure a long lasting solution to mitigate slums existence and their related problems.

Mitullah, (2011: 15-16) observes that a number of studies have noted the lack of any clear policy that would facilitate and guide urban development in Kenya. In addition, even though the Government of Kenya has set up intervention measures, their implementation has yielded different results often a far departure from the intended goals, key among those being the proliferation of new slums. According to Diang'a (2011) previous policies employed by the Government include: slum clearance and public housing such as the sites-and-services schemes. Upon these findings, this study underlines the common problems and challenges associated with the implementation of slum upgrading policies in Nairobi. It does this by building on already existing body of literature to show previous and current government strategies of intervening in the slum issue in Nairobi.

Studies that have been done before that investigates informal settlements have focused more on aspects of policies, planning, current technologies on construction and physical layout of housing

units. Others have focused on socio-economic characteristics of the targeted groups. There are very few studies that relate the complex situation inherent to implementation of slum upgrading policies. This study will therefore harmonize these dimensions with debates on implementation problems and the failure of slum upgrading projects in Nairobi since Kenya's independence.

Lessons and conclusions drawn from this study will assist in the formulation of appropriate structures, policies, strategies and procedures in the improvement of the well-being of the urban poor and their housing environment. In practice, the results of this study will contribute significantly to the understanding of some of the social, economic and political reasons relating to the rather slow adoption of the upgrading program and also to some extent its rejection. The study will offer further insight and information of the extent the program has succeeded and failed. Further the study will offer recommendations to re-evaluate the current policy. In effect the various stake holders would be able to adopt mitigation and intervention strategies to move the upgrading programs forward.

### **1.3 Research problems and objectives**

The research questions for this study are:

1. What slum upgrading policies have been in existence in Kenya?
2. Why have these policies failed?
3. What are the implementation challenges being faced by the current policy, The Kenya Slums Upgrading Programme (KENSUP)?

### **1.4 Research problems and objectives: Broader issues to be investigated**

The broader research objective of this study is to locate the complexities inherent in the adoption of slum upgrading policies in Kenya within developments on the African continent. The issue of slum upgrading as an intervention mechanism is not an isolated case in Africa. However, it is the most recent on a large scale in Kenya. Current trends in Africa and the world at large reveal that many governments are increasingly favoring slum upgrading as opposed to slum demolitions as the most suitable mode of addressing the issue of slums through which poverty eradication interventions are constructed.

Amolo (1996: 14) affirms that African countries have begun shifting towards adopting slum upgrading as a means of providing adequate standards of living. This has become a necessary strategy because slums and informal settlements have continued to be a characteristic feature of urban cities of developing countries despite Government's efforts to curb their growth. This is an indication that previous adopted strategies have failed. According to UN-Habitat, (2006), the number of slum dwellers in the world has increased from 715 million in 1991 to 913 million in 2001 and to 998 million in 2005. Projections to 2020 suggest that the world will have 1.4 billion slum dwellers (Diang'a, 2011). The increase in numbers as scholars agree is because there is a high demand on housing in urban cities of developing countries and not enough supply to accommodate the poor (Turner, 1976; Amis and Lloyd 1990; Hamdi 1991; Agevi 2003; Harris and Arkub 2006). In addition, barriers to land ownership and the attainment of secure tenure have continued to be contributing factors to the growth of slums as the urban poor have no means to own land legally.

### **1.5 Principal theories on which the research project is constructed**

This work will be analyzed by establishing a theoretical framework based on the theory of implementation. In order to understand the complexities of the implementation of slum upgrading policies, the application of various models of implementation will aid in the process. Various approaches to policy implementation will be used to elaborate the various definitions of implementation. The top-down approach for instance takes the stance that successful implementation is dependent on an effective chain of command and control as well as the co-ordination of the process (Parsons, 1995: 465). Proponents of the bottom-up approach on the other hand place emphasis on the involvement of the policy beneficiaries and those who carry out delivery of services (Matland, 1995 and Lipsky, 1980). Brinkerhoff and Crosby (2002: 24) give an outline of various implementation tasks that can be used to understand and carry out successful implementation.

According to Smith (1973: 197), the assumption in most policy studies that once a policy has been formulated the policy will be implemented, and the desired results of the policy will be near those expected by the policy makers does not apply to the context of developing nations. This is because developing nations tend to devise very broad policies that have been borrowed from a

foreign context. Furthermore, governments lack the capacity to implement these policies. And because these policies are not participatory, interest groups, opposition parties, and target populations are often left out of the decision making process (Smith, 1973: 197).

It is from this background that policy implementation has been highlighted to be a complex process. This is compounded by the fact that, there still lacks a common theory that encompasses what implementation involves (Brynard et al. 2011: 137). There is still some confusion about when implementation begins, ends and just how many types of implementation there are (Hill and Hupe, 2002: 4) Researchers do not agree on the frameworks of a theory of implementation or even on what successful implementation is all about especially in an environment which has multiple stakeholders (Brynard et al., 2011: 138). The various policy analytical models presented therein will help understand the various issues that come into play in the implementation slum upgrading policies in Kibera.

## **1.6 Research methodology**

This is a qualitative and non-empirical study. It is predominantly a literature review based on secondary and primary sources. Secondary information will be sourced from computer-accessible and primary sources; scholarly books, journals, theses and dissertations. Literature on implementation theories in Africa will be scrutinized in order to provide the theoretical framework of analysis. Primary data will be consulted in order to address the research questions pertaining to slum upgrading in Kenya. Primary data will include sources like archival information on the slum intervention policies that have been in Kenya as noted in minutes of parliamentary debates, bills and Acts; strategy reports from UN-Habitat and the Government of Kenya's Slum Upgrading Program (KENSUP) will also be analyzed.

Sources will be used to discuss and analyze broader issues around housing reforms in Kenya. Relevant themes will be identified and analyzed within the framework of slum upgrading programs in Kenya. Textual analysis will guide this research to underscore the main rationale behind the failure of slum intervention policies in Kenya. The data in this study will be analyzed by gathering information from sources widely selected to enhance reliability and validity.



### **1.7 Structure of dissertation**

This dissertation will be structured in five chapters as follows:

Chapter One: Introduction. The chapter elaborates on the research problem, defines the research questions, provides the justification of the study, highlights on the research approach of the dissertation, identifies key limitations and assumptions, and elaborates on the contributions to be made by this research.

Chapter two: Theoretical framework. This chapter will expound on the paradigm and the model guiding this research. It will do this by exploring the theory of implementation. The different approaches to implementation are discussed as well as factors that contribute to successful implementation and implementation failure.

Chapter three explores the evolution of housing policies in Kenya and why they failed. It does so by looking at the various policies adopted to address the issue of slums proliferation in Nairobi since Kenya attained its independence.

Chapter four introduces the current government program the Kenya Slums Upgrading Program. This chapter will discuss the inception of the program, its goals and objectives and its implementation process to date and analyses findings of the research.

Chapter five summarizes the major findings of the study and offers recommendations.

### **1.8 Conclusion**

This first chapter has outlined the main outline and background of the study. The chapter has also explained the research problems and rationale of the study. The methodology as well as principal theories on which the research project is constructed were explained. The next chapter focuses on the theoretical issues on which the study is framed.

## **Chapter Two: The Theoretical Framework of the study**

### **2.1 Introduction**

The purpose of this chapter is to outline the theoretical framework of this study. It will start by understanding the concept of public policy and explore how it is linked with different approaches to policy implementation. It will end by investigating literature in line with factors that promote successful implementation as well as why policy implementation fails with particular emphasis in the context of Kenya.

### **2.2. Reviewing Concepts in Public Policy**

#### **2.2.1. Public Policy**

The field of policy is an ever growing discipline. The wide application of the term makes it difficult for scholars and practitioners to delimit what the term implies. Like most terms in Social Science, scholars are not unanimous about the definition of policy (Parsons, 1995:xv; Cloete and Wissink, 2007:11). In his exploration of the concept, Colebatch (2002:49) holds that policy could be understood as “the pursuit of goals”. This understanding of policy implies that policy has a definite beginning – the identification of goals – and a definite end – the formulation of policy statement(s) that leads to the actualization of the identified goal(s).

Laswell (1956) (cited in Hupe and Hill, 2006: 16) refers to public policy in terms of segments. He uses the term to refer to a set of separate and successive steps, which are thought of as in principle to happen one after the other, from initiative through formulation and decision to evaluation and termination. Sabatier (1999: 3) agrees with this idea of stages as he defines public policy as a process in which problems get conceptualized and brought to governments for solution; government institutions formulate alternatives and select policy solutions; and those solutions get implemented, evaluated, and revised.

For Denney, policy is “a declaration and implementation of intent” (quoted in Cloete and Wissink, 2007:11). A policy statement – either by government, organizations or institutions – is therefore seen as a formal articulation of an intention. The articulation of intention specifies how

the intention can and should be translated into benefits for the intended recipients of the policy. Matland's definition is similar to the foregoing. He defines policy as the intended activities developed in response to an authoritative decision. In other words, these actions are the policy formulator's plans for exercising the wishes conveyed by an organisation that has power (Matland, 1995:154).

From the perspective of government, Davis (cited in Colebatch, 2002:49) defines policy as "a course of action by the government designed to achieve certain results". A nexus exists between this definition and Colebatch's; namely that policy is geared towards the attainment of an identified end. Policy formulation, according to this definition is not an end in itself; rather it is a means to an end. For government, the ideal end of a policy is the distribution, redistribution and the formulation of regulatory policies aimed at societal well-being. This formulation covers Lowi's (cited in Parsons, 1995:132) division of public policy into three types namely; distributive (such as welfare policy), redistributive (such as affirmative action) and regulatory policies (such as environmental policy) respectively. Dye (1982) adds a fourth type to the three categories of policy – self regulatory policy. This type of policy is often formulated by professional bodies to regulate the activities of their members.

Easton's contribution to the debates of what constitute a policy revolves around the notion of power. He defines policy as "the authoritative allocation through the political process, of values to groups or individuals in the society" (Easton, 1953:129). As an authoritative allocation of values and groups' resources, policy acts as a means through which society is governed.

A common thread which runs through the foregoing is the idea that policy is about action; it is about what is done to address social problems. Dye (1982) emphasizes that policy is not only about action, it is also about non-action. Consequently, he defines policy as "whatever governments choose to do or not to do" (Dye, 1982:2). Non-decision is seen as policy action so long as it leads to the attainment of a desired end. Through the deliberate refusal to take certain actions, government determines what should and should not happen in society. Dye's framing of public policy resonates with that of Heclo (1972:83) and Smith (1976:13) who contend that policy is not only about action, it also encompasses inaction. This is evident when government deliberately refuses to make decision about a policy issue. The inaction of government,

according to this view, represents its policy stance. Against this backdrop, Smith (1976) cautions policy analysts to be wary of erroneously focusing attention only on policies contained in legislative statements since policy actions or policy intents are not always translated into formal legislative statements of governments. The task of policy analysts, according to Smith (1976:13), includes an exploration of how inaction defines the landscape of government's policy formulation and implementation.

Anderson's (1997) definition of policy emphasizes the notion of relative policy stability. He argues that policy is "a relatively stable, purposive course of action followed by an actor or sets of actors in dealing with a problem or matter of concern" (Anderson, 1997:9). Policy, according to this definition is not a product of an arbitrary process; rather it requires careful consideration of both short- and long-term implications. Anderson's definition emphasizes that once formulated and implemented, policies do not change easily. The definition also encompasses the fact that public policies emerge in response to demands for action on some public issue made by other actors such as private citizens, group representatives, or legislators and other public officials upon government officials and agencies (Anderson 1997: 11). This understanding of policy is similar to that expressed by Hogwood and Peters (1983:1) who contend that, contrary to common perceptions, policies do not change easily but are modified to suit prevailing conditions which were not envisaged when the policy was being formulated. Consequently, policy change can be seen to be incremental.

### **2.2.2 Who makes policy?**

The term 'policy-makers' conveys an impression of a known group of evident decision makers determining the course of action. Colebach (2002: 22) identifies two perspectives in which policy decisions are made. These are the 'vertical' and 'horizontal' perspectives. The vertical perspective is concerned with the downward transmission of authorized decisions. In other words, decision makers who have been sanctioned, select courses of action which will maximize the values they hold and subsequently transmit these to the subordinate officials to implement. This perspective is related to the capacity of subordinate officials to give effect to these decisions, which Colebach terms the 'implementation problem' (2002: 22). The horizontal perspective on the other hand is less structured and relates policy with relationships among policy participants in different organizations outside the line of hierarchical authority. It

recognizes that policy work takes place across organizational boundaries as well as within them and works out the nature of these linkages across organizations, with how they are formed and sustained (Colebach 2002: 22).

Interestingly, Colebach's (2002: 22) view is that these two dimensions are not alternatives; rather each tends to assume the other. The implementation of the authorized decision calls for the cooperation of relevant others outside the line of hierarchical authority. Moreover, shared understanding reached on the horizontal plane must give effect through the instruments of the vertical dimensions. In a nutshell, in the vertical dimension, it is assumed that there are 'policy makers', that is, the focus is on rule, so there must be rulers. In the horizontal dimension however, hierarchical authority is deemed inadequate and there is recognition of the fact that there are many participants in the policy process, that negotiations and agreements are important. For this reason, Colebach (2002: 22) suggests that it is more useful to concern ourselves with who is participating in the policy process rather than who is making policy.

### **2.2.3 Factors influencing public-policy-making.**

Hanekom (1987: 14) avers that when a policy maker is making public decisions, he should bear in mind that internal and external factors could have an important bearing on the policies being made and also on the eventual outcomes of the policies. Internal aspects according to Hanekom (1987: 14) include:

- A change in government or ruling party
- Socio-economic factors such as rapid urbanization and the social challenges that accompany it (such as insufficient housing);
- The accessibility of resources necessary for the execution of policies considered important for the promotion of societies well-being.

The external factors according to Hanekom (1987: 15) include:

- The existing constitutional dispensation; any predicted constitutional development and its possible effects;
- Common trends that include the elimination of certain laws that regulate social for instance, the abolition of the pass laws.

- The availability of adequately trained human labor for programs that require the combined efforts of both the public and private sectors to work together as equal partners to achieve a common social goal (for example, the supply of sufficient and adequate housing for all)

#### **2.2.4 Policy as the implementation of goals**

Policy in this perspective is seen as the choice made to accomplish goals: if we do A then B will result. When the policy-makers' intentions have been carried out, the desired objective should have been achieved: this is 'implementation'. But if what is on the ground is found out to be significantly different from these goals, then the policy has not been implemented (Pressman and Wildavsky, 1973) (cited in Colebatch, 2002: 52). Pressman and Wildavsky cite issues that cause policies not to be implemented. These are: the original decision was ambiguous; the policy directive conflicted with other policies; it was not seen as high priority; there were insufficient resources to carry it out; it provoked conflict with other significant players; the target group proved hard to reach; and the things that were done did not have the expected impact.

Pressman and Wildavsky, 1973 (cited in Colebatch, 2002: 52) see the problem of implementation as embedded on whether a vertical or horizontal perspective is applied. In the vertical perspective, implementation means that authorized decisions at the top coincide exactly with outcomes at the bottom. In other words, it is about securing compliance. In the horizontal perspective, implementation is an exercise in collective negotiation. It recognizes that policy is an ongoing process, and that the participants have their own agenda.

#### **2.3 Policy Implementation**

According to Hanekom (1987: 4) effective public policies are dependent upon their appropriateness and the way in which they are implemented. The problems of policy implementation such as: uncertain relationship between policies, decisions and implemented programs, were first brought to the fore by first generation implementation researchers (Paudel, 2009). Pressman and Wildavsky (1973), who, other than being posited to be the founding fathers

of implementation, were also among the key researchers of the first generation implementation theorists.

Different implementation authors give different meanings to implementation. For instance, Pressman and Wildavsky (1984: xxi-xxiii) define it as a process of interaction between the setting of goals and actions geared to achieve them. Paudel, (2009: 37) elaborates this further by alluding to the fact that policy implementation includes those activities by both public and private individuals aimed at achieving certain goals and objectives that are embedded in policy decisions. According to Mazmanian and Sabatier (1983: 20-21), policy implementation is the carrying out of a simple policy resolution, usually integrated in a law, but which can also take the form of important effecting instructions or court decisions. Howlet and Ramesh (2003:13) see policy implementation as that process concerning how governments put policies into effect, while O'Toole et al. (1995:43) define implementation as the connection between expression of government intent and the actual result. In other words, implementation can simply be conceptualized to mean a process whereby decisions and activities are directed towards achieving particular prior set goals.

Hitherto, according to Brynard et al. (2011: 137), a common theory that encompasses what implementation entails is still lacking. There is still some confusion about when implementation begins, ends and just how many types of implementation there are (Hill and Hupe, 2002: 4) Researchers do not agree on the outlines of a theory of implementation or even on the variables crucial to implementation success. Moreover, researchers for the most part implicitly, also disagree on what should constitute implementation success, especially in multi-actor setting (Brynard et al., 2011: 138). It is from this background that policy implementation has been posited to be a complex process. Until now, no general implementation theory has emerged. However, as implementation research evolved, two schools of thought developed for describing implementation (top-down and bottom-up) and the attempts to synthesize the two.

### **2.3.1. Top-Down perspective on Implementation**

The top down perspective assumes that policy goals can be specified by policymakers and that implementation can be carried out successfully by setting up certain mechanisms to measure the degree to which the actions of implementing officials and target groups coincide with the goals embodied in an authoritative decision (Van Meter and Van Horn 1975; Mazmanian and Sabatier 1981; 1983; 1989). This perspective envisages centrally located actors as the most relevant to producing desired effect.

Elmore (1978) captures the intention of top-down implementation as a process that begins at the top of the process with as clear a statement as possible of the policy-maker's intent, and proceeds through a sequence of increasingly more specific steps to define what is expected of implementers at each level. In other words, the top-down model takes a hierarchical approach to policy making. The emphasis on centrally located actors is because as suggested by Paudel (2009: 41), the top-down model see local actors as impediments to successful implementation-agents whose 'shirking' behavior needs to be controlled. In fact, Van Meter and Van Horn (1974) (cited in Cloete and Coning, 2011: 141) argue that causes of non-implementation are: 'subordinates don't know what their superiors want, they can't do what their superiors want, or they refuse to do what their superiors want'.

Common top-downers advice is: make policy goals clear and consistent (Van Meter and Van Horn 1975; Mazmanian and Sabatier 1983) minimize the number of actors (Pressman and Wildavasky 1973); limit the extent of change necessary (Van Meter and Van Horn 1975; Mazmanian and Sabatier 1983); and place implementation responsibility in an agency sympathetic with the policy's goals (Van Meter and Van Horn 1957; Sabatier 1986)

Van Meter and Van Horn (1974) (cited in Cloete and Coning, 2011: 141) invoke Lowi's (1963) work to propose that the nature of the policy itself is critical to the success or otherwise, of its



implementation and as such they suggest a model that shows variables and the linkages between them which shape policy and performance. The variables are the following:

1. The significance of policy standards and objectives
2. Resources that inform Policy
3. Channels of communication in different spheres of an organisation and implementation activities
4. The attributes of the implementing agencies
5. The economic, social, and political environment affecting the implementing authority
6. The nature of implementers to carry out policy resolutions

In searching for the principal variables that affect implementation, Mazmanian and Sabatier (1981) (cited in Cloete and Coning, 2011:141) list a total of 16 factors, clustered into three broad categories:

1. Tractability of the problems: some social problems are simply much easier to deal with than others
2. The ability of policy decisions to structure implementation: original policy makers can substantially affect the attainment of legal objectives by utilizing the levers at their disposal
3. Non-statutory variables affecting implementation: implementation also has an inherent political dynamism of its own.

### **2.3.2. The Bottom-Up Perspective on Implementation**

Berman et al, (1978) argue that a more realistic understanding of implementation can be gained by looking at a policy from the view of the target population and the service deliverers. This is the departure point of the bottom-up approach.

According to Berman (1978), implementation success depends on the complex interaction between policy and its institutional setting and that policy implementation takes place on two levels: the macroimplementation level and at the microimplementation level.

Macroimplementation is where central government must execute its policy to influence local delivery organizations, whereas microimplementation is when, in response to the above actions, local organizations have to devise and carry out their own internal policies. Therefore, the effective power to determine a policy's outcome rests with local deliverers who operate at the microimplementation level.

Proponents of the bottom-up model argue that policy making is characterized by multiple-actor institutional settings with the involvement of various policy subsystems in the formulation of public policy (Berman, 1978). According to Kingdon (1995: 117), 'policy communities [policy subsystems] are composed of specialists in a given policy area such as housing, health, environmental protection, criminal justice, to name a few.

Central to the bottom-up model is the notion that one can gain in-depth understanding of policy implementation if one looks at implementation from the perspective of beneficiaries of the policy and those involved in delivering the intended benefits of the policy (Matland, 1995: 148). Those who deliver the intended benefits are what Berman (1978) labeled policy 'deliverers' while Lipsky (1980: 13) calls them street-level bureaucrats: 'public service workers who interact directly with the citizens in the course of their jobs, and who have substantial discretion in the execution of their work.' It is these street-level bureaucrats that Lipsky (1980) sees as central to the study of implementation.

### **2.3.3. The ambiguity-conflict model**

Matland (1995: 153), in synthesizing the two implementation models, developed a model that explained when the two approaches were most appropriate rather than a model that combines them simultaneously as previous studies had done. The ambiguity/conflict model is a contingency model that attempts to provide a more comprehensive and coherent basis for understanding implementation. Central to Matland's model is the argument that conflict and ambiguity affect decision making. Matland argues that when conflict exists actions change and

'[A]ctors resort to bargaining mechanisms such as side payments, log rolling, and oversight to reach agreements and hold coalitions together. Coercive methods of insuring compliance are used. Actions tend to be the results of a long bargaining process which does not lead to goals, rather it focuses entirely on reaching an

agreement on actions (means). Often the process culminates in no action, because actors are unable to reach an agreement (Matland, 1995: 156).

In addition to conflicts that have a critical role in determining the outcomes of a policy, policy ambiguity is another critical factor that analysts need to pay attention. Policy ambiguity falls into two categories: (i) ambiguity of goals – the measurable impact/change – and (ii) ambiguity of means – the means of achieving the goal (Matland, 1995: 157). Matland contends that policy ambiguity rises from a lack of clear specification of the roles of the different actors involved in policy implementation, ‘when a complex environment makes it difficult to know which tools to use, how to use them, and what the effects of their use will be’ (Matland, 1995: 158). The model can be understood in the form of a matrix presented below.

Table 1: Ambiguity-conflict Matrix: Policy implementation processes

AMBIGUITY	Low	High
Low	Administrative Implementation	Political implementation
High	Experimental implementation	Symbolic implementation

Source: Matland (1995: 160)

As illustrated by the matrix, the first quadrant is characterised by high ambiguity and low conflict. Matland (1995: 160) argues that such conditions provide a conducive environment for

rational decision-making and to implement administrative policies upon provision of the necessary resources. In other words, administrative implementation is top-down where the central authority has resources which are then dispensed to the lower levels of the hierarchy who act upon the resources to in order to achieve outcomes. The emphasis of administrative implementation is results based. The resources expended on the implementation determine the outcomes of the policy.

On the other hand, where there is high conflict and low ambiguity, there is no consensus on the objectives and goals of achieving such objectives (Matland, 1995: 163). The different policy actors interested in the policy advance their own goals/objectives and the means to achieving those objectives. The lack of consensus on the goals and means leads to political actors who have the power to decide on what is adopted or may resort to bargaining amongst the actors involved (Matland, 1995: 164). Simply put, successful implementation depends on either having sufficient power to force one's will on the other participants or having sufficient resources to be able to bargain an agreement. Such conditions are prerequisite for political implementation.

High policy ambiguity and low policy conflict is the third policy type explored by Matland in the ambiguity/conflict matrix. He regards this type of implementation as experimental implementation. The key factor here is the notion that implementation is driven by contextual factors, the disposition of actors and the availability of resources.

The last policy type of Matland's ambiguity/conflict matrix is high policy ambiguity and high policy conflict. This kind of implementation is referred to as symbolic implementation. It is about policies that deal with symbolic issues but lack clear policy goals. According to Matland (1995:168), "symbolic policies play an important role in confirming new goals, in reaffirming a commitment to old goals, or in emphasize important values and principles". Due to the high level of ambiguity, implementation will vary across contexts since outcome of implementation is determined by the strength of local coalition (Matland, 1995: 168)

### **2.3.3. Factors affecting successful implementation**

Successful implementation is the final test for a policy to be successful. (Cloete and Coning, 2011). Despite lacking a common understanding of what successful implementation constitutes, some authors do have a general framework of what entails successful implementation. For

instance, Elmore (1978: 195) identified four main requirements for effective implementation: first, that tasks and objectives that evidently and precisely reflect what the policy sets out to realize are specified; secondly, an administration plan that embraces devolution of tasks and performance standards to low-level employees; thirdly, an independent means of assessing low-level employees performance; and fourthly, a system of administration controls and social consents appropriate to hold subordinates accountable for their performance.

Matland (1995) (cited in Hill and Hupe, 2002: 75) posits that for successful implementation to take place, compliance with statutes' directives and goals is necessary. Moreover, there should be the achievement of certain specific success indicators and an improvement in the political climate around a program. In line with this, Giacchino and Kakabadse (2003) postulate that decisive measures are to be taken as necessary conditions for a successful implementation of policies to occur. To them, decisive factors are the resolutions taken to localize political obligation for initiative; existence of strong project administration and level of obligation shown to policy initiatives.

Matland (1995) maintains that the success of a policy depends on factors such as will and local capacity. He further elaborates this point by arguing that questions of motivation and will reflect the implementer's assessment of the value of a policy or the appropriateness of a strategy. Motivation or will is influenced by factors largely beyond the reach of policy environmental stability such as: competing centers of authority, contending priorities or pressures and other aspects of socio-political milieu which can also profoundly influence an implementer's willingness.

Gunn (1978) (cited in Parsons, 1995: 465) asked a very important question which may seem so obvious: '*Why is implementation so difficult?*' In trying to answer this question, he provided 10 commandments that should be considered for a 'perfect implementation' to take place.

1. Circumstances external to the implementing agency do not impose crippling constraints
2. Adequate time and sufficient resources are made available to the programme
3. Not only are there no constraints in terms of overall resources, but also at each stage in the implementation process the required combination of resources is actually available
4. The policy to be implemented is based on a valid theory of cause and effect

5. The relationship between cause and effect is direct and there are few, if any, intervening links
6. There is a single implementation agency which need not depend upon other agencies for success. If other agencies must be involved, the dependency relationships are minimal in number and importance
7. There is complete understanding of and agreement upon the objectives to be achieved; and these conditions persist throughout the implementation process
8. In moving towards agreed objectives it is possible to specify, in complete detail and perfect sequence, the tasks to be performed by each participant
9. There is perfect communication among, and co-ordination of, the various elements or agencies involved in the program
10. Those in authority can demand and obtain perfect obedience.

However, according to Parsons (1995: 466) this was a rational kind of thinking where Gunn (1978) and other writers of the time assumed that implementation is about getting people to do what they are told, and about the development of a program of control which minimizes conflict and deviation from the goals set by the initial policy premises which excluded any motivational factors whatsoever.

#### **2.3.4 Threats to implementation**

However, successful implementation is not without its threats. These threats were captured by authors such as Simon (1947) and Etzioni (1964) who argued that administration and implementation were far more complex and political than what early classical thinkers of implementation had assumed. Arguably, Saetren (2005: 573) highlights that threats to implementation are more imminent in developing countries where the translation of policy into practice is a legitimate and challenging concern.

In addition, Paudel (2009: 48) identifies the effects of poverty, political uncertainty, insignificant people's participation as well as the unique character of each developing country as factors that contributes to whether a policy fails or succeeds. He further notes that poverty has an undeviating effect on the policy implementation process in that the proposed results cannot be achieved due to poverty in a developing country.

Paudel (2009: 49) argues that when participation in the policy process as a threat to implementation because it is not so pronounced and the channels by which participation should take place are not clearly defined. Moreover, the state is relatively powerful as compared to the citizenry, therefore creating a gap between the government and the society. Paudel (2009: 49) further argues that in many developing nations, participation by the citizens in the selection of sets of options is rare, and the choices are made by central-level policymakers.

Brinkerhoff and Crosby (2002: 18) capture characteristics of policy change that contribute to implementation difficulty and complexity. To begin with, they argue that the push for policy change is often endorsed by sources outside of government. These sources could be new leaders assuming office after a democratic general election has taken place, interest groups with an agenda of change or even international donor agencies hoping to advance their interests.

The Structural Adjustment Programs of the late 1970s and throughout the 1980s, as Brinkerhoff and Crosby (2002: 19) argue, introduced substantial changes in policy frameworks in developing countries as part of the conditions necessary for fulfillment in order to qualify for loans. Often, reforms negotiations were attached to conditions which were agreed on reluctantly. In Kenya, the introduction of SAPS required the government to play facilitating roles rather than be involved in project implementation which greatly hampered the efforts to improve slum conditions (Syagga, 2011: 104).

In the late 1990s and into the new millennium, the push for policy change shifted as it was now coming from parties within the country such as political movements and civil society. This shift can be attributed to the democratic governance wave that had swept the world at that time which allowed greater citizen participation in the policy making process who could now challenge governments to be more responsive and accountable (Brinkerhoff and Crosby, 2002: 18). Notably, Kenya went through a democratic transition into multi-party politics in the same period of the early 1990s, and as this work will demonstrate, the changes in government, alongside policy shifts, had significant influence on slum dwellers and how they interacted with the government regarding their housing conditions.

Secondly, according to Brinkerhoff and Crosby (2002: 19), decisions on policy change are often highly politically influenced. They further argue that the reform process itself is very political as

it addresses important questions of ‘what is to be done, how it is to be done and how benefits are distributed,’ thus making the policy change controversial. Variations in *political circumstances* have an impact on policy implementation as well. As stated above, changes in government may lead to changes in the way that policies are implemented without change in the policy itself (Hessing and Howlet 1997: 173). This is very particular for this work as it will be demonstrated how the various government regimes dealt with the issue of proliferation of slums in Kenya.

This argument is similar to that given by Lane (1999) who argues that the problems connected with policy implementation in developing countries are intertwined with basic economic and political conditions. He contends that political stability and social and economic development are closely interrelated. On one hand, low level of social and economic development leads to political instability; and on the other hand, political instability worsens poverty. Political uncertainty is an endemic condition to policy implementation. Political uncertainty refers to factors such as a change of a political regime. This uncertainty is likely to happen in developing countries because of rigorously inadequate resources, widespread demands for public services and investment, weak political organizations and inadequate capability for policy making and implementation (Paudel, 2009: 49).

Thirdly, while the lead role in policy change maybe spearheaded by politicians and interest groups, Brinkerhoff and Crosby (2002: 19) argue that another group of people who are actively involved in the formulation of policy change are technocrats. These are a group of people who operate under a decision management that is different from that of the political or administrative leadership. This difference is often seen in that while politicians are concerned about how to manage their constituencies, technocrats are concerned with technical solutions, maximizing outputs, and rationalizing scarce resources. The challenge to implementation in this case occurs because technocrats are not interested in political tradeoffs. As a matter of fact, it is often difficult to get technocrats to think about losers, opposition, and other political factors (Brinkerhoff and Crosby, 2002: 19).

Another characteristic of policy change that can act as an impediment to policy implementation is that the policy reformers are often new into government and unfamiliar with the environment for policy implementation (Brinkerhoff and Crosby, 2002: 20). In many democracies and



transitioning countries, governments come into power on the promise of huge reforms and sweeping change. On the very onset, these governments may fair well because according to (Brinkerhoff and Crosby, 2002: 20), they are ‘neither wedded to established routines nor mortgaged to entrenched interests.’ However, with time, their unfamiliarity with the state’s administrative structures, unaware of the time and energy required to overcome bureaucratic inertia and the lack of skill and experience in coercing power to accomplish change they become worn out (Brinkerhoff and Crosby, 2002: 19). The new government of Kenya at independence inherited colonial policies that did not address the issue of housing.

Policy implementation is different from implementing projects and programs (Brinkerhoff and Crosby, 2002: 23). Policy implementation is rarely an undeviating, logical process. While programs and projects have a beginning and an end with specific time-lines, with policy implementation, change is rarely straightforward. While policy statutes set goals and objectives, the extent to which those are clearly stated in terms of a sequence of cause and effect can vary, and they are frequently vague or leave operationalization until some later stage of the process. As a result, policy implementation can often be multidirectional, fragmented, frequently interrupted, unpredictable, and very long term. How to sequence actions, what priorities to pay attention to, and who to include can be hard to determine and can vary over the long life of the policy change process (Brinkerhoff and Crosby, 2002: 23). The implementation of a sustainable housing policy in Kenya has undergone various challenges fraught by changes in regimes, politics, lack of resources poverty and extensive urbanization.

In addition, Brinkerhoff and Crosby (2002: 23) state that no single agency can manage the policy implementation effort entirely on its own. In many cases of policy implementation, combined efforts from multiple agencies and groups are often required. These groups can either be within government or without, that is from the private sector include Non-Governmental organizations to the civil society. Furthermore, no individual entity is ‘in charge’ because authority and responsibility are dispersed among the actors involved. This is in comparison to projects and programs which have project managers or program heads in which the “in charge” is generally very clear (Brinkerhoff and Crosby, 2002: 23).

Hessing and Howlet (1997: 174) add on to say that policy implementation is an inadvertent subject of the intra- and inter-organisational conflicts endemic to the public policy process. Different bureaucracies within the government and at other levels of government (national, provincial, territorial, and local) are involved in implementing policy, each bureaucracy with its own interests, ambitions, and traditions that hamper the implementation process and shape its outcome. The KENSUP program has been set up as a collaborative initiative that draws on the expertise of a wide variety of partners in order to address the issue of slum upgrading. The Government of Kenya executes and manages the program, the Ministry of Housing and the relevant local authorities (City Council of Nairobi) implement it, and UN-HABITAT, civil society partners, participating local communities, and the private sector complements and support their efforts (UN-HABITAT, 2006).

Moreover, policy implementation creates winners and losers. Programs and projects provide benefits to those they affect. When policies change, new groups will benefit, but those groups who profited under the previous policy will not cease to benefit but may actually be placed at a disadvantage. What complicates policy implementation is that the losers are usually in a much more powerful position to defend their interests, oppose, and resist change than those who stand to gain. Particularly for regulatory policies there are often relationships between legislators, executing agencies, and interest groups that favor particular policy equilibrium and that are difficult to displace (Brinkerhoff and Crosby, 2002: 19).

Hessing and Howlet (1997: 173) further argue that the political and economic resources of target groups also affect the implementation of policies. Powerful groups affected by a policy can often condition the character of implementation by supporting or opposing it. It is therefore common for regulators to strike compromises with groups to make the task of implementation easier. The upgrading of slums in Nairobi has received some resistance due to the political and economic nature of its residents. Individuals who have previously collected rent from the slum structures have acted as a barrier to the implementation of the upgrading program and the government has had to renegotiate with them in order to reach a decision that is suitable for all stakeholders.

## **2.4 Policy Implementation as a set of tasks**

From the foregoing discussion, it is clear that certain characteristics of policy change hold major implications for implementation. However, Brinkerhoff and Crosby, (2002) came up with a task framework which if utilized can minimize implementation failure. The framework outlines a series of stages that need to be adhered to for a successful implementation of policies. These include: policy legitimization, constituency building, resource accumulation, organizational design and modification, mobilizing resources and actions, and monitoring progress and impact.

### **2.4.1 Policy legitimization**

Brinkerhoff and Crosby (2002: 25) postulate that in order to make progress with implementation, the proposed policy must be viewed as legitimate by key decision makers. Legitimacy is acquired through the assertion that the proposed policy reform is necessary and vital regardless of the costs that will be incurred. This process will involve an individual or organisation with credibility to spearhead the reform. What is of importance to note is that the more the policy issue is contentious, or the more the proposed policy departs from previous practice, the more important it is to embed it in legitimacy.

The slum upgrading policy in Kenya which was a departure from previous government policy of forced eviction got its legitimacy from the United Nations Millennium Development Goals (MDG). Target 11 of the MDG envisions that by 2020, at least 100 million of the world's slum dwellers will have achieved a significant improvement in their lives (MDGs, 2000). After the adoption of the MDGs, Kenya, a signatory to the UN, shifted its approach to slum upgrading in order to align itself with the UN resolutions. In 2008, Kenya launched Kenya Vision 2030, which is an outline for Kenya's development until 2030. Its main goal is for urban areas to attain 'a well-housed population living in an environmentally secure urban environment' (Kenya Vision 2030, 2007). In addition, Kenya adopted a new constitution that guarantees every citizen the right to 'accessible and adequate housing' (The Constitution of Kenya, 2010).

#### **2.4.2 Constituency building**

Brinkerhoff and Crosby (2002: 24) argue that the nature of policy implementation efforts is characterised by different actors. In order to legitimise policy reform, policy reformers need to market and promote the new policy to the different actors who may be influential in the implementation of the policy. Constituents are the winners of policy reform and will lend support and commitment to policy implementers. Constituency building thus enables the stakeholders to mobilise themselves to protect the common interests (Brinkerhoff, 2002: 26).

#### **2.4.3 Resource accumulation**

Policy implementation requires human, technical, material and financial resources. These aspects are often not readily available for a new policy (Brinkerhoff 2002: 27). The inability of governments to redistribute resources to new priorities is frequently the cause of programs stalling once donor resources have been exhausted. Frequently, the agencies charged with implementing a new policy have limited resources and capacities. Brinkerhoff (2002: 27) contends that in many cases, a simple injection of funds is not enough. In terms of funding, the KENSUP project heavily sources most of its funds from international donors such as: The World Bank, Française de Développement (AFD), Swedish International Development Agency (SIDA) and the UN-HABITAT/ World Bank Cities Alliance Ministry of Housing, Kenya).

#### **2.4.4 Organizational Design and Modification**

When new objectives and tasks are put in place, the existing organisational structure may require redesigning or modifications. Such modifications may present problems to the existing procedures and routines which may be so entrenched that it becomes difficult to change. The new tasks may require new structures to implement. The existing structures and procedures may require restructuring to accommodate new tasks (Brinkerhoff, 2002:28). In order to invigorate its participation in KENSUP, the UN-HABITAT had to restructure itself such that all KENSUP related activities within UN-HABITAT have been centralised under one roof; the Water, Sanitation and Infrastructure Branch. This was done with the aim of making UN-HABITAT's interventions within KENSUP as constructive, coherent and successful as possible (UN-HABITAT, 2006: 7).

#### **2.4.5 Monitoring the Progress and Impact of Policy Change**

Brinkerhoff and Crosby (2002: 30) asserts that successful policy change could be evidenced by changes in behaviour, improved benefits to beneficiaries or improvement in the production and efficient use of resources. In order to make such assessments, the implementation process has to be monitored and evaluated. However, it is important to note that some programmes' benefits may only be experienced in the long term hence monitoring the progress becomes most ideal. This may include tracking of policies across the different stakeholders and periodic reviews (Brinkerhoff & Crosby, 2002: 31). The interdependence between different actors during implementation may pose challenges to monitors and evaluators of progress made by the stipulated plans of action.

#### **2.5 Conclusion**

This chapter has expounded on the theoretical framework of the study which centers on policy implementation failure. The common thread which runs through issues explored in this chapter is the notion that policy formulation and implementation is a complex process which faces multiple challenges. The chapter has uncovered the perception that policy formulation and implementation is a messy business with various competing paradigms, interests, politics and powers. Each of these factors influences the formulation and implementation of policy.

## **Chapter Three: Literature Review**

### **3.1 Introduction**

This chapter puts this study into perspective by focusing on two main sections. The first explores the various definitions of the concepts of slums, slums upgrading and secure tenure in broader terms and narrowing it down to the context of Kenya. The second section interrogates past policies that have been put in place to try and address the problem of slums in Kenya.

### **3.2 Definitions of slums**

According to Karari (2009: 2), a universally agreed upon definition of slum does not exist. He argues that this is because slum definition is specific to a country or a region and is related to a variety of attributes. For example, slums in Nairobi are defined in relation to basic services and infrastructure, while in Bangkok it is based on crime and violence.

The UN-HABITAT (2003c: 12) (cited in Huchzermeyer, 2011) gives an encompassing definition of slums to be an area that merges, to various degree, the following characteristics (limited to the physical and legal characteristics of the settlement, and excluding the more difficult social dimensions): inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structural quality of housing; overcrowding; insecure residential status. The reason for this can be attributed to the fact that a slum is often not recognized and addressed by the public authorities as an integral part of the city. Various scholars use the above description as a departure point for their various definitions of slums. Nabutola (2004: 3) describes the term slum in a general context. Slums are used to define a wide range of low-income settlements and/or poor human living conditions. She sees slums as expanses that have many poor people residing in them to which Otsuki, (2011: 4-5), concurs by stating that slums are densely populated sub-standard human settlements which do not have access to basic infrastructure and public services. Makachia (2011: 77), narrows his description to capture the physical aspects of slums by showing that slums are unregulated developments on legal, quasi-legal or illegal land that demonstrate visual physical depravity to formal urban design.

Nabutola (2004: 4) identifies two categories of slums:

- Slums of hope: these are settlements that are described as progressing, which are characterized by new, normally self-built structures, usually illegal (e.g. squatters) that are in, or have recently been through, a process of development, consolidation and improvement.
- Slums of despair: ‘declining’ neighborhoods, in which environmental conditions and domestic services are undergoing a process of helpless deterioration, desperation and hopelessness.

Huchzermeyer (2011) shows that in Kenya, the term slum is formally and popularly used to refer to unplanned settlements that accommodate the urban poor. She further asserts that, in Nairobi, these areas are increasingly commercialized. Most residents are tenants, while many structure owners are richer, politically connected and not residents of these slums. Slums in Kenya are often referred to as informal settlements as they are not recognized by law (Syagga, 2011: 105). Syagga, (2011: 105) further argues that slums accommodate half of the population in Nairobi, whereby the location of these slums is often unexpected. Most of the slums in Nairobi, neighbor up-market estates where they provide a pool of labor in the form of domestic workers, gardeners and security personnel.

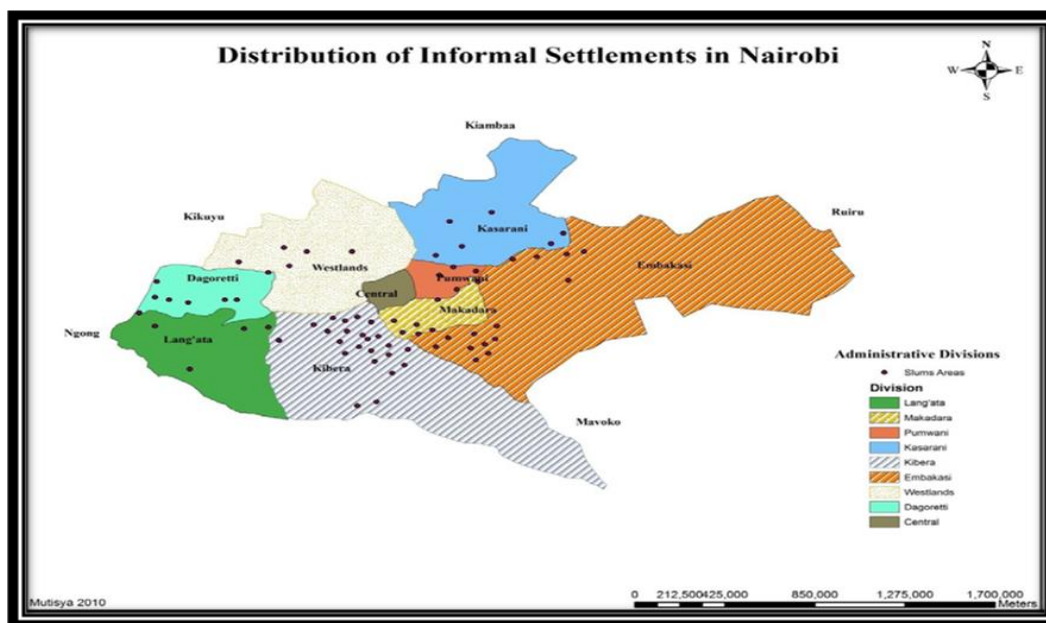
According to a study carried out by Karari (2009), different slum dwellers and settlements in Nairobi define slums differently: ‘baba na mama yangu’ a Kiswahili phrase for ‘slum is my father and mother’; ‘*tunachokula*’ meaning ‘what we eat’; ‘*nguvu yetu*’ meaning ‘our strength’; ‘*boma yetu*’ meaning ‘our home’; ‘*mapato yetu*’ ‘meaning our livelihood’; ‘*shamba letu*’ meaning ‘our farm’ and ‘*mambo yote*’ meaning that slum is ‘everything’. Only Respondents 1 and 2 who were interviewed referred to slum using internationally known concepts such as crime, poverty and environmental hazards. It is important to note that all these responses amounts to livelihood. This means that the very existence of slums is a characteristic indication of deprivation of basic sources of livelihood for the slum dwellers (Karari, 2009: 21).

Syagga (2011: 105) blatantly notes that in as much as slums in Nairobi have similar conditions with slums in other countries, they also have distinct characteristics such as:

- High population densities per unit area of land. For instance, Kibera, the largest informal settlement in Kenya, measures approximately 2.5 square kilometers. This means that, according to the Kenya Population and Housing 2009 Census, Kibera has a population of 170,070 people therefore the density is 68,000 persons per square kilometer;
- Demolitions are inevitable due to the physical layouts of slums which are generally haphazard thus making it difficult to provide infrastructure and related facilities;
- Little or no access to water and electricity;
- In relation to building procedures, housing structures are constructed largely of temporary materials such as mud, cardboard and tin;
- The accommodation layout is on room by room basis and majority of the households occupy a single room or share a room;
- Most of the residents earn low-incomes;
- Residents are tenants who in most cases outnumber owners at a ratio of 9:1
- Sickness and mortality rates caused by diseases steaming from environmental conditions are significantly higher than in planned area of towns;
- Rights to land in the informal settlement are varied. For instance there are squatters on public/private land. In other cases, ownership is by group purchase through land buying while in other instances land is illegally subdivided by original owners for sale.



Figure 1. Slum Locations in Nairobi



Source: Mutisya and Yarime, 2011

According to Pamoja Trust, (2007), there are over 150 informal settlements in Nairobi, the largest of them being the Kibera slums (Akoth, 2011: 46).

As purported by Warah (2001), life in Nairobi's slums is not easy. 1200 people live on one square hectare, often in shacks measuring 10 by 10 feet. Basic services such as water and sanitation are hard to come by. One toilet is shared by as many as 400 people. This has continuously led to health and environmental problems in the slums. Health care, adequate shelter, electricity, cooking fuel, education and financial services are available in small quantities and at extremely high unit costs. Income is very low and monthly expenditure barely exceeds 3000 Kenya Shillings (approximately US\$35), of which 30 per cent is often allocated to housing. Income generating activities varies from part-time casual labor in the formal sector (industrial and domestic), to petty trade, small-scale manufacturing, and illicit activities.

### 3.2.1 Secure Tenure

According to Werlin (1999: 1527), the process of attaining land ownership upon which slum residents build their structures tends to be very complex. It is only in very unique cases that residents will own both their houses and the land on which they live. Many residents are often

casual squatters, where they settle on vacant land illegally. Sometimes, they work out informal arrangements with the land lords (Amaral, 1994: 85) (cited in Werlin, 1999: 1527). In other cases, slum residents may own various structures or rooms of which they rent out by making illegal negotiations with the land owners (Werlin, 1999: 1527).

Several problems arise from this uncertain and unclear ownership of land. To begin with, there is always the threat of violence between groups of squatters claiming control over the land and profit rights from the rent of structures (Amaral, 1994:85) (cited in Werlin, 1999: 1527). In the cities of Brazil for instance as cited by Werlin, (1999: 1527), this kind of violence has often been associated with illegal drug-trafficking where certain groups claim control of slum areas in order to carry out this and other gangster activity. In other instances, violence erupts when the government tries to intervene such as in the case of Manila, where problems started when the police tried to evict squatters from settling in land that had been vacated temporarily for purposes of upgrading for particular beneficiaries (Viloria, 1998: IV) (cited in Werlin, 1999:1527).

Secondly, because land ownership is unclear, governments cannot recover service delivery costs because it is difficult to get residents to pay for public services that are provided and to improve their dwellings. Officials are then forced to resort to mechanisms such as issuing threats of eviction to get residents to pay bills. Residents on the other hand devise ways in which to access some of the services without having to pay for them. For instance in Brazil's *Favelas* (slums) as in many slum locations worldwide, illegal connections of water and electricity have become the norm and residents do not feel responsible for the care and maintenance of infrastructure (Mejia, 1994: 7) (cited in Werlin, 1999: 1527). Durand-Laserve (1996) rightly argues that security of tenure is the most convincing way for the government to recover infrastructure as well as service delivery cost.

According to (Alam et al, 2005: 11), in Kenya, contemporary land tenure laws are heavily influenced by the colonial legacy and as such are a vague combination of English property laws and African customary laws. During the colonial period, the British government took control of large swathes of land under the guise of the utilization of unutilized land policy. This appropriation of land by the British left many indigenous Africans displaced. When Kenya gained its independence in 1963, it inherited the land that was under British control as part of the

transition efforts thereby making the government one of the largest land owners in the country (Alam et al, 2005: 11). Unfortunately, the government began to use its land ownership as a tool for political leverage. Political patronage was gained through the allocation of public land to private individuals by leaders and politicians while at the same time they appropriated large tracks of public land for their own use. This practice commonly referred to as land-grabbing gained momentum in the 1990s when public land was the main commodity handed out by the ruling party in exchange for political loyalty (Syagga, 2001).

The practice of land-grabbing has had various negative impacts key among them being the displacement of slum residents leaving them destitute and homeless. Furthermore the illegal allocation of land has led to the creation of absentee slum-lords or structure owners in many informal settlements. Structure owners often collect rent from a large number of shacks in slums and have close relations with influential political figures which reinforce their power (Mitullah, 2003: 11). As a result, most households living in informal settlements are tenants of absentee structure owners, with the latter commonly opposed to slum upgrading projects because of the fear that their income source might be jeopardized (UN-HABITAT, 2003).

In Kenya, tenure for many who live in the slums is insecure. Amnesty International did a study in Kibera with an aim of finding out the tenure system. The study found out that majority of the structures is on land that is either government property or owned privately. Many residents are tenants paying rent to landlords or structure owners who are not land owners on which the houses and structures stand. Others own land through a process where they are allocated a piece of land by the area chief either verbally or by written means. None of these processes are legal but they have been practiced with little or no resistance. Such an informal system of allocation, provides benefits to some wealthy and powerful individuals and reinforces a system of patronage (Alder, 1995: 9)

Moreover, according to Amnesty International, (2009: 13) because of the nature of slums growing haphazardly, many structures have been constructed on land that is meant for infrastructure such as roads, railway tracks and electricity lines and therefore faced the threat of eviction or demolition as they did not have any legal or perceived security of tenure. The study's

conclusion was that Kenyan land and housing law is very complex, and many of the slum dwellers do not have secure tenure.

In its slum upgrading strategy of 2005, the government admits that it has faced numerous challenges in providing secure tenure to most of the people residing in slums in the city. The government has however committed itself to improving the physical and economic frameworks of slums to resemble those of urban structures. However this has yet to materialize (Amnesty International, 2009). Amnesty International (2009) perception on secure tenure resonates with that of UN-HABITAT in that if individuals can attain security of tenure, there would be emphasis towards housing improvement and development which will lead to improved living standards and the attainment of housing rights. The lack of secure tenure in most of Nairobi's slums explains the lack of enthusiasm to providing improved housing and infrastructure.

### **3.2.2 Slum Upgrading**

The international conventions on human rights in the United Nations (UN) guidelines incorporate different aspects in its definition of slum upgrading. Slum upgrading is described as a way of providing basic social amenities such as water and electricity as well as the improvement of infrastructure and providing sustainable socio-economic activities while at the same time making provision for decent housing in order to improve the lives of people living in slums (UN-HABITAT, 2003). The term slum upgrading also refers to the provision of security of tenure for marginalized communities, who have had to cope with inadequate housing for many years. This definition is similar to that given by Cities Alliance (cited in Amnesty International 2009: 22) with the addition that slum upgrading should be a participatory process which seeks to engage various stakeholders such as the affected communities, private and public authorities, and community leaders.

The above definition resonates with that of Syagga (2011: 107), who describes slum upgrading as an intervention process aimed at improving the economic, organizational and environmental frameworks of an existing human settlement through a participatory process involving citizens, community groups, both national and local governments) and development partners such as Non-governmental organizations.

In addition, according to (Syagga, 2011: 107), in Kenya, the various stakeholders that can play a participatory role in slum upgrading include: tenants, structure owners who reside in the settlements, structure owners who are not residents, the various land owners, institutions that play a support role such as local governments, and the private sector including NGOs, CBOs, and FBOs. Slum upgrading, as envisaged by Syagga (2011: 107) in a nut shell is the improvement of community infrastructure through the installation of sanitary facilities, proper drainage systems, electricity and proper security lighting with little alteration to prevailing structures. Also it is the incorporation of the authentication of housing tenure and rights through land survey and titling. Environmental conditions that are deemed very poor should be subjected to full-scale upgrading which could involve redevelopment. However (Werlin, 1999: 1526) cautions that slum upgrading would require the government to procure land for upgrading and relocation purposes. To do so may not only be too expensive but may also profit an already wealthy group of large land owners.

### **3.3 Past slum interventions employed in Kenya**

This section outlines the mechanisms adopted by the Kenyan government to address the problem of inadequate housing since Kenya attained its independence in 1963.

According to (Ferudi, 1973: 276), in Nairobi, the proliferation of slums began in 1902 when the British colonial government required natives to provide housing for themselves as they were considered temporary residents and as such the colonial government established locations for African settlement. As the slum settlements grew, so was the response to regulating them. Containing Africans in the reserves was the colonial government's way of regulated slums so that there was consistent supply of labor to work in the farms. Much of the native locations later turned to become today's slums as the Africans did not go back to their rural homes but stayed in Nairobi without being recognized legally as the citizens of Nairobi city (Otsuki, 2011: 15).

After independence, the then Government of Kenya, mainly dealt with the proliferation of slums by demolition them. This only provided temporary solution as the displaced populations would soon find somewhere else to settle illegally on un-occupied land. This prompted the government to come up with other means of improving the living situations of the slums such as building

high rise structures but As Warah (2001) aptly captures the situation at the time, the schemes were successful in meeting some of the demand for shelter but they tended to exclude the target groups from the planning process and were subject to corruption in the allocation procedures as they would be occupied by middle class people.

According to Nabutola (2004: 11) Kenya's first attempt at a National Housing Policy was first proposed in Sessional Paper No. 5 of 1966/67. It was as a result of an investigation into the short and long terms housing needs in Kenya, conducted by a United Nations Mission on behalf of the Government. Under principle 4 of the housing policy, it was recommended that slum clearance 'must continue to form the major part of the nation's housing programme' if towns are not to develop into slums. Nabutola (2004: 11) notes that, it was further recommended that buildings should be erected to approved plans and specifications in order to avoid the creation of slums. But Nabutola (2004: 11) asserts that, as noble as these ideas were, they only turned out to be wishful thinking.

Syagga (2011: 103) proposes that the management of slum areas in Kenya has undergone three distinct development patterns: From 1895 to the 1970s when governments began to take notice of slums, the 1980s with the entry of civil rights groups and finally with the acceptance and integration of slums in the 1990s.

### **3.3.1 Phase One**

From 1895 to the 1970s the approach to slums development consisted of demolition and eviction of slum residents. However the more they were demolished, the more they increased in absence of alternative accommodation. This policy of slum demolishing had its roots in the colonial era when for example the British razed down Mathare slums in 1952 during the state of emergency<sup>1</sup> as Mathare residents were active participants in nationalist movements (Corburn et al, 2012). However, by 1958, residents had returned to rebuild it but the slum was once again demolished by being bulldozed to the ground. It however grew into a thriving village by 1962 (Huchzermeyer, 2011: 131)

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<sup>1</sup> The state of emergency was declared by the British Government In Kenya during a crackdown of the Mau-Mau freedom fighters in response to an increase in attacks on the property and persons of white settlers. Source: BBC News.

With the advent of political independence in 1963, the government adopted varied ways in dealing with the issue of slums. To begin with, it assumed a non-recognition and denial attitude in response to slums and people living in them (Ross, 1973) (cited in Majale, 1998: 169). However, the public, through the influence of prominent politicians, including the President, began to call out for urban-rural migration where people felt that squatters and other unemployed groups should go back to the rural areas and contribute to economic development through their agricultural abilities (Ross, 1973: 92). This was a campaign called *Turudi mashambani* (“Let’s return to the rural areas”) (Basset et al, 2002: 4)

At the same time the Government adopted a dual policy toward squatters in Nairobi, permitting them in certain locations, but forcibly evicting them from others. Mathare valley for instance, enjoyed tactical political backing as majority of the residents pledged allegiance to the ruling party and because of this, a total of 10,000 rental rooms were constructed of semi-permanent material in Mathare Valley between 1969 and 1977, while on the other hand, the Nairobi City Council is recorded to have demolished 49 informal settlements containing 7,000 dwelling units and housing over 40,000 people in 1970 (Gatabaki-Kamau, 1995) (cited in Majale, 1998:170).

According to Majale, (1998: 170) in 1971, water pipes were installed within five days in Mathare Valley and Kibera following an outbreak of cholera. The installation of infrastructure was the first example of a policy of limited acceptance. However, small slums located in the interior of the city without the benefit of political patronage, continued to be eliminated. In fact, the first president of Kenya, Jommo Kenyatta defended a large scale eradication campaign by claiming that he did not want the capital city to deteriorate into a shantytown (Alder, 1993: 88).The Nairobi River Valley site for instance, was demolished at least five times. The most dramatic demolition took place in 1977 when the entire site was obliterated and approximately 10,000 inhabitants were moved to Korogocho, which was the newest large informal settlement (Amis, 1990).

Ironically, according to Alam et al., (2005: 7), even as the government was conducting demolitions of slums it realized that there was a shortage in housing and this encouraged the government to start taking an active role in the provision of affordable public housing. The government had ambitious plans to ensure that every family in Kenya lived in an acceptable

urban housing unit. Such a unit was envisioned to have two rooms, a separate kitchen and a toilet, accommodating a maximum of five occupants. Housing structures that did not meet these standards were to be demolished. And because many slums structures did not fit these new standards, they were demolished and many slum dwellers were displaced and the number of informal settlements in the city continued to grow. This ambitious housing provision program provided only a fraction of the housing units needed while at the same time displacing thousands. Furthermore, the housing that was built favored the middle and upper income groups overlooking the lowest income groups where the demand was greatest (Alam et al, 2005: 7). Despite the government continued demolition of slums, they continued to grow. The reason for this was that the displaced populations usually relocated elsewhere and built slums there. With the rapid growth of slums, the government adopted a more tolerant approach, generally not undertaking demolitions. Okumu and Olima (2006: 92) argue that, during this time, there was a tacit acceptance of informal settlements, with the authorities adopting a *laissez faire* approach whereby they generally did not demolish any settlements but also did little to establish improvement programmes. Informal settlements consequently expanded and proliferated unchecked.

Further evidence that the state was paying attention to the proliferation of slums and informal settlements was the appointment of a commissioner for squatters who, with the chief administrative officer of the central government (the district commissioner) was responsible for containing and regulating settlements (Amis, 1990; Ross, 1973)(cited in Majale, 1998: 170). At the same time, the Nairobi City Council (NCC), given the responsibility of erecting and managing most of the public housing in the city, soon realized that the demand for housing was increasing yearly and its ability to provide proper housing was inadequate and so the council began to pursue other courses of actions towards the provision of affordable housing (Majale, 1998: 170).

One of the ways in which the NCC sought to provide affordable and decent housing was a strategy adopted in 1970 when the NCC decided to relax its tough building codes and adopt a more flexible strategy whereby residents would play a key role in the construction of their own houses (Muwonge, 1980: 600) These projects were designed to meet the basic needs of the target populations while at the same time aiming for low expenditure in order to promote sustainability



(Alam et al., 2005:8). This was the conception of the Sites and Services Development Scheme (SSDS) whereby plots of land on the outside of the city with access to water supply, roads and other social services were made available through low-cost loans to encourage private development. This scheme benefited from an \$11 million loan from the World Bank (Muwonge, 1980: 596).

The essential feature of SSDS in Nairobi according to (Muwonge, 1980: 600) was that those who succeed in being allocated a plot were also offered a materials loan. The loan was generally sufficient to construct at least two rooms of the new house, which can be inhabited while the owner earns money to complete the rest of the house. The recipients were also granted a land lease of up to 33 years. From the government viewpoint the SSDS had a number of advantages, chief among them being that more houses could be constructed with limited funds. In addition, families were given greater control over the design of their dwellings. Furthermore, homeowners were believed to take more pride in their residences; hence, sites-and-services schemes were expected to create more attractive and stable neighborhoods.

The largest project undertaken in this phase of slum intervention policy was the Dandora Community Development Project. According to Alam et al.,(2005: 8) although the Dandora project, which aimed to create 6,000 serviced plots to benefit low-income households in Nairobi, was hailed as a success story in World Bank documents particularly for its cost achievements, further research revealed that the project did not however meet its low expenditure standards as it had intended. Moreover, it was abandoned by several beneficiaries and it was planned by the Housing Development Department without any input from potential beneficiaries.

However, this did little to curb the growth of slums as the government at that time, was characterized by a patron-client relationship whereby loyalty to the presidency was rewarded by the illegal allocation of state land and other benefits (Murunga, 2004). These benefits extended to members of the president's ethnicity. This patron-client relationship coupled with ethnicity also seemed to play a role in the allocation of SSDS and also in the selective demolitions of informal settlements (Masilwa et al, 2012: 5). Furthermore, most of the SSDS developments were located on Nairobi's periphery, which was unattractive solution for Kenya's poor who desired to be close to employment opportunities. Also, the majority of low-income Kenyans were too poor to

participate in this program and the land was sold to the middle class instead (Huchzermeyer, 2008)

Moreover, Masilwa et al, (2012: 5) argues that, when the government realized that public housing and SSDS could not meet the growing housing need nor replace informal settlements, the provincial administration began issuing semi-legal land permits for building informal settlements. The criteria used to allocate this permits was based on ethnicity and as a way to buy political loyalty. 1978 saw a change of government under president Moi which only sustained the patron-client relations of the previous regime. It was characterized by the widespread plunder of state resources and public land for clientelistic and patronage purposes. These land grabbing and illegal land allocations led to prevalent evictions and mass displacement of residents living in Nairobi's informal settlements (COHRE 2006). Public housing projects such as the 'Kibera Nyayo Highrise' estate were transformed into middle class houses allocated based on political patronage to wealthy individuals locking out, the intended beneficiaries who had no option but to continue staying in the slums. The project involved the development of apartments on land that was previously occupied by slums. The slum residents were to be accommodated in the apartments while the rest were to be sold to cover project costs (Kamau, 2002: 34).

### **3.3.2 Phase Two**

Syagga (2011: 103) describes the entry of international pressure and civil rights groups in the 1980s as the inception of the second phase. During the Moi era in the 1980s, Kenya began to slowly recognize the need to improve slums with funding mainly from multi-lateral agencies. However, this process was greatly hampered especially by the introduction of Structural Adjustment Programmes (SAPs). These SAPs did not only remove subsidies, but they also required State governments to play facilitating roles rather than be involved in project implementation. This meant that projects that the government had projected earlier, stalled but slum development continued at an increased rate (Syagga, 2011: 104).

Moreover, the NCC which was entrusted with the provision and delivery of services within the city was incapacitated due to economic constraints; high population growth rate; little or no resources; channels of revenue collection were inefficient; and poor management (Warah, 2001).

In the early 1990's, things took a turn to the worst. This was an era characterized by the fight for multi-party democracy in Kenya. What was even more interesting about this time was that when the fight for multi-party elections started to intensify, so did the vigor with which slum demolitions were done also increase. As a reporter for the *Weekly Review* (21 December, 1990) (cited in Klopp, 2008: 295) remarked:

*'For the hawkers and slum dwellers of Nairobi, 1990 is likely to be a year that will live long in their memories. It is the year that the Nairobi City Commission proceeded with hitherto unknown vigor and ruthlessness to clear the hawkers from their lucrative business sites in the city center to hardly known areas outside of the city, and to evict the slum dweller from the only homes some of them have known for the last 20 years.'*

According to Klopp (2008: 295) the Moi government intensified slum demolitions in the 1990s for two interrelated reasons. Firstly, slum clearance, as in colonial times, was a means of keeping in check individuals who held opinions that contradicted the authorities. In the 1990s, this dissent was linked to support for multi-party democracy. Secondly, reflecting on the complexity of land and the exercise of power in Kenya, slum demolitions was a way to punish defiance by withdrawing access to land while on the other hand it was used as a means to reward loyalty by re-allocating vacated land to those who offered support to the ruling regime.

The demolition of Muoroto village in Nairobi was a classic demonstration of this inter-connection between slum demolitions and the political process of democracy in Kenya. While residents were multi-ethnic, most were from Murang'a.<sup>2</sup> Many youth who lived and worked in Muoroto supported the main opposition candidate, Kenneth Matiba. This did not auger well with the ruling party (KANU) and on 25<sup>th</sup> May 1990, after a series of anti-multi-party rallies by the president, hundreds of NCC police, anti-riot police, members of the KANU youth wing and bulldozers descended on Muoroto to carry out what was extensively recognized as one of the most brutal evictions ever witnessed in post-colonial Nairobi (Muchungu, 1990) (cited in Klopp: 2008: 299). During the demolition, a confrontation quickly broke out between the residents of Muoroto and their aggressors with the residents fighting back with stones, broken bottles and

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<sup>2</sup> Murang'a is in Central Kenya which is mainly comprised of the Kikuyu tribe. This tribe formed the majority of the opposition party that was calling for multi-party democracy in Kenya.

arrows laced with poison while others formed a procession to the city center as they boldly flashed the two finger multi-party salute (Klopp, 2008: 299).

Anyona, 1990 (cited in Klopp: 2008: 299) reported the incident as high pitched battle between the police and the residents that went on for several hours as neighboring slum dwellers joined in to support their counterparts with jeers and chants that were pro multi-party democracy rent the air. After the demolition, there was a public outrage that prompted the president to issue a statement that promised an end to evictions and demolitions. In as much as this gave a brief respite to the residents who had used whatever savings they had to rebuild their homes and businesses, Klopp (2008: 302) describes this as feigned support on the part of the president because on 18<sup>th</sup> October 1990, without notice, city bulldozers finally destroyed Muoroto village.

Moreover, in a move that was envisaged as an emphasize that slum demolitions were official policy, the then Minister of Local Government Ole Ntimama made an announced that all structures that were constructed on public land illegally in Nairobi and municipalities throughout the country would be demolished (Standard, 1990) (Cited in Klopp, 2008). While the stated purpose of the evictions was to keep the Central Business District (CBD) at the core of the city decent and clean these cleansing operations started to infiltrate on slums far from the CBD. On 2 November 1990 a village of 3,300 people called Kileleshwa Nyakinyua was invaded. On 5 November, a village of over 3,000 people called Gigiri was attacked. On 8 November, Kwambiu, a village of over 3,000 residents, located on Nairobi River was invaded. On 21 November a settlement of 1,500 people at Kaptagat Road was invaded. Particularly striking was the demolition of Kibagare slum between 20 and 23 November, which rendered over 30,000 people homeless. A National Council of Churches of Kenya study suggested that a total of 45,000 people were rendered homeless and lost a lot of property during this series of evictions. The combined onslaught on markets and settlements destroyed 1,431 small businesses and rendered at least 4,293 people jobless (NCCCK, 1991) (cited in Klopp, 2008).

Incidentally, Klopp (2008: 305) suggests that the land that former Muoroto residents occupied was supposedly allocated to the Government's City Commission to its own cooperative society, NACICO, which claimed it wanted to build offices on that land. Further, in contradiction to the NACICO claims, the City Inspectorate, Johnson Wahome, told the press at the time that the

place that was demolished was going to be used for the expansion of a bus stage and a shopping center complex would be put up (standard, 1990) (cited in Klopp, 2008: 305). To confuse the situation further, Minister Ole Ntimama, suggested that all the property in question was not city land but in fact was private land. He justified the actions against Muoroto by calling the former residents trespassers (Klopp, 2008: 305).

### **3.3.3 Phase Three**

The third phase was marked by the re-evaluation of the worsening housing situation by the international community. This phase was characterized by the shift to acceptance and integration of slums in development concerns from the 1990s. This was reinforced by the United Nations (UN) member states' adoption of the Millennium Development Goals (MDGs) in the year 2000 that addresses the essential aspects of poverty and their effects on people's lives (Syagga, 2011: 105). During this phase, it was noted that an urgent need for coordinated policies and actions related to slum-upgrading, environmental management, infrastructure development, service delivery and poverty-reduction was needed at large. The MDGs articulate the commitment of member states to improve the lives of at least 100 million slum dwellers by the year 2020<sup>3</sup> (Syagga, 2011: 1)

### **3.4 Conclusion**

As the above history demonstrates, slum interventions in Nairobi have been problematic in the past. While they had little success in providing infrastructure to the urban poor, oversight of the complex situation surrounding structure owners and tenants, as well as the basic needs of the target population has limited their success not to mention that political and tribal undertones have complicated the situation further. The next chapter will discuss the current government upgrading project and the implementation challenges it is facing after a brief description of Kibera.

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<sup>3</sup> Target 11 of Goal 7 is a direct recognition that slums are a development issue which needs to be faced (UN-HABITAT, 2003)

## **Chapter four: The Case Study**

### **4.1 Introduction**

This chapter is divided into three main subsections. The first one presents a brief description of Kibera as the case study area. The second part provides an in depth exploration of the Kenya Slum Upgrading Program (KENSUP), while the last section gives an analysis of the findings of the research.

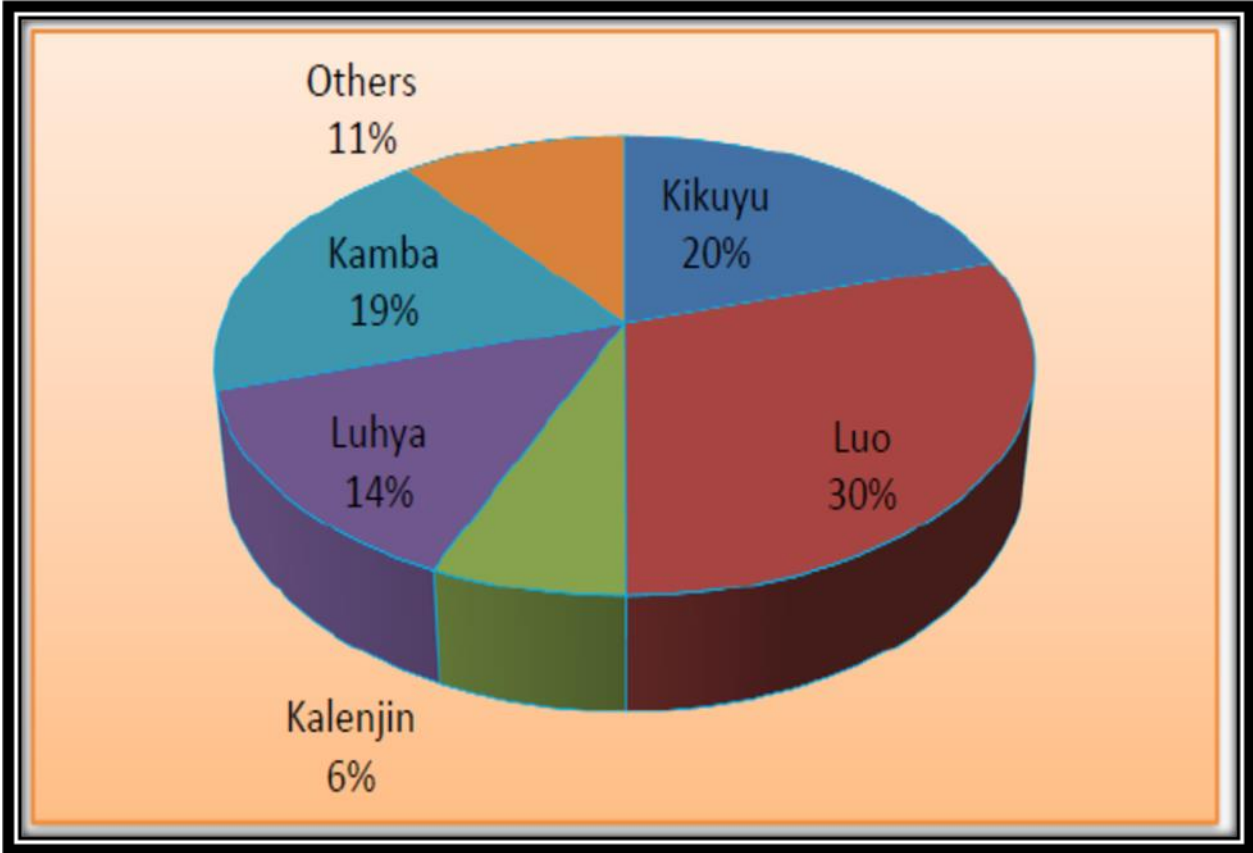
#### **4.1.1 Kibera**

Kibera is well located on land south-west of the central business district surrounded by middle class estates and a golf course. Population estimates have varied, and have increased dramatically overtime. Kibera has been held to be home to over 500,000 people (UN-HABITAT, 2007), over 600 000 people (Government of Kenya, 2004), 700,000 to one million people (Gendal, 2008: 67), 0.8 million people (Davis, 2006: 28), or anywhere between 500,000 and one million people (Neuwirth, 2006). However, the well-established myth that Kibera is the largest slum in Africa was greatly shattered after the 2009 Kenya national census were conducted. The truth revealed by the census was that Kibera hosts a mere population of 170 070 while the total number of Kenyan's living in slums is 618,916 (Karanja, 2010). But the fact remains that Kibera is one of the largest slums in Africa (Mutisya and Yarime, 2011: 5)

According to Mutisya and Yarime (2011: 6). The slum stands on a 2.5 square kilometer and is roughly five kilometers away from the city center. In 1912, Kibera was a settlement situated outside Nairobi; as a result of World War 1, it became a resettlement area for Nubian soldiers returning from service. The colonial government then, allowed settlements to grow and let other tribes from across the country to also settle there. (Mutisya and Yarime, 2011: 6). When Kenya attained independence, the government declared Kibera settlements illegal. However, Kibera slums continued to grow from as low as 6,000 people in 1965 to the current statistic of 170 070 (Mutisya and Yarime, 2011: 6).

Proximity to the city center provides a cheaper ground for people from rural areas who move in search of employment opportunities. Many new residents come from rural areas in search of job opportunities and a better life. The multi-ethnic nature of Kibera’s populism combined with the tribalism that pervades Kenyan politics has led Kibera hosting a number of small ethnic conflicts throughout its century-long history. Initially, the Kikuyu tribe dominated Kibera slums populations. However, over the years, the Luo tribe has grown dominant (figure 2). Today, Kibera residents represent all the major Kenyan ethnic backgrounds, with some areas being specifically dominated by peoples of one ethnic group (Mutisya and Yarime, 2011: 6)

Figure 1: Kibera population by tribe



Source: Mutisya and Yarime (2011: 7)

Kibera is located entirely on government-owned land and residents do not have secure tenure. Some have Temporary Occupation Licenses or title deeds, but the government can revoke these

at any time. This insecurity has created a mentality of fear, suspicion and at times open hostility in the community. This situation is made worse by provincial administration especially the office of the chiefs who have taken advantage of this situation and are constantly extorting bribes from the residents (IRIN, 2004). There are four categories of people who claim land rights in Kibera and whose overlapping claims must be negotiated for the upgrading to be successful: the Nubians, absentee landlords, structure owners who live in the settlements, and tenants.

The Nubians, the original settlers of Kibera, have always laid claim to the land and are currently pursuing the issuance of title deeds from the British government based on a 70-year-old letter of allocation from the colonial authorities. Disputes among different groups within the Nubian community have led to recent violence where the Nubian Council of elders claim only 350 acres of land, whereas the Younger generation of Nubian's claim all of Kibera's land (Mulcahy and Chu, 2007: 14). Some structure owners have title deeds, but many of these were attained fraudulently. Other structure owners retain recognized but unofficial land allocations given by local authorities. This group includes absentee landlords, structure owners who live in the settlement, community-based organizations, non-governmental organizations, and churches. Finally, the largest group of claimants is tenants, who make up 93 percent of Kibera's residents (Mulcahy and Chu, 2007: 14)



Figure 2: Aerial View of Kibera



Source: (Kimunya, 2005)

Mutisya and Yarime (2011: 7) allude to the fact that, the Kenyan government owns all the land upon which Kibera stands, though it continues to not officially acknowledge the settlement; no basic services, schools, clinics, running water or lavatories are publicly provided, and the services that do exist are privately owned. The settlement is located on two Nairobi divisional administrative areas; Dagoretti and Lang'ata divisions. The slum is divided into 14 villages with varying populations- Kianda, Olympic, Soweto West, Gatwekera, Raila, Karanja, Kisumu Ndogo, Makina, Kambi Muru, Mashimoni, Lindi, Laini Saba, Silanga and Soweto East.(Mutisya and Yarime, 2011). Figure 4 shows Kibera's villages

The informal settlement of Kibera suffers from a host of challenges. The residents live under mass poverty to a collection of sustainability challenges. Access to clean water, improved

sanitation, good housing, solid waste management, proper health care, security and energy are some of the most fundamental challenges faced by slum dwellers in Kibera. Among these are lack of enough schools and educational centers, as well as and a huge deficiency of other urban infrastructure (Guy, Marvin & Moss, 2001) (cited in Mutisya and Yarime, 2011). In addition, Kibera is heavily polluted by human refuse, garbage, soot, dust, and other wastes. The slum is contaminated with human and animal feces and all sorts of wastes which are worsened by open sewages and lack of drainage systems (Hardoy, Mitlin & Satterthwaite, 2003; Hodson & Marvin, 2009) (cited in Mutisya and Yarime, 2011).

There are more than 30,000 structures in Kibera slums which are mud walled and thatched with corrugated iron sheets (Amnesty International, 2009). A household in the slum comprises of seven members on average and usually stands on a 12ft by 12ft structure. The local authorities usually issue temporary occupation licenses to the owners. Mutisya and Yarime estimate that about 10% of Kibera residents own the structures and sub-let them to the remaining 90% (2011). The structures are owned by informal owners who are recognized by the tenants, but they have no legal ownership. The tenants pay a monthly micro-lease to the owners Mutisya and Yarime (2011).

#### **4.2 The Kenya Slums Upgrading Program (KENSUP)**

Following isolated attempts at slum upgrading in different parts of Nairobi, the first comprehensive initiative, KENSUP, began in 2000 when a meeting between the then president (Daniel Arap Moi) and the Executive Director of UN- HABITAT (Anna Tibaijuka), culminated in an agreement between the Kenya Government and UN-HABITAT. The Executive Director offered to spearhead a slum upgrading programme for Kenya starting with Nairobi's largest slum, Kibera, under the Cities Without Slums<sup>4</sup> programme of UN-Habitat (NCEO nd.: 38). The objective of the programme is to improve the overall livelihoods of people living and working in slums through targeted interventions to address shelter, infrastructure services, land tenure and employment issues, as well as the impact of HIV/AIDS in slum settlements (UN-HABITAT,

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<sup>4</sup> This is a global campaign to promote secure forms of tenure for the poorest populations, especially those living in informal settlements and slums in the cities (NCEO nd.:38)

2007). In 1999 just before KENSUP, the newly established Cities Alliance<sup>5</sup> had received a proposition for slum upgrading in Nairobi (UN-HABITAT, 2007).

This led to the subsequent support to KENSUP by Cities Alliance. Initially, a detailed situation analysis of Nairobi's Kibera slum was conducted and it was agreed that a pilot of KENSUP would take place in Kibera in 2001 (Syagga et al, 2001). In 2003 the KENSUP agreement was renewed between the newly elected Government of Kenya under President Kibaki and UN-HABITAT (Huchzermeyer, 2011).

Soon after, in 2004, the Government revised the National Housing Policy: Sessional Paper No. 5 May 2004 in order to address the deteriorating housing conditions countrywide and to bridge the shortfall housing that manifested in overcrowding, proliferation of slums and informal settlements. The revising of the National Housing Policy aimed to show the government's commitment of improving the lives of Slum dwellers. The revised Housing Policy made provision that enabled the poor to access housing and basic services and infrastructure at the same time encouraging integrated, participatory approaches to slum upgrading. This National Housing Policy was the backbone of KENSUP (Nabutola, 2004: 12).

According to a Needs Assessment report prepared by the Ministry of Housing (MoH, 2006:7), the main objectives of KENSUP are to improve the livelihoods of people living and working in slums and to minimize poverty levels. Specifically the program aims at contributing at the national level the achievement of Goal number 7, Target 11 – that of improving the lives of 100 million slum dwellers globally by the year 2020 (MOH, 2006:7).

KENSUP (2006:7) hopes to achieve this in a number of ways:

- Planning of City/Town development strategic and land use master plans: Sustainable neighborhood planning, land use plans, master plans, city development plans, and city investment plans

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<sup>5</sup> A global alliance of cities and their development partners committed to improve the living conditions of the urban poor through action in two key areas: (i) City development strategies which reflect a shared vision for the city's future and local priorities for action to reduce urban poverty; (ii) Citywide and nationwide slum upgrading – moving upgrading to scale.

- Shelter Improvement: Security of tenure issues, housing development and improvement, proposed mode of development, cost recovery and subsidy, community contributions through corporate social responsibility
- Physical Infrastructure: Sewerage systems, water supply and sanitation, Access roads, storm water drainage systems, electricity, security and street lighting
- Social Infrastructure: Schools Health centers, recreational facilities and community centers (social halls, stadia etc.)
- Environmental and Solid Waste Management: Neighborhood garbage collection and treatment systems, cleaning of rivers, dams and open drains within slums.
- Employment/Income generation: Markets (open markets and market stalls), micro and medium enterprise (MSME) sheds (jua kali(open air) sheds), kiosks systems, skills enhancement centers, power supply for income generating activities, micro-finance and MSME credit systems, shopping centers
- HIV/AIDS: counseling and testing centers, HIV/AIDS dedicated clinics, HIV/AIDS care, education and awareness creation, support systems for HIV/AIDS

Moreover, KENSUP hopes to integrate the formation of cooperatives in the targeted informal slums. The cooperatives main objectives will be to:

- Possess and look after houses to be established in the slum upgrading process;
- Protect their interests against socio-economic and political forces;
- Guarantee residents full involvement, proprietorship and sustainability of the upgrading procedure;
- Generate structures that can be used as access points for other correlated development activities e.g. promotion of revenue generating and employment creation activities, deployment of financial means and extenuating against the impact of HIV/AIDS.

KENSUP also makes provision for creating awareness to slum dwellers about the program through the Education Information and Communication strategy (EIC) (MoH, 2006:10).The goal of this strategy is to entrench the community in principles of discussion so as to avoid conflicts in the slums. Furthermore, it hopes to:

- Build awareness, understanding and support for the program by the communities.
- To develop unanimity among the participants and to guarantee full involvement in planning, implementation, monitoring and evaluation
- To inform the stakeholders to comprehend and appreciate the intricacy of the issues at hand through an all-inclusive and all-encompassing sensitization programme
- Develop resourceful communication structures and conduits to ensure free flow of information and appropriate feedback mechanisms
- Establish a collective platform for all investors to enable ease in synchronization of the various activities by stakeholders
- To make pertinent information on past and present experiences obtainable and accessible to all stakeholders.

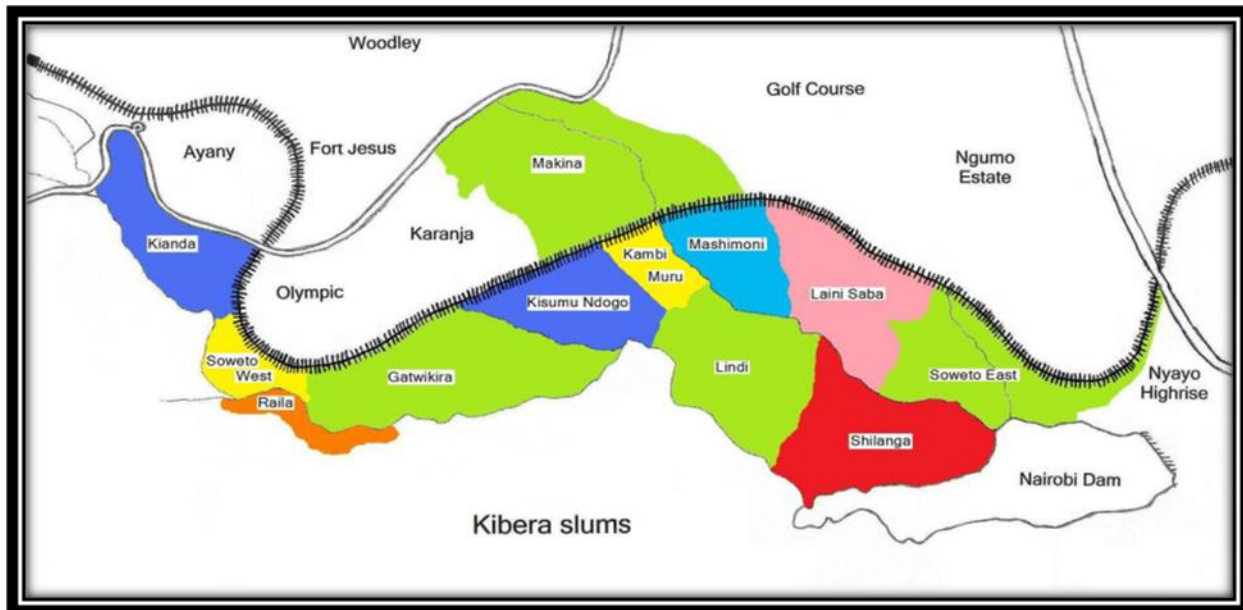
According to the MoH (2006) KENSUP's goal is to not only improve the living conditions of those currently residing in slums but to also ensure that new slums do not crop up. It is to this regard that KENSUP has provisions towards the achievement of this. To begin with, the challenge of rapid urbanization will be mitigated by the introduction of proactive infrastructure planning in the areas of transportation systems, water and power supply and to ensure that all income groups can afford residential land.

Decentralization will go a long way in managing cities and urban development through the empowerment of local authorities and District Governments who are the principal institutions in local government. Moreover, priority will be accorded to housing and human settlements through Central and Local Government budgetary, legislative and also ensuring that urban housing and services provision are in tandem with urban housing needs and demands, particularly for low and middle income groups.

Furthermore, policies will be amended to encompass formulation and implementation of national policies that address factors that constrain housing supply. These can include: improving access to land and finance; flexible building and construction standards and materials; enforcement of planning and zoning regulations; improvement of urban employment and incomes generation opportunities for low income groups. Moreover, the community will be sensitized and educated on modalities for self-reliance in livelihoods and environmental improvement and management. Also, parallel slum upgrading and prevention initiatives in urban areas where there is no on-

going direct engagement under KENSUP will be encouraged. This is due to the fact that national slum upgrading and prevention cannot be approached in an undeviating fashion (MoH, 2006)

**Figure 3.** Kibera villages, 2008



Source: Smedt (2011: 105)

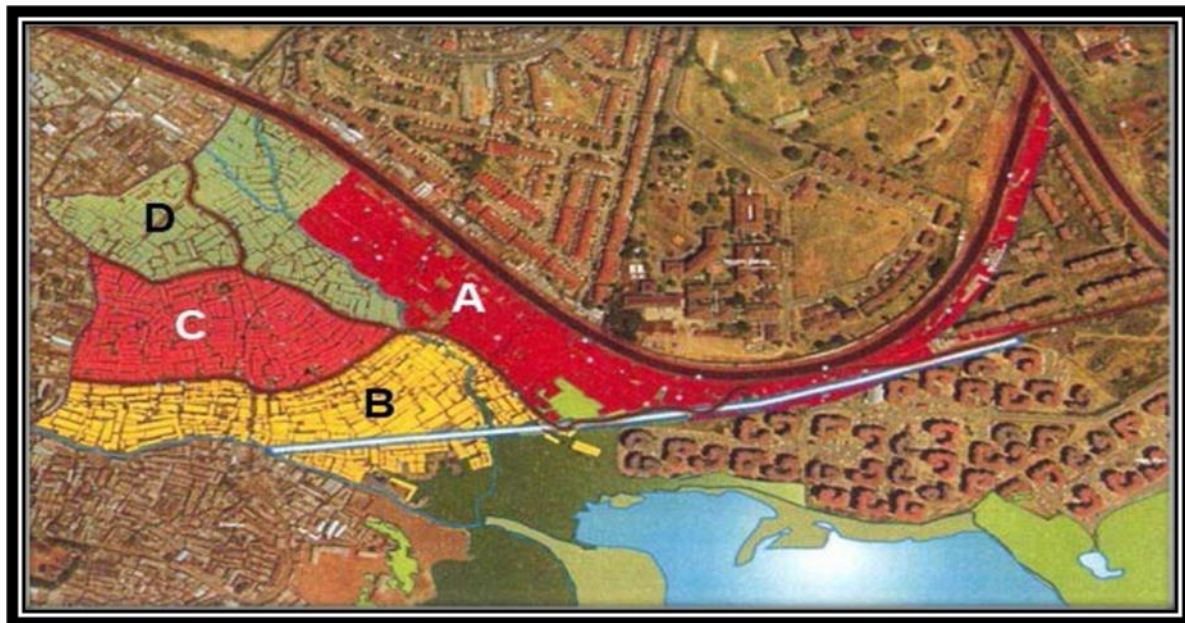
#### 4.2.1 Assessment

Given the size of the Kibera slum which consists of 13 villages, efforts were focused on a particular village called Kibera-Soweto East which is on the south-eastern sector of the Kibera slum which has a population of 60,000 people (Huchzermeyer, 2008: 4). This was a decision taken after a detailed situation analysis was carried out in 2001 (Syagga, 2001). According to Flores and Calas (2011: 1) Kibera Soweto East has 19,318 inhabitants and is spread out in four zones: A, B, C and D with zone A being the largest in size accounting for 37% of the houses in Soweto East (see figure 3). A year later, after the launch of the KENSUP project, on World



Habitat Day in October 2004, the two partners launched the Kibera-Soweto pilot project with graphic media presentations of the planned redevelopment of the slum into orderly blocks of flats with 50 m<sup>2</sup> two bedroomed units to be privately owned (Kiprotich and Mugo,2004)

**Figure 4:** Soweto East Zones A, B, C and D



Source: UN-HABITAT. (2008b). *Soweto East Redevelopment Proposal*

After the pilot phase had been funded to the tune of US\$110 000 by UN-HABITAT, funding for the preparation phase was made up of US\$240 000 from Cities Alliance and US\$ 60 000 from the Kenyan government (UN-HABITAT, 2007).

According to Fernandez and Calas (2011: 2), in 2004, the KENSUP project proposed the temporary relocation of residents into new flats build in Athi River, which is about 23 kilometers from Kibera. Once Soweto East, was vacated and rehabilitated, the temporary Athi River residents would be relocated back to Soweto East, Kibera. However, Huchzermeyer (2011: 157)

maintains that this plan was shelved. This is because a study that was conducted by COHRE in 2004 established that Kibera residents feared future displacements, particularly once they had been relocated to the distant Athi River site. Moreover, the political intervention by the then Prime Minister Raila Odinga, who was also the Member of Parliament for Kibera to stop the relocations saw the KENSUP program adopt another strategy (Fernandez and Calas 2011: 3). The project identified a site adjacent to Kibera, now termed the Langata decanting site (Huchzermeyer, 2011: 157).

Huchzermeyer (2011: 158) further asserts that the plan for the decanting site was to construct permanent multi-story housing and to use this temporarily for the purpose of relocation where three households would share a three-bedroomed flat, while construction would be underway on the cleared sites in Soweto. Further, according to Huchzermeyer (2011: 159) the Langata decanting site was deemed an upgrade from the slum dwellings and similar with the housing eventually promised back in Soweto. This however, would come at a cost as residents were required to pay rent for this temporary housing. According to Mulcahy and Chu (2007: 15) the design of the structures was done by collaboration between the Nairobi City Council, UN-Habitat, the University of Nairobi and the residents of Kibera. The residents were shown the initial plans at community meeting and were able to make changes to the schematics; however residents did not have any input prior to the presentation of the plan.

By 2007, construction at Langata's decanting site was far from complete. The cause of this delay was seemingly due to the problematic role that UN-HABITAT was facing in relation to KENSUP and the Kibera-Soweto pilot. UN-HABITAT's own fragmented nature, where projects related to KENSUP were scattered amongst many different units and branches within UN-HABITAT, each with their own objectives, strategies and modus operandi made communication between UN-HABITAT and its KENSUP partners, particularly the Ministry of Housing difficult. Further, the fragmented nature of UN-HABITAT had also caused a lack of an effective implementation strategy, which contributed to UN-HABITAT's failure to deliver enough tangible results (Huchzermeyer, 2011: 159). Therefore, according to Huchzermeyer (2011: 159), UN-HABITAT shifted its entry point into slum upgrading and limited itself to the provision of basic infrastructure such as water and sanitation.



This began a dual process whereby UN-HABITAT aimed to mobilize resources in an efficient and timely manner and to implement integrated water and sanitation projects under a governance structure that is conducive to expansion and upgrading in Kibera villages of Soweto and Laini Saba. At the same time, the media was reporting that the Kenyan Housing Ministry was promoting a different concept for the same area (Huchzermeyer, 2011: 160).

In August 2008, it was confirmed by the then Minister of Housing, Soita Shitanda that structures in Soweto East would be brought down in order to create space for 1000 high-rise houses (Ogosia, 2008). Further, the Housing Minister confirmed that the Langata decanting site project, was one of many projects that the Government was working on in an attempt to do away with slums in 10 years (Koross, 2009b)

#### **4.2.2 The Move to Paradise**

The first phase in the Soweto Kibera pilot project began on 16 September, 2009 with the temporary relocation of 5,000 residents out of the 6,288 of Soweto East Zone A Village. Since 5<sup>th</sup> march, 2010, 1,200 families have been occupying the 600 apartments (figure 5) in 17 buildings (each with around 40 apartments) on five floors in Lang'ata (Flores and Calas, 2011: 5).

**Figure 5:** Building in Lang'ata decanting site



Source: Rosa Flores, 2010

According to Flores and Calas (2011: 5) those who benefited from the project were the tenants and structure owners registered on a list compiled in 2005, during three months by the Physical Planning Department in the Ministry of Land, in Soweto East. Moreover, these residents have an identification card that allows them to temporarily occupy apartments in Lang'ata for a maximum of 30 months that is 2 and a half years. Flores and Calas (2011:5) further posit that several tenants refused to be relocated to Lang'ata because they did not want to pay higher rent than they pay in Kibera (The apartment rent is KShs 3,000 (34.4 USD) per month compared to Kibera's average of KShs 500 (5.7 USD) per month)<sup>6</sup>. These residents were therefore relocated to Zones B, C or D of Soweto East. With regards to the Lang'ata housing design, Flores and Calas (2011:5) describe the apartments as 50m<sup>2</sup> organized in three rooms (where one room is used as a sitting room and the other two as bedrooms); 1 bathroom (sink, toilet and separate shower); a kitchen and a small veranda (where people can wash and dry laundry) (Figures 6)

**Figures 6:** The two rooms and kitchen



Source: Rosa Flores, 2010

In 2011, the government introduced a new program the Kenya Informal Settlement Improvement Program (KISIP) to complement KENSUP. This was done to further promote Kenya's vision 2030 in which the government envisaged 'a well-housed population living in an environmentally-secure urban environment' (Kenya Vision 2030, 2007). In a bid to fulfill this

<sup>6</sup> 1 USD = 87 Kenyan Shilling (July, 2013)

vision, the government partnered with international development institutions, notably the World Bank, the Swedish International Development Cooperation Agency (SIDA), and Agence Française de Développement (AFD), KISIP targeted 15 municipalities: Nairobi, Mombasa, Eldoret, Naivasha, Machakos, Malindi, Kakamega, Nyeri, Thika, Kericho, Kitui, Garissa and Embu. The World Bank provided \$100 million of the funding, while Agence Française de Développement (AFD), Swedish International Development Agency (SIDA) and the government of Kenya, contributed \$45mn, \$10mn and \$10mn, respectively (Anderson and Mwelu 2013).

#### **4.3 Challenges Facing the Implementation Process of KENSUP.**

As was pointed out earlier, Hanekom (1987: 14) shows factors that could influence decisions on policy. He further asserts that that when making public policies the policy maker should bear in mind those internal and external factors could have an important bearing on the policies being made and also on the eventual outcomes of the policies.

In the initial plan of the project, it was set out that after temporary relocation to Lang'ata, the people should return to Kibera where they would choose to become tenants or homeowners (Flores and Calas, 2011:8) However, contrary to initial expectations, nothing has been done to rehabilitate Soweto East Zone A, since the implementation of the project to date. Anderson and Mwelu (2013) attribute this lack of successful implementation of the KENSUP program to several institutional and program design challenges.

To begin with, according to Flores and Calas (2011: 141) in 2009, five years after the official launch of Kibera Soweto, two important documents regarding this project was published, one by Amnesty International (2009a) and the other by UN-HABITAT (2009). These documents questioned the process of temporary relocation and echoed the fears and concerns of the residents. Interviews conducted by Amnesty International show that, five years after the project began; the Kenyan government has been unable to provide:

- Security of tenure for residents (who should not be evicted as a result of the rehabilitation project);
- Adequate measures to ensure residents have access to temporary and permanent housing;
- Mechanisms for the dissemination of information as well as channels for effective consultation with residents.

### 4.3.1 Community Participation

*“The implementation energy of thousands, if not millions, of independent agents is needed if the reform is to be more than words on paper”* Parity Commission for Education Reform, Guatemala.

According to Brinkerhoff and Crosby (2002: 51), participation is central to policy implementation. The original goal of KENSUP was to promote a bottom-up approach (Flores and Calas, 2011). Proponents of the bottom-up approach such as Matland (1995: 148) argues that one can gain in-depth understanding of policy implementation by looking at implementation from the perspective of beneficiaries of the policy and the street-level bureaucrats who deliver the intended benefits. This as Lipsky (1980: 13) pointed out is possible due to the discretion accorded to these street-level bureaucrats in their interactions with the citizens and the relative autonomy from the authority of the organization. This was the intention of the KENSUP program. According to UN-HABITAT (2006: 1), UN-HABITAT’s role in the program emphasized that all urban actors who have a stake in slum upgrading are involved in slum upgrading as this is considered their basic right, as they must have a say in urban processes that shape their lives. KENSUP’s aim was to promote inclusive participation that acknowledges the diversity of actors and ensures that the relevant community members are in charge of all stages of the project.

However, the process of community participation seems flawed in that communities targeted by the project do not seem to have been fully engaged (Anderson and Mwelu 2013). Furthermore, the program seems to have adopted a more top-down approach which suggests that participants, particularly those involved in the implementation of policy, have little role to play in policy formulation. Their duty is to see that the policy formulated by the administration is effectively implemented. Respondents of the Amnesty International interview perceived the project as having been carried out through a top-down approach as high level decision makers imposed themselves in the program (Flores and Calas 2011: 26). Forty five out of Fifty respondents interviewed by Amnesty International felt that the project was being executed without efficient and ample consultation. This left residents to speculate about the project’s implementation and as

a result, the project has been marred by widespread misinformation regarding the cost of houses, the plans for housing construction and particulars about the procedure of ownership of new houses in the rehabilitated site raising suspicion and mistrust among residents especially due to past failed interventions which involved slum clearance leading to program opposition (Amnesty International, 2009: 26).

Central to the bottom-up model is the notion that one can gain in-depth understanding of policy implementation if one looks at implementation from the perspective of beneficiaries of the policy and those involved in delivering the intended benefits of the policy. However, the implementation of the upgrading program is not consistent with the foregoing. Interviews conducted with Kibera residents at the decanting site as recent as January 2013 reveal that in regard to setting up of rent rates, the government did not involve them fully (Anderson and Mwelu 2013). As a result, the langata apartments are not housing its intended beneficiaries rather they have been occupied by middle-class people. Employees of the Slum Upgrading Department (SUD) were quoted (in Flores and Calas, 2011: 7) as admitting that it is currently students from the University of Nairobi who are currently residing in the langata apartments. ‘For students, paying KShs 3,000 for a three-roomed dwelling (with all the basic services) located at a 20-minute walking distance from the University of Nairobi is great!’ The employees of SUD further say that these new apartments were sublet by their former occupants who had since returned to the slum where they could afford the rent (Flores and Calas, 2011: 7).

#### **4.3.2 Multiple Actors**

In their analysis of implementation challenges in developing nations, Brinkerhoff and Crosby (2002: 23) state that the implementation of policies is as a result of combined effort from multiple agencies and groups. They further agree that making cross-sectoral, multi-actor arrangements operate effectively is key to the success of any policy implementation partnership. However, Matland (1995: 157) shows that ambiguity rises from multiple actors and especially where there is no clear specification of roles of the different actors involved in policy implementation. This multiple actor setting has also been a challenge for the implementation of KENSUP. By 2007, construction at Langata’s decanting site was far from complete. The cause of this delay was seemingly due to the problematic role that UN-HABITAT was facing in relation to KENSUP and the Kibera-Soweto pilot. UN-HABITAT’s own fragmented nature,

where projects related to KENSUP were scattered amongst many different units and branches within UN-HABITAT, each with their own objectives, strategies and modus operandi made communication between UN-HABITAT and its KENSUP partners, particularly the Ministry of Housing difficult. Further, the fragmented nature of UN-HABITAT had also caused a lack of an effective implementation strategy, which contributed to UN-HABITAT's failure to deliver enough tangible results (Huchzermeyer, 2011: 159). Therefore, according to Huchzermeyer (2011: 159), UN-HABITAT shifted its entry point into slum upgrading and limited itself to the provision of basic infrastructure such as water and sanitation.

Thus began a dual process whereby UN-HABITAT aimed to mobilize resources in an efficient and timely manner to implement integrated water and sanitation projects under a governance structure that is conducive to expansion and upgrading in Kibera villages of Soweto and Laini Saba. At the same time the media was reporting that the Kenyan Housing Ministry was promoting a different concept for the same area (Huchzermeyer, 2011: 160). Hand in hand with Matland's conceptualization of ambiguity is Gunn's (1978) framework for successful implementation which the KENSUP program does not lend itself to. According to Gunn (1978), for successful implementation to happen, there should be a single implementation agency which need not depend upon other agencies for success. Should there be a need to include another agency; the dependency relationships should be minimal in number and importance.

The collaborative nature of KENSUP was such it drew upon the expertise of each partner in order to achieve successful implementation of KENSUP. However, KENSUP heavy reliance on UN-HABITAT caused interruptions and delay in the implementation of the first phase of the program. Furthermore the introduction of KISIP to complement KENSUP was an oversight to the program because the two are poorly linked. Although the two projects are run by the same ministry and target related issues, they rarely seem to feed into each other. There is no clear link on how the projects should complement each other except for remarks not backed by evidence by the ministry officials. An example is the assumption that KENSUP will provide housing after KISIP sorts out issues of land tenure and infrastructure in Kibera (Professor Jason Corburn, January 18, 2013) (cited in Anderson and Mwelu, 2013).

Initially, the government gave little priority to the housing situation in Kenya and by the time the Government took notice by introducing the upgrading program, it could not fund the process by

itself. It therefore became necessary for the government to source for funds from donor agencies such as the UN-HABITAT. Incrementally however, this has resulted into a challenge of lack of sustainability for the Government (KISIP, Operations Manual, 2011). Matland (1995) agrees that lack of local capacity is detrimental to successful implementation.

#### **4.3.3 Secure Tenure**

The fact that the land upon which Kibera stands is government owned means that the residents do not have secure tenure. Some have Temporary Occupation Licenses or title deeds, but the government can revoke these at any time. This insecurity has 'bred a mentality of fear, suspicion and at times open hostility in the community (Irin News Service, 2010b). Land rights in Kibera are claimed by four categories of people whose overlapping claims have made the implementation of the upgrading plan unsuccessful. These are: the Nubians, absentee land lords, structure owners who live in the settlement, and tenants. The Nubians, who are the original settlers of Kibera have always laid claim to the land and are currently pursuing the issuance of title deeds from the British government based on a 70-year old letter of allocation from the colonial authorities. The Inter-group disputes among them has made matters worse with the Nubian Council of elders claiming only 350 acres of land, whereas the Young Turks claim all of Kibera's land.

Some structure owners have title deeds, but many of these were attained fraudulently. Other structure owners retain recognized but unofficial land allocations given by local authorities. This group includes absentee landlords, structure owners who live in the settlement, community-based organisation, and non-governmental organizations. Finally the largest group of people who lay claim on Kibera is tenants, who make up 93 percent of Kibera's residents.

The complexity of Kenya's land tenure system and the contrasting claims to land rights have made the issuance of secure tenure the most challenging part of the upgrading process. This led to a decision by the government to adopt a mechanism where all groups laying claim were led to believe that the upgrading program was favorable and in their best interest. This is one of the strategies that Brinkerhoff and Crosby (2002: 43) lay out as pertinent for successful implementation to take place. According to Brinkerhoff, co-option calls for getting other people to believe that the policy is favorable and in their best interest. This is closely linked to what Matland (1995: 155) aptly calls in his ambiguity/conflict model as 'resulting to bargaining'.

When conflicts exist, ‘actors resort to bargaining mechanisms... actions tend to be the results of a long bargaining process which does not lead to goals...’. For example, according to the KENSUP plans, after careful consideration of the situation, the various stakeholders came to the agreement that ownership of the land will be maintained by the government where after it may give long-term leases for the new housing units to residents through the housing co-operatives where residents and structure owners have the option to purchase their units individually or through cooperatives. It is only after completing payment fully that individuals will receive title deeds from the government.

However, the Nubians were seemingly not convinced that they would receive compensation from the government as promised and in 2009, 84 residents of Nubian descent sought legal representation to claim their property, refusing to leave their structures on that basis<sup>7</sup> (Kiplagat, 2009b). The high court ruled that while the government was ‘advancing its cause of bettering the lives of residents by upgrading the slum’ the group had raised ‘issues dealing with fundamental rights’ and as such the demolitions of the structures was put on a week-long hold (Kiplagat, 2009a). More than a week later however nothing had been done and residents were now threatening to stage a protest outside the Ministry of Housing headquarters. Ten months later, the land claim was still not resolved, the vacated structures had not been demolished and construction for the planned 1000 buildings was delayed indefinitely (Irin News Service, 2010b)

#### **4.3.4 Politicization of the Upgrading Program**

The role of civil society organizations in the KENSUP program is as stipulated in the UN-HABITAT and KENSUP strategy document is to mobilize communities and represent their interests. However, a study done by Karari (2009) shows that this role has changed for NGOs. In the study it was found out that there were 12 slum development organisations including 2 foreign NGOs, 6 local NGOs, 2 local CBOs and 2 Women self-help groups. Among the local organizations, 7 were purely operated by one tribe, had title deed through the government. Some of the interviewees confirmed that NGOs are used during political campaigns to reward

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<sup>7</sup> In the early twentieth century the East Africa Protectorate’s army administration allowed its “Nubian” ex-soldiers and their families to settle on a military exercise ground near Nairobi, which is today Kibera (Smedt, 2011: 11)



supporters of certain political parties. The use of NGOs as political vehicles can be linked to what Brinkerhoff and Crosby (2002: 76) describe as state-interest groups relations where governments everywhere tend to rely upon societal groups, usually the most powerful and influential, for support to remain in power. To keep this support, governments create policy regimes that favor these groups. In this instance NGOs were able to acquire title deeds while individuals who have lived in Kibera for decades cannot get title deeds. The fact that politicians use NGOs to promote their political benefits shows that Kibera is a center of interest for influential politicians and government officers. With its high population the slum is a fertile ground for votes (Karari, 2009: 41). The role of politics in Kibera has led to NGOs deviating from their responsibilities to the poor and unrepresented. Moreover, politicians have managed to shift the focus of the residents from development to politics thus causing further delay to the implementation of KENSUP.

## **Chapter Five: Conclusion**

This chapter draws conclusions from the findings of the research study and makes recommendations. The conclusions and recommendations made by this study cover both the theoretical and practical aspects of policy implementation.

There is a general consensus among implementation scholars that implementation cannot be carried out as a rational process. These sentiments are echoed by Brinkerhoff and Crosby (2002: 6), who see the policy implementation process as political as it is technical, and is complex and highly interactive.

This study has found out that African countries have begun shifting towards slum upgrading as a means of providing adequate standards of living. Out of the findings it has become apparent that this became a necessary strategy because previous strategies adopted by governments have failed. This research study has investigated the implementation challenges inherent in slum upgrading policies in Kenya. The study has shown various challenges that have affected the Kibera slum upgrading programme. Literature investigated suggests that many residents of Kibera do not consider housing to be a major problem. The focus is instead on finding jobs, school fees, food, water and security as their main needs. NGOs have been blamed for political compromise and lack of responsibility for the poor. This study therefore recommends that all NGOs working in the slum of Kibera should undergo through the registration process again to ensure that their objectives and goals comply with those set out in the Kenya NGOs Act. Those that are not compliant and have no accountability measures in place should be de-registered. Most importantly, this research found that there is a lack of participation of slum dwellers in the upgrading programme. The KENSUP upgrading program has been seen to be overly non representative and non-inclusive. Literature suggests that many residents of Kibera prior to been moved to the decanting site, were not aware of the KENSUP project let alone their housing rights or the MDGs. While others claimed that they were not represented fully in the KENSUP stakeholders committee. It is therefore important that the target beneficiaries are well informed

about matters that affect them and equally represented in all decision making agencies because if this is not done, the beneficiaries will not own the program and embrace its intended benefits.

This study recommends that KENSUP should actively involve all its stakeholders in the dialogue and decision making process. One way of doing this is to let the people choose their own representatives in a transparent manner instead of officials hand-picking their preferred candidates. Furthermore, the government should enact a policy that fosters the right to inclusive participation where the beneficiaries can play an active role when formulating ideas and the realization of intervention mechanisms at the implementation level. In addition, for the upgrading process to be considered successful, the program should ensure that the residents are made aware of their rights to secure and decent housing as stipulated in the MDGs. To achieve this, workshops, seminars and conferences on rights to housing and MDGs should be set up and residents should be encouraged to attend and participate in them.

It was also evident from the research that the houses on the decanting site have no rifts which make them inaccessible to vulnerable groups. More so, these houses are built on a western model which has affected the normal lifestyle of the slum dwellers such as communal sharing of facilities, borrowing from neighbors and social interaction. The slum upgrading process should improve the living situations of the slum residents without the alteration of their socio-economic lives. This study recommends that in order to achieve this market areas where residents can buy and sell their goods should be set up at the decanting site and also at the site where residents will be relocated. This will continue to give the residents a source of income to sustain their livelihoods while at the same time the new houses should be built with the consideration of the physically disadvantaged in mind.

Another research outcome was that the upgrading program has been highly politicized. Evidence pointed to the fact that Kibera slum is a fertile ground for votes due to its high population. The same evidence points out the fact that politicians and government officers own structures or are landlords in Kibera and have consequently frustrated the upgrading program efforts as they have their own self interests. Moreover, NGOs who have been given the mandate of improving the lives of the poor and marginalized in Kibera better, have deviated from that role and are now being used as political vehicles to deliver rewards to political supporters who frustrate the efforts of the upgrading program.

Politics has deviated the objectives of the KENSUP program from being achieved it is therefore imperative that the role of politics be eliminated for successful implementation to take place. It is recommended that the government should take up political responsibility and put an end to the manipulation of slum dwellers by politicians who have self-centered needs. Laws and policies that protect the poor and marginalized from politicians should be enacted.

This research also found out that some slum dwellers could not afford the rent set out for the new houses at the decanting site and hence rented out their houses to middleclass tenants and they moved back to the slum. This fear has also been expressed that the residents feel that they may not be able to afford the new structures at the relocation site. What these residents lack is the power to bargain. Strategies that promote the bargaining power of residents should be put in place to empower residents to compete equally and fairly in the housing market. Moreover, the government can also address the challenges that middle class face in their quest for home ownership in order to reduce the competition for upgraded houses meant for slum residents while at the same time rent restrictions for low income earning slum residents should be instituted to ensure that the residents are not left homeless.

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