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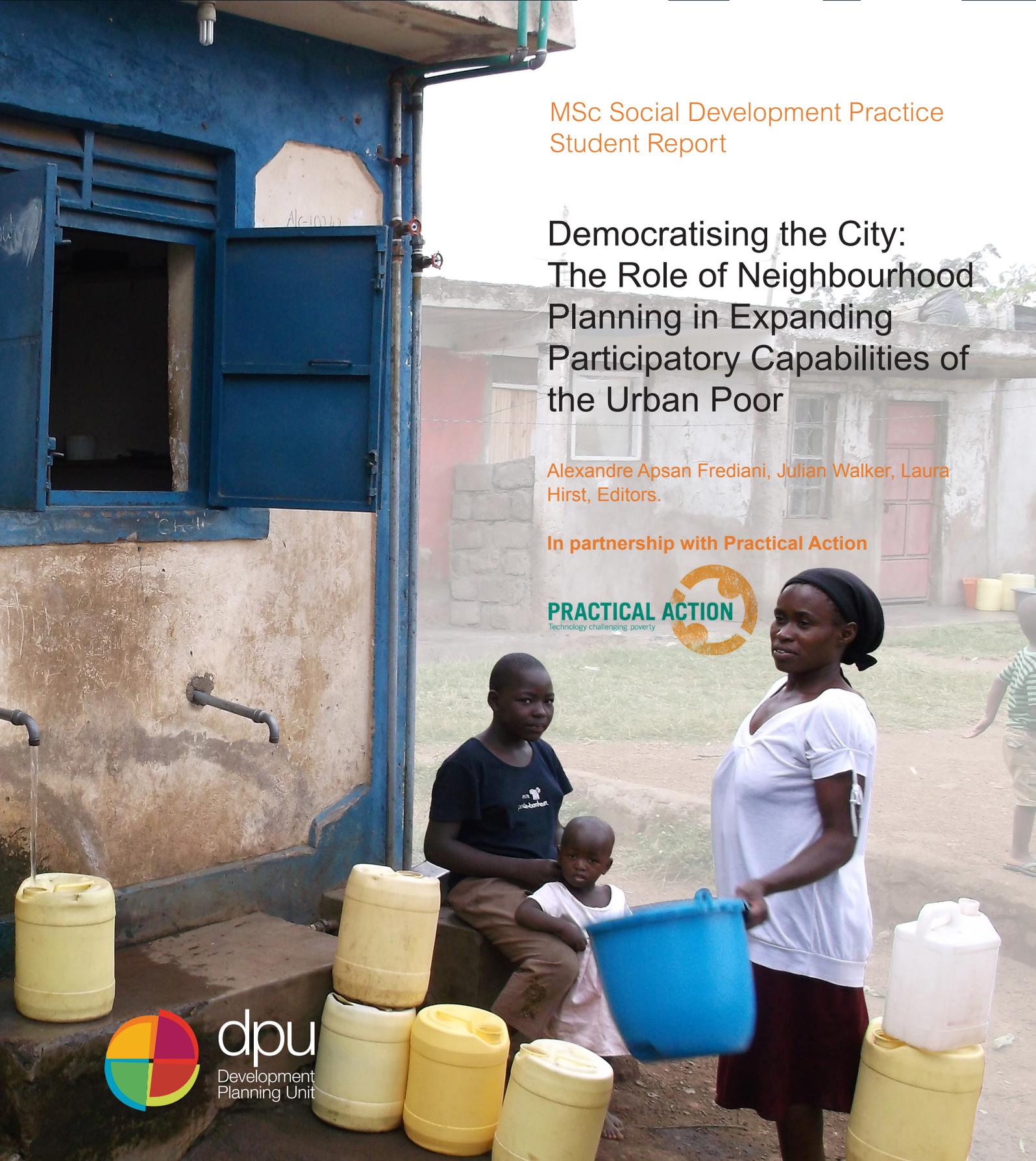
MSc Social Development Practice  
Student Report

## Democratising the City: The Role of Neighbourhood Planning in Expanding Participatory Capabilities of the Urban Poor

Alexandre Apsan Frediani, Julian Walker, Laura  
Hirst, Editors.

In partnership with Practical Action

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# Democratising the City: The Role of Neighbourhood Planning in Expanding Participatory Capabilities of the Urban Poor

In partnership with Practical Action

November 2014

**Acknowledgements.** This report is the product of an action learning assignment emerging from a partnership between the UCL Development Planning Unit and Practical Action. We would particularly like to thank the team from Practical Action in Kisumu, Nairobi and London that engaged in this process. The dedicated support of the local team of Paul Chege, Mathew Okello and Noah Mayieka was fundamental to the project's success. We are also very grateful for Mansoor Ali's guidance and facilitation from London.

Our thanks go to the teams of facilitators and local experts in each of the wards students worked in. Their

commitment, advice and support enabled the students to successfully carry out their research activities and gather rich and valuable data. We would also like to extend thanks to the Neighbourhood Planning Associations in Nyalenda A, Nyalenda B, Manyatta and Kondele who warmly welcomed students and staff into their neighbourhoods, as well as the other members of the Kisumu Informal Settlement Network.

Finally, we would like to thank the team from the Kisumu Urban Apostolate Programme (KUAP) for their committed support during the field research and for their valuable feedback on our activities and findings.



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## **List of acronyms**

APDK Association for People with Disabilities in Kenya
CDG Community Development Group, Nyalenda A
CHW Community Health Worker
CHV Community Health Volunteer
CBO Community Based Organisation
DMM Delegated Management Model
INGO International Non Governmental Organisation
ISUDP Integrated Strategic Urban Development Plan, Kisumu
KISN Kisumu Informal Settlement Network
KIWASCO Kisumu Water and Sewerage Company
KUAP Kisumu Urban Apostolate Programme
LASDAP Local Authority Service Delivery Action Plan
LATF Local Authority Transfer Fund
LVSWB Lake Victoria South Water Service Board
KUP Kisumu Urban Project
MACOWASA Manyatta Community Water and Sanitation group
MANADEG Manyatta Neighbourhood Development Group
MO Master Operator
MRA Manyatta Residents Association
NACHU National Housing Cooperative Union
NHC Nyalenda Housing Cooperative
NPA Neighbourhood Planning Association
PPP People's Plans into Practice
RA Residents Association
SDP Social Development Practice
SWAP Strategic Ward Action Plan
WSP Water Service Provider



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## Foreword

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The role that planning can play in good urban development has been an issue Practical Action has been concerned with for many years. But why, as an NGO concerned with the role technology can play in poverty reduction, should we care about urban planning? Firstly we are interested not only in planning, but also in the implementation of those plans involving choices about technologies and real benefits for poor people. Secondly, we know that in cities, the problem is not so much a lack of services, but a lack of access to those services by the poor. It is perhaps more evident in cities than anywhere that the role of NGOs is not to deliver services instead of local governments and utilities, but to work in partnership. NGOs should act as mediators in the crucial relationship that needs to be strengthened between poor communities and the authorities. If poor communities can be empowered to have their say in a coherent way at the right time, as part of the right process, they stand more chance of securing the attention, resources and ultimately the life-changing improvements to services that should be their rights as citizens. Once local institutions are strengthened and progress is made in one area, they can be used to address a variety of issues poor people are facing.

Strengthening local community associations to enable them to play this role faces a number of challenges. The population of an urban slum can be shifting, especially where high proportions are tenants. It can also be very

diverse and ensuring the voices of all groups are heard is challenging. Institutions can be captured by a cadre of local leaders who drown out *the voices* of others. Other groupings may emerge that also claim to represent the community, or new projects arrive which try to introduce new structures or repeat the planning exercises already undertaken. Sustainability can be a challenge especially after the end of an NGO project and with the regular turn-over of leadership both within the Local Authority and the community institutions. And finally, it can be difficult for these groups to take on the range of tasks demanded of them including; prioritising needs, having their say about the choice of technology or system, monitoring construction and overseeing the operation and maintenance of services.

Practical Action has found the linkage with the DPU in Kisumu very useful in thinking through our own practices and uncovering some of the hidden dynamics on the ground. We are delighted that Masters Students have chosen to visit Kisumu for a second time and work with us to deepen our collective understanding of the complex situation on the ground. Students can experiment with and gain experience of different kinds of research methodologies. With a large group and enough time to sit patiently, listen to local people and debate what they are hearing with experienced academics and NGO staff, the findings of this research are insightful both about the challenges and how they might be addressed in future.

**Lucy Stevens**  
**Policy and Practice Advisor**  
**Energy and Urban Services**  
**Practical Action**

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## Executive Summary

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### Introduction

This report presents the results of a three-month research assignment entitled *'Democratising the City: The Role of Neighbourhood Planning in Expanding Participatory Capabilities of the Urban Poor'*, undertaken in the city of Kisumu, Kenya from February to June 2014 by MSc students on the Social Development Practice (SDP) programme at the Development Planning Unit, University College London. The project was undertaken in partnership with the international NGO Practical Action, an organization that works with poor women and men around the world to challenge conditions of poverty through sustainable technologies, the Kisumu Urban Apostolate Programme (KUAP) and the Kisumu Informal Settlement Network (KISN).

The research analyses how substantive citizenship is enacted through neighbourhood governance processes in four low-income neighbourhoods through a number of different thematic entry points. The research captures learning brought about by the outcomes of a participatory planning initiative implemented by the 'People's Plan into Practice' (PPP) project which was led by Practical Action from 2008 to 2013. The PPP project worked with local Neighbourhood Planning Associations to identify and address settlement upgrading priorities. The final project was implemented under the Kenyan government's Local Authority Service Delivery Action Plan (LASDAP), a participatory planning process with devolved funding, chosen to serve as a point of comparison with NGO interventions.

Picture credit: Laura Hirst



### Research aims

The focus of this 'action-learning' exercise was to examine the role of Neighbourhood Planning Associations (NPAs) in enhancing the 'participatory capabilities' of the urban poor to achieve substantive citizenship in Kisumu. Each student group partnered with a different NPA to explore:

- How the practices, norms and procedures of representation in the NPAs enable the representation of a variety of needs and aspirations amongst neighbourhoods' residents.
- How the operational context within which NPAs work effects their ability to represent the interest of their constituencies.
- How the NPAs relate to wider city and county structures of governance, and how they foster participation at a city-regional scale.
- Recommendations to strengthen the role of NPA in pursuing substantive citizenship in Kisumu.

### Methodology

The research process consisted of three months of desk-top research and policy analysis, followed by two and a half weeks of primary field research in Kisumu in May 2014. In Kisumu, the SDP students were joined by Practical Action staff and a team from KUAP to collaboratively

Picture credit: Laura Hirst



undertake the fieldwork research. This consisted of in-depth and semi-structured interviews, participatory activities, and focus groups conducted with key stakeholders including informal settlement residents, the Kisumu Municipality, local NGOs and sectoral authorities.

## Key findings

The findings presented in this report examine how issues of participation and citizenship are addressed by neighbourhood planning in informal settlements, within a wider context of decentralization and increasing privatization of services and infrastructure. Using different thematic entry points, the report has revealed residents' experiences, practices and priorities with regards to participation, housing rights, access to water and inclusion of people with disabilities. The research raises issues and recommendations as to how substantive citizenship can be enacted for people living in informal settlements.

The research reveals that the existing practices of NPAs as supported by the PPP project are well established, and distinct structures are visible to varying extents in different wards. However, the exploration of the everyday experiences of residents through this field research reveals the diversity and complexity of the lives of people living in informal settlements and provides evidence to reinforce demands for more inclusive and participatory processes within NPAs and in their relationships with their wider constituency beyond formal structural representation.

A critical analysis of how participation is incorporated into current city development processes is needed; current trends appear to position citizenship within a liberal model of invited participation, and the co-option of residents into providing unpaid labour, monitoring and evaluation of projects. The creation of an umbrella network of NPAs is a key entry point for advocating for the rights and priorities of the city's

Picture credit: Laura Hirst



poorest residents. Whilst a number of immediate projects implemented through individual projects have made significant contributions to the wellbeing of residents in informal settlements, a more strategic, collective response to city redevelopment plans to demand accountability and substantive participation in planning is required.

## Conclusion

The recommendations presented by each group aim to identify specific steps for further initiatives attempting to strengthen the capacity of neighbourhood planning associations and enhance participatory planning processes in Kisumu. In addition, this documentation of existing learning on urban governance in informal settlements aims to highlight potential practices and processes that can bring about more transformative socio-economic change in participatory settlement upgrading initiatives.

Picture credit: Laura Hirst



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## Introduction

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This report is the result of a three month research assignment entitled '*Democratising the City: The Role of Neighbourhood Planning in Expanding Participatory Capabilities of the Urban Poor*', carried out in the city of Kisumu, Kenya, from February to June 2014 by MSc students on the Social Development Practice (SDP) programme at the Development Planning Unit, University College London. The project, focused on four informal settlements in Kisumu, Kenya, looked to examine the role of Neighbourhood Planning Associations (NPAs) in enhancing the 'participatory capabilities' of the urban poor to achieve substantive citizenship in Kisumu. This was undertaken in partnership with the international NGO Practical Action, an organization that works with poor women and men around the world to challenge conditions of poverty through sustainable technologies, and the Kisumu Urban Apostolate Programme (KUAP).

Since the 1980s, Kenya has undergone a process of decentralization with the objective of devolving power to local governance structures to influence policy and planning. This has resulted in a series of policy commitments to new responsibilities and resources for local authorities, with the objective of making urban governance and development initiatives more democratic. These included the Local Government Act of 2001 which mooted the creation of neighbourhood associations as structures for community participation in the Local Authority Service Delivery Action Plan (LASDAP) process, and devolved budgets for community infrastructure through the Local Authority Transfer Fund (LATF). The *Local Government Act* has since been repealed and replaced with the *Urban Areas and Cities Act* of 2011. The *National Housing Policy for Kenya* (Sessional Paper No. 3 of 2004), promotes the inclusive participation of all stakeholders in the planning, development and management of housing programmes; and also encourages community participation in the decision-making processes of the central and local governments, where appropriate. Meanwhile, The *Physical Planning Act* (Revised Edition 2009) allows for the participation of stakeholders in the preparation of development plans; while the *Urban Areas and Cities Act* (No 13 of 2011) provides a legislative framework for participation by the residents in the governance of urban areas and cities. More recently, the restructuring of local government into counties has been required through the County Government Act of 2012, which further devolves decision-making about development, and increases devolved budgets,

and includes localized development planning activities, which are currently in process, in the form of County Integrated Development Plans.

The People's Plans into Practice project, implemented jointly by Practical Action (PA), Shelter Forum (SF) and KUAP and funded by Comic Relief, aimed in part to support these processes of devolution, as well as to improve the well-being, productivity and living conditions of poor people living in informal settlements in Kenya and the East African region. Specifically, the project intended to achieve this by ensuring poor peoples' inclusion in the planning and development processes of Local Authorities and service providers, such as water utilities; and improving access to clean water, better sanitation, waste management, drainage, secure land tenure and affordable housing with the overall aim of achieving sustainable well-being. Neighbourhood Planning Associations in informal settlements were formed and strengthened in order that they could better engage in the new spaces of participation described by the policy environment above, and formulate Strategic Ward Action Plans (SWAPs) to identify needs and aspirations and prioritise actions. While the process is now well-established in the wards where the PPP has worked, there are still questions about how the NPA and SWAP processes will be sustained and replicated into other wards in Kisumu.

In order to address these questions, the action learning assignment examined the role of Neighbourhood Planning Associations in enhancing the 'participatory capabilities' of informal settlement dwellers in Kisumu to achieve substantive citizenship; that is, the abilities and opportunities residents have to participate in processes that allow them to access and enjoy citizenship rights in practice. This focus is grounded in the capability approach of Amartya Sen, which relies on the interplay between opportunities, freedoms and agency to explore issues of human well-being. In considering these areas of capability, a number of theoretical considerations are addressed. The analysis of participatory practices within NPAs and in neighbourhoods more generally in this research engages with spaces that exist beyond formal, 'invited' spaces of planning to those that are claimed and created (Gaventa, 2006). The operational environment in which these spaces exist also comes under scrutiny in terms of the extent to which policy and planning frameworks and practices enable and facilitate achievement of substantive citizenship, and the way in which social diversity and power relations op-

erate in practice within these settings. Finally, drawing on Appadurai's work on aspirations (2004), the research also engages with the values, visions and ideals of informal settlement residents in terms of participatory planning, opening up debates and action on deepening democratic practices in cities.

Students worked in four groups, each partnering with a different NPA to identify their operational context, and research the ways in which the needs and aspirations of diverse residents within each neighbourhood were represented. Each student group chose a thematic entry point from which to analyse these wider research questions. In Nyalenda B, students explored the spaces, relationships and conditions in which participation took place in general within the settlement in order to understand how participation had been implemented and institutionalized. In Nyalenda A, the role of the NPA in enhancing the housing rights of local residents was analysed, exploring the differ-

ent needs and representation of tenants and landowners from an intersectional perspective. The decentralization of water governance was the focus of study in Kondele, which looked at the roles and partnerships between the NPA and other stakeholders involved in delivering a delegated management model. Finally, in Manyatta, students investigated the extent to which people with disabilities were included and ultimately empowered through the neighbourhood's planning processes.

The findings that follow represent three months of desk research and policy analysis, culminating in two and a half weeks of primary field research in Kisumu in May 2014. In addition to documenting existing learning on urban governance in informal settlements, the recommendations presented by each group aim to identify specific steps for further initiatives attempting to strengthen the capacity of neighbourhood planning associations and enhance participatory planning processes in Kisumu.

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# Chapter 1.

## Spaces and Conditions of Participation in Nyalenda B

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### 1. Research overview and context

#### 1.1 An introduction to participation in Kenya

Ensuring inclusive participation of all citizens has been a priority of policy and planning agendas within contemporary contexts as key to achieving socially just development. Inclusive participation requires social arrangements that allow interaction (Fraser 1996:30), spaces to contribute, influence, and distribute power and resources (Saxena 2011:31). However, achieving this in practice poses a considerable challenge in all contexts, and concerns with participation are often sidelined in favour of more visible, easily measurable development outcomes.

In the Kenyan context, the Constitution of Kenya (2010) emphasizes the exercise of people's sovereign power through participation in governance. The new Constitution marks the end of a highly centralized state and attempts to resolve critical issues of state power versus citizens' rights and control over the development process (Rose and Omolo, 2013:2). In regards to citizen participation, one of its major promises is to reshape the way citizens relate with government, following the principles of transparency, participation and accountability, aiming to bring '...government closer to people, so that they can better communicate their needs clearly to government and ensure that government responds to those needs' (Ibid: 3). The new system builds on over sixty years' experience with local government, a brief period of federalism at independence and a decade of failed attempts at constitutional reform culminating in the election violence of 2007. While the conditions and context present considerable challenges, there is also potential to be found in the Kenyan cultural context, which has a long history of a very active citizenry and collective action (e.g. self-help groups or 'chamas'), although their influence has largely remained at the community level. As highlighted by Cage, '...whilst there are forms of associational life at the grassroots, there does not seem to be the support, from state or non-state ac-

tors, for it to be transformed to more influential forms... with links between civil society and government often highly clientelistic' (2013:67).

While the time is ripe for the embedding of substantive citizenship in the construction of Kenya's new political structures, thus far the momentum behind participation in the new Kenya has not progressed much further than rhetoric. As highlighted by Boex and Kelly (2011:5) '... many extremely critical decisions surrounding the implementation of the new intergovernmental system have been deferred'.

So where do the visions, needs and realities of Kenyan citizens, particularly those traditionally furthest away from decision making processes, fit into this picture? How does this broader context impact the ability of Kenyans to achieve substantive citizenship and have a say in the decisions and developments that impact their communities and neighbourhoods?

#### 1.2 Scope of the research

Kisumu is the third largest city in Kenya and one of the poorest; a UN-Habitat study in 2005 found that 48 per cent of the population was living in absolute poverty compared with a national average of 29 per cent. Largely as a result of this disparity and its strategic location, it was named as one of Kenya Vision 2030's 'flagship cities', meaning that the city has been assigned a specific role within the national development policy and will be the recipient of important public investments (ISUDP, 2013:3). This includes initiatives such as the Integrated Strategic Urban Development Plan (ISUDP) for Kisumu, largely financed by the 40m Euro Kisumu Urban Project (KUP) funded by the French Government.

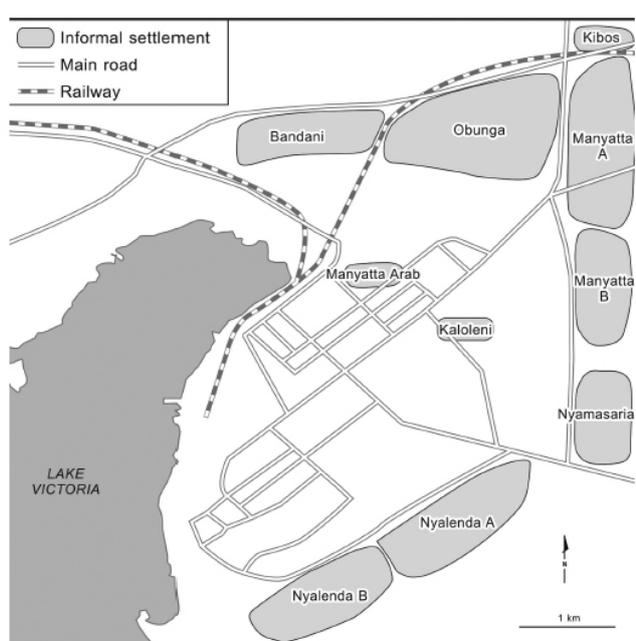
Efforts to strengthen community participation in development planning and support the focus and funding on Kisumu city was targeted by Practical Action's PPP project.

The project aimed to institutionalize a mechanism of participation through the establishment of Neighbourhood Planning Associations (NPA) at a neighbourhood ward level to set up clear links with local government structures and other key stakeholders (such as the private sector, NGOs and other civil society organisations) to facilitate community participation in decision making.

This research therefore aimed to observe and investigate the spaces, relationships and conditions in which participation takes place in the settlement of Nyalenda B, in Kisumu. As an entry point to understand how participation has been implemented and institutionalized, this study observed the current role and future potential of the NPA in providing a platform for facilitating community participation in policy and planning in Kisumu. It also sought to understand the set of networks that operate at the neighbourhood scale and their level of influence to bring about change. Using Nancy Fraser's 'parity of participation', the study tries to reveal notions around the 'distribution' of power and resources as well as 'recognition' and 'representation' of participatory mechanisms in Nyalenda B.

### 1.3 Overview of Nyalenda B

**Figure 1:** Map of informal settlements (From Karanja, I. 2010:224)



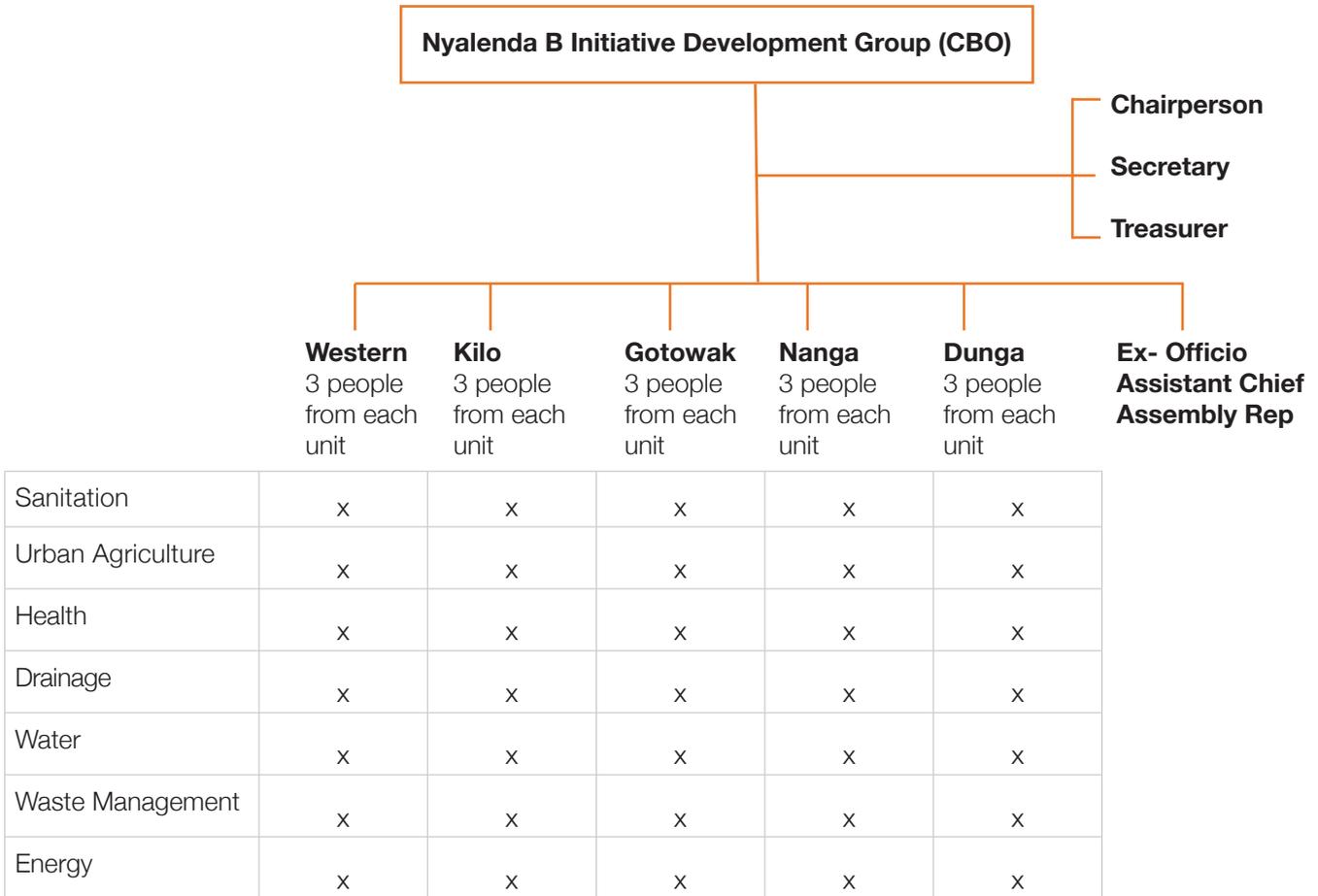
Nyalenda B is one of the largest informal settlements in Kisumu, located in the southwest of Kisumu City and bordered by Lake Victoria. The lake is an important asset for the city, serving as a key livelihood source for many residents of Nyalenda B, with residents making a living from industries such as fishing, tourism and transportation. The settlement does not have any formal planning as a result of the freehold tenure system and the majority of houses are of a semi-permanent nature (Pamoja Trust, 2013). The ward has a population of approximately 32,430 people in 8,561 households based on the National Population and Housing Census 2009. Its area covers around 4.7km, and is located 1km from the town centre (Nyalenda 'B' SWAP Document 2010-2014), making it a particularly attractive prospect for investment. Nyalenda B is divided into 5 units; Kilo, Gotowak, Nanga, Dunga and Western.

#### 1.3.2 Neighbourhood Planning Association in focus: the Nyalenda B Initiative Development Forum

The Nyalenda B Initiative Development Forum was established in 2008 and registered as a Community Based Organization (CBO). Currently it has one chairperson, one secretary and one treasurer with around 15 executive members consisting of three representatives from the five units. It also has two ex-officio members including the Assistant Chief and Area County Representative. The unit representatives are responsible for communicating and mobilising residents within their unit in relation to project implementation and public participation. The NPA has also created task forces to deal with specific sectoral service delivery priorities within the community. In Nyalenda B there are seven; drainage, waste management, urban agriculture, water, energy, sanitation and health.

As an institution created to facilitate residents' participation in development processes, the structure aims to enable clear lines of coordination and communication internally and externally. The executive members have no regular meeting time, with the frequency of meetings currently dependent on whether a specific project needs to be coordinated at the time. People who sit as unit representatives also occupy a position in a task force and represent their unit's needs. This is to avoid disparity in distribution of resources across the units. The ex-officio structure was created to maintain communication with state apparatuses (government and assembly).

**Figure 2:** Nyalenda 'B' Initiative Development Forum organisational structure



**Picture 1:** Members of Nyalenda B Initiative Development group explain the structure and network of the organisation. Photo credit: Shasha Ge.



**1.4 Framework of analysis**

In understanding the conditions of participation in regards to the NPA and beyond and how it contributes to notions of justice in Nyalenda B, this research begins with the assumption that there should be certain pre-conditions that allow citizens to interact as peers (Fraser 2011:307, Fraser 1996:30). Fraser suggests that 'parity of participation' may contribute to social justice as long as objective and intersubjective preconditions are fulfilled. The 'objective' requires a just distribution of material resources by which any kind of deprivation, exploitation, or inequality of wealth must be eliminated. The 'intersubjective' requires recognition of equal respect and opportunity for all residents to participate (Fraser 1996; 29-31).

Different spaces, social groups and circumstances in Nyalenda B are observed and analysed as social arrangements underpinning or undermining the parity of participation. Meanwhile, the interaction, relationships, project implementation, resource mobilisation, negotiation, lobbying, networking and overall exercise of citizenship are perceived as objective and intersubjective pre-conditions, or as 'redistribution' and 'recognition'.

**Figure 3:** Nancy Fraser's Parity of Participation



## 2. Methodology

The action research utilised a participatory approach for collecting information in Nyalenda B, using the Nyalenda B Initiative Development Forum as the main case study to investigate existing mechanisms of participation in the ward. The research was carried out

over four site visits consisting of different activities including individual interviews, focus group discussions, a participatory photography workshop and transect walk observation. Meanwhile, policy analysis was conducted throughout the process. The table below describes the main activities and types of information collected:

**Table 1:** Methods of data collection

Activity	Type of information collected
Participatory Photography	<ul style="list-style-type: none"> <li>• Different types of spaces of participation</li> <li>• Motives of participation</li> <li>• Issues discussed within these space</li> </ul>
Focus Group Discussion	<ul style="list-style-type: none"> <li>• Groups and networks</li> <li>• Connection to NPA</li> <li>• Organisational structure</li> <li>• Challenges and opportunities</li> <li>• Proximity of groups to government</li> </ul>
Transect Walk	<ul style="list-style-type: none"> <li>• Project implementation</li> <li>• Community assets</li> <li>• Public facilities</li> </ul>
Semi structured Interviews	<ul style="list-style-type: none"> <li>• Quality of participation</li> <li>• Levels of perception of representation, trust and proximity</li> </ul>
Policy analysis	<ul style="list-style-type: none"> <li>• Regulation of participation</li> <li>• Project implementation</li> <li>• Planning documents</li> </ul>

### 3. Policy and planning context

#### 3.1 Why is participation so important in Kenya? Decentralisation and citizen participation.

Over the past decade Kenya has undergone a gradual process of decentralisation. In 1996 the Kenya Local Government Act was promulgated as the first step to devolution and delegation of power, a process advanced and institutionalised in recent years with the Constitution of 2010, which grants greater power to regional councils and promotes active citizen participation in decision-making. Such measures were adopted under the ideology that good governance is achieved through citizen participation (Institute of Economic Affairs, 2009).

In the context of this research, decentralisation and citizen participation as a constitutional right is a fundamental step towards enabling urban residents' involvement in the planning of their cities and neighbourhoods. As a mechanism to embed a participatory approach in planning, the Local Authority Service Delivery Plan (LASDAP) was introduced in 2001 as an addition to the Local Authority Transfer Fund (LATF) Act from 1998, to ensure citizen's involvement in the process of decision making, planning, budgeting, monitoring and evaluation of projects funded by LATF (Institute of Economic Affairs, 2009).

#### 3.2 Participation in urban areas and neighbourhoods

The process of including a participatory approach in the governance of the country has been long and tumultuous, but has now been written into the Constitution of Kenya; Article 184 provides for the governance management of urban areas and cities through participation. The sentiment of the article is echoed in the Urban Areas and Cities Act 2011, which establishes the principles of governance and participation of the residents of urban areas and cities. Furthermore it is stated that the management of cities and municipalities is assigned to the county government and administered on its behalf by a board. According to the act, amongst other different leaders and representatives, the board should include a representative of registered Neighbourhood Associations in the area (Urban Areas and Cities Act, 2011).

Within this context there is an exciting potential for Neighbourhood Planning Associations to become a platform for bridging the gap between government and other state apparatus with civil society and residents. Individually and collectively as an umbrella movement, NPAs could play a key role in representing the voices of those traditionally excluded from such arenas.

#### 3.3 Embedding participation into practice: between words and actions

The devolution process requires a radical overhaul of previous systems and dismantlement of programmes and projects. Throughout our field research activities, which included interviews with government officers and sub-county representatives, it was felt that the devolution process was surrounded with uncertainty, especially with regard to the delegation of responsibilities.

Given the vagueness of the transition period, the responsibility of ensuring, promoting and implementing citizen's participation has not been fully delegated yet. Furthermore, as participation under the new Constitution is granted equally to all citizens, there is no clarity on whether the practice of participation will be a procedure that will be mainstreamed or if a distinct government body will be created to ensure delivery. Through the process of decentralisation, many projects and agendas have been discontinued. One of the programmes dismantled is the aforementioned LASDAP, which has resulted in the loss of the one clear mechanism for residents' participation. There is no clarity as to whether it will be replaced, or mainstreamed. The loss of LASDAP has resulted in a certain vagueness around how participation is interpreted and how it can be implemented; the constitution was not accompanied by guidelines or a framework on how to ensure active, institutionalised participation, or what this even means. Such uncertainty leaves a huge gap, wide open to interpretation, which could result in badly implemented participation. This can be evidenced in the lack of community participation involved in the Kisumu Urban Plan (KUP) process. In our conversation with a representative from the project, it soon became evident that responsibility for community participation was placed at the government's door rather than the technical team overseeing the project. The KUP pre-feasibility study saw the LASDAP process as '...an instrument to ensure public participation in the informal settlements' (2009:81), so used LASDAP neighbourhood priorities as evidence of their participatory credentials. The pre-feasibility study mentions that the 'KUP will be managed and implemented locally through community participation' (ibid: 17), but makes no mention of how communities will be involved in decision-making. Closer investigation found that communities were not actively engaged in KUP planning processes, with the KUP representative referring to community members who disagreed with the plans as "rebels who needed to be brought around to the idea". In addition, the conceptualisation of participation and 'community involvement' that presented itself during the course of the conversation focused on voluntary provision of monitoring and evaluation or service delivery by community members, rather than active involvement in decisions affecting them.

The broader ISUDP plan has a similarly shallow approach to participation; the draft plan was apparently constructed following public consultation, but residents we spoke to mentioned that ‘open’ meetings were often announced with one day’s notice, via newspaper or radio (which not all have access to). This provided very little opportunity for residents and civil society groups such as the Nyalenda B NPA to mobilise and have an input. In addition, in a meeting with a planner for the ISUDP he admitted that, although the draft was being shared with the public, it was unlikely that plans would be changed following the public consultation.

### 3.4 Barriers to participation

The lack of a framework or guidelines on how to ensure citizens’ participation is often excused by the current status of the decentralization transition process and referred to as temporary by decision makers. This is something perceived by many as a big obstacle to the guarantee of rights in the ‘new’ Kenya, and as a reflection of a lack of ‘political goodwill’.

Substantive citizenship is a process that requires both recognition and equal distribution of resources. For citizens to be able to participate equally it is fundamental for them to have equal access to resources; nevertheless poor resource distribution as Fraser (2000) points out is associated with inequalities amongst different social identities or groups. Although many of the residents we interviewed throughout our research could recite the constitution and their participatory rights without hesitation, they were aware that such entitlements cannot be granted as long as they are not equally recognised as residents of the city to be able to access the resources required for them to participate as equal peers. This creates a vicious cycle as a lack of recognition of their rights as citizens and representation in decision-making results in and reinforces inadequate distribution of resources.

**Picture 2:** Baraza meeting in Gotowak. Picture credit: Joseph Otieno (participatory photography workshop participant)



## 4. Participation experiences

In addition to the findings generated through policy analysis and meetings with government representatives and planners in the previous section, it is crucial to position these alongside the realities experienced by residents of Nyalenda B. The findings of this section refer to investigations into the spaces and conditions of participation such as interactions, relationships, networks, groupings and project implementation that contribute to or undermine ‘parity of participation’ among residents of Nyalenda B.

### 4.1 Spaces for Participation: how and where people participate

The residents we met in Nyalenda B participate in varied ways and utilise different kinds of spaces. In terms of location, people tend to gather communally around open, public spaces to discuss personal affairs, business, community matters or politics (as identified in the participatory photography exercise). There are limited public buildings in the neighbourhood that can be used as communal spaces, but the research suggests that people are very flexible in terms of utilizing spaces. For example, the Chief’s Barazas (open public meetings) gather under trees to mobilize community members to discuss community issues, deliver information and resolve conflicts (see picture 2). People also utilize other spaces such as markets (picture 3), the beach (also a commercial centre for the residents, picture 5), churches, schools and the community health centre to engage in public discussion. In the case of Nyalenda B, another important space identified for this purpose was the Women Concerns centre, which had a large network of youth and women’s groups it supported by providing a meeting space, capacity building, networking and advocacy (see picture 4).

**Picture 3:** People meet in the market. Picture credit: Joseph Otieno (participatory photography workshop participant)



**Picture 4:** Activities and interaction at Dunga Beach. Photo credit: Paul Ochien (participatory photography workshop participant)



**Picture 5:** Women Concerns meeting hall. Photo credit: Junghwa Kim.



So how do people use these spaces to bring about change in their neighborhood? To be able to contribute to social change, according to Cornwall (2004) the space must be perceived as a discursive and problem solving mechanism. We found that these spaces were largely present in Nyalenda B and play a hugely important role at the neighbourhood level. Many participants in the research were extremely active in these spaces, with numerous community management roles in different spaces for different ends. When participants were asked how and why they participated in the spaces they took photos of, the main focus of discussions and action identified centred on community issues, family, politics and social assistance, with a particular focus on livelihoods. Regardless of the types of groups and area of concern, the primary motivation of almost every group encountered was resource mobilisation by establishing income generating activities together and/or through access to funding and grants, with fewer spaces explicitly used for political participation.

**4.2 Grouping: Participation as a means of survival**

In Nyalenda B, grouping is the main route to active participation at the community level; as mentioned in the previous section, the context of poverty means that these groups strongly link to recognition and redistribution in terms of survival. Another key motivation for grouping is as a means for accessing resources, and most groups chose to register themselves formally as self-help groups or CBOs centred around legitimacy and visibility (recognition) as a means of doing so. For example, there are government funds available for youth and women’s groups to support income-generating activities. Eligibility to access any individual benefits available is also sometimes accessed through group association; for example, a Concern Worldwide conditional cash transfer programme in 2011, whereby individuals were only eligible for individual grants through membership of a formally registered group.

**Box 1. Mobilisation for income generation**

“Single men and women from other regions come to Kisumu to live. They need to work together. They rely on each other”. - Peter, a community health worker

“We contribute to mobilise money ourselves from our canteen for income generating to individual pockets, so that we can help orphans as well as very young children”. - Dunga Parents CBO

**Box 2. Accessing government resources through group association**

“The government knows of our existence through registration. As a CBO, we can have more grants than a self-help group”. - Dunga beach youth group

“We need to pay back the money if the government gives it to us, because that support is a kind of loan” - Dunga parents CBO

“Applying to some grants or provision is very complicated. It requires a lot of documents”. - Elevate Life youth group

**Picture 6:** Focus group discussion at Elevate Life Youth Group. Picture by Shasha Ge.



Additionally, there are a number of requirements for group registration that could exclude the poorest and most marginalized within these contexts. Registration as a self-help group or CBO requires a joining fee, as well as opening a bank account and writing a constitution in English. Some groups may require guidance and support in this process, and there are some local organisations, such as Women Concerns that provide such support. However, competition for government resources is high, and access to funds through the formation of groups is not guaranteed in any way.

In terms of redistribution, these group activities play an extremely important role in filling the gap of government provision for service delivery in their neighbourhoods. Although focus group discussions revealed that the primary motive for grouping was to access resources, many individuals also took on significant responsibility for community management and wellbeing in areas such as education, service provision and health, usually on a voluntary basis.

For example, Community Health Volunteers (CHVs) play an integral role in government service delivery throughout the country delivering life-saving vaccinations, collecting all baseline data for households and acting as the day-to-day healthcare workers for their communities. Many of the CHVs we spoke to said that their motivation for giving so much time voluntarily was “for the good of their community” or “a personal calling”. However, many also shared personal feelings in regards to feeling unappreciated for the work they did. One CHV named Paul said:

“I have been a Community Health Volunteer since 1996. For me, this is a calling and I am happy to do it - I don't do it for money. However, I don't feel that the government acknowledges us; it feels as though they keep our contribution hush hush and don't want to properly recognise all the unpaid hours we put in. What's not fair is they pay outsiders sometimes to do exactly the same work as us (e.g. polio vaccination rallies), with less experience and

less knowledge of the local area. We go door-to-door collecting all the data the government needs, but still the Government takes us for granted.”

It can therefore be seen that gaps in service provision at the community level are filled through the collective mobilisation of a very active citizenry. However, the evidence also suggests that community groups are usually targeted as passive recipients of scarce resources and/or as free labour, rather than for their active involvement in decision-making.

### 4.3 What is the place of the NPA in Nyalenda B?

#### 4.3.1 Proactive or reactive?

As illustrated, there are a number of challenges for participation in Nyalenda B but much scope for the Nyalenda B Initiative Development Forum to play a key role. At present however, the advocacy capacity of the NPA is extremely limited. Members admitted that the Nyalenda B NPA is primarily a mechanism for information dissemination and mobilisation for service delivery, rather than participation per se. Their power and capacity to influence beyond the community level is weak at present and involvement in city planning even more so. The fact that Nyalenda B NPA is registered as a CBO rather than a Residents Association (RA) could be a key obstacle. Types of registration can result in different levels of power and influence, as illustrated in table 2. The most challenging part of registering as a RA is the cost and time required to travel to Nairobi to do so, beyond the means of the Nyalenda B NPA (although some other NPAs in Kisumu have been able to gather resources to make the trip).

Since RAs have direct links to government via the National Alliance of Residents' Associations, they have more advocacy power; with some NPAs registered as RAs and some CBOs, there is unequal capacity amongst the NPA umbrella members.

#### 4.3.2 Unintentionally reinforcing exploitative volunteerism

Currently the NPA's main role is to disseminate information and mobilise for (voluntary) service delivery, however they do not have the leverage among decision makers to communicate residents' opinions to influence planning and/or policy. For example, NPA Secretary Zedi mentioned that they had not had the chance to participate in the ISUDP/KUP 'consultations' due to inadequate access to information. However, they were expected to play a role in the community mobilisation, implementation and monitoring and evaluation of projects.

In a meeting with Joseph, the Chairman of the Nyalenda B Initiative Development Forum, he claimed that the “NPA works as a linkage between development partners and

residents”. However, due to their lack of involvement in policy and planning consultations, the voluntary work done directly by NPA members and which they also help to mobilise other community members for, could lead to creating and recreating structures of exploitation. This

also applies beyond government to include other stakeholders such as NGOs. Therefore the ‘linkage’ needs strengthening to become more of a two-way channel, rather than a top-down and potentially exploitative and non-participatory arrangement.

**Table 2:** Different Registration Requirements of CBOs and Resident Associations

	Community Based Organisation	Residents Association
<b>Registration Fee</b>	5,000 Kenyan Shillings	5,000 Kenyan Shillings
<b>Registration Place</b>	Local Department of Gender and Social Development Office	Nairobi
<b>Relationship with other Stakeholders</b>	CBOs have limited influence over higher level stakeholders. However it can work closely with other CBOs and NGOs, “bringing people together and bring more business” (Dunga Mother Group, FDG)	RA is a member of KARA (Kenya Alliance of Residents Association), which is known “as an umbrella organization wholly mandated to coalesce with a view to tackling the service delivery challenges people face on day to day basis, in a structurally unified voice.” (KARA)

**Picture 7:** Coordination of volunteers at local health centre, Nyalenda B. Picture by Immaculate Akiny Amohho (participatory photography workshop participant)



**Picture 8:** Polio rally led by volunteers in response to polio outbreak in Nyalenda B. Picture by Celestine Awuor Kogada (participatory photography workshop participant)



#### 4.4 Participation in Governance

##### 4.4.1 “Us and them”

Within Nyalenda B, a disconnect between civil society groups and the government was identified. In the institutional mapping exercise held with Womens Concern CBO along with other groups, participants were asked to identify relevant groups that they interacted with and arrange these according to levels of trust and proximity.

The exercise revealed that community groups are usually well linked to other civil society organisations and some NGOs, but governmental and other key institutions (such as the judiciary and police for Women Concerns) were placed far away in terms of trust and responsiveness to their needs.

#### **Box 3. Relationships between CBOs and government institutions**

“It’s so difficult to get a response from the government or police - we have to demand our rights”  
-Margaret, member of Womens Concern CBO

“Government should make itself more accountable and approachable but CBOs and general society should empower themselves to demand it.” - Margaret, Sub-county Government Officer.

#### 4.4.2 "They are just one of many CBOs"

According to the Urban Areas and Cities Act, 'the delegation board' which works in county government should include a representative of a registered Neighborhood Association in the area (Urban Areas and Cities Act, 2011). In theory, this could provide the NPAs with some level of recognition by government officials. However, in reality there appears to be very low recognition of the NPA's umbrella role within government. From prior research, we found that NPAs were designed to be an umbrella organization, representing different community groups within the neighbourhood and bridging the gap between government and outside organizations with residents' ideas and needs.

In meetings with the Kisumu Minister for Economy, sub-county representative and social services, every governmental official referred to NPAs as 'just one of many groups' and not differentiated from other CBOs, RAs or self-help groups. At present, NPAs generally do not appear to be well recognized as performing an 'umbrella' or 'forum' role for residents, or as a key entry point for community engagement. This issue of recognition can greatly influence the distribution of resources and NPAs' potential in influencing decision-making process. Since they are not well recognized, they do not have any advantage over other CBOs or NGOs. In terms of representing residents' needs, they therefore do not have much leverage to negotiate with government officials.

#### **Box4. Recognition of Neighbourhood Planning Associations**

"NPA....Oh, one of the CBOs?" Ministry of Economy, City Council

"Oh, yes, NPA is one of the CBOs, right?" Margaret, Sub-County Office

## 5. Recommendations

Based on the primary and secondary research carried out, the following recommendations could help address the challenges and maximize the opportunities for Nyalenda B.

### 5.1 NPA Umbrella Network: Collective capacity to influence

The existence of a strong and well coordinated network organisation of NPAs at the county level is an important opportunity in regards to increasing the capacity of NPAs collectively to influence decision making at city and county level and 'demand their place at the table'. The Kisumu Informal Settlement Network (KISN) umbrella organisation consists of NPA representatives from each ward in Kisumu and efforts are currently being made to strengthen links; for example, their efforts are now focused on producing a unified response to the ISUD draft plan. NPAs had been asked by the government to contribute to a draft, indicating that awareness of NPAs among government is improving and they are starting to be acknowledged as reputable stakeholders. As mentioned by the coordinator of the KISN, "if we come together, we will be stronger".

However the collective bargaining power of the network could be weakened by unequal capacity in decision-making among NPAs in Kisumu. The KISN could therefore play a roles in strengthening the capacity of weaker NPAs, for example to facilitate the registration of all NPAs as RAs as well as regular sharing of best practice and hands on capacity building support between NPAs.

This strategic strengthening of collective capacity can be used to demand recognition, redistribution and representation; Ackerman (2004) argues that citizenship in terms of influence in decision-making can be claimed through the voice mechanism, requiring collective pressure from citizens. NPAs can potentially become an effective platform for residents' participation in exerting their voices at neighbourhood, city and county level.

### 5.2 Sweat equity is not participation; recognition of volunteers

One other area that NPAs could serve to advocate for in Nyalenda 'B', Kisumu and Kenya more broadly is adequate recognition of volunteerism by government and NGOs. Many throughout the country are engaged in providing community services for free and are crucial resources for service delivery. However, the time and labour involved compromises people's time for economic and livelihood activities. This report recommends therefore that volunteerism should receive more public recognition and celebration to break from current exploitative trends. People's voluntary work and experience in certain activities should be recog-

nised through initiatives such as fair financial remuneration, requested involvement in decision-making at the policy and planning level, providing volunteers with access to accredited training that could help their employment chances, more opportunities and routes to progress from voluntary to paid work, and other possible compensation such as national volunteer awards. Otherwise volunteerism can be exploitative and a potential impediment to rather than means of achieving social justice for a community. The Nyalenda 'B' NPA and Kisumu Informal Settlement Network in general should pay closer attention to the type of 'participation' they are reinforcing. Mobilisation of human resources needs to be accompanied with appropriate capacity building, incentives and recognition.

### 5.3 Shared ideals for participation in action

It is clear that policy rhetoric regarding community participation is yet to be substantiated with action. Citizens are uncertain of how, when, and where to participate in governance in this new context. Government departments and budgets appear to be in disarray, with departments unsure as to how community participation is expected to be enacted and who will lead it. Thus, there needs to be a national process involving government and civil society to establish actionable laws and guidelines to ensure citizen participation in policy and planning, accompanied by mechanisms for institutionalized, active participation (Rose and Omolo, 2013). The policies are there, but they are currently left wide open to interpretation due to the lack of a framework. It is recommended that such a framework should leave enough room for contestation and changes by citizens themselves to adjust to their own reality.

Readers of this report are referred to Rose and Omolo's (2013) recommendations for mainstreaming community participation in the Kenyan context more generally.

## 6. Conclusion

NPAs are a promising mechanism for facilitating community participation, although they have a considerable way to go in ensuring they become a viable mechanism for representing the needs and wellbeing of community members and influencing beyond the community level. Across Kisumu, the disparity between different NPAs' status, level of networks and access to resources, and advocacy capacity contribute to the dynamics of distribution, recognition and representation.

As this chapter has attempted to highlight, the ability of the NPAs to exert pressure in decision-making is inseparable from the broader structural context. The apparent lack of political momentum behind the constitution's enactment in regards to participation, removal of LASDAP and failure to provide a replacement has left citizens, particularly economically marginalised groups, with very few ways to influence the decisions made for their city.

That being said, this is where civil society plays a key role in demanding substantive citizenship and social justice for its citizens. If it is not forthcoming, community participation is something that must be demanded, rather than waiting for the government to bestow it. For how much longer will the 'transitional period' be used as a reason why community participation cannot be substantiated rather than it being embedded into the transitional process and building of a new Kenya? The weight of the new constitution is something to be wielded by citizens and civil society to push for the rights and substantive citizenship they are entitled to.

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# Chapter 2.

## Empowerment through participation: considering residents with disabilities in Manyatta B

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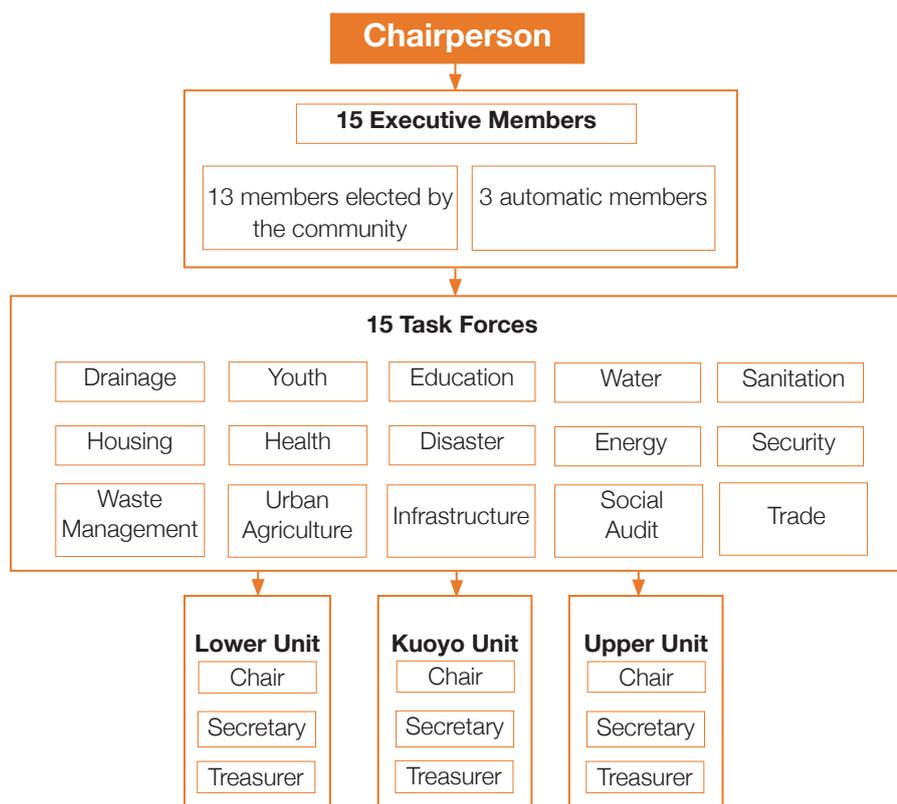
### 1. Research Overview and Context

#### 1.1 Research focus

Focusing on Manyatta B, part of the Kisumu East District, and the second largest informal settlement in Kisumu, this research investigates the participation of marginalized members of the ward in neighbourhood planning and governance with a particular emphasis on people with disabilities. Working through an analysis of the Manyatta Neighbourhood Development Group (MANADEG), the following research attempts to understand how MANADEG repre-

sents and advocates for the needs of people with disabilities and their respective households, through an analysis of how the group perceives disability, and whether meaningful opportunities are being created for disabled residents to achieve substantive citizenship through participation in local governance and advocacy processes. The research was carried out in partnership with MANADEG, one of the Neighbourhood Planning Associations (NPAs) working in Kisumu. It was originally formed from a number of existing community based organisations and membership comprises a number of community representatives. Figure 1 presents the structure of the group.

**Figure 1.** Structure of Manyatta Neighbourhood Development Group (MANADEG)



### 1.2 Disability in Kenya

According to the World Health Organisation’s ‘World Report on Disability’, around fifteen per cent of the world’s population lives with some form of disability (WHO 2011). All over the world, people with disabilities are routinely denied basic human rights, such as access to education, livelihoods and healthcare, with many living in conditions of extreme poverty. Despite high rates of disability, and the evident inequalities and marginalization experienced by those with disabilities, disability is often overlooked by mainstream development initiatives, such as the Millennium Development Goals.

According to the 2008 Kenya National Survey for People with Disabilities, 4.6 per cent of the Kenyan population live with a variety of disabilities. Of that 4.6 per cent, 65 per cent regard their environment as a major problem in their daily lives. Within the 2008 survey, it was also found that social attitudes posed a greater problem to people with disabilities than their actual medical condition, a finding supported by Monk and Wee’s (2000) research on attitudes towards the physically disabled in Kenya, which found stigma and misrecognition to be a major problem. The report reveals that traditional and spiritual beliefs play a major role in how people understand the causes of disability, which at the local level can be attributed to witchcraft, misfortune, and spiritual causes. Monk and Wee also highlight distrust in the medical system, parental ignorance in cases of child disability, and a lack of government support; all of which lead to fewer opportunities for people with disabilities, particularly in terms of employment.

Within Kisumu the disabled population is 5.47 per cent, 2.01 per cent higher than the national percentage of Kenya. Despite these available figures, the shortage of trained health officials to recognise conditions in the area, combined with stigma surrounding the issue of disability may result in inaccurate or unreliable data. No clear data on the number of Manyatta residents with disabilities was available.

### 1.3. Framework of analysis

#### *Substantive citizenship and recognition*

A growing discontent with representative democracy has led to an increase in movements claiming a revisiting of democracy, accountability and legitimacy of the state, and the revisiting of citizenship. Processes of devolution of power, as is the case in Kenya, with an emphasis on greater participation of marginalized groups in decision-making processes are guiding this reformulation of democracy. Substantive citizenship uses everyday practices to interpret citizenship rights outside the formal environment, and complement the gaps in implementation of those rights by finding solutions and mechanisms to achieve wellbeing. Recognition, as advocated by Fraser (2000), is a key part of this process, which “overcomes subordination establishing the misrecognised party as a full member of society, capable of participating on a par with the rest” (2000: 114). The recent approach to a new substantive citizenship highlights the importance of both recognition and redistribution and the dichotomy between exclusion and inclusion (Fraser, 2000). In this context, disability is no longer limited to a question of health but becomes a matter of social relations.

#### *Achieving empowerment*

The framework of analysis was also influenced by the work of John Friedmann who defines poverty as a condition of social, economic and psychological disempowerment. To overcome poverty there must be autonomy in community decision-making, local self-reliance, direct democracy, and social learning (Friedmann 1992). This can only be achieved by enhancing the social, political and economic empowerment of the household. For the purpose of this report the research is not limited to the household but encompasses wider formal and informal institutions, specifically schools, support groups and micro-businesses. These three spheres of influence were defined as a result of the findings from secondary research and findings from early days in the field.

**Figure 2:** Framework of analysis



## 2. Methodology

The research was conducted in three stages. The first stage consisted of a literature review and policy analysis conducted from London. Stage two involved two and a half weeks of fieldwork in Kisumu during which information was collected using transect walks, workshops involving timeline exercises and mapping activities, and interviews (see Table 1). A participatory photography exercise was conducted with members of a support group for people with disabilities. In total five support groups were involved in the research, including Gonda disability self-help group, Umoja disability self-help group, Ahipa support group and Flamingo support group. Head teachers from four schools in the neighbourhood, and chairmen of two local development organisations were also interviewed. Stage three comprised data analysis and the formulation of recommendations for MANADEG, presented at a public meeting at the KUAP Pandipieri Centre.

## 3. Policy context

In Kenya, the subject of disability has only been discussed as matter of concern during the past decade. In the previous 1969 Constitution of Kenya, discrimination on the grounds of race, colour, and tribe had been outlawed, however there was no reference to discrimination based on disability. Furthermore, a constitutional definition of

disability was entirely absent from the national discourse (AFUB, 2007). The law was also explicitly discriminatory to people with disabilities, describing persons with mental impairment as “idiots” and “imbeciles” in prescribing criminal liability (ibid).

There was a positive change in 2003, when the Kenyan government introduced the Persons with Disabilities Act (PDA). This provides rights and the rehabilitation of persons with disabilities. It has an emphasis on equal opportunities for people with disabilities who are defined as persons with a physical, sensory, mental or other impairment, be it visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation. The ‘National Council of Persons with Disabilities’ was established by the Act, which serves as a state agency responsible for disability issues. Furthermore, a ‘National Development Fund for Persons with Disabilities’ was also established and has been in operation since 2009. This law requires a reservation of five per cent of jobs in both public and private sectors for people with disabilities is mandatory. This has been reaffirmed by the Kenya Decent Work Programme (2013-2016), which is supported by the International Labour Organisation (ILO).

From 2008, Kenya ratified the United Nations Convention on the Rights of Persons with Disabilities (2006), which is designed to ‘promote, protect and ensure the full and

**Table 1.** Research activities and aims

Activity	Aim
Social network mapping	To understand where people with disabilities access support, the connections between different spheres of support, and relationship with MANADEG.
MANADEG structure mapping	To understand the structure of MANADEG, the roles of members and possible overlaps of roles, appointment of representatives and priorities.
Empowerment timeline	To understand the benefits of joining a group, to measure empowerment as a result of these activities, and understand how disability affects participation in the community, and any changes in perception of people with disabilities.
Transect walk	To understand physical challenges to mobility in the neighbourhood.
Semi-structured interviews	To understand how disability is perceived, what the everyday challenges facing people with disabilities in the community are.
Participatory photography workshop	To reveal the everyday experiences (challenges and opportunities) of disability from the perspective of people with disabilities, parents of children with disabilities and community health workers.

equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity'. By joining the Convention, Kenya committed to not only develop policies, legislations and administrative measures to protect rights of people with disabilities, but also to revoke discriminatory 'laws, regulations, customs and practices'.

Another important step made to mainstream disability in Kenya is the 2010 constitution, which endeavours to achieve quality of rights for all. It not only outlaws discrimination against disability, but also addresses specific application of rights for people with disabilities. As the 2010 Constitution of Kenya states, people with disabilities are entitled to "be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning"; "access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person"; "reasonable access to all places, public transport and Information"; "use sign language, Braille or other appropriate means of communication"; "access materials and devices to overcome constraints arising from the person's disability"; and more importantly, are reserved at least five per cent of positions in elective and appointive bodies (The Constitution of Kenya, 2010: Chapter 4, Section 54). In addition, the representation of people with disabilities in decision-making processes is emphasized in the Urban Areas & Cities Act (2011: Section 13).

Kenya's national long-term development strategy launched in 2008 and the Vision 2030, also emphasise the well-being of people with disabilities. Scheduled projects include the implementation of a disability fund for supporting organizations and self-help groups with people with disabilities as well as the provision of assistive devices, and training to improve the representation of people with disabilities in decision-making processes.

With the greater emphasis on disability in laws and policies, the investment from government on disability has increased from 2.7 million USD in 2009/2010 to 7.9 million USD in 2011/2012 (Disability Rights Promotion International, n.d.). Fourteen national rehabilitation centres have also been established, offering training in vocational skills to people with disabilities (ibid).

Nonetheless, challenges still remain. Implementation of many laws and policies has yet to occur, and existing attitudes and discrimination towards people with disabilities remain entrenched due to a number of reasons including insufficient education and awareness on disability. People with disabilities still face challenges in accessing assistive devices and other essential services such as education and transport.

## 4. Findings

### 4.1 Social empowerment

#### 4.1.1 Opportunities

##### *Emotional support*

The challenges people with disabilities face in Manyata are not only practical. Many residents experienced a lack of social support from the family and the community. However there are a number of self help and support groups for people with disabilities in the ward; people with disabilities seek support from those who face the same challenges in their everyday life in order to overcome stigma and prejudice. Emotional support is provided to parents and carers of children with disabilities in addition to advice and training on how to cope with daily issues.

Those that were interviewed consistently stated that social empowerment was enhanced through the emotional support provided by their relevant support groups. Many members of the Gonda group affirmed during a timeline exercise, the desire to join support groups specifically to gain emotional support. They considered themselves more powerful and able to claim their rights as a group rather than as individuals. One member stated, "We feel ourselves stronger when we gather together as a group instead of working by ourselves". There was a strong sense of solidarity among the members of the post-HIV/AIDS support group.

##### *Sharing knowledge and experience*

Community Health Workers (CHWs) play an important role in the community in terms of disseminating health information, training, advice and referrals for children with disabilities to assessment centres and special schools. During the social network analysis activity, CHWs af-

**Picture 1.** Social network mapping, Flamingo self help group. Photo credit: Nadine Khalife.



firmly that they received training from the Association for People with Disabilities in Kenya (APDK) on Community Based Rehabilitation (CBR), with the support of INGOs such as Cordaid. Discussions and sharing experiences on disability play an important role in the empowerment of people with disabilities and help challenge the stigma around disability. Furthermore, one of the members of the Umoja group affirmed: "You never know what tomorrow might bring". For this reason they stressed it was crucial to sensitize people on the prevalence of disability.

Many participants interviewed in different disability support groups such as the Gonda and the Flamingo Support Groups mentioned the importance of being registered for national health care, which exempts them from paying certain taxes and significantly reduces their medical fees in hospitals. This information sharing has been very successful in the Omoja support group, however it was felt that more could be done to disseminate this information to other people with disabilities.

#### *Education and vocational training*

Education is a fundamental requirement for the integration of people with disabilities into wider society. Manyatta B has both special care schools, such as the Kosawo School for the disabled, and mainstream schools that include children with disabilities. It was felt that educational institutions provide a "safe haven for children" (teacher, Onunga School for the Deaf), and ensure not only integration into their community but also offers training opportunities for the future.

For many people with physical disabilities, many of the opportunities mentioned above are facilitated by access to mobility aids (crutches, wheelchairs, hand bikes), which are mostly provided by APDK.

#### *4.1.2 Challenges*

##### *Physical accessibility*

Environmental conditions within Manyatta remain a challenge for people with disabilities in terms of movement and access. Inadequate infrastructure means that mobility is a challenge for people with disabilities, a challenge that is exacerbated by weather conditions; rain can significantly affect the condition of roads, impeding mobility for all residents but particularly for those with physical disabilities.

##### *Access to information and training*

When training courses and information for people with disabilities are available, they are often not properly disseminated, which may be a result of the weak linkages between different support groups in sharing information. The Gonda self help group affirmed that whilst training is available for people with disabilities, it is limited and does not meet demand. Additionally, CHWs felt that the CBR training they received was inadequate.

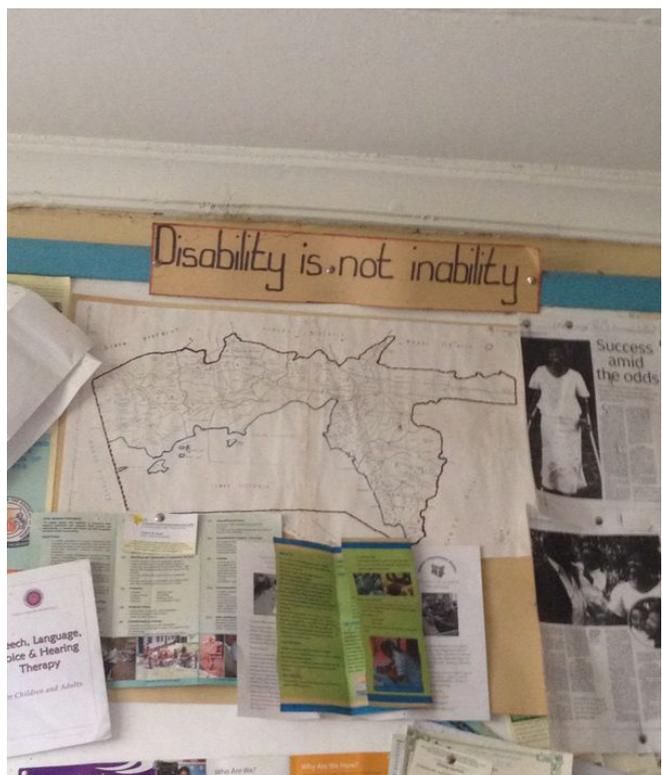
#### *Stigma and perception*

One of the major challenges for people with disabilities in Manyatta is the presence of stigma. This is due to particular cultural and religious conceptions of disability that leads to marginalization and neglect, especially towards children. Furthermore, the way families view disability influences the integration of people with disabilities into wider society. One member of the APDK affirmed that "it's all about the perception of the parents. This is what affects other people's

**Picture 2.** Onunga School for the Deaf, Kisumu. Photo credit: Nadine Khalife.



**Picture 3.** 'Disability is not inability', Onunga School for the Deaf. Photo credit: Nadine Khalife.



perception. If it is positive the child will be viewed positively by other members of the community. If it is negative the treatment of the child will be negative by others". During a photography exercise discussion participants mentioned that some parents keep their children locked up at home during the day, either because they do not know what else to do with them or because they are afraid of them being seen outside the household.

#### *Lack of recognition*

There is a problem of misrecognition of people with disabilities within Manyatta B. People with disabilities are excluded from certain activities. One example given was a polio rally, which took place during our visit to Kisumu. People with disabilities were not invited to take part in the discussions or actions that followed, regardless of the fact that many of them became disabled as a result of polio. These residents felt that they would have been able to successfully raise awareness on the issue. Often people with disabilities are excluded from participating in activities based on the assumption that their disability renders them unable to contribute. However, as many respondents emphasised "disability is not inability".

### 4.2 Economic empowerment

Economic empowerment was identified as a crucial element in achieving substantial citizenship. However, misrecognition and misrepresentation of people with disabilities as 'unable' to undertake economic activities have posed serious challenges to accessing jobs and being included in income generating activities.

#### 4.2.1 Opportunities

##### *Income generating activities*

There are many income-generating activities in Manyatta run by people with disabilities. These include water kiosks, green houses and livestock rearing. These contribute towards people's economic empowerment, in terms of income but also support participation and inclusion within the community. Many respondents pointed out that since they have been included in daily economic activities in Manyatta such as managing water kiosks or greenhouses, there has been a slow but discernable change in the perception of other community members towards people with disabilities. There is evidence therefore that economic inclusion can help dispel the stigma surrounding disabilities in informal settlements such as Manyatta.

##### *Education for children with disabilities*

Education is an important tool to economically empower people with disabilities. MANADEG makes efforts through community health workers, and community health extension workers to refer children with disabilities in Manyatta to special schools.

Visits to schools such as the Onunga School for the Deaf revealed that the local education system values the importance of teaching life skills to children with disabilities. These include teaching on money management in order to gain the knowledge and skills to perform certain socio-economic activities.

**Picture 4.** Participatory photography discussion, Gonda self-help group. Photo credit: Alexandre Apsan Frediani.



**Picture 5.** Water kiosk, Lower Manyatta. Photo credit: Nادية Khalife.



#### 4.2.2 Challenges

##### *Limited physical accessibility*

We found accessibility to be a cross cutting issue across all three dimensions of empowerment. Participants from the Flamingo Disability group mentioned that some businesses such as the water kiosks were very difficult to access by hand bike as a result of the road conditions in Manyatta B. Several members of the AHIPA support who worked in water kiosks mentioned a challenge they faced was getting help to travel to and from the kiosk on workdays.

##### *Scale and irregularity*

Income generating opportunities for people with disabilities in Manyatta often operate at a small scale, therefore limiting potential economic benefits. For instance, Elizabeth, a woman working in a water kiosk in Manyatta B stated she works on an eight week rota, which is not enough to support her and her family financially. The irregularity of her job did not allow her and other people with disabilities to be adequately represented among the community. There are very few such businesses that offer opportunities to people with disabilities in the first place; “there are 10 eyes for one job for people with disabilities” (Esther, APDK, Kisumu).

##### *Lack of training*

There is a lack of sufficient training for people with disabilities to manage small-scale businesses that often leads to the failure of their businesses. For example, some members from the Flamingo Support Group mentioned that they had started a livestock rearing project but it failed soon after as they did not have the adequate skills or equipment to take care of the animals properly. Multiple skills training workshops are available through the Ministry of Agriculture, but there is not enough coordination by MANADEG or the working support groups to make people with disabilities in Manyatta aware of the availability of these trainings.

**Picture 6.** Hazardous road conditions, Manyatta. Photo credit: Elizabeth Ochieng (participatory photography workshop participant)



#### 4.2.3 MANADEG

MANADEG have a clear focus on empowerment through income generation. When discussing disability at both a large group interview with many MANADEG members present and a second MANADEG mapping task, economic empowerment was continually discussed as one of the primary means for people with disabilities to achieve substantive citizenship. MANADEG stressed that if people with disabilities were able to receive the correct equipment they could participate in work, and then they felt the stigma of disability would be greatly reduced.

#### 4.3. Political Empowerment

##### 4.3.1 Opportunities

##### *National context*

The milestone for the recognition of the rights of people with disabilities is the Constitution of Kenya (2010). Many residents said that having disability enshrined in the Constitution was “a great step forward; people with disabilities have become more aware of their rights” (George, Gonda Disability self help group). The Urban Areas & Cities Act (2011) has also made the representation of people with disabilities in city board meetings a legal requirement, and emphasizes that “The city or urban area shall take into account the special needs of— (a) people who cannot read or write; (b) people with disabilities” (2011; 22-3). Finally, the Persons with Disabilities Act (2003) and the National Council for People with Disability are responsible for mainstreaming disability rights.

##### *Formal institutions*

During a social network analysis exercise with members of the Gonda Disability self help group, it emerged that one group member is also the disability representative at the ward office. He is currently trying to persuade the ward administrator to set up a forum to provide information on the rights of people with disabilities. Some participants also affirmed that the group could present cases to the judicial system and the media for support and recognition of extreme cases of injustice and discrimination, although this had only happened once before.

##### *Future urban planning projects*

The development of the citywide Integrated Strategic Urban Development Plan (ISUD), a part of the Kisumu Urban Plan project has claimed to have been designed with the input of the local community. Whilst the designs have been put forward, project implementation is yet to take place, which provides an important opportunity for local organisations to advocate for people with disabilities to participate in the design of inclusive infrastructure.

### 4.3.2 Challenges

#### *Lack of information*

Lack of information is a general problem which affects both residents with and without disabilities. The chairman of the Umoja Disability self-help group stated that “sometimes we hear about meetings and training opportunities but they have already passed”. This affects communication between support groups on available services and the spheres of decision-making in which people with disabilities can participate.

#### *Accessing meetings*

As previously mentioned, physical accessibility is a big challenge. Members of the Umoja group mentioned the Biocentre in Manyatta A as a space frequently used for important meetings at different levels within the ward, however the stairs used to enter the building meant many people with disabilities could not participate in discussions. Moreover, the times at which meetings are held can be a challenge for business owners, parents, and community health workers, for example. Finally, it must be noted that many still remain excluded from any kind of decision-making. This is the case of people suffering from the most severe disabilities.

#### *Quality of participation*

Whilst participation of people with disabilities is a legal requirement, in reality many felt that their participation was merely symbolic. Indeed, a community health worker commented that “people with disabilities are not always listened to in meetings, they are often dismissed”. It is clear that being present at meetings does not guarantee influence in decision-making. Moreover, many feel frustrated because of the inactivity of some members within groups, and subsequent impacts on group representation and bargaining power.

### 4.3.3 MANADEC

MANADEC meetings are a specific opportunity for people with disabilities to express concerns and make demands. Whilst there are a few members of MANADEC with disabilities who attend and advocate for the rights and needs of people with disabilities, the chairman of MANADEC expressed a desire for a mandatory requirement that meetings take place with the presence of a representative for people with disabilities.

## 5. Recommendations

The above findings recognize the potential for MANADEC as a space to further facilitate the empowerment of people with disabilities. Based on these potentials, a number of short, medium and long-term recommendations are elaborated below.

### 5.1 Short term recommendations

Our findings reveal an urgent need to relocate meeting forums to fully accessible venues if they are to be inclusive for people with disabilities. Support groups are already working in more accessible spaces and therefore could advise MANADEC on the best possible options.

The quality of participation of people with disabilities should also be addressed. All persons present in meetings should be treated equally and have their voices listened to, in order to move beyond tokenistic participation. The coverage of MANADEC's projects such as income generating activities and housing projects could also be extended to include and involve a wider range of people with disabilities. MANADEC could use the strategies they use to disseminate information regarding their elections which many have quoted as being successful (such as strategic placing of posters), to inform people with disabilities of important events.

### 5.2 Medium term recommendations

Knowledge and training was identified as a key strategy to raise awareness about disabilities and their origins to reduce misconception and stigma, and there could be wider coverage and improved quality in terms of raising awareness of issues of disability amongst residents in Manyatta. HIV support groups within Manyatta have enjoyed success in challenging negative perceptions around HIV; MANADEC could learn from this work alongside engaging with the work already undertaken by disability support groups and community health workers.

### 5.3 Long term recommendations

In the long term, greater networking among disability support groups could help form strong partnerships that can utilize the range of resources and expertise each group has to offer. Here, MANADEC could help facilitate connections with other NGOs or CBOs such as Kisumu Action Disability Development Network (KADDN). These groups have direct linkages with the county government, national and international NGOs such as the ‘African Youth Disability Network’ (a continental network agency based in Nairobi and active in 13 countries).

MANADEG should also take on an advocacy role for the empowerment of people with disabilities. For instance, as there is an existing connection with the KUP they could advocate for improvements in inclusive infrastructure. Advocacy could also focus on the rights of children with disabilities to attend school suited to their specific needs. Lastly MANADEG and the Kisumu Informal Settlement Network should continue to lobby the government and NGOs for technical and financial support. Emphasis must be made to ensure that these efforts reach the most vulnerable residents.

## 6. Conclusion

To conclude, MANADEG are making positive steps to promote the empowerment of people with disabilities. There is a real understanding of the dimensions of disability and a genuine passion for improving the recognition of people with disabilities. As mentioned, greater efforts need to be undertaken to translate this understanding into practical steps to include and engage people with disabilities in local decision-making processes, on issues beyond those that are disability-specific, that affect all residents. The stigma surrounding disability is still deeply embedded socially and culturally, and reversing this will take a great deal of time and resources to change, however encouraging steps are being taken.

Secondly, as stated in the reports undertaken by UCL students in 2013, MANADEG primarily has an economic-oriented focus on empowerment. This emphasis on the citizen as an individual, economic actor hinders the participation of the most vulnerable residents. For example, residents who experience a double burden from their impairment and from low income levels are regarded as having limited capacity and as less able to contribute to society. There should be greater emphasis on the social and political aspects of participation for their intrinsic value in contributing towards a substantive citizenship. Viewing citizenship from an individualistic perspective is also particularly problematic with regard to disability as many people with disabilities rely on extensive support networks from various community members.

The development of the Kisumu Urban Development Network shows great potential for the advocacy and awareness building of the residents of Manyatta B and Kisumu County as a whole. When disability issues were presented here there was a clear willingness to explore these challenges and take positive steps towards the empowerment of people with disabilities.

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## Chapter 3.

### Neighbourhood planning and the right to water in Kondele

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Mariammal Subramaniam

#### 1. Research overview and context

##### 1.1 Access to water in Kenya

According to WaterAid (2008), 16 million Kenyans still lack access to safe water. As a result, in the last few years a great deal of attention has been paid to the conditions under which people are able to access safe water. This has led the United Nations (UN) to consider water not only as a basic need for human life, but also as a fundamental human right for everyone. Kenya faces various challenges in providing access to water for all; the country's surface water coverage is about 2% and the water scarcity category is 647m<sup>3</sup> per capita against the global benchmark of 1000 m<sup>3</sup>, making Kenya chronically “water scarce” as categorized by the UN (Ogendi & Ong'oa, 2009). In 2000, only 50% of the rural population and 60% of urban populations had access to drinking water. The poorest and most marginalized are often those who are least able to access to adequate water (ibid).

One of the Millennium Development Goals (MDG) targets is to halve the proportion of the world's population without sustainable access to safe drinking water and sanitation by 2015, and as such the Government of Kenya has initiated a series of water services policies such as the Water Act (2002) in order to meet this goal. The Water Act (2002) facilitated the management reform of water supply through the devolution of responsibilities for water resources management and service provision from the state to privately run Water Service Providers (WSPs). Commercialization of water resources has therefore been a key feature of this decentralization process. At the same time, the Local Government Act (2001) and the creation of neighbourhood associations have paved the way for community mobilisation in water service provision in Kenya. However, despite recent efforts by various actors the delivery of safe, adequate and affordable water to all citizens still remains a great challenge for Kenya, particularly in informal settlements, where access to water sources and sanitation systems is unreliable.

The aim of this research therefore was to examine the role of Neighbourhood Planning Associations (NPAs) in bringing about more democratic urban governance through a case study analysis of the decentralization of water governance. The research was conducted in Kondele ward, an informal settlement in northeast Kisumu. Kondele ward is one of the 22 wards that make up the municipality of Kisumu and comprises six units, with a population of approximately 50,000. This research was carried out within three units; Meta Meta, Flamingo and Kondele (see Figure 1).

##### 1.2 Neighbourhood Planning Association

In Kenya, the proliferation of community based organisations (CBOs) can be traced back to Jomo Kenyatta's support of grassroots community cooperation, referred to as Harambee. Originally put forward in the Local Government Act of 2001, NPAs have been rolled out across the country. The Neighbourhood Planning Association (NPA) was established and rolled out.... One of the roles of an NPA is to give residents a collective voice in claiming their rights and to empower the local community to manage resources such as water independently.

The Manyatta Community Water and Sanitation (MACOWASA) group was created and registered in 2003 as a self-help community group. Through MACOWASA a wider structure capable of dealing with broader issues was created; the Manyatta Residents Association (MRA), a community-based organisation representing residents of Manyatta A and Kondele ward. It consists of a chair, vice-chair, secretary and treasury as well as 200 committee members, who pay regular membership fees (Ksh 250). Each member represents one of the following taskforces: water; sanitation; energy; solid waste; urban agriculture; housing; drainage.

Within the MRA, a water task force was a key stakeholder in the implementation of a Delegated Management Model (DMM) in water provision to upgrade the existing water supply system. This allowed residents to better access

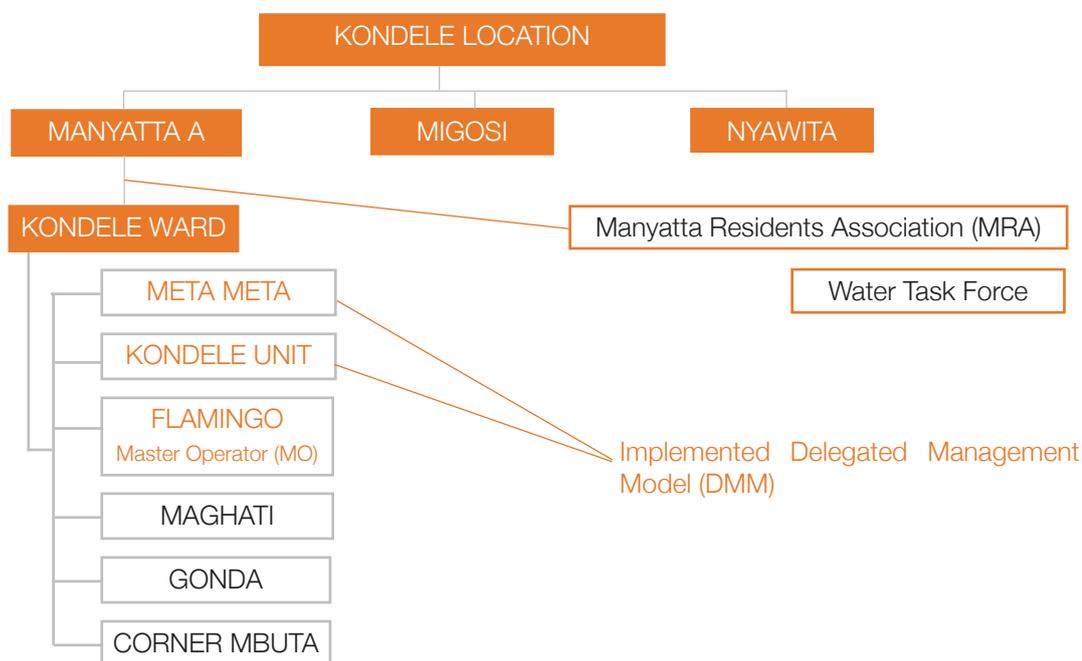
water services in Kondele. The extent to which the MRA has supported residents to access safe water through the DMM will be discussed in further detail.

### 1.3 Delegated Management Model (DMM) and Partnerships

The creation and the application of the Delegated Management Model (DMM) which was implemented by Ki-

sumu Water and Sewerage Company (KIWASCO) in partnerships with KUAP and Practical Action, is to allow residents to better access water and sanitation services. Before the implementation of the DMM, water supply in informal settlements was a challenge. This was particularly noticeable in the “spaghettization” of the old water supply system which made illegal connections and unaccounted for water (water that has been produced and is ‘lost’ before it reaches residents) possible (Chung 2011:17) (Figure 2).

**Figure 1:** Kondele ward structure and institutional relationships



**Figure 2:** Water connections before and after DMM. From: Water and Sanitation Program, World Bank 2009:4.

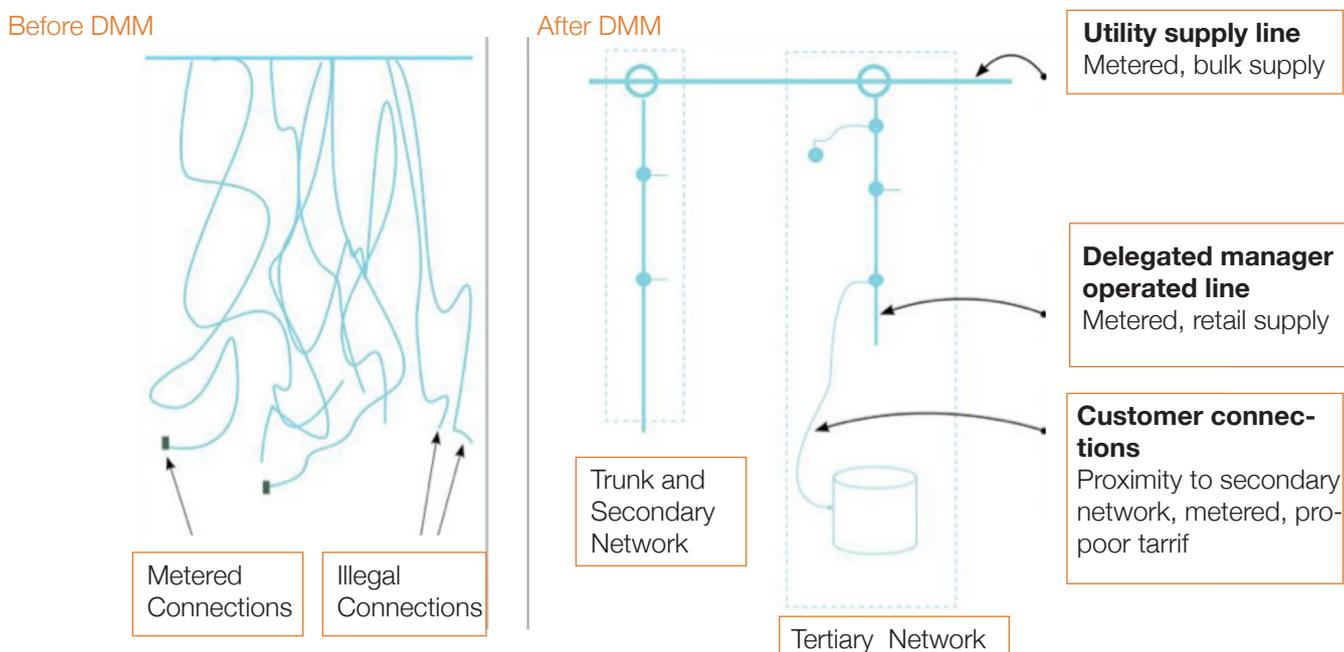


Figure 3 shows the key relationships within the DMM model. KIWASCO as a private water provider applies for a license from the Lake Victoria South Water and Sanitation Board (LVSWSB) in accordance with the Water Act 2002 section 47. Therefore the relationship between LVSWSB and KIWASCO can be defined as a regulatory and monitoring relationship. A Master Operator (MO) plays an important role in the whole DMM; they are selected and recruited by KIWASCO through advertisements in local newspapers and official Chief's meetings (Schwartz and Sanga, 2010). The MO is responsible for operating and managing parts of the water network according to their contract with KIWASCO and additionally is in charge of minor maintenance of the main chambers. Meanwhile, the MO will provide water services to vendors and individual users. Thus the DMM model is based on partnerships with a number of different actors.

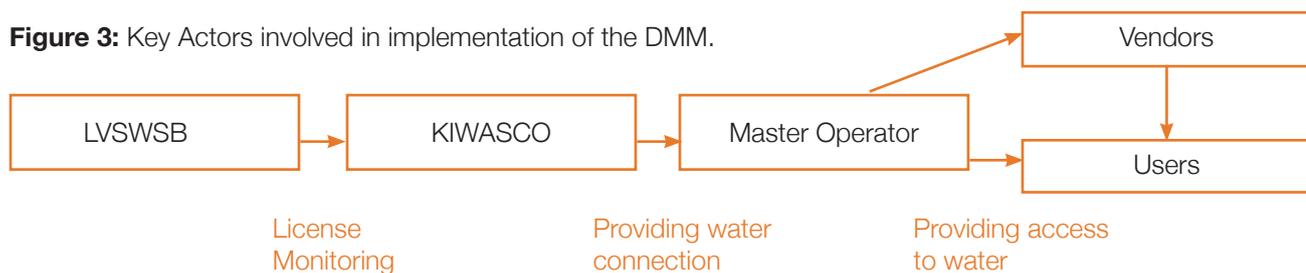
The implementation of the DMM is part of the aforementioned decentralised process of service delivery through public private partnerships which “advocates that local governments partner with other actors- both private sector firms and non-profit CBOs” (Miraftab, 2004:91). It is argued that such arrangements can facilitate increased participation and decision-making processes amongst different stakeholders, in turn increasing ownership and empowerment (Dellas 2011:1916). However, it is also claimed that these kinds of water partnerships can present challenges for legitimate water governance particularly in regards to accessibility and affordability of water services and that commercialisation and private sector involvement can obstruct community participation (Dellas 2011:1920).

Therefore, this report attempts to examine to what extent the DMM partnership empowers different actors by sharing the decision-making, risks and responsibilities involved in this mode of water provision, with particular reference to the role of the NPA.

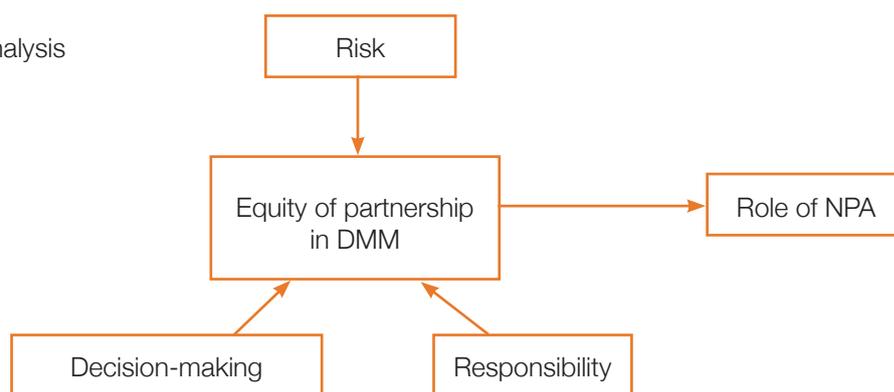
### 1.4 Framework for analysis

The governance of water through the DMM involves a number of different actors working in partnership but who each influence its implementation in different ways. In order to analyse the equity of the outcomes and processes arising from these partnerships, Miraftab suggests asking ‘for whom the partnerships are expected to provide more effective and efficient delivery of services’ (2004:91). This idea of “partnership equity” is therefore used as an entry point for three dimensions in an analytical framework, namely decision-making, risk and responsibility related to the DMM. This analytical lens helps us further explore how power flows through the DMM partnerships by reviewing who has control over water resources and who benefits from more efficient services. In order to find out how control is shared (or not) we aim to specifically analyse who makes decisions that relate to the management systems, the price of the water, pipes installation and the siting of water chambers and whether the responsibilities and risks are fairly shared and transferred among actors. These dimensions will help identify what the role of NPA is and should be with regards to helping residents claim their right to accessing safe water (Figure 4).

**Figure 3:** Key Actors involved in implementation of the DMM.



**Figure 4.** Framework of analysis



## 2. Methodology

The research methodology consisted of three stages. Secondary research comprising a literature review and policy analysis of the policies preceded a number of

primary research activities in Kondele. Qualitative data was collected through participatory photography, a problem tree, transect walk, institutional analysis, focus group and interviews with 24 residents and informants (Table 1).

**Table 1:** Research methods and aims

Methods	Description	Aims
<b>Participatory photography</b>	<p>Five participants (four men and one women)</p> <p>Participants were asked to take:</p> <ul style="list-style-type: none"> <li>• five photos of how they use water</li> <li>• five photos of how they access water</li> </ul>	To understand the main issues and challenges that residents face in terms of accessing water.
<b>Problem tree</b>	<p>A men's group and a women's group which included MO, vendors and residents in each.</p> <p>Participants discussed the challenges they face in accessing and providing water.</p>	<p>To understand the main issues and challenges that residents face in terms of accessing water.</p> <p>To identify if residents are better able to access to safe water due to the DMM.</p>
<b>Transect Walk</b>	Carried out with the participation of the water task force group and five residents.	<p>To better understand the community in Kondele and help build a relationship with the community members.</p> <p>To understand the location and condition of water facilities.</p> <p>To identify different water resources.</p>
<b>Institutional Analysis</b>	<p>Conducted with a group of five women, with reference to the MRA.</p> <p>Points of discussion included the relevance of the MRA to women when trying to accessing water in comparison to other actors.</p>	To understand women's perspectives on which actors they feel are more or less important to them in terms of accessing water.
<b>Interview</b>	<p>24 semi-structured interviews</p> <p>6 interviews with DMM customers</p> <p>5 interviews with actors directly involved in DMM</p> <p>13 interviews with other residents</p>	<p>To understand the positive or negative effects of DMM implementation.</p> <p>To understand how people access water, distance travelled, decision making processes, price, safety, before and after DMM.</p>
<b>Focus group</b>	<p>Two separate focus groups involving: Three committee members of the Water Task Force (two men and one women).</p> <p>A group of five women.</p>	<p>To unpack the role of the water task force in the implementation of DMM</p> <p>To discuss in detail the challenges of accessing and using water.</p>

**Picture 1.** Semi-structured interviews on DMM implementation, Kondele. Photo credit: Isabella Seibt.



**Picture 2.** MRA institutional analysis, Kondele. Photo credit: Xi Shen.



### 3. Policy and planning context

Over the years, Kenya like many other African countries has started to progressively shift from a centralized to a decentralized form of governance. In Kenya this paradigm shift has been triggered by issues of ‘administrative bureaucracies, inefficiencies, misappropriation of public resources and the marginalization of local communities in development processes’ (Omolo 2009:6). Nine key acts (Box 1) were analysed to evaluate and understand how the laws and acts of the newly decentralized government allow citizens to participate in the governing of their country and its resources, specifically in regards to accessing safe and affordable water.

After the introduction of the new constitution in 2010 there was a strong legal foundation for the enhancement of participatory governance which made way for the creation of the Urban Areas and Cities Act (2011) and the County Government Act (2012). Both these acts have created spaces for participation and partnership-building with development agencies, paving the way for the creation of bodies such as the neighbourhood planning association (NPA). Furthermore, The County Government Act (2012)

requires County Governments act to ensure efficiency, effectiveness, inclusivity and participation of all people, encouraging citizens to become more involved in governance processes. In addition the National Housing Policy (2004) and Physical Planning Act (2009) both emphasise the importance of creating spaces for participation, highlighting the need for inclusive participation of all stakeholders in the decision making process. It is worth noting however that while these policies express the need for public participation in urban governance, they fall short in guaranteeing fundamental rights, as they do not explicitly elaborate upon the extent and nature of participation, or take into account the fact that citizens may have differential needs in this respect according to diverse social identities.

#### 3.1. Water Governance

The core policy for water in Kenya is the Water Act (2002), which shifted the provision of water from the responsibility of the state to a privately run system. According to the Hakijamii Trust (nd) one of the aims of this act was to clearly differentiate the roles of various actors and divide these roles into two categories, namely; water resources management, and water services and supply. Additionally the act intends to clearly define water rights and enact ways in which water resources can be utilized. It likewise emphasises public participation and the involvement of citizens in the provision of water services and water resources management. The idea and notion of participation is further emphasized in the National Water Services Strategy which states that where technological water options are introduced, the community should be consulted and should determine the choice of technology based on its appropriateness to the area and users (Hakijamii Trust, nd). The water sector has ostensibly become more open to the participation of communities and civil society in decision-making (Katua et al 2007).

#### Box 1. Policy documents analysed

Water policy:

- The Water Act 2002
- The National Water Services Strategy
- The National Water Resources Management Strategy
- The Pro-Poor Implementation Plan for Water Supply and Sanitation

Other policy:

- Local Government Act, 2001
- The National Housing Policy 2-004
- The Physical Planning Act 2009
- Urban Areas and Cities Act, 2011
- County Government Act, 2012

In 2007 the Kenyan Government introduced the Pro-Poor Implementation Plan (PIIP) for Water Supply and Sanitation which outlines the measures that have to be undertaken by water sector institutions, development partners and civil society stakeholders in order to achieve the Millennium Development Goals for water and sanitation. This approach aims to ensure that preparation, planning and implementation of all activities regarding water supply focus on and give priority to poor and marginalised groups living in informal settlements (Hakijamii Trust, nd). One of the main objectives of the PIIP is to increase the number of people able to access safe water, through for example offering appropriate low cost technology and management systems which are sustainable and comply with minimum requirements (PIIP 2007). Furthermore, NGOs and donors are expected to work in accordance with the guidelines set out by national policies, strategies and concepts based on a pro-poor approach and the human right to water. PIIP likewise encourages improvement of data collection as well as good governance (Hakijamii Trust).

PIIP also promotes the use of low cost installations, such as water kiosks, and encourages the use of regulatory instruments for example tariff negotiations and reporting, a reduction in unaccounted for water and calls for Water Service Providers to move to 100% metering, which includes billing users according to their consumption. It also highlights that public water points should be managed and operated by the poor themselves, especially by women and that WSPs integrate the poor into information, communication and complaints systems. Although all these policies reveal that civil society participation is legally recognised, and encouraged through decentralization, real devolution of powers has not taken place and 'ultimate decision making remains centralised' (Mumma 2005:161).

## 4. Water governance partnerships: decision-making, risk, and responsibility

### 4.1. Decision-making

Our research found that there was a lack of representatives from poor communities in the boards of KIWASCO and LVSWSB where decisions over water prices, pipes, the location of water chambers and choosing MOs were taken. Currently, no residents sit on the KIWASCO board, which therefore lacks any neighbourhood level voice in decision making processes in water reform projects.

As shown below, LVSWSB and KIWASCO dominate in terms of decision-making around water management. Water prices are decided by KIWASCO and must not be changed by the MO. Although the implementation of the DMM has ensured that the price of water for users is reduced and standardized, certain households such as child-headed households are still unable to afford the drinking water. This reveals that although the DMM attempts to provide water to more residents, there is still a limitation in its coverage, especially for the most vulnerable families. However, the challenge in further reducing prices lies with KIWASCO's status as a private, profit-making entity, as was justified by a KIWASCO pro-poor officer: "we have to balance our expenses because we employ staff who are responsible for facility maintenance". In terms of water-kiosk siting, the MRA, as a representative of residents' voices, in theory works collectively with KIWASCO in deciding where the water chambers should be located, by giving advice on areas where people need water the most. However, there was confusion over who exactly it is within the MRA that KIWASCO consults. Additionally, it appears that KIWASCO chooses water chamber sites according to where people are able and willing to pay as opposed to a more needs-based assessment, another signal that perhaps the MRA's role in choosing sites is limited.

**Table 2:** Decision making roles of each actor

ACTORS	LVSWSB	KIWASCO	MASTER OPERATOR	VENDORS/ USERS	NPA
Decision-making roles	Choice of water service provider.  Issues penalty if WSP does not carry out role correctly.	Siting of DMM and selection of MO  Sets the water price	None	Choice of whether to use water from DMM or not	Partner with KIWASCO to choose MO and site of water kiosks  Negotiation with potential donors

The selection of the MO is another opportunity for citizens to take part in decision making in the operation of the DMM. However it was difficult to ascertain the MRA's involvement in advising KIWASCO's appointment of MOs. MRA members claimed that they advised KIWASCO on potential MOs, whilst KIWASCO described how they advertise for MOs with the correct experience of selling water and knowledge of the area.

It appears therefore that in terms of decision making around the DMM, power lies more with KIWASCO than with residents and their representatives, revealing an unequal partnership at this level.

### 4.2. Responsibility

Responsibilities can be defined as each actor's specific duties in implementing the DMM. LVSWB takes a supervisory role, which includes choosing the water service provider and monitoring the performance of KIWASCO. KIWASCO in turn is responsible for water treatment, installation of water pipes, meter reading of the main chamber

and the billing of MOs. Some residents complained that meter readings fluctuated greatly from month to month. In response to these complaints, KIWASCO explained that these charges vary due to water leakages and burst pipes. In terms of maintenance of pipes and leakages, different actors have different responsibilities; KIWASCO is responsible for maintenance of pipes between their supply and the main chamber; the MO must maintain pipes between the main chamber and the MO; and if pipes break between the MO and consumers, consumers must mend these pipes themselves. Responsibilities here therefore appear to be shared between actors to a greater extent than decision-making roles as described previously.

In regards to the MRA, one of their most important roles is as mediator. The water task force confirmed that they would reach out to the MRA in the hope that they would help them solve any disputes or problems between either KIWASCO or consumers. However, there seems to be an institutional gap between residents, the MRA and KIWASCO; through the institutional analysis activity, residents did not recognise the MRA as an actor they would seek help from when they encountered water problems.

**Table 3:** Findings regarding responsibility

ACTORS	LVSWB	KIWASCO	MASTER OPERATOR (MO)	VENDORS/USERS	NPA
Responsibilities	Provide treatment of infrastructure Issue license to water provider Monitor performance of KIWASCO	Deliver water Meter reading Install master meter Undertake technical piping work Network mapping (managing interaction) Deliver contract Ensure pipes provided to the place where people need them the most	Minor maintenance on the master chambers Deliver water to residents Receive money from customers and pay bills to KIWASCO Report problems to KIWASCO Read meter accurately	Deliver water to residents Report any problems to M.O. Report problems to M.O. Pay bills on time	Provide information and negotiate with KIWASCO Focal point for complaints Mediation between KIWASCO and users Provide information to KIWASCO about MO candidates

### 4.3 Risk

Here we define risk as the potential loss for each actor in the DMM if governance processes fail.

In the case that the MO fails to pay their bill, (due to limited bookkeeping methods, or through allowing payment defaults from certain vendors and users) KIWASCO bears the financial risk. Moreover, in this situation the MO also risks losing their contract with KIWASCO if they are in debt, which can then lead to KIWASCO cutting off the water connection. In this situation the MRA may step in and bear some financial risk in order to guarantee water supply to residents; "If the MO is unable to pay their bills to KIWASCO, the NPA will pay the bill for the MO because as an association, we have to make sure residents are protected from the situation of water cuts." (MRA executive member). Another risk that falls to the MRA is the loss

of their long-term relationships with residents and donors if the implementation of DMM fails to provide water to the residents of Kondele. If the DMM fails to reach people's needs, the residents may lose trust in KIWASCO as a water service provider and by association, the MRA itself. At the same time, donors will also lose trust in the MRA, potentially resulting in risks to the development and sustainability of the DMM.

Illegal connections to the water supply are another risk factor. According to water sellers in Meta Meta, some residents connect their pipes to the DMM pipes directly, leading to a huge financial loss for KIWASCO. Other claims were made by interviewees that KIWASCO itself was making connections directly to customers, bypassing the MO, which thereby loses out on any profits to be made. Moreover, this type of illegal connection is detrimental to the efficiency and development of the DMM model as a whole.

**Table 4:** Findings regarding risk

ACTORS	LVSWSB	KIWASCO	MASTER OPERATOR (MO)	VENDORS USERS	NPA
RISK		Financial (unpaid bills, unaccounted-for water, illegal connection by users)	Financial (users did not pay the bill on time) Loss of contract	Cannot access water if water cut off	Financial (responsible for bills if MO defaults) Loss of relationship with residents & donors

**Pictures 3 & 4.** Water kiosks, Kondele. Photo credit: Wycliffe Onyango and Ayub Saidi (participatory photography workshop participants)



## 5. Recommendations

The following recommendations aim to help the residents of Kondele gain better access to safe water. The recommendations are mainly focused around the Manyatta Residents Association (MRA) and strengthening its role as a platform for local residents' voice to claim rights around access to water.

- The MRA should aim to strengthen their relationship with KIWASCO so as to put them in a position to become a better mediator between KIWASCO and other organisations, such as the Kondele water taskforce.
- All NPAs within Kisumu should come together to collectively lobby the Lake Victoria South Water Service Board to create penalties and sanctions to make sure KIWASCO transfers all water connections to the Master Operators in each ward, as mentioned in the Water Act 2002 Section 47 C (that the regulatory board should establish procedures for handling complaints made by consumers against the licensee (KIWASCO)).
- The MRA and the water taskforce could lobby donors, the government and other partners for grants to support communities and residents who are still unable afford access to safe water through the DMM.
- The MRA should lobby NGOs to partner with them to so that they can extend water lines in remote areas within the Kondele Ward.
- The MRA should raise awareness among residents about their rights to safe water and encourage rights-claiming through public forums.

## 6. Conclusion

Based on these findings it can be concluded that the DMM system is ostensibly an inclusive model, which encourages the participation of all stakeholders, including local residents. However the decentralisation of power is distributed unevenly, resulting in unequal partnerships between the stakeholders. Most of the decisions regarding the operation of the DMM are made by KIWASCO while the majority of the users, the MO and the MRA are left to absorb the risks. Although DMM responsibilities appear to have been properly shared among different actors, these are sometimes not effectively undertaken because a bigger burden is placed on residents. Additionally the DMM system reproduces the notion of conceptualising water as a commodity rather than a right.

As can be seen from our recommendations, there is still a need for the MRA to engage in more lobbying and advocacy to ensure that partnership between all stakeholders becomes fair. However it is acknowledged that such lobbying would require future research to consider the room for manoeuvre as expressed in the Kenyan Law and possibilities for strengthening the legal standing of the NPA.

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## Chapter 4.

### Housing rights and the role of the Neighbourhood Planning Association, Nyalenda A.

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#### 1. Research overview and context

Kisumu is the third largest city in Kenya and is gradually becoming a major economic, transport and education hub. Due to its importance as one of the flagship cities in the country's long-term development programme Kenya Vision 2030, Kisumu has been directly benefiting from a range of public investments in terms of infrastructure development and support (WUF7, 2004:3; UN Habitat, 2004:14). Currently, the city attracts an increasing number of investors as well as migrants from surrounding areas, looking for employment opportunities (UN Habitat, 2005:14). According to the World Urban Forum, the population in Kisumu will see an increase in growth of 45 % by 2030. This rapid population growth and accompanying processes of urbanisation and expansion are creating an increasing demand for land and housing, resulting in raising prices, both for sale and rent. In addition to this, poor service delivery has led to a deterioration of urban living conditions for most of the population.

Nyalenda A is located in the east of Kisumu and is one of 15 informal settlements within the city. The neighbourhood is divided into five units: Dago, Western, Kowino, Central and Kanyakwar. Nyalenda A is predominantly a low-income ward with 65% of the population living below the poverty line (SWAP, 2010). Similar to other informal settlements in Kisumu, Nyalenda A experiences poor living conditions and insufficient infrastructure delivery. The housing types in Nyalenda A are mixed (from concreted compounds, prefabricated steel to wood and mud structures, see Pictures 1 & 2) and are often challenged by extreme weather such as flooding. The proximity of the neighbourhood to the city centre has made it a desirable location for many newcomers to the city and has generated interest from investors and the government for future development projects.

#### 1.2 Neighbourhood Planning Association: Nyalenda Community Development Group

In 2008, a Neighbourhood Planning Association (NPA) was created in this settlement with the objective of coordinating actions to address the main topics of concern for residents, simultaneously aiming to act as an entry point to the neighbourhood for diverse development stakeholders from the civil, private and governmental sector. This association is registered as a community based organisation under the

**Picture 1.** Housing built with modern steel bricks, Dago Unit, Nyalenda. Photo credit: Kai Mao.



**Picture 2.** Mud and wood housing, Dago Unit, Nyalenda. Photo credit: Kai Mao.



Department of Social Services and is commonly referred to as the Nyalenda A Community Development Group (CDG).

The CDG is designed as a body representing residents from all five units within the ward (see Box 1). Currently, there are 18 elected members on the General Committee, divided into five task forces: (i) urban agriculture, (ii) waste management, (iii) sanitation, (iv) drainage and (v) renewable energy. Therefore, housing is not included as one of the task forces within the CDG in Nyalenda A. As will be explained in more detail later, this results from the pre-existence of the Nyalenda Housing Cooperative (NHC) which specifically addresses housing issues in the neighbourhood.

This research therefore seeks to understand the role of the Neighbourhood Planning Association in Nyalenda A in enhancing the housing rights of residents, taking into account that the experiences of residents and their aspirations with regards to housing might be mediated by their belonging to diverse social groups.

### 1.3 Framework of analysis

The analytical basis for this research draws from Nancy Fraser’s definition of the relationship between ‘redistribution’, ‘recognition’ and ‘parity of participation’ (see Figure 1). For Fraser (1997:11), unequal distribution of resources, as well as the subordination of some individuals due to their belonging to particular groups that are less valued in society affects the capacity of some to participate as peers in the social sphere. According to Fraser, misdistribution and misrecognition reinforce each other, perpetuating conditions of injustice.

With regard to Kisumu, housing was taken as a case study to further understand the implications and interrelations of issues of recognition and distribution. Specifically taking into account the unequal distribution of housing, this research questions the issues of recognition through three main aspects; class, gender and age, and how these relate to distribution.

During the early stages of research it became evident that issues of distribution were clearly related to the wider urban trends currently taking place in Kisumu as well as by the existing policy context affecting city planning. It was noted that the diverse housing experiences of the different groups of residents, as well as the CDG’s possibilities of addressing them were closely related to these processes. Related to issues of recognition, people’s diverse housing experiences are examined through an intersectional perspective, in order to understand how different groups and their position within a social context may affect their housing rights, and what is CDG’s role in relation to this process.

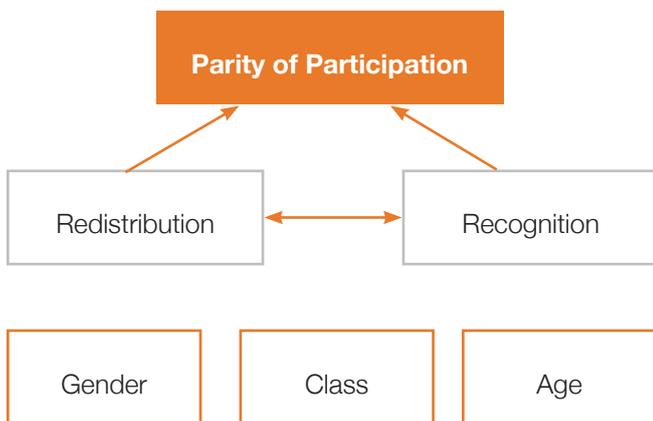
In order to understand the role that the CDG plays in relation to housing rights in Nyalenda B, four areas for analysis were identified (See Figure 2). Current urban context and development trends are vital to understanding the current and potential role of the CDG. To understand this context, it is also necessary to examine the overall policy background. In terms of recognition, the diverse housing experiences of residents are examined from an intersectional perspective in order to understand how different groups and their position within a social context many affect their housing rights, and what the CDG’s role is in relation to this process.

**Table 1.** Structure of Nyalenda A Community Development Group

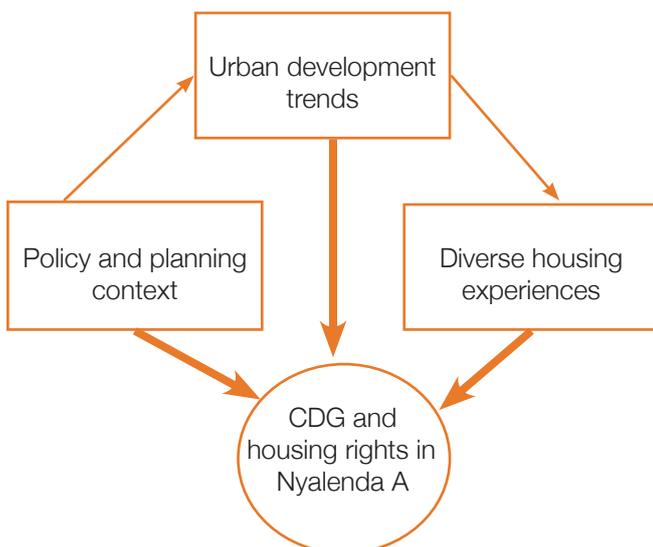
Nyalenda A Community Development Group (CDG)		
<b>Foundation</b>	2008 August	
<b>General Committee</b>	18 members	--3 x Dago --3 x Central --3 x Kowino --3 x Western --3 x Karyakwar --1 General Chairman --1 General Secretary --1 General Treasurer
		Each unit includes: Chairman Secretary Treasurer
<b>Task Forces</b>	Urban agriculture Waste management Sanitation Drainage Renewable energy	Task forces are comprised of members of the General Committee, and each includes a chairman, secretary and treasurer.

Housing rights as defined by the Committee on Economic, Social and Culture Rights (CESCR, 1991) takes into account security of tenure; access to services and infrastructure; affordability; habitability; physical accessibility; location; cultural adequacy. This definition elaborates the multiple dimensions that may affect people's ability to access housing. Yet in Kenya, the realisation of these different dimensions of housing rights for those living in informal settlements is often challenged by an increasing number of urban upgrading processes (Huchzermeyer, 2008). Therefore, to look at residents' rights to housing in Nyalenda, it is necessary to first understand residents' housing experiences and how have they been affected by the current urban context and political environment.

**Figure 1.** Framework of analysis: parity of participation



**Figure 2.** Framework of analysis: policy, trends, experiences.



## 2. Methodology

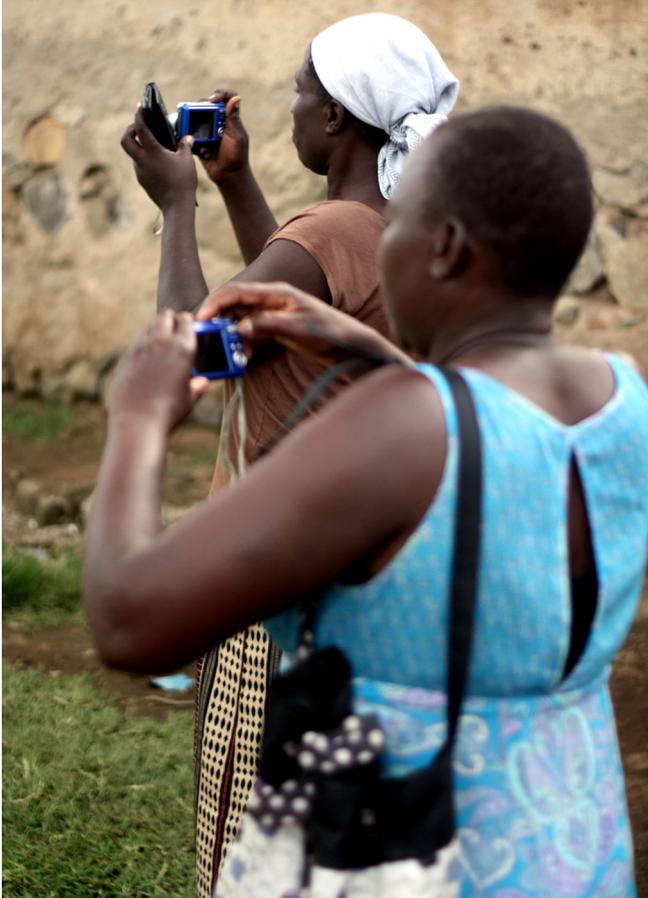
Preliminary research involved analysis of secondary data related to urban trends and the policy context in Kisumu and Kenya. This narrowed the focus of the primary research to people's housing experiences and the role of CDG in relation to housing.

In the field, a number of qualitative methods were used, including two transect walks, twenty-five semi-structured interviews, two timeline exercises, participatory photography workshops, and a stakeholder analysis with a focus group of a women's savings group. The transect walks gathered detailed narratives of the area to better understand the living situation of the residents. The production of timelines provided relevant information about the history, challenges and successes of the CDG and the Nyalenda Housing Co-operative. The participatory photography workshop helped to understand people's aspirations and needs in terms of housing. The stakeholder analysis focused on where people go for help when they have problems with housing. Interviews were done through a random sample within the five units of the ward, and collected personal narratives and stories of the people living in Nyalenda A. The 25 interviews comprised 16 women and 9 men, 16 tenants and 9 landowners, enabling an understanding of the diversity of views amongst the residents of Nyalenda A. Interviews were transcribed and analysed through each category of diversity, which included class, gender, and age (divided between youth [18-35] and elders [60 years and above]). Intersectionality between those groups was taken into account to identify common relations and issues in regards to the role of the CDG and housing rights.

**Picture 3.** Institutional mapping exercise: 'who do you go to when you have housing problems?' Photo credit: Kai Mao



**Picture 4.** Participatory photography workshop, Nyalenda A. Photo credit: Laura Hirst.



### 3. Policy Context

#### 3.1 The right to adequate housing

In August 2010 a new Kenyan Constitution was promulgated, accelerating a process of devolution and restructuring the country into counties. As further ruled in the County Government Act of 2012, each county is obliged to develop economic, physical, social, environmental and spatial plans for their territorial areas (County Government Act, 2012, 104, §2) within the national guiding policies. In addition to this major political change, the Constitution also established a Bill of Rights guaranteeing, inter alia, the right to housing as follows:

*"Every person has the right - to accessible and adequate housing, and to reasonable standards of sanitation" (Constitution, 43, b; 31).*

The Housing Bill of 2011 is the result of a long process to regulate and address this constitutional mandate. Echoing the minimum criteria established by UN-HABITAT (2009:4), it defines adequate housing as incorporating

seven key dimensions: security of tenure; the availability of essential services, materials, facilities and infrastructure; accessibility; affordability; habitability; cultural adequacy; and location of housing (Housing Bill, 2011, Part 1, §2; 4). Housing is understood as a key component of economic growth and it is recognised that within processes of increasing urbanization it is necessary for housing to be developed in an orderly way. Moreover, it acknowledges that this right can only be achieved with "the coordinated action of the government, the private sector and the individuals" (Housing Bill, 2011, Preamble). The Government is portrayed as an "enabler, catalyst and partner", whereas the private sector is "the engine" (ibid, Key Guiding Principles, 3, f). Thus, housing is conceptualised as a private responsibility to be facilitated by the public sector through mechanisms such as providing alternative funding schemes. Moreover, as illustrated by the Evictions and Resettlement Procedures Bill of 2012, security of tenure, as well as tenants' rights are protected against forced evictions, including in cases of development projects (2012, Part II, 6, §2).

#### 3.2 Urban planning and upgrading schemes

Following the devolution process in Kenya, counties are now responsible for the planning and development of housing, whereas the National Government regulates the wider housing policy (Kanyi and Jamii, 2013).

In Kisumu, planning for housing is inseparable from the planning of land and its tenure characteristics. According to the Constitution, "all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals" (Constitution, 2010, Art.61, §1). Hence, the land is public, communal, or private. In Kisumu, according to UN Habitat (2012: 22), an estimated 70% of the land is held privately, whereas only 6.4% is classified as public. The remaining land is considered as "non-formal de facto tenure" (ibid, 2012: 23). With regards to private land, Kisumu's informal settlements are mostly freehold (UN Habitat, 2005:19), subdivided and inherited from previous generations through the male lineage. These characteristics of Kisumu's land-tenure system have been depicted by planners as some of the main challenges preventing further urban development (Oballa et al., 2012; 23). Yet, from the perspective of residents, and particularly indigenous landowners, freehold land tenure has helped protect local communities from imposed upgrading and development. Indeed, denied of legal propriety, the local authorities cannot make use of the land without providing for costly compensation schemes. Consequently, this cost has impeded further planned development in these settlements (UN Habitat, 2005). Nevertheless, because of the growing importance of the city at the national level, it has been in receipt of additional investment funds and grants, which could soon reverse this impasse.

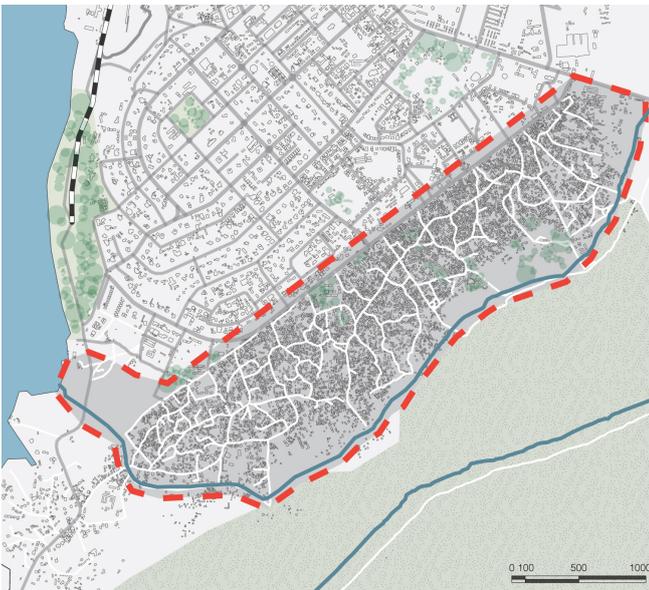
One of these investments involves the Kisumu Urban Project (KUP), a development project funded by the French Agency for Development through the Kenyan National Government distributed to the County as a grant. Aiming at 'improving the living conditions of Kisumu's population' (Oballa et al., 2012:18), it was created in 2012 and has since assisted the County in planning for the city's urban development and financing several infrastructure and upgrading projects to begin in 2014 (AFD, website). However, the KUP does not include any housing delivery projects among its slum upgrading plans (interview with KUP and ISUD representatives).

Together with the County Government of Kisumu, KUP has elaborated an Integrated Strategic Urban Development Plan (ISUD) envisioning the urban development of the city for the next twenty years. Amongst the recommended strategies, the plan suggests a zoning approach for four strategic areas, designated as Special Planning Areas, prioritised for development investments, "due to their value and the visibility their development would have" (ISUD, 2013; 43). The vision that the ISUD-Plan (2013) presents for Nyalenda as a special planning area implies a drastic change in its landscape and land uses, suggesting the

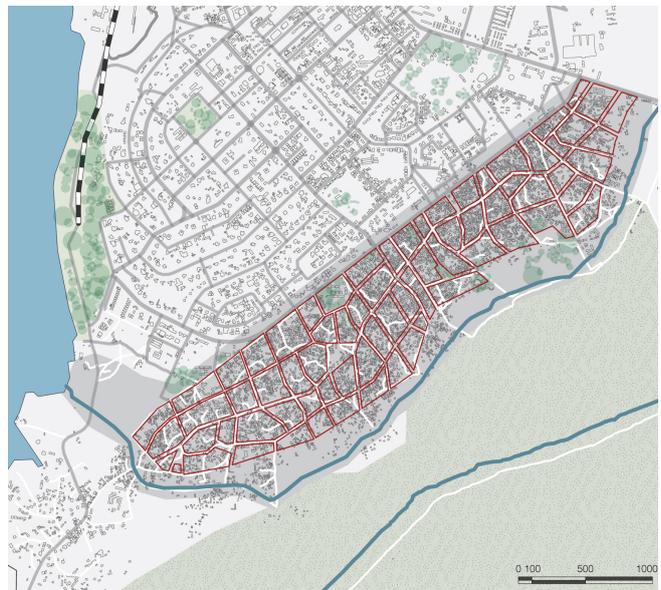
construction of multi-storey buildings with a high rate of densification, following the development model promoted by the County Government. Existing landowners will be faced with "upgrading or selling" their properties and land (Peter, Secretary of the CDG). Those who can afford the improvement of their houses will be in a good position to stay and participate in the proposed process of investment and growth. As demand and prices increase, others will have incentives to sell and move on. Poorer residents, namely existing tenants will likely be displaced in the long term as improved conditions drive up rental costs and existing buildings are demolished to make way for new ones. A new road network has also been designed to provide 'a North-South connection' and 'a secondary road network to connect the area with Milimani and other parts of the city' (ISUD 58), necessitating additional demolition of housing along some of these routes.

As has been identified by the Kisumu Informal Settlement Network, the ISUD-Plan has not yet been approved and thus there is still a window of opportunity open for negotiation around some of these issues. This is a particularly relevant moment to define who is going to participate and benefit from development in the near future.

**Map 1.** Comparison between existing paths and proposed road layout in Nyalenda. Taken from ISUD-Plan, November 2013.



Nyalenda perimeter, existing paths



Proposed block layout

## 4. Housing experiences and the role of Nyalenda A CDG

### 4.1 Diversity of housing experiences

One of the main aspects determining housing experiences and aspirations relates to the division between landowners/landlords and tenants. In a similar way, diverse expectations with regards to the impacts of possible upgrading initiatives were identified. Using this class division as an entry point, the intersectionality of class with other aspects such as gender and age is explored here.

The direct relationship between landowners/landlords and tenants is also important. As was evidenced through a mapping exercise, for tenants, their housing experience is largely defined by their relationship with the owners and even the caretakers (those acting as intermediaries when the landlord lives outside the settlement). This relationship is mainly driven by economic interests. As was acknowledged by most of the interviewed landlords, they do not impose any rules to their tenants aside from paying on time. In a similar way, a tenant who had a previous experience of eviction when she could not pay her rent stated, “landlords only care about money” (Anne, 30).

#### 4.1.1 Tenants

Most of the respondents had migrated to Nyalenda A because of its relative affordability, and its proximity to the city centre and employment opportunities. Regarding migrant women, respondents moved to Nyalenda either following their husband, to get married, or because of a divorce, which usually leads to the expulsion of the women from the family's house.

#### *Tenancy and ownership*

Tenancy in Nyalenda was perceived as a temporary situation for most people. Many tenants interviewed (including those who have been living in Nyalenda A for decades) stated they did not have any particular form of attachment to their rental houses. In fact, they often described their houses as only being ‘structures’, whereas a ‘home’ was linked to ownership of the land and the structure; ‘Home is when it is owned’ Emilia (27). Another tenant, Grace (32), stated that ‘home is far from here’ referring to the rural area, which is her ancestral home. In addition, despite the semi-permanent nature of physical structures, some interviewees described them as ‘temporary’ and were dissatisfied with the low quality of their houses; “the house should have a toilet and sanitation” Janette (22). In comparison to other, more developed areas, “Nyalenda is a lower area; Milimani is an upper area with many block houses” Zachary (38).

With regards to aspirations, the majority of the tenants interviewed wanted to own a home and would not mind moving to a more remote place if that meant that they

could afford to own a house. For instance, Namiaki (22) stated that once she retires, she plans to move back to her ancestral land and own a home there.

#### *Unemployment*

In Nyalenda however, high levels of unemployment combined with a scarcity of land means that buying a house is a challenge for many residents. According to the findings, young tenants (particularly young women) were most affected by unemployment and thus unable to pay rent. Besides, looking for a job is often a job in itself; as Janette (24) puts it, “it takes time to have a job”. Women are often part of savings groups but in certain instances their participation is constrained; “Since I lost my job, I couldn't continue in the savings group” (Caroline, 42). It is particularly difficult to save when there are no proper jobs available.

Unemployment therefore affects tenants' security of tenure and makes them prone to evictions. One of the interviewees shared her story about how she lost her job and could not pay her rent, and was evicted (Hellen, 40). This insecurity of tenure means that tenants are one of the most marginalised groups within Nyalenda. During upgrading processes they are likely to be displaced due to escalating rents. One of the tenants says, “If the prices increase, I will move out” (Janette, 24).

#### 4.1.2 Landowners

A review of the housing experiences of landowners in Nyalenda A in relation to diversity reveals a different narrative to that of tenants. Most landowners interviewed were elders or above 35 years old.

#### *Inheritance*

The succession of title deeds was one significant issue that arose during the research. This is not an automatic process and it is expensive for landowners to change a title to their name, resulting in a situation where 68.2% of landowners in Nyalenda do not have proof of land ownership (Pamoja Trust in Karanja 2010:234). In the interim, the risk of land-grabbing is therefore high. Security of tenure for women landowners is particularly difficult, as there seems to be a clash between customary practices and current legislation which aims to eliminate gender-based differentiation with regards to land (Land Act 2012). Despite owning the land, in many cases women's access to land is embedded within patriarchal systems which may prevent them from gaining legal land title. Therefore they could be more vulnerable to upgrading programmes as it is difficult to determine tenure rights without an up to date title deed (Yamano & Deininger, 2005).

#### *Livelihoods*

Upgrading also has the potential to disrupt additional livelihood opportunities for landowners/landlords, who often

keep cattle and grow crops on their land. If the densification of the area increases according to the ISUD plan, this will no longer be possible.

### Upgrading

Despite these risks, many landowners/landlords wanted to modernise their houses, and wished for better conditions within Nyalenda A, in response to flood risks and the lack of suitable housing materials. In many cases they linked the upgrading of their home to increased social status. For these reasons most landowners were favourable to upgrading. At the same time some were prepared to leave Nyalenda if they could have a better house elsewhere within Kisumu.

In addition, landlords are aware that if upgrading takes place they will be able to charge higher rents. Currently a lack of infrastructure in the settlement discourages individual upgrading by landlords; Bernard (62) said that it is useless for him to upgrade his houses because there is no road access and therefore those tenants able to afford higher rents would not want to move in. Additionally, some landlords feel they do not have the capacity to upgrade their houses by themselves and comply with upgrading standards. In response, those who can afford to do so join savings groups or a housing co-operative.

In regards to affordability, the research showed that most landowners enjoyed a sense of ownership and were happy not to have to pay rent themselves;

*"Rental houses are too expensive and there is no stable employment" (Alotce, 30)*

### A sense of home

Landowners therefore had a stronger sense of 'home' compared to tenants. However it was noted that young landowners had a tendency to sell inherited land because they preferred to live in a nicer home; "they want to get their houses outside and forget about this place...I want to forget about this place and start a new life" (Michael, 27). Conversely, elders had a stronger emotional connection to land and housing based on culture and ethnic values, as illustrated by one resident who poignantly stated: "This generation does not know the meaning of land." Many ancestors are buried and laid to rest on indigenous land, a practice which affects some landowners' desire to upgrade rather than relocate. Whilst there are different opinions amongst landowners in regards to upgrading, as the area becomes more expensive, some might not be able to afford to stay.

## 4.2 The Role of Nyalenda A CDG

In this context, what is the role of the CDG in addressing the diverse experiences of the residents of Nyalenda A with regards to housing rights?

### 4.2.1 Housing without a housing task force

As mentioned, unlike other NPAs, the CDG in Nyalenda A does not have a housing task force. When asked about the actions taken by the organisation to enhance residents' housing rights, the chairman of the CDG stated that its main focus is to sensitise and mobilise people to join the Nyalenda Housing Cooperative (NHC), which was founded prior to the CDG.

Accordingly, residents do not appear to associate the CDG with housing issues. During an institutional mapping exercise, when residents were asked who they turn to for help when facing housing problems, participants either left the CDG out of the map (in the case of tenants) or put it at its outer limit (in the case of landowners), stating that they did not see it as a relevant actor for this particular topic.

Nevertheless, it was possible to identify certain actions undertaken or being planned by the CDG that point to the enhancement of housing rights.

The organisation has carried out awareness campaigns about housing rights and the risk presented by land grabbing. Working towards the protection of land ownership is relevant for enhanced housing rights, as it defines possibilities for security and stability.

Similarly, in relation to the difficulties faced by the costs of land inheritance, the CDG is working with a human rights lawyer to deal collectively with this issue. As shown previously, this is particularly relevant with reference to the position of women, as there seems to be a clash between tradition and current legislation with regards to women's land ownership.

The CDG is also starting to recognise the importance of dialogue with the KUP project in order to protect the rights of residents whose plots and houses will be affected by future construction. Working towards the standardisation of title deeds will be fundamental for this purpose. The existence of the Eviction and Resettlement Bill 2011 has also been identified by the CDG as an opportunity to protect both tenants and owners who will have to vacate their houses for the implementation of the project.

The concerns about the KUP and the need to negotiate fair compensation have been elevated to the Kisumu Informal Settlement Network (the NPA Umbrella Body) as a problem that must be addressed in coordination with other neighbourhoods.

Whilst members of the CDG recognise that their work should benefit all residents, current strategies focus mainly on owners' rights while less emphasis is put on those of tenants.

#### 4.2.2. Nyalenda Housing Cooperative: an alternative for all?

Given that the Nyalenda Housing Cooperative (NHC) is the model promoted by the CDG for the enhancement of housing rights, it is necessary to understand how this alternative relates to the different issues raised by residents.

The NHC offers alternatives both for people who want to save money in order to buy land and build new houses and for those who want to improve their existing one through access to low-interest loans. In a context of rapid urbanisation, there is a perceived need to upgrade the neighbourhood and improve the general condition of houses.

The NHC was created in relation to this context and responds to the difficulties faced by residents in saving enough to build or improve houses on their own. Currently, the NHC has around 300 active members in Nyalenda A, Nyalenda B and Manyatta; 70% are tenants, while 30% are owners.

In the case of new projects, once a cooperative saves 20% of the land value, they are eligible to receive loans from NACHU to buy land and start construction. Currently, the NHC is building a project in Kibos (north east of Kisumu), that will benefit 100 households. Of the 20 people who will receive houses in the first stage, 17 are women. The decision to buy land in this part of the city is due to the fact that there is no availability of large plots in Nyalenda.

The Kibos project has advantages for tenants, and especially women. It challenges the traditional obstacles for them to become landowners, by guaranteeing that as cooperative members, land titles are held in their names. Despite the advantages of ownership, residents need to leave Nyalenda to move to the periphery of the city, where access to services and facilities is more challenging. The model of individual titling defined by NACHU may represent a risk as the city continues to grow. It is possible that the rising demand for land will eventually create an interest in these new housing cooperative developments, reproducing mobility patterns and pushing the lower-income groups even further away from the city and its opportunities. This may create disruption within the existing community and possibly affect the CDG, as the model incentivises people to move out of the settlement.

With regards to youth, NHC could be a suitable model for them to fulfil the aspiration of having a home outside Nyalenda A. However, as explained by the NACHU representative, young people find it difficult to meet the cooperative's saving requirements. From the information obtained through interviews, this lack of stability is related to unemployment and lack of income, which particularly affect this group. Even though the model is said to ben-

#### Box 1. The National Housing Cooperative Union (NACHU)

- The National Housing Cooperative Union (NACHU) is an organization made up of primary housing cooperatives ([www.nachu.org.ke](http://www.nachu.org.ke)).
- Currently, 390 cooperatives around Kenya are registered as part of this organisation, which is now part of the Ministry of Housing.
- To become a member of NACHU, each cooperative has to register with the Ministry of Cooperatives.
- NACHU provides loans for the Cooperatives to develop housing projects.
- Under this scheme, 20% of the value of the land has to be provided by the Cooperative, while the remaining 80% is given as a loan by NACHU.
- Interest rates are between 12% and 14%.
- NACHU pays the contractors, chosen through public tender promoted by the Cooperative.
- A basic unit is constructed and delivered to the beneficiaries who then start paying their loans. After five years of payment, they receive individual titles for plots and houses and can start expanding the structure.
- Land titles are given to the person registered as the member of the corresponding Cooperative.
- Through NACHU, members of Cooperatives can also access low-interest loans for house improvement.

#### Box 2. Nyalenda Housing Cooperative and the Kibos Project

- The NHC was created in 2005, three years before the CDG.
- In 2008 it started working with NACHU.
- The price of the NHC membership is Khs 200. The minimum monthly fee is also Khs 200.
- Members of the NHC are divided into groups of 20 people, according to their saving capacity.
- In 2011 a group of 20 members bought land in Kibos to develop a housing project, with funding from NACHU. The first houses will be delivered in July 2014.
- Three more groups of 20 members will benefit from similar developments in the coming years
- Kibos is located 30 minutes away from the CBD.
- The project has access to water through one main water point, though no connections to the houses have been made.

efit tenants, many interviewed expressed that they could not afford to join the savings group in the first place. The scheme therefore seems to mainly benefit better off tenants within the settlement.

The situation is similar for landowners. As discussed, many are interested in “modernising” and “urbanising” their houses with bricks, blocks, cement, and iron-sheet rooftops. However, whilst some owners are saving with the NHC in order to make these changes, some also expressed that they do not have enough income to join the scheme (Patrick, 64).

Given these issues of affordability, the NHC is beginning to identify more flexible ways of payment, with the aim of allowing more people to join. The savings groups, particularly women’s savings groups, were originally identified as ways of facilitating entry to the cooperative, but evidently still exclude some. Considering that Nyalenda A has a population of more than 30,000, members of the NHC represent less than 1% and not all of them are current residents of the neighbourhood. The Kibos project, for example, will benefit just a very small group within the neighbourhood. Thus, coverage of the NHC is particularly limited and not accessible for all.

**Picture 6.** Traditional construction at risk of collapse. Photo credit: Kai Mao.



**Picture 5.** The first stage of construction at the Kibos project. Photo credit: Kai Mao.



## 5. Recommendations

Development processes in Kenya are meant to be inclusive of the views and cultures of the groups that are affected, as mentioned in the above policy analysis. 'Individuals' should have the right to play an active role alongside the government and the private sector during upgrading schemes. The KUP model does allow for community participation, but only during the monitoring and evaluation component of the upgrading process. This shallow level of participation in the development process is therefore unsatisfactory and we therefore propose several recommendations for the CDG, in order to promote more meaningful participation of the residents of Nyalenda A in Kisumu's urban development.

### 5.1 Short Term

#### *Advocacy to promote housing rights*

The creation of a housing taskforce dedicated to advocating for the housing rights of the diverse residents of Nyalenda A is essential in terms of voice and advocacy. Lobbying for security of tenure, especially in a context where challenges of title deed inheritance are apparent, is a pressing need. As has been discussed, this is of particular relevance in assuring women's housing rights and land ownership.

Creating a landlords association would facilitate neighbourhood level discussion on the planning of the area and enable the landowners of Nyalenda A to participate more actively in advocacy. It could also provide a space for negotiating rents to avoid dramatic increases after upgrading schemes (Umande Trust et al. 2012).

Similarly, a tenants' association would give tenants a platform for greater voice within the community. This could also allow them to negotiate rent prices and other issues

after upgrading (Umande Trust et al. 2012). Here, the Evictions and Resettlement Procedures Bill (2012) provides tenants with the basis to advocate to become part of the decision making process in terms of finding alternatives and discuss relocation processes.

### 5.2 Long Term

#### *Reframing urban development*

Nyalenda is named in the ISUD-Plan as a Special Planning Area, identified as such due to its 'high intrinsic value and unique influence...on Kisumu's development' through its 'strategic location and great intervention requirements' (ISUD:37). The plans for this area should be reconfigured so as to recognise the housing rights of diverse groups of residents currently living in the neighbourhood, and in a way that protects the poorest and most marginalised groups living in Nyalenda rather than facilitating processes of eviction and displacement without due compensation or housing alternatives.

#### *Inclusive housing cooperative strategies*

Secondly, the existing housing cooperative model promoted as a housing alternative within the settlement does not meet current demand in Nyalenda, and the amounts required to save exclude both the poorest tenants and poorest landowners from the scheme. It is therefore essential for the NHC to consider and promote alternative policies within the cooperative to allow more residents to join and benefit. In addition, as mentioned earlier, the model of individual titling within the housing cooperative model proves risky as the city continues to grow. Increased interest in these housing developments may reproduce displacement and push lower-income groups further away from the city and its opportunities. Therefore, we also recommend that the NHC consider alternatives such as collective land ownership strategies which could strengthen residents' future bargaining power and security.

## 6. Conclusion

This research clearly demonstrates that the housing rights of tenants and landowners in Nyalenda A are under threat from Kisumu's current urban development plans. In addressing such circumstances it is essential to recognise the diversity and complexity of the lives of people living in informal settlements in order that differing needs and aspirations can be addressed. The findings revealed that whilst the CDG does not currently focus on housing, its mandate for representation does allow space for the organisation to begin to take on an advocacy role around housing issues for its residents. In recognising and promoting the housing rights of diverse groups of residents the CDG could therefore play a significant role in enhancing residents' substantive citizenship, which "from the perspective of marginalised and excluded groups is based on justice, recognition, self-determination and solidarity." (Newell and Wheeler, 2006:29). However, it is equally important to clarify that substantive citizenship requires people to not just have rights but to be able to claim them and participate in the way they are defined and delivered. As an advocate therefore, the CDG could potentially play a relevant and significant role in providing space for residents' rights to be included in the planning, development and management of housing processes in their neighbourhoods; demanding accountability from the city's urban development actors and defining how these rights are delivered in order to work towards inclusive participation in the city's future development.

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## Conclusion

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The findings presented in this report have examined how issues of participation and citizenship are addressed by neighbourhood planning in informal settlements, within a wider context of decentralization and increasing privatization of services and infrastructure. Using different thematic entry points, the report has revealed residents' experiences, practices and priorities with regards to participation, housing rights, access to water and inclusion of people with disabilities. A range of different participatory research methods were used to examine prevailing and alternative discourses, experiences and realities within the city, which in some cases provided new spaces for critical dialogue and knowledge production about personal and community issues. These entry points have allowed for specific analyses of respective NPAs in terms of their ability to represent the interests and expand the participatory capabilities of their constituents. More broadly, this research raises issues and recommendations as to how substantive citizenship can be enacted for people living in informal settlements.

The research has revealed that the existing practices of NPAs as supported by the PPP project are well established, and distinct structures are visible to varying extents in different wards. However, the exploration of the everyday experiences, needs and aspirations of residents through this field research reveals the diversity and complexity of the lives of people living in informal settlements and provides evidence to reinforce demands for more inclusive and participatory processes within NPAs and in their relationships with their wider constituency beyond formal structural representation. The chapters exploring housing rights and the inclusion of people with disabilities specifically reflect how necessary it is for NPAs to operate from a diversity perspective, employing methods of participation that take into account a number of different, intersecting identities, including disability and gender, but also housing tenure types. Recognition of diverse identities and a diversity planning approach which goes beyond tokenistic representation is therefore vital in building a substantive citizenship whereby residents are able to mobilise and claim specific needs and rights and which recognises the importance of structural political and socio-economic relationships.

The role of NPAs to contribute to substantive citizenship practices within informal settlements also has great potential for engaging with citywide processes. As Kisumu enters a period of significant investment and redevelop-

ment in terms of its urban infrastructure and service provision, now is a vital moment to consider how traditionally marginalized residents can advocate for the fulfilment of their needs and aspirations in order to challenge the top-down and exclusionary urban development trends in Kisumu currently espoused by city policy makers and developers. Whilst planning frameworks as elaborated by the KUP and ISUD plan do refer to citizen participation, this appears to be positioned within a particularly liberal-individual model of citizenship of invited participation, consisting of passive participation in 'consultation' and the co-option of citizens into providing unpaid labour, monitoring and evaluation of projects. A more critical analysis of how such city development planning and implementation incorporates and interprets participation (particularly of residents of informal settlements) is required, in order that participation does not become synonymous with unjust 'sweat equity' and unrecognized volunteerism, as explored in the chapter exploring participation.

As elaborated in the recommendations from this report, within a context where there are few opportunities for citizens to influence decision-making in the city (despite a constitutional commitment), NPAs occupy an absolutely vital space for the enactment of a substantive citizenship which challenges this, in terms of their clear mandate for representation. Much potential exists for NPAs to take a stronger, strategic lobbying and advocacy role, particularly in seizing the opportunity to ensure that the priorities of the poorest residents are incorporated into the implementation of current city redevelopment plans. The creation of the umbrella network of NPAs, in the form of the Kisumu Informal Settlement Network, provides an exciting opportunity to build a strategic, unified response to the ISUD, and to collectively demand accountability from the city's urban development actors, and other regional and national authorities.

The presentation of the preliminary findings of this research at a community event in May provoked intense and inspiring discussion around some principles and goals for the network. Capacity building and communication were raised as two main concerns for members. The possibility of opening up a more direct channel of communication between the KISN and the municipality was raised, as well as the establishment of a role for KISN within the new county government structure. It was felt that greater knowledge sharing between member NPAs could develop more collective and collaborate working practices as well

as contribute to the capacity building of individual organisations. Greater communication between NPAs as well as more democratic election procedures for membership could also go some way to address another issue raised; that of improving transparency within the network and between NPA and their individual constituents.

It is hoped that the findings presented in this report contribute to strengthening the capacity of NPAs to advocate for their constituents' planning claims in the face of significant changes to the city's future as well

as enhancing ongoing processes of participatory planning in Kisumu more generally. The SDP programme's long term engagement in Kisumu and partnership with Practical Action and the KISN means that the findings from this year will be taken forward in future iterations of action-learning and research in the city. The next steps in this process will take a specifically advocacy-based approach, in order to support KISN's work in challenging exclusionary urban development trends in the city and to ultimately generate more socially just and inclusive policies for the city as a whole.

## SDP Students Report - DPU

**The Development Planning Unit, University College London,** is an international centre specialising in academic teaching, research, training and consultancy in the field of urban and regional development, with a focus on policy, planning management and design. It is concerned with understanding the multi-faceted and uneven process of contemporary urbanisation, and strengthening more socially just and innovative approaches to policy, planning management and design, specially in the contexts of Africa, Asia, Latin America and the Middle East as well as countries in transition.

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