

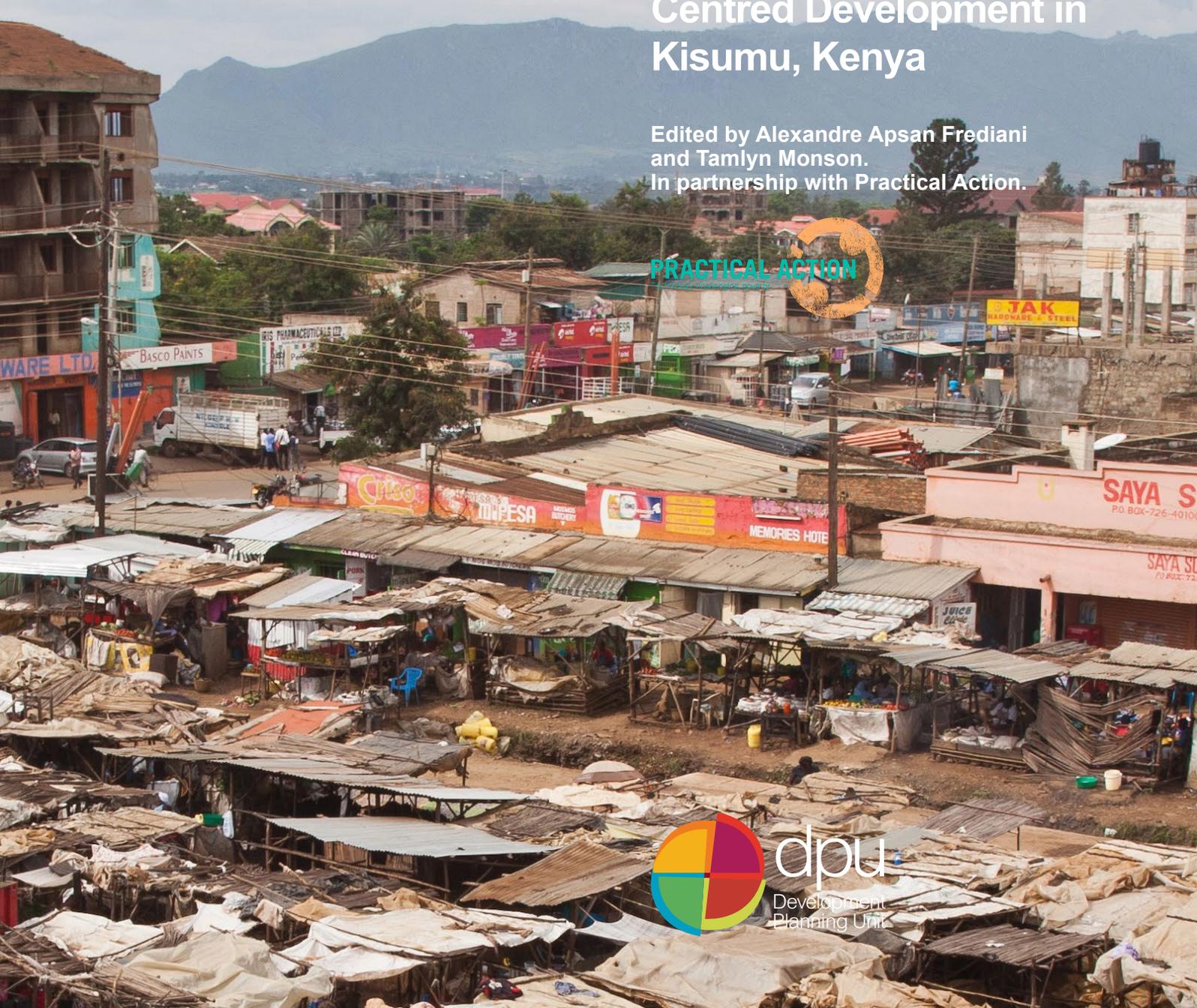


UCL

MSc Social Development Practice Student Report

Advocating for People- Centred Development in Kisumu, Kenya

Edited by Alexandre Apsan Frediani
and Tamlyn Monson.
In partnership with Practical Action.



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March 2016

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List of acronyms

- AFD - French Agency for Development
 APDK - Association for the Physically Disabled of Kenya
 CBD - Central Business District
 CSO - Civil Society Organisation
 FIDA - Federation of Women Lawyers
 ISUD - Integrated Strategic Urban Development plan
 KENASVIT - Kenya National Alliance of Street Vendors and Informal Traders
 KISN - Kisumu Informal Settlements Network
 KISIP - Kenya Informal Settlements Improvement Programme
 Ksh - Kenyan Shillings
 KUAP - Kisumu Urban Apostolate Programme
 KUP - Kisumu Urban Project
 MCA - Member of the County Assembly
 NACHU - National Cooperative Housing Union
 NCPWD - National Council of Persons with Disabilities
 NHC - Nyalenda A Housing Co-operative
 NISA - National Informal Sector Alliance
 PMC - Project Monitoring Committee (KUP)
 PPP - Public Private Partnership
 PWD - People with disabilities
 SEC - Settlement Executive Committee (KISIP)
 SIDA - Swedish International Development Agency
 TDF - the Devolution Forum
 UNCRPD - UN Convention of the Rights of Persons with Disabilities

Foreword

Since 2013, students completing the MSc in Social Development Practice at University College London's Development Planning Unit have travelled to Kisumu, Kenya to support and evaluate the work of Practical Action's Urban Services programme. This year's fieldtrip, the last of the three, has provided an opportunity to reflect on the collaboration between the various partners and on how the students have contributed to Practical Action's work through the fieldtrip activities and reports.

The first field trip report provided useful learning to help Practical Action better understand the 'well-being' impacts of our projects and how such impacts also depend on wider interlinked issues. The second field trip report challenged the role we've played as providers of services to poor communities and has helped us to become more effective at facilitating local partnerships between civil society, the public sector and the private sector to deliver urban services. This third report built on previous work to develop advocacy strategies to initiate action in key priority areas identified by the Kisumu Informal Settlements Network (KISN), supporting the network in its intended role as a facilitator of en-

gagement, mobilisation and transformation of Kisumu's urban development environment.

Our partnership with the students brought to mind the Kenyan proverb, "(S)he who does not know one thing knows another". Practical Action has found the partnership very useful in helping us to better understand the diversity and complexity of the lives of people living in informal settlements by recognising the limitations of our own knowledge and perspectives; listening more carefully to the voices and ideas of others and, of course, sharing our own experience and learning more effectively.

On behalf of my colleagues at Practical Action and the partner organisations with which we work in Kisumu, I'd like to thank the students and their lecturers for their enthusiasm and dedication and look forward to building on our successes in future.

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1. Introduction

This report is the result of a six month research assignment conducted from January to June 2015 by students of the MSc Social Development Practice at The Bartlett Development Planning Unit (DPU) of University College London. This action learning assignment, entitled 'Social Action for Substantive Citizenship in Kisumu, Kenya', emerged out of a partnership between DPU, Practical Action and the Kisumu Informal Settlement Network (KISN), and involved two weeks of field engagement in the city.

The objective of this assignment was to foster and capture learning on planning practice in Kisumu, for residents of the city and students alike. It built on the findings of action learning initiatives in 2013 and 2014, which demonstrated that while there has been a series of laws opening up opportunities for community engagement in policy and planning, grassroots organisations have been facing a series of challenges in participating as well as securing their citizenship rights in Kisumu.

The 2014 report identified the formation of KISN as both a productive entry point to facilitate accountability of local governments in the decentralization process, and an opportunity to enable more collaborative and democratic forms of urban governance. Supported by Practical Action and Kisumu Urban Apostolate Programme (KUAP), KISN was established as an umbrella organisation to facilitate dialogue and mobilisation among neighbourhood planning associations of informal settlements, and among informal traders, and has played an important role in coordinating action and calling for substantive dialogue with government authorities. Their engagement has been particularly related to the Kisumu County Government's initiative related to the Integrated Strategic Urban Development (ISUD) Plan for Kisumu and the Kisumu Urban Project (KUP), which have outlined a series of informal settlement upgrading projects as well as the rehabilitation of urban markets in Kisumu. Therefore, the 2015 assignment embedded its engagement in the actions of this network and producing recommendations for advocacy strategies that can support KISN campaigns and negotiations with local authorities.

Students worked in four groups, each focusing on a campaign topic that emerged from the findings from previous reports and relates to KISN's priorities: housing, infrastructure, markets and people with disabilities:

Housing: Previous reports identified that the current and planned transformations to informal settlements in Kisumu are activating a process of land speculation that has the po-

tential to increase rental prices and reduce the affordability of these areas for poorest households. In 2015, students treated tenure arrangements in Nyalenda A as an entry point to explore how these issues impact on the capabilities of residents and pose challenges for realising their right to adequate housing.

Infrastructure: The Kisumu Urban Project aims to introduce a series of new infrastructure facilities in its informal settlements. However it was not clear how these initiatives would relate to existing infrastructure projects or how they would involve community groups in the planning process. Students chose this year to focus on the challenges road upgrading poses for substantive citizenship in Kisumu, using roads in Nyalenda A and Nyalenda B as case studies.

Markets: The county government is planning a series of urban market rehabilitation projects in Kisumu, which has the potential to bring many positive outcomes to the city. Local traders, while being welcoming to the intent to improve the conditions in the urban markets, are also concerned about the potential negative effects of the proposed plans, and fear that the most vulnerable traders might be marginalized in the process. A group of students examined issues of justice relating to the impact of planning processes on the livelihoods of market traders in Kisumu, selecting Jubilee and Kondele markets – both affected by planning processes in Kisumu – as entry points.

Disabilities: Disability issues have been treated problematically by government and within neighbourhoods, reproducing stigma and failing to engage with the social issues hindering access to substantive citizenship for people with disabilities. Focusing on the experiences of people living within a number of different informal settlements in Kisumu including, Manyatta A, Manyatta B, Nyalanda A, Nyalanda B and Obunga, the 2015 student group explored how the institutional landscape of Kenya recognises and delivers on the rights of people with disabilities (PWD), recognising that before the integration of PWD into planning processes can occur, fundamental issues need to be addressed concerning the recognition and realisation of their basic citizenship rights.

The chapters which follow outline the action research processes followed by each group, present their key findings, and offer proposed advocacy strategies that can be used by KISN and other stakeholders to push forward key agendas and work towards realising people-centred participatory planning processes in Kisumu.

2. Access to Adequate Housing in Kisumu

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Irina Ulcica

2.1 Introduction and Context

Kisumu, “The City on the Lake”, is Kenya’s third largest city with a population around 500,000 people (Census, 2012). As part of Vision 2030, Kenya’s long-term development plan, Kisumu aims to become a major economic, transportation and tourism hub and is already experiencing rapid development and urbanisation, attracting investors and migrants (Frediani, Walker & Hirst, 2014). However today, 49% of residents in Kisumu live under the poverty line, and 60% live in peri-urban, unplanned settlements that form a ring around the Central Business District (CBD) (Nodalis Conseil, 2009).

The housing policy framework in Kenya primarily consists of the National Housing Policy (2004), National Land Policy (2009), Kenya Vision 2030 and the Constitution of Kenya (2010), which guarantees every Kenyan the right to accessible and adequate housing and to reasonable standards of sanitation (National Council for Law Reporting, 2010).

According to the County-level Ministry of Housing (MoH) (Ogajo, 2015), housing is “a process of creating shelters for humans in sustainable human settlements through lo-

cal, national and international policies, programmes and strategies.” However, due to rapid urbanisation, there is a backlog of over one million housing units in Kisumu County (ibid). To fill this gap, housing has been dealt with mainly as a private sector issue by individual landowners.

The government has initiated some programmes to address the current problems, particularly in informal settlements, such as the Kenya Informal Settlements Improvement Programme (KISIP) and the Kisumu Urban Project (KUP). KISIP is a World Bank financed project focusing on tenure security, infrastructure, service delivery and planning urban growth (World Bank, 2011). KUP, financed by the French Development Agency, aims to improve living conditions in informal settlements, mainly through infrastructure developments. This plan is embedded within a larger Integrated Strategic Urban Development Plan (ISUD) which supports Kenya Vision 2030.

Much of the informal settlement belt targeted by the upgrading initiatives is highly valued land due to its proximity to the CBD (Ogajo, 2015). These areas have been designated as “special planning areas” in current upgrading plans (Kisumu ISUD-Plan, 2013). The shortage of land coupled with increasing property values due to infrastructure development projects is driving land and rental costs up. The city’s population is projected to increase by 300,000 people by 2030, further increasing demand for housing (ibid.).

Figure 2.1. Facilitators discuss housing challenges with students in Manyatta. Source: Tamlyn Monson.



The whole city is facing rapid change, but the informal settlements are experiencing processes of peripheralisation, where the lowest income people are being pushed out of the settlement as certain conditions are making it increasingly difficult for them to afford housing. Many of these problems are being felt across all informal settlements, but in this chapter we focus on the changes occurring within Nyalenda A, one of the largest informal settlements in Kisumu. It is located in the east of the city next to the CBD and has been exposed to site and service schemes to modernise (Ogajo, 2015).

Our research focused on three questions in order to understand the challenges and opportunities occurring within the Kisumu housing market:

1. How is the current housing market creating challenges and opportunities for low-income groups in securing tenure?
2. How can the government intervene in the housing market processes in a way that protects and improves the housing conditions of low-income groups?
3. What actions can strengthen communities in influencing the spatial planning processes in Kisumu?

2.2 Framework & Methodology

“The right to housing is interdependent with a number of other human rights: rights to health, to education, to employment, but also to non-discrimination and equality, to freedom of association or freedom from violence, and ultimately to the right to life” (OHCHR, 2015a).

Guiding this chapter’s research was the belief that access to adequate housing is a fundamental human right and is not only “four walls and a roof” (Habitat for Humanity, 2014), but a larger network of physical and social spaces integral to living a safe, dignified and peaceful life (OHCHR, 2015a).

The one integral element to the right to adequate housing is security of tenure, herein understood as “a set of relationships with respect to housing and land, established through statutory or customary law or informal or hybrid arrangements, that enables one to live in one’s

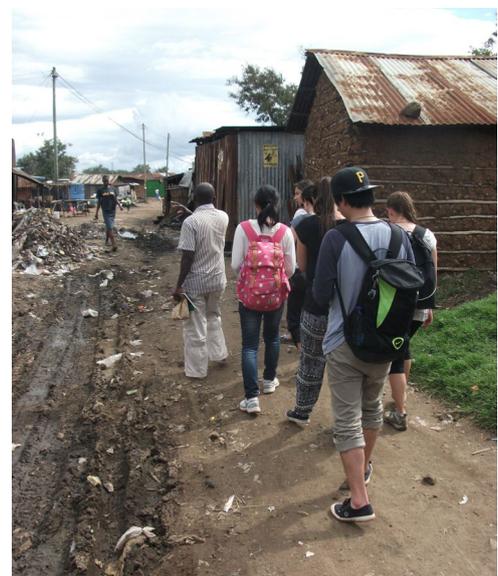
home in security, peace and dignity” (Rolnik, 2013: 3). Other elements of the right to adequate housing include: affordability; habitability; availability of services, materials, facilities and infrastructure; accessibility; location; and cultural adequacy (OHCHR, 2015b).

Using an action research approach to address the research questions, tenure arrangements in Nyalenda A were examined as an entry point to explore the current abilities and challenges facing residents, particularly those with low incomes, in claiming and protecting their right to adequate housing in practice. Underpinning this focus is Amartya Sen’s (1999) capability approach, a social justice theory centered on the notion of “freedom as choice”—an individual’s freedom to achieve well-being understood in terms of real opportunities to do and be what they subjectively aspire to (Sen, 1999). Personal, environmental and political factors impact on people’s ability to achieve desirable outcomes through their choices (Frediani, 2010). As some outcomes may be achieved through multiple means, a greater diversity of options available can have a positive effect.

Two basic tenure options were observed in Kisumu, giving rise to a resident typology of ‘landowners’ and ‘tenants’. The set of desirable outcomes was qualitatively defined according to the three criteria of adequate housing most relevant to the context, given the explicit focus on ‘upgrading’: security of tenure, affordability and equitable access to services (see Figure 2.4.).

A case study analysis of housing challenges and pressures within Kisumu’s informal settlements was used to define the mediating variables – the factors enhancing or inhibiting people’s access to adequate housing. These

Figure 2.2. Living conditions in Nyalenda. Source: Tamlyn Monson.



clustered around the themes of ‘access to services’ and ‘access to land’. ‘Accountability’ emerged as another key component once in the field, after learning more about residents’ limited access to grievance mechanisms, information and decision-making processes.

The analytical framework and methodology were refined throughout the fieldwork based on research findings and feedback sessions with key stakeholders, namely local partners Practical Action, Kisumu Urban Apostolate Programme (KUAP) and representatives of the Kisumu Informal Settlements Network (KISN).

Figure 2.3. Interview with restaurant owner Tom Onyango Nyamangar. Source: Sevda Tunaboylu.



The research process comprised three months of desk research and two and half weeks in the field. The former consisted of policy and stakeholder analyses; literature reviews; a workshop using participatory tools; dialogue with other researchers; and an initial stakeholder meeting with the Practical Action Head Office. Field research consisted of 24 semi-structured and in-depth interviews with equal numbers of landowners and tenants over four site-visit days; 17 stakeholder meetings with government, private sector and civil society organisation (CSO) representatives; three focus groups; and a final participatory workshop event with local stakeholders from government, CSOs and the private sector. Resident interviewees were chosen based on their location within the settlement, to see if proximity to main roads made any difference in regards to housing experience. Beyond the location, an effort was made to interview a balanced mix of residents by tenant-type, gender, age and background, in order to identify diverse housing experiences.

Figure 2.4. Capability Approach: Analytical Framework. Source: Chapter Authors

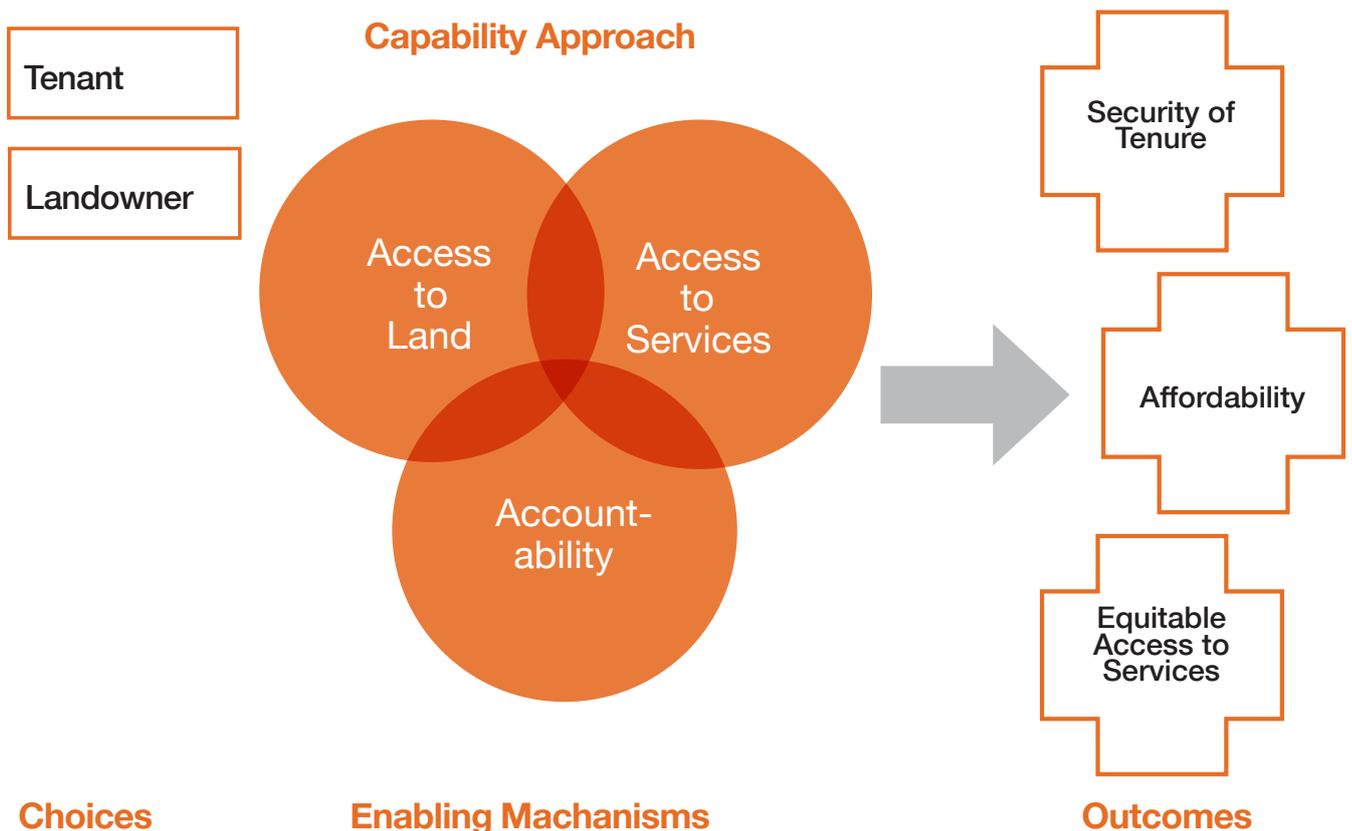


Table 2.1. Methods and Methodology for Housing Research

Activity	Description	Aims
Semi-structured & in-depth Interviews (in Nyalenda A)	21 semi-structured interviews and 3 in depth-interviews, from which the total: <ul style="list-style-type: none"> • 12 tenants • 12 structure/landowners From which: <ul style="list-style-type: none"> • 10 male • 14 female • 23 people from Nyalenda A • 1 person from Manyatta B 	<ul style="list-style-type: none"> • To understand the security of tenure of different residents in Nyalenda A whilst understanding their spatial characteristics, services used, neighborhood history and any community membership. • To interview various residents who are facing different challenges in different situations with different social and financial statuses in order to understand their connections.
Focus Group Interviews	3 distinct focus groups, including: <ul style="list-style-type: none"> • 3 youth residents from Nyalenda A • 14 members of a women's savings group • 21 LOKUPE Housing Cooperative members (Manyatta Neighborhood Development Group) 	<ul style="list-style-type: none"> • To identify the challenges related to housing and security of tenure • To unpack the benefits and challenges of cooperatives and saving groups, as well as the process of joining such groups and members' experience.
Participatory workshop event	<ul style="list-style-type: none"> • Various stakeholders from government, private sector and civil society as well as residents from different settlements, mainly Nyalenda A and Manyatta B. 	<ul style="list-style-type: none"> • To engage participants in the strategy campaign as partners in the process and get their insight on what is needed to achieve adequate housing and security of tenure for the low income residents in Kisumu.
Meetings	<ul style="list-style-type: none"> • 22 public and private sector representatives and civil society leaders. 	<ul style="list-style-type: none"> • To understand the strategies and activities of different stakeholders specifically in terms of housing and their role related to that.

Figure 2.5. Interview at Bamato Environmental Sanitation Project.

2.3 Analysis

Access to Land

A preliminary goal in the field was to better understand the different choices that tenants and landowners have in order to access land, and how these choices create opportunities for residents to achieve affordable housing, access to improved services, and security of tenure. There are three primary ways of getting access to land or housing in Nyalenda A: it can be inherited, purchased, or rented through the private housing market. Each form of access offers its own challenges and opportunities for different types of residents.

Inheritance of land

Inheritance of land was the most common form of access among the landowners we interviewed. However, in traditional practice in Kenya, land must pass from father to son. Since this tradition makes it very difficult for women to access land, The Kenyan Constitution (2010) has introduced “elimination of gender discrimination in law, customs and practices related to land and property in land” as an important principle. However, as a representative from the Federation of Women Lawyers (FIDA) stated, “Some people know about the law, but in practice it is still difficult to perform because of traditions.” Many people in Nyalenda A are still following the traditional system. This conflict between the new legislation and traditional inheritance structures is limiting the housing options available to women, thus affecting their security of tenure.

At the same time, owners of ancestral land regard it as a valuable asset and tend to hold the land through generations. As one interviewee clearly stated, he would never sell his property in Nyalenda; he would leave it to his son. Ancestral land allows residents to secure a place in the housing market, whilst others without land in Nyalenda are in a more vulnerable position given the scarcity of land.

Purchasing land and housing

Purchasing housing through the private market is difficult for many Nyalenda residents due to land scarcity, high costs and limited financing or credit schemes. However many residents aspired to be owners, equating it with security and a livelihood stream if used for rental. In this way, some individuals may purchase property for the purpose of letting, while remaining tenants in Nyalenda. The emergence of residents who are simultaneously landowners and tenants may cause different types and compounded housing pressures.

Thus, some community members have created their own solutions for securing access to adequate housing through joining housing cooperatives (Box 2.1) and

savings groups. Although some have been able to purchase land and housing through cooperatives, many of the poorest residents haven’t been able to access these opportunities due to the financial requirements (ibid.). This highlights the need for alternative options for the lowest income residents to access adequate housing. Many members of the Nyalenda A Housing Cooperative (NHC), who are building homes outside the settlement in Kibos, see new housing as a social enterprise for rental. While this relieves some pressure from individuals on both sides, this use of the private market can increase inequality as it is not accessible by the poorest.

Box 2.1. Nyalenda A Housing Cooperative (NHC)

- NHC started in 2008. It has around 800 members. The cooperative is divided into small groups of 20 members.
- The registration fee is KSh 500, and the minimum monthly contribution is KSh 200.
- NHC is supported by the National Cooperative Housing Union (NACHU), an umbrella cooperative for all national housing cooperatives. NACHU lends money to NHC, negotiates with contractors and supervises the construction process every two weeks.
- Construction of houses for the first group of members has finished. Construction for the second group (20 members) is in process. Both sites are in Kibos due to lack of land in Nyalenda. Other groups are negotiating to buy land.
- The price of houses is around KSh 500,000 to KSh 600,000, including land and structure.
- New homes include living room, toilet, kitchen and at least one bedroom.
- Some people will rent out new houses for income and remain in Nyalenda.

Renting

Due to the increasing demand for housing in Kisumu, land value is increasing in the city, leading to higher rental prices. There are several policies in place to regulate the relationship between landlords and tenants and to stabilise the rental sector. However, in practice, these policies are not being implemented, rendering tenants vulnerable to unjust rent increases and eviction by landlords.

One of these policies is the Rent Restriction Act, a piece of legislation that regulates rents for both public and privately owned housing, aiming to protect the lowest in-

come residents (Rabar, 2011). Under this Act is the Rent Restriction Tribunal, which determines fair rental prices for different types of houses in various regions of the country (ibid.). The rent tribunal, however, is not effective in protecting tenants because many of them do not have formal agreements with their landlords, preventing them from accessing this legal framework. Secondly, the tribunal is mostly confined to Nairobi, with a limited staff, making it inaccessible and ineffective.

Interviewees observed that for most tenants there is no formal written tenancy contract, and many do not receive receipts for their rental payments. This lack of formal agreement is problematic, as there is no option left for tenants

to claim security and affordability. In addition, since many landlords do not live on the premises, it is difficult for tenants to hold them to account for house repairs. The lack of agreements also makes the terms of eviction uncertain, placing the tenant's security of tenure at risk, as they may be evicted without notice. One tenant interviewed was summarily evicted by her landlord when she lost sources of income and was unable to pay the rent on time.

We mapped the rental prices being paid by interviewees in the settlement in order to evaluate the way prices are affected by certain variables. As Figure 2.8. shows, there appear to be certain price bands within the settlement, with prices within each band affected by the size of the house, the

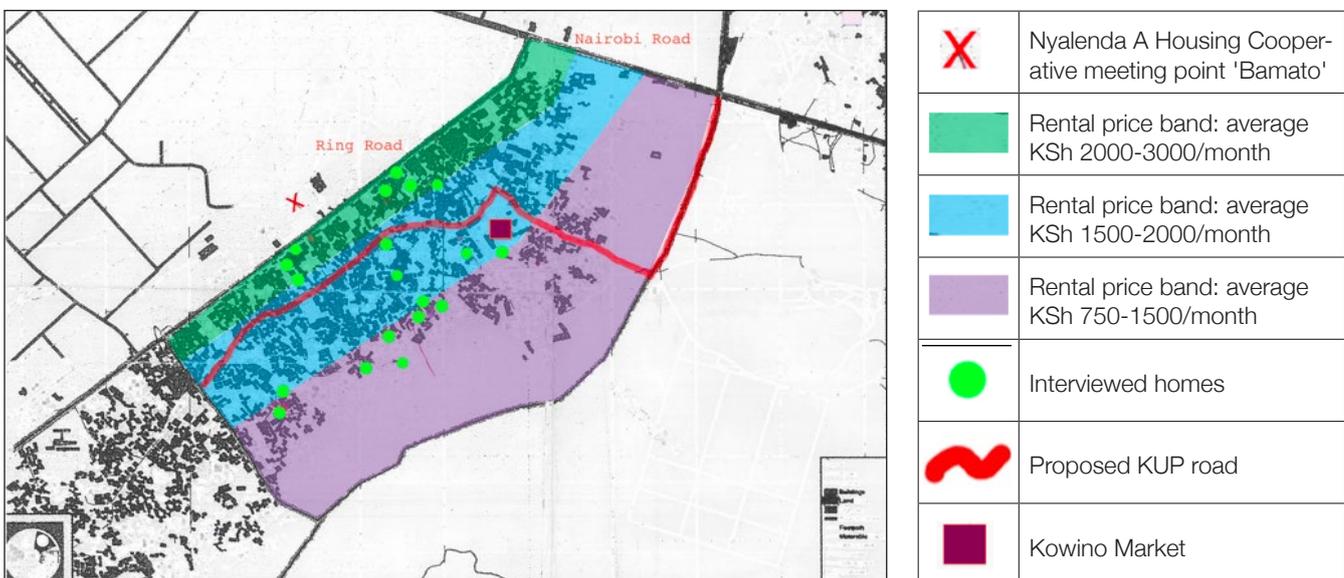
Figure 2.6. Walk with members of the Manyatta Neighbourhood Development Group. Source: Tamlyn Monson.



Figure 2.7. Semi-permanent mud-constructed homes are more vulnerable to deterioration. Source: Chapter authors.



Figure 2.8. Map of Nyalenda A showing interviews and rental price bands. Source: Chapter Authors.



type of material structure (i.e. semi-permanent or permanent), and the location. An increase in the size of the house would mean an increase in rental price, while a permanent home made of brick would have a higher rental price than a semi-permanent home made of mud in the same location. Nevertheless in terms of location, rental prices near the main Ring Road tend to be higher than those further into the settlement towards the marshland, where houses are at a higher risk of being affected by flooding. This variation in rental prices reflects the diversity of residents living within Nyalenda A and how the poorest residents are often only able to afford the lowest-quality homes away from infrastructure and closer to sources of risk.

State-led Eviction

In addition to the risk of indirect displacement as the property market makes rents progressively less affordable, residents in Nyalenda A are also at risk of displacement due to state-led evictions surrounding KISIP and the KUP road construction projects (Figure 2.8.). However, there is a lack of consent in the relocation process and tenants in effected properties receive no support. For example, KISIP will compensate rightful owners at a replacement cost where land is partly lost, while tenants are not entitled to any compensation or resettlement assistance. Some projects, such as KUP, do not offer any compensation for either landlords or tenants. In cases where there are evictions due to road upgrading, road markings are made to inform people of where the road will pass. In these cases, some residents move out in advance, while others, without alternative options, remain until they receive an eviction notice and are taken to court. When homeowners can prove their legal land titles, the courts can issue a compulsory purchase order. As a result homeowners are forced to sell their houses to the state at the estimated price.

The Draft Eviction and Resettlement Guidelines Bill (2012) states that “no person may be evicted from their home, or have their property demolished without a court order and which court order shall consider all the circumstances regarding the eviction and the situation of the evictees and their families.” However, this Bill is still in draft form at the national government level, and it has not been implemented and enacted yet. Nevertheless, even if enacted, it would not provide full protection for all, especially tenants and those designated as ‘unlawful occupants.’ For example, residents who are occupying public land by the proposed KUP road in Nyalenda A have no security against forced evictions and are provided with no alternative option or relocation assistance. A city government official stated that “if people are encroaching it’s not forced eviction, because they have no right to be there; they have to go.” These people are treated as ‘unlawful occupants’ of public land, although they are recognised as citizens by the state. Little thought is given to municipal accountability after extended periods of tolerating residences on

such land, or on the likely impact of evictions combined with market-led rental increases on the broader question of housing access in the city.

Access to Services

In addition to variable tenure security and the threat of displacement, residents of informal settlements experience lack of access to a range of essential services including drainage, water, sanitation, waste collection, electricity, healthcare and infrastructure. Adequate housing standards depend on good quality services, but such improvements also give rise to conflicts. For the lowest-income residents, many services are desirable but inaccessible due to infrastructure limitations or cost, and what services are available are often shared communally. However,

Figure 2.9. A water gully in Manyatta.
Source: Tamlyn Monson.



Figure 2.10. Poor water drainage in Nyalenda.
Source: Chapter authors.



when the services are improved, there is a risk of rental increases that might push out the poorest. The inadequacy of services seems to open residents up to additional types of vulnerabilities, with knock-on effects.

The main challenges articulated in interviews were around flooding, resulting from either blocked drains, sinking latrines or proximity to the marshland. Many residents cited the negative effects of flooding, including increased risk of infection from waterborne disease and structural damage to semi-permanent mud houses. The relative affordability of housing in the marshland areas of Nyalenda A attracts tenants, many in semi-permanent structures. However, during flooding, these houses are the worst affected, creating further vulnerabilities for the poorest population of the area. The women's savings group discussed how these types of shocks can keep them from reaching their aspirations, as money saved for business development now needs to go to structural repair. Here it is easy to see how spatial politics interface with access to services in people's everyday experiences – the poorest have over time been indirectly pushed into the low-lying, less-desirable areas with increased risks and lower sustainability, where affordability is greater.

Waste collection services require payment, which not all residents can afford, leading to dumping or burning of waste. These practices contribute to health and environmental problems. One seemingly well-regarded initiative to address both sanitation issues and high youth unemployment is the National Youth Service, a national programme that, among other things, employs youth to collect rubbish.

In Nyalenda A, many people do not have formal access to electricity because the initial deposit is too expensive for them, so some access power informally through a

neighbour's connection. Interestingly, some evidence suggests the informal connections are actually more unaffordable in the long-term because residents pay a set amount each month, rather than a variable rate based on actual usage. The service is often unreliable because, due to lack of formal regulation, some landowners supply electricity to too many houses, which overloads the connection, affecting people with formal connections as well. Even though this activity seems to benefit landowners' incomes and helps supply the electricity to residents, many landowners can take advantage of their tenants by charging high prices.

Several landlords interviewed said they thought an increase in services was one justification to increase rental prices. A study done in Lake Nakuru assessing the relationship between access to services and tenure security found that residents are willing to pay "reasonable" rent increases in exchange for better services (Practical Action, 2013a). It also concluded that most tenants were able to financially support these smaller increases. These findings seem in line with research in Nyalenda. So, while many low-income residents may have challenges in accessing certain services due to availability or affordability, there may be an opportunity to increase access without increasing tenure insecurity.

Residents' stories pointed to upgrading projects, specifically those relating to roads, as the service-related factor most influencing risks of direct and indirect displacement. Roads and floodlights were mentioned by diverse stakeholders, seemingly the most politicised issue articulated by residents. Most residents recognised the need and value upgrading projects bring, associating floodlights with an increase in physical security. However, some said these were superficial fixes. In reference to the provision of floodlights, a young man said this form of service provision was "propaganda," which "helps, but leaves the major issues untouched." While floodlights are useful, the government should also be more concerned about housing provision and wider regulation, which could provide more protection and increased quality of life for residents.

A county official acknowledged that it is difficult for disadvantaged areas to get the same state funding as more affluent areas, and what is allocated is not enough to adequately address the full range of needs in the informal settlements. Projects like KISIP and KUP are meant to fill the gap, but there is no mechanism in place to regulate rental prices after such improvements are made, particularly road developments, and stop the indirect displacement cycle. A representative from KUP pointed to the ISUD plan as an opportunity for the very poorest to increase access to housing and services, due to its plans for public-private partnership (PPP) investment in housing for the very poor. It is agreed that this is an opportunity worth exploring and leveraging if possible.

Figure 2.11. Focus group with women's savings group in Nyalenda. Source: Sevda Tunaboylu.



Accountability

The current political landscape in Kisumu is one of the most influential factors mediating access to housing in both positive and negative ways. Most respondents pointed out that devolution has brought the government closer to the people in some ways, for instance allowing more opportunities for citizens' participation. Yet, such avenues do not necessarily mean increased decision-making power or the materialisation of adequate housing rights on its own. There is a gap between policy and implementation resulting in unclear information regarding people's rights, a lack of inclusive participation opportunities for all, and a lack of effective policy application. The gap is due in large part to a lack of finance, a new governance system where responsibilities are unclear, and issues with personnel enforcing planning regulations.

The Ministry of Housing stated that the county has not put an emphasis on housing, although its importance is recognised. "Housing matters are still held primarily at the national level and have not yet devolved to the county" (Ministry of Housing, 2015). The Ministry of Housing mentioned future plans to revise and enforce legislations, including the 2004 National Housing Policy and the Rent Restriction Act, and to implement the draft Housing Bill and Eviction Guidelines by 2017. These efforts would enable better access to adequate housing in the future, but currently there is still a lack of adequate regulatory framework.

This leaves the private sector and civil society to deal with housing issues. The Ministry of Housing is encouraging PPPs to play a role in housing provision by creating favourable market conditions. The state's role as an enabler of market mechanisms is evidence of a neoliberal governance model. The reliance on the private sector to fill gaps in funding and service provision, while useful in some ways, can also be problematic as it focuses on individualistic, short-term solutions rather than long-term plans to meaningfully address growing inequality. This suggests that another reason for the gap in policy implementation is a power imbalance between the private sector and state, as well as possibly conflicting visions of who should be the beneficiaries of change in Nyalenda and Kisumu. Consequently, it is the poorest and most vulnerable residents whose security of tenure is at risk and who are priced out of the Nyalenda housing market.

The predominance of the private market as a provider of housing taps into many interviewees' perceptions of themselves as consumers rather than citizens. A lot of tenants were unaware about their tenancy rights, as they had no formal agreement with their landlord. Some NGOs we interviewed, such as FIDA, identified that they are empowering and promoting women's rights, especially regarding land security and they are pushing for gender-sensitive policies.

Furthermore, many respondents identified issues regarding a lack of government transparency around finances. One respondent (a male landlord) stated that a lot of the promised

projects were not implemented because "there is a lot of misappropriation and corruption." Residents are told money is not available, but it is unclear where it is going. Without this information, it is difficult to hold the government to account.

As acknowledged in the policy framework, it is the state's responsibility to provide clear information to its citizens regarding development projects and rights more broadly. However, residents reported that they receive information inconsistently, and have a limited ability to voice concerns. The community Baraza meetings, held at the local Chief's office, are the main hub where people are updated on any upcoming issues in the community and to voice their concerns. However, one tenant stated "that not all people get the message." Other interviewees who had heard about development projects were informed by neighbours or community groups rather than at the Baraza. The Member of the County Assembly (MCA) for Nyalenda noted the importance of information and plans to create a webpage and Facebook account for disclosing information. However, these methods alone may not be appropriate for the majority of residents, as the same interviewee noted that only 10% of Nyalenda population has internet access. He added that information centers will be created in each residential unit to facilitate access.

While some policies promote inclusive participation in planning, there seems in practice to be a view of participation as "presence" rather than a qualitative, active engagement. Hence, participation can become tokenistic and dominated by the voices of the powerful. A representative from Cordaid highlighted such challenges and believed the best way to include everyone is through representative associations. Yet, this does not solve the issues around participation, as the excluded people are mainly those who do not belong to such groups. For example, the younger people we interviewed said that they "don't have a voice." They also felt that they have no space to participate, as the Baraza meetings are associated with the elderly. One tenant argued that "the government gives information to the 'old generation,' but they need to reach the 'new generation.'" Although some individuals are fighting for their rights, others feel helpless, as they do not see any avenue to voice their concerns. Alternatively, when they do raise issues with the MCA or at Baraza meetings, they complain that it has no effect.

The Nyalenda A Housing Cooperative members have established legitimacy in the eyes of the government through community action, and are effectively coming together to exercise rights with a collective voice. Some members are lobbying at the county level and negotiating a bill for government support loans or funds. This ability to network, and knowledge of how to access government resources, would be beneficial to promote the interests non-cooperative members as well. Ideally, there is a need for collective lobbying of the government by low-income groups to ensure that it fulfils its responsibilities to protect the right to adequate housing in Nyalenda.

2.4 Advocacy Strategy

Lobby for devolution and implementation of policies at county level & promote legal literacy campaigns

MAIN GOAL: Facilitate revision and implementation of outstanding policies at County level to protect rights of residents, and ensure residents know their rights and responsibilities

ENTRY POINT: Devolution of legal policy & planning to county and sub-county levels

TARGET AUDIENCE: NPAs/KISN, Practical Action Kismumu, civil society organisations (CSOs)

RECOMMENDATIONS:

The ambiguity of duties and responsibilities within the Kenyan housing sector between the national and county level is leading “to gaps and inefficiencies in service delivery” (Kanyi, 2013). Throughout the research and in the final participatory exercise, it was suggested that the national housing policy framework be devolved to the county level, revised and implemented, particularly the Draft Evictions and Resettlement Procedures Bill (2013) and the Rent Restriction Act (rev 2010).

KISN, with the assistance of Practical Action, could lobby sub-county administrators for such devolution to happen and for the finalisation of any draft bills still pending. Moreover, they could lobby for a well-defined framework for the handling of housing and land matters, and for review of housing-related policies to bring them in line with that of the Constitution (Kanyi, 2013: 6). This may include the right of tenants and unlawful occupants who, though acknowledged, are not yet protected

by policies, especially in cases of evictions. Devolution would help the county control housing issues and reinforce the implementation of the law, which will result in increased protection of its residents and the recognition of their rights, especially those of the most vulnerable. According to the Food and Agriculture Organization (FAO) (2003), such a process could foster local mobilisation, act as a means for political and social change, and promote people's participation.

This revision of policies should be complemented by legal literacy campaigns for residents to know their rights and responsibilities, especially in regards to the numerous housing policies that affect them. Several NGOs, including Pamoja Trust, Shelter Forum, FIDA and others have been undertaking such capacity building for years and these initiatives should be built on, creating awareness and opportunity for all residents.

Citizen-led financial and social auditing of county government development project budgets

MAIN GOAL: Increase the accountability and transparency of the government

ENTRY POINT: Devolution and the local government's reform to encourage citizen's involvement in the activities of the Local Authority via the Urban Areas & Cities Act (2011) and Draft Public Participation Bill (2014)

TARGET AUDIENCE: NPAs/KISN; Practical Action; CSOs

RECOMMENDATIONS:

Accountability and transparency in government helps to manage corruption, increase the amount of accessible information for citizens, and ensure fair implementa-

Figure 2.12. Final workshop with housing stakeholders. Source: Sevda Tunaboyle.



Figure 2.13. Members of a Women's Savings Group in Nyalenda. Source: Sevda Tunaboyle.



tion of laws, while participation empowers citizens and increases their ability to impact (Mboga, 2009). In this sense, devolution contributes positively to the community participation process, which is ideally transparent and accountable to stakeholders, enabling citizens to take part in decision-making processes (ibid.)

One way of doing this is citizen-led financial auditing of the local government. Every year, the finance committee of the Local Authority prepares an estimated budget which is made available to the community. There is also a “budget day” allocated by Ministry of Local Government, to which all citizens are invited. This gives the community a chance to scrutinise the budget, and to compare it with the end of year audit report. While this helps people to hold government accountable on budget spending, it also empowers the community to engage with Local Authorities around issues that will affect them (ibid.) While supporting existing efforts at citizen-led financial auditing, it may also be worth lobbying for their expansion, including: accessible provision of an estimated budget to the community well in advance of community consultation, and consultation that allows more space and time for critical input by community members.

Social audits can also be undertaken for development projects. The People’s Plans into Practice project has already conducted a social audit process in Kisumu and Kitale. The aim was to see how public funds were used, whether there was a consultation period and community participation during the realisation of the projects, and how the project addressed community needs. Through this process, community members have gained confidence to claim their rights and participate in the decision-making processes (Practical Action, 2013b).

Development of a Special Area Plan for informal settlements

MAIN GOAL: Secure land tenure; improve infrastructure and service provision for low-income residents

ENTRY POINT: ISUD

TARGET AUDIENCE: NPAs/KISN, Practical Action Kisumu

RECOMMENDATIONS:

Citizen participation in housing planning processes is supported by the National Housing Policy (2004) and the Land Policy (2009), which is meant to “guide the country towards efficient, sustainable and equitable use of land for prosperity and posterity.” The ISUD plan designates Kisumu’s informal settlements as “special

planning areas” but has yet to draft concrete plans for their development, which opens an opportunity to lobby for the inclusion of mechanisms to protect the interests of the lowest income residents (Kisumu ISUD-Plan, 2013). This was successfully done before by Huruma Estate in Nairobi in collaboration with Pamoja Trust (Karanja, 2010). In this case, after completing a needs assessment and enumerations, negotiations began with the Nairobi City Council to request service provision and land regularisation.

As enumerations of the informal settlements were done in Kisumu in 2005-2006, there is a basis for understanding of the tenure situation already. The next step would be to develop a Memorandum of Understanding between the community, County Government and local partners (Practical Action) to negotiate planning standards and regulations for the forthcoming development and upgrading projects. It is recommended that KISN works to coordinate planning for all settlements so solutions can be harmonised and of benefit to all areas. As in Hurumu, community empowerment and capacity-building initiatives should strengthen and complement planning and negotiation processes.

2.5 Conclusion

Kisumu is undergoing numerous urban development plans in order to become the government’s vision of a modern economic hub and tourist destination. However, this research has shown that such plans are decreasing the availability of low-income housing in the city and pricing out the poorest residents. If the housing sector is left to continue operating the way it is, current urbanisation trends will create intergenerational inequality where the poorest are left behind. The government must therefore intervene in the private housing market in a way which protects the lowest-income residents from free market forces. Despite such problems being recognised in policy, there appears to be disconnect between what is written in the law and what is actually happening in practice. Following the devolution of power to country government level, there is scope and potential to effectively implement policies that were previously held at national level, and target them for the context of Kisumu. However, many of these policies still require revision in order to accommodate the diversity of residents in Kisumu. Beyond local government, there is also a role for NPAs, Practical Action and other CSOs and self-help groups to play in creating opportunities for the lowest income residents to access adequate housing. Partnerships and collective action is required to strengthen their bargaining power and address wider structural problems, in order to ensure that the government’s vision of Kisumu will be aligned with that of its residents.

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3. Infrastructure: The Road to Substantive Citizenship

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 Natalia Leal
 Wei Wen Lim
 María Paz Sagredo
 Yawen Yang

3.1 Introduction and Context

Kisumu is a city where different visions of development and modernity converge. In 2006, Kisumu was declared the first UN Millennium City by UN-Habitat, to consolidate it as a strategic urban hub for the entire region. It was also declared a flagship city for the Kenya Vision 2030. On the other hand, Kisumu is a city undeniably immersed in high levels of poverty and informality (Steyn, 2012). A valid question, then, is what development and ‘modernity’ should look like for the majority of people who live in informal conditions in Kisumu. In this context, it is essential to understand how people envision their present and future, and the challenges that currently limit their ability as citizens to shape the decisions that affect their lives.

Policies such as Kenya Vision 2030, Kisumu Urban Project (KUP), the Kenyan Informal Settlement Improvement Program (KISIP), and Kisumu’s Integrated Strategic Urban Development (ISUD) plan are being implemented throughout the city. Their aim is to unravel and provide solutions to the associated complexities of rapid urban growth, expansion of informal settle-

ments, and increasing pressure on public services. An important feature of these policies is the recognition of participatory and all-inclusive processes for citizen empowerment. Guided by the theme of good governance, the general improvement of the city is perceived to be dependent on both a proactive and reactive participatory process that ought to be present in the upgrading of informal settlements.

The controversial atmosphere around these infrastructure development programmes creates an interesting case study for research. Also, it has the potential to become a precedent for meaningful community participation and the realisation of substantive citizenship. Substantive citizenship refers to a situation where rights do not simply exist on paper but are also experienced in practice. Thus, the question of this research was:

- *What are the challenges for substantive citizenship in road upgrading programmes in Kisumu?*

3.2 Research Overview and Context

Location

Our research to explore the challenges road upgrading poses for citizenship was based in Nyalenda A and Nyalenda B, Kisumu. Initially, our focus was in the informal settlement of Manyatta and the Kondele roundabout. However, once in Kisumu, members of Practical Action, the Neighbourhood Planning Associations (NPAs), the Kisumu Informal Settlement Network (KISIN) and representatives from the informal settlements directed us toward Nyalenda A & B as more suitable locations for the research. They were particularly appropriate because, firstly, there were two road upgrading programs currently operating in the areas – KUP and KISIP – which allowed scope to compare these interventions. Secondly, there had been some resistance from the residents of Nyalenda regarding the road upgrading projects, suggesting that residents of the areas had already recognised the challenges these projects were presenting.

Figure 3.1. Snapshot of a road in Nyalenda. Source: Wei Wen Lim



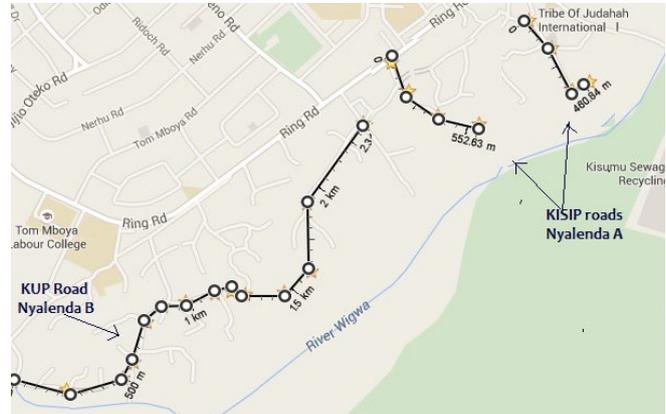
Neighbourhood profile

Nyalenda is one of the largest informal settlements within Kisumu. It is an area that concentrates Kisumu's increasing 'informal population', lacking in proper infrastructure and basic services such as water, sanitation and electricity (UN-Habitat, 2005). A decade ago, the area's population was approximately 49,375 people, dispersed across Nyalenda A and B (ibid, 2005). It is located in the district of Kolwa West, which has the highest poverty rates in Kisumu (Maolidi, 2012). Both Nyalenda A and Nyalenda B lack important elements of basic infrastructure, especially access to formal or upgraded roads that guarantee safe and efficient accessibility.

The road conditions in Nyalenda A & B are less than satisfactory. Roads are mainly unpaved and some areas of the settlement are still inaccessible. Some parts of these roads resemble a river basin more than a road. Additionally, there is currently very little use of motorised transport in Nyalenda. Hence, the roads are mainly used as public space and for other activities such as shops, market stalls, and water disposal, among other things. As part of a national initiative for the modernisation of Kisumu, there are currently two distinct settlement upgrading projects, KUP and KISIP, both of which focus on road upgrading as a result of city and community prioritisation (Practical Action, 2015).

Within our research, we wished to focus on more than one type of road. We therefore selected one main and two secondary roads, which lay in different parts of the settlement and were subject to upgrading by different programmes. In Nyalenda A, we looked at two secondary roads (totaling 980 m), which were to be upgraded by KISIP. In Nyalenda B, we focused on a 2.3 km section of a main road, which was to be upgraded by KUP.

Figure 3.3. Roads research focus: a main road and two secondary roads, being upgraded by KUP and KISIP respectively. Source: chapter Authors.



Box 3.1. Road upgrading programs: KUP and KISIP

- KUP is a project funded by the French Agency for Development (AFD) for an amount of €40 million. The objective is to improve the living conditions of Kisumu's population in informal settlements. The slum upgrading program allocates a budget of €5 million to Nyalenda (Nodalis Conseil, 2009).
- KISIP is a five-year program (2011-2016) focused on infrastructure and land tenure. It has received \$100 million in World Bank funding, and \$45mn, \$10mn and \$10mn from Agence Française de Développement (AFD), the Swedish International Development Agency (SIDA) and the government of Kenya. The main aim of this program is investing in infrastructure. (Muraguri, 2011 & Anderson & Mwelu, 2013).

Figure 3.2. Examples of the different states of roads in Nyalenda. Source: Wei Wen Lim.



Policy Context

For the purpose of this research, there are five main policy documents that proved relevant for the analysis of participation:

The **2010 Constitution of Kenya** initiated a process of decentralisation. It aimed to democratise the exercise of power and to empower people for self-governance through promoting participation (Constitution of Kenya, 2010).

Kenya also has an **Urban Areas and City Act** that seeks to provide a legislative framework for the participation of residents in the governance of urban areas and cities. This document states that Kenyans have the right to request information about the decisions that affect their rights and to influence the activities that are implemented (Parliament of Kenya, 2011).

Also relevant is the **Land Acquisitions Act**, which regulates the acquisition of land for the public benefit. Here, participation is understood as the right of citizens to be informed about the possibility of acquisition of a particular land. This policy is implemented through guidelines that dictate the processes of compensation for people with interests in the land (Land Acquisition Act, 2010).

Similarly, the documents that guide the implementation of **KISIP** state that all planning and implementation of infrastructure projects should be carried out in a participatory manner. Participation means involving the local communities in the formulation of plans and project execution. The periodic publication of information is considered, along with monitoring and evaluation (World Bank, 2011).

The **Social Impact Assessment of the KUP** roads includes participation and consultation as key components of the project. These components are understood

as communication between communities and project sponsors, delivery of information about the project's timeframe, consultation with stakeholders and registration of grievances (City Council of Kisumu, 2014).

In summary, the highest levels of governance and policies embed citizenship in the legal rights bestowed upon Kenyans as a mechanism for recognition and inclusion of people as members of society.

3.3 Framework of Analysis: Substantive Citizenship

For the purposes of this research, citizenship concerns the right of people to participate in the very decisions that shape their rights, therefore, their ability to **substantiate their citizenship** through the exercise of political participation. This contrasts with a neoliberal understanding of citizenship, in which it is through their contribution to the market system that people are recognised as members of society and legitimate recipients of rights. A neoliberal view sees citizens as individuals responsible for their own fate, minimising the role of government. While those who have a greater capacity to earn and spend money may still thrive, citizens with the lowest incomes are at a disadvantage in such a system, where those with the most money have the most power and freedom.

On the other hand, substantive citizenship is about the role of citizens in defining their society and political system; about we, as citizens, helping shape 'what we want to be members of' (Dagnino, 2007, 551). In this view, citizenship is not simply 'bestowed by the state' as a legal status, which we passively receive, but is attained through practice and often through our 'struggles around concrete issues' (Gaventa, 2006, 24). This un-

Figure 3.4. Examples of the different states of roads in Nyalenda. Source: Wei Wen Lim.



Understanding of citizenship challenges a passive interaction between society, the state, and the market, by exercising all forms of agency to challenge exclusionary processes (Kabeer, 2005). This research aims to apply the idea of substantive citizenship to the challenges existing in regards to effective participation around road upgrading in Nyalenda A & B.

3.4 The road to substantive citizenship and methods

The notion of “substantive citizenship” is an entry point for analysis. As such, participatory approaches and qualitative methods were used to assess the degree to which people may influence slum upgrading processes. The first stage of the research was carried out in London and consisted of a review of context and policy documents. This part of the process was essential to learn about the model of citizenship reflected by current policy and practices, and how participatory processes ought to function according to legislation. Case studies of road upgrading in informal settlements were also reviewed to learn about the potential impacts and challenges these processes have in informal settlements. During this stage, there was a visit to the UK headquarters of Practical Action in England, to further understand the work of the organisation and the role it plays in processes of settlement development.

The second stage involved fieldwork research in Kisumu, focusing on the informal settlements of Nyalenda A & B, where a series of community engagement activities took place, summarised in Table 3.1.

3.5 Analytical framework

The analytical framework for this research is based upon three dimensions of substantive citizenship, which we contrast with the dimensions of formal citizenship in Figure 3.5.

The first dimension of substantive citizenship (represented in blue in Figure 3.5.) refers to the actual implementation of the rights contained in government policies and legislation. It is not enough for these right to merely be stated; they must also be enacted in order for citizenship to have substance.

The second dimension of substantive citizenship (represented in green) relates to participation. Participation must be active rather than passive, so that citizens are more than just onlookers to the activities of government. The ability to participate actively depends on how effective channels of communication/information are and how these are used.

The third dimension of substantive citizenship (represented in orange) concerns identity, which refers to the social groups citizens belong to. For instance, if society discriminates against certain groups because of their age, gender or ethnicity, it becomes harder for members of those groups to access the rights the law guarantees them. Therefore, substantive citizenship can only be achieved by recognising who may have less power and ensuring that they are represented and able to participate (Gaventa, 2006).

These three dimensions of substantive citizenship – implementation, active participation and the enablement of different social identities – form the structure of our findings and recommendations within a comprehensive understanding of substantive citizenship, where participation is the central component.

Table 3.1. Summary of field activities

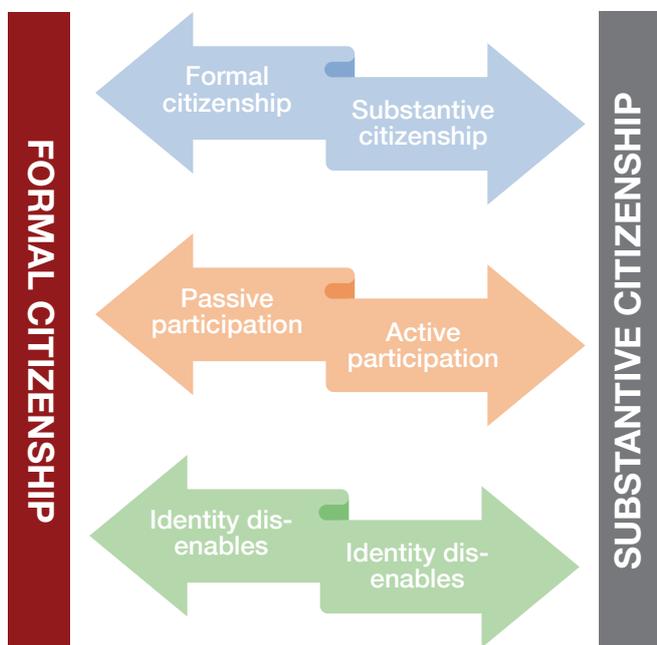
Quantity	Activity	Participants	Topic
1	Transect walk and mapping	<ul style="list-style-type: none"> • UCL students • Inhabitants of Nyalenda A & B 	Identification of potentially affected residences, businesses and public spaces.
10	Semi-structured interviews	<ul style="list-style-type: none"> • County, city and local authorities • NGOs 	Understandings of participation and implementation of participatory processes in KUP and KISIP.
2	Focus groups	<ul style="list-style-type: none"> • Resident 	Relevance of road upgrading and possible improvements in the process.
7	In-depth interviews	<ul style="list-style-type: none"> • Land-owners • Tenants • Shop owners and tenants 	The experience of participation from different types of identities.
1	Focus group	<ul style="list-style-type: none"> • Residents • Local authorities 	Prioritisation of actions to improve citizen's involvement in road upgrading processes.

3.6 Findings

The road upgrading projects of Nyalenda A & B are well known and appreciated in Kisumu. Residents of both neighbourhoods value the fact that roads will reduce the prevalence of waterborne diseases, lower the risk of flooding, and improve access to various essential services, such as emergency response, education, health, and infrastructure services such as sewage and drainage. Authorities at the ward level also mention the fact that roads will improve people’s access to homes and businesses, and the links between the two neighbourhoods and with the rest of the city. Additionally, the Ward Office authorities mentioned that roads would make Nyalenda more visible to other residents of Kisumu.

However, residents of Nyalenda A & B also highlight the fact that road upgrading implies the demolition of houses and businesses and an increase in property prices. Such consequences will affect the security of tenure of residents and the livelihoods of shop owners. Moreover, residents state that since the road upgrading will affect their lives, they should be able to influence and participate in the decisions regarding these projects. Thus, overall, communities agree on the importance of upgrading roads but feel left out of the decision-making process. In other words, they want to be more active participants – the central dimension of substantive citizenship.

Figure 3.5. Dimensions of substantive citizenship. Source: Chapter authors; based on Gaventa, 2006, Dagnino, 2007, and Middleton, 2013



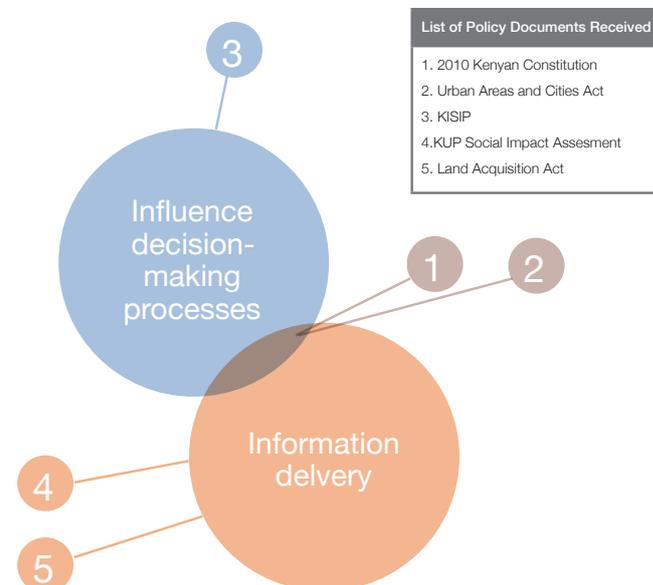
Formal understanding of participation compared to implementation

National legislation portrays an integral understanding of participation, combining two elements. The first one is the **influence in decision-making processes**; i.e. participation is referred to as a form of citizen’s engagement that impacts on the decisions that affect them – that is, an active form of participation. The second element is **information delivery**; i.e. ensuring citizens are fully informed of the processes that affect their lives. Relevant information includes the timeframe of projects, periodic consultations to update the community on the status of the project, and mechanisms for the registration of grievances. Information delivery is a more passive element of the participation process, which should be used as a support to active participation, as the Kenyan Constitution and the Urban Areas and Cities Acts imply.

However, as Figure 3.6. shows, not all legal and policy documents emphasise both elements of participation equally. The Constitution of Kenya and other regulations confer the obligation of involving communities in projects and development and enhancing participation. The KUP Social Impact Assessment and the Land Acquisition Act tend to focus more on information delivery and the prioritisation of projects. In contrast, KISIP promotes a vision of participation more related to influence in decision-making.

When analysing interviews with the City and County Authorities about the implementation of these policies, it became apparent that participation is treated rather superficially, as a checklist to satisfy reporting demands

Figure 3.6. How key Kenyan legal and policy documents define participation. Source: Chapter authors.



rather than as a way of empowering citizens. Such processes are perceived as costly and time-consuming, and are mainly focused on information dissemination. These perceptions were evident in programmes implemented by the County Government, such as KUP.

From passive to active citizenship

Government authorities perceive participation as purely attendance at meetings and information delivery. Thus, they create spaces where community members become passive recipients of information since, as residents expressed, questions and claims are not always answered. Also, residents explained that meetings are usually announced at the last minute. As a result, they are uncertain about how and when the processes of road upgrading will be taking place.

In other words, it was possible to identify relevant issues around information delivery, challenges around coordination between different stakeholders, and the direct implications for participation. Also, a lack of bottom-up communication channels and decision-making spaces within road upgrading processes was identified. We discuss these in the section below.

Passive Citizenship: Information, Communication and Coordination channels

The processes of road upgrading have presented a unique opportunity for community participation. Both KUP and KISIP have encountered challenges around how information is delivered and how feedback can be obtained. Also, both projects have attempted to use existing structures and create new structures of public participation to disseminate information to people. In the case of KISIP, there is a Settlement Executive Committee (SEC) that allows residents to elect representatives and to participate in an

open two-way dialogue between them and those who implement programs. Additionally, KUP created a Project Monitoring Committee (PMC) that supervises the implementation of the projects.

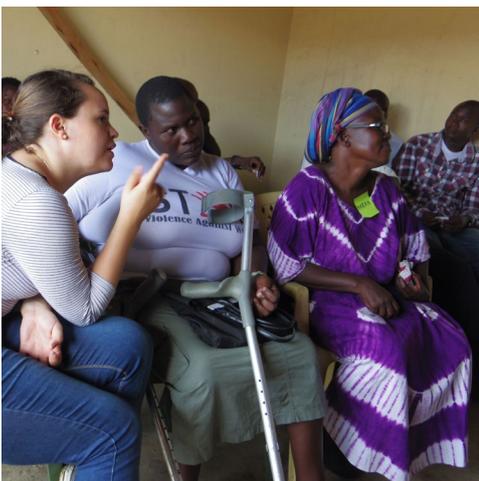
There are hardly any bottom-up systems within the communication flow between stakeholders. According to respondents, citizen's queries, concerns and comments never reach higher levels of government (see Figure 3.7.). The only existing channel mentioned by residents is the Members of the County Assembly (MCA), but this space is not designed to transmit information to higher levels of authority.

However, there is currently an array of different top-down systems of information dissemination, flowing mainly into the space of the Chief's Baraza. However, the Chief's Baraza is restricted by time and space. It manages many agendas, which makes it challenging to discuss specific matters in a detailed and effective way. This limits information delivery – the most basic and passive element of active citizenship – as well as the space for active engagement.

"The meetings were to explain the advantages of the [road] expansion, the motives, the demolitions and what is expected of us". Shop owner, Nyalenda B.

Additionally, there are wider challenges in the communication flow between different actors. For instance, representatives from the Housing Department mentioned that the communication channels between the City Planner of Kisumu and the communities are inefficient. Hence, it is difficult for people to know where, when and how roads will be developed. Another example of the issues around communication is that KUP's Project Management Committee (PMC) is unfamiliar to locals: residents, representatives of the NPAs and even the Ward Administration were unaware of the PMC's existence.

Figure 3.7. Roads research participatory engagements. Source: Chapter authors.



The SEC representative, NGOs (such as Grassroots and Pamoja Trust), and community leaders argued that community participation should be about active involvement in spaces where real dialogue can take place. Some examples of active citizenship were discovered during the interviews and meetings carried out for this research. For instance, through the SEC, residents of Nyalenda decided which roads to upgrade and had a say in the road's design. This experience is an example of how participation can be ensured through unstructured channels such as interviews, letters or focus group discussions. It is important to mention that the SEC has the power to monitor the timeframe and budget of the project – a mechanism that encourages active citizenship.

“(With the community) we wrote a letter to them (to KISIP) through the County Coordinator demanding that they should explain to us (what is going to happen with KISIP project)”. Chairman of SEC, Nyalenda.

Finally, it is important to highlight the potential of collective action recognised by the community and the support of the third sector. For example, The Devolution Forum (TDF), a multi-sectoral alliance convened by civil society through the Institute for Social Accountability, has developed a draft for a County Public Participation Bill. The purpose of this initiative is to provide concrete guidelines for successful implementation of public participation. This bill draws on the principles of sovereignty that are highlighted in the Constitution of Kenya, providing a framework for the direct exercise of sovereignty by the people, through actively informing the form and content of legislation, policy and development plans.

In this context, participation relates to the direct role of the public in matters of the state and the decisions that affect them. In order to achieve this, a set of principles are introduced to ensure the effective and sustainable governance of participation. The Bill also seeks to clarify and assign distinct responsibilities to government stakeholders, so that participatory processes work efficiently and officials can be held accountable both for informing citizens both and enabling them to influence the decision-making process. To ensure this, the bill proposes the creation of a Directorate of Public Participation that will ensure that participatory processes follow measurable guidelines such as inclusivity, flexibility, response time, timely information and good faith in all participatory forums.

Identities that enable or (dis)enable citizens' ability to participate

There are certain values that people associate with the idea of citizenship. Amongst these normative notions is the idea of just recognition. Within the spaces of participation in the road upgrading in Nyalenda, there were challenges around when people should be treated the

same or differently (Kabeer, 2005). This research identifies what participation means from the standpoint of the excluded, the included and those responsible for opening up participatory spaces. This section explores different experiences of participation, highlighting how identity, assets and participatory structures determine people's ability to influence the processes that affect their lives.

Tenure

In Nyalenda A & B, one of the most important distinctions between residents is tenancy status. A land owner has a stronger position to voice concerns and participate in public spaces. As one tenant put it, “Landlords get to talk the most in meetings, not us.” Additionally, a person who is a tenant has diminished influence within participatory spaces. There is a valid concern, as the owner-tenant ratio in Nyalenda, is 1 to 10 (SEC member interview, May 12th 2015). For those who own land titles, the processes of road upgrading can either be inclusive or exclusive. It depends on the terms of participation, particularly in regards to compensation for the road upgrading projects that affect their land (Land owner interview, May 5th 2015).

Origin/ Ethnicity

Where people come from and their length of stay also impacts participation. We found that newcomers – those who have only recently arrived in the community – are not seen as having a legitimate place within spaces of participation, which alienates them from the process of road upgrading (Interview newcomer, May 12th 2015). Those who were born in Nyalenda were far less likely to have their participation questioned.

Participatory Structures

Even though the idea of open and inclusive spaces for participation is encouraged by most development projects and backed up by legislation at a national level (refer to Figure 3.11), there is a gap between legislation and practice, indicating poor performance on the implementation dimension of substantive citizenship. According to Article 57 (a) of the 2010 Kenyan Constitution, ‘the State shall take measures to ensure the rights of older persons to participate fully in the affairs of society’. Participatory structures that are part of traditional community spaces tend to promote the participation of older men, who tend to have a legal claim to land. Since women have historically been unable to inherit land, they tend to be excluded from participating in any project that affects the land. Similarly, young men and women, who should also have a right to participate, feel left out of traditional spaces like the Baraza (Focus group, May 9th 2015).

Evidently, there are several challenges in place when it comes to participation of people with different identities and assets. It is also evident that the way participation

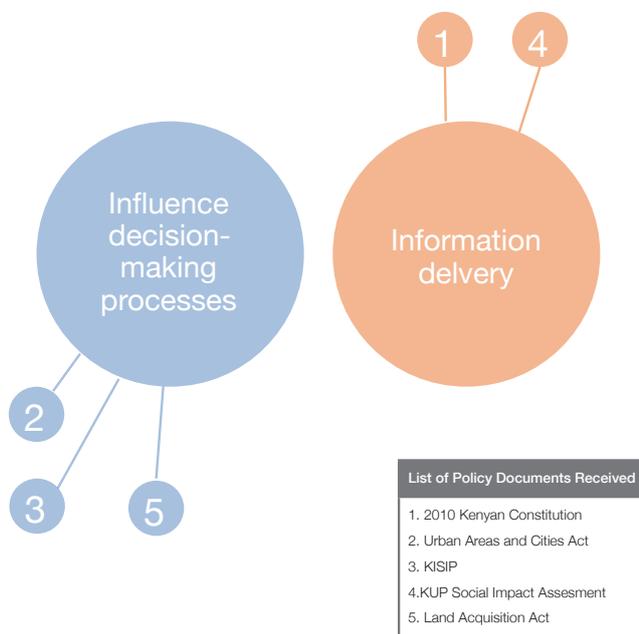
is designed can create problems, as it privileges certain groups' views and inputs more than others, based on their identity and assets. If these challenges are not addressed, social inequalities between tenants and landlords, young and old, men and women, will make their way into spaces of participation, silencing the voices of some residents and making their experience of citizenship unequal (Holston, 2009, 29).

In Figure 3.11., we show how policies address the relationship between identity and participation. The Constitution and the KUP Social Impact Assessment mention an inclusive form of participation, open to residents, civil society, elected representatives, and local NGOs, among others.

Figure 3.10. A shop tenant (right) and his son (left) in Nyalenda B. Source: Wei Wen Lim.



Figure 3.11. Inclusive and conditioned participation in laws and policies. Source: Chapter authors



The rest of the documents mention conditioned participation – in other words, participation is only open to individuals that fulfil certain requirements, such as nationality, residency, ownership of the land, length of residency, and location of residence (roadside and embankment side).

3.7 Advocacy Strategy

The main findings of this research point towards the need to reframe the dominant understanding of participation in road upgrading processes. This means that a collective understanding of the importance of participation needs to be introduced at all levels of governance in Kisumu.

The goal of this advocacy strategy is to **empower residents of Nyalenda A & B to expand their room for manoeuvre and exert influence on the processes of road upgrading.** Through this process, citizenship can be substantiated in informal settlement upgrading in general. It is important to recognise that road upgrading is only one development topic within an array of other upgrading processes. Therefore, this advocacy strategy can set a precedent for future informal settlement upgrading programmes. The specific, modest actions proposed under this strategy can be translated into wider mechanisms that enable meaningful citizen participation.

GOAL: Empower residents of Nyalenda A & B to expand their room for manoeuvre and exert influence on the processes of road upgrading.

OBJECTIVES: To achieve this goal, the following objectives were defined:

- Reframe authorities' understanding of participation
- Improve communication flows and coordination channels between government authorities, project implementers and community members
- Promote inclusive participatory spaces

Figure 3.12. Objectives of the advocacy strategy. Source: Chapter authors



KEY ACTORS: Practical Action and NPAs

KEY MESSAGE: *The process of road upgrading is highly valued by communities. Therefore, there is a need to promote more meaningful participation of all stakeholders.*

SPECIFIC MESSAGES:

Neighborhood Planning Associations (NPAs) and Practical Action (PA) should lobby stakeholders with the following specific messages:

- Local authorities, such as the Ward Office and the KUP, should have a more active and consequential role in the implementation of the projects and participatory spaces that go beyond ‘sensitisation’ and information delivery to enable citizens to impact on decision-making, as envisaged by national legislation.
- The flow of communication and coordination between project administrators and community members should be timely and continuous, both from the bottom up and top down. For instance, meetings should not be announced at the last minute, and feedback meetings should be held as a follow-up after presenting plans and noting residents’ questions and concerns.
- The processes of road upgrading should guarantee the inclusion and representation of all the people that have an interest and/or will be affected by the road upgrading, taking into account their different identities and needs, and including women, young people, tenants, and newcomers to the area, who may otherwise be excluded.

Box 3.2. Organisational and institutional development

One of the underlying purposes of this advocacy strategy is to reinforce and clarify the roles and responsibilities of decision-makers (Ward Office) and community organizations (such as the NPAs). Their role can become much more strategic to overcome challenges regarding the involvement of the community and their ability to influence development projects.

TARGET AUDIENCE: The targeted stakeholders are both the City and County authorities, and the Ward Office. Specifically:

- Personnel responsible for the KUP and KISIP projects (see Figures 3.12. and 3.13).
- Decision makers that promote participatory processes and allocate budget to operate the projects.

One of the underlying purposes of this advocacy strategy is to reinforce and clarify the roles and responsibilities of decision-makers (Ward Office) and community organizations (such as the NPAs). Their role can become much more strategic to overcome challenges regarding the involvement of the community and their ability to influence development projects.

POTENTIAL ALLIES:

NGOs: Those working in the area and that advocate for multiple issues that concern the communities of Nyalenda A & B.

Figure 3.13. Map of Management structure of KUP. Source: adapted from Nodalis Conseil, 2009.

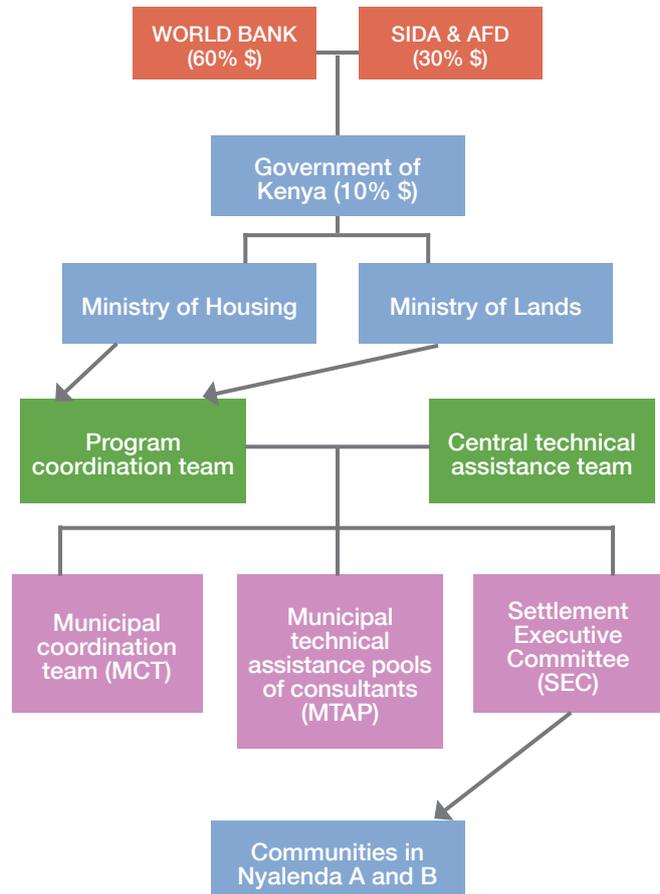
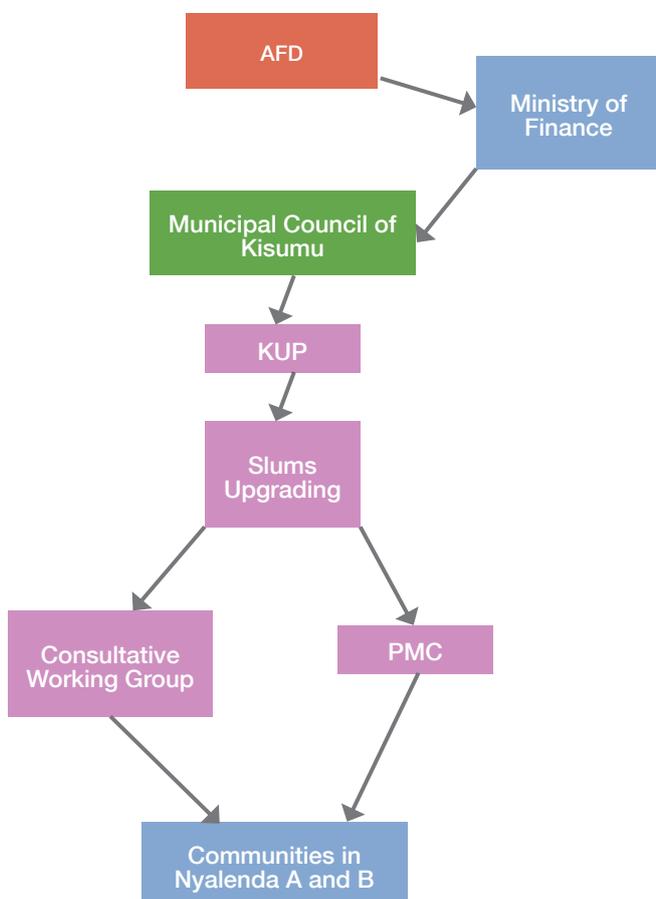


Figure 3.14. Map of KISIP Management structure.
Source: adapted from Anderson & Mwelu, 2013.



Community organisations: Locally elected committees, community leaders, organised groups (such as the widows’ group) that have an active role within the community and with other external stakeholders.

Box 3.3. Public learning

Through this process, there will be public learning from the communities since they will be more aware of their rights and the mechanisms to achieve substantive citizenship. Additionally, authorities and NGOs can learn from this experience and begin to engage fully in participatory spaces to better implement programs and secure their sustainability.

Practical Action’s new structure: Use the proposed new structure to connect the interests of various groups to work towards a unified goal. Practical Action and representatives of the NPAs facilitated a process of self-selection of members and expressed their commitment to support and help coordinate the actions of this new structure.

Box 3.4. Public opposition

Throughout this research, it has become clear that there are challenges in operating meaningful participatory spaces, due to time constraints, limited resources and bureaucratic procedures. Therefore, initial resistance can be expected from local authorities, who might find these suggestions difficult to implement.

POTENTIAL CHALLENGES:

Local government: some representatives of different departments of the City and County government perceived participation as a laborious process that is not necessarily translated into effective actions.

Residents of Nyalenda A & B: The lack of interest and apathy from some residents of Nyalenda A & B has affected some participation processes in the past. In some cases, this could be due to scepticism of having an impact in the decision-making process and/or that their concerns are never heard or answered. Changing these perceptions will depend on whether tangible results can be achieved.

ENTRY POINTS:

Each of our objectives are related to an entry point that was used as a detonator for the discussion during the final community engagement. The following table indicates the connection between the identified objectives, the entry point and the actions that were suggested by members of the community and city government in a public engagement facilitated by SDP students in Kisumu. Appendices 1 and 2 include specific indicators for the actions suggested in this section, some guidelines and a timeline.

Table 3.2. Objectives, entry points, actions and actors involved in Advocacy Strategy (Source: chapter authors, using evidence gathered through in-depth interviews, community engagements and policy analysis.)

Objective 1: Reframe the understanding of participation of the authorities			
Entry Points	Actions	Target	Actors/Allies
Participatory Bill, proposed by the TDF to provide guidelines for communities, NGOs and government authorities on how to implement meaningful participatory processes.	<p>NPAs should:</p> <ul style="list-style-type: none"> • Ensure that the participatory bill includes: functional guidelines to secure quorums, inclusivity of all groups and members of government and open channels of communication for feedback. • Facilitate a grievance mechanism (See Appendix 2). • Use workshops to raise awareness with the community and the local authorities about meaningful participation through workshops. 	<ul style="list-style-type: none"> • City and County authorities. • TDF and local NGOs responsible for the Participatory Bill Draft • Residents of Nyalenda A & B 	<ul style="list-style-type: none"> • Practical Action (Kisumu office) • Community leaders and representatives • NGOs and CBOs working in Nyalenda A & B • Members of the County Assembly (MCAs)
Objective 2: Improve the communication channels and coordination among government authorities, project implementers, and community members.			
Entry Points	Actions	Target	Actors/Allies
There is an intention from both KISIP and KUP to coordinate and work together to promote a more inclusive and efficient implementation of the projects.	<p>NPAs should:</p> <ul style="list-style-type: none"> • Promote an information system that is simple and accessible (such as an information centre) • Promote coordination between upgrading programmes at a community level (e.g. KISIP and KUP). 	<ul style="list-style-type: none"> • Residents of Nyalenda A & B • Community leaders and representatives • Personnel responsible for KUP and KISIP projects. • SEC and PMC structures. • Relevant authorities at City, Ward and County level. 	<ul style="list-style-type: none"> • Practical Action (Kisumu office) • Community leaders and representatives • Local NGOs and CBOs • Ward Administration and management.
Objective 3: Promote inclusive participatory spaces			
Entry Points	Actions	Target	Actors/Allies
At a neighbourhood level, there are some organisations that have provided a space to participate in the decision-making processes to excluded groups. Examples of these groups are the NPAs and women's groups.	<p>NPAs should:</p> <ul style="list-style-type: none"> • Advocate for the importance of inclusive and democratic processes of participation in all settlement-upgrading projects. • Promote the existing initiative of 10 houses-1 leader. 	<ul style="list-style-type: none"> • Residents of Nyalenda A & B. • Representatives of groups that are usually excluded from participatory spaces (e.g. widows, youth, tenants) • National government and County level authorities. • KUP and KISIP implementers 	<ul style="list-style-type: none"> • MCAs • Practical Action (Kisumu office) • Community leaders and representatives • Local NGO's and CBO's • Educators and school principles

3.8 Conclusion

Throughout this research, it was clear that the points of conflict are not generated from citizens' resistance to the development projects that are being implemented in Kisumu. The residents of Nyalenda A and B support the upgrading of roads. Since the positive impacts are evident, the main issue is the different understandings of participation held by policies, the government, and residents of Nyalenda A and B. Lack of a shared understanding of participation means that, although the Constitution provides for meaningful participation, it is not achieved during the implementation process.

The visions of modernity that are being implemented in Kisumu imply a top-down approach to development which, on paper, appears to value people's perspectives and particular needs, but is not translating this into reality in the experience of residents. Nevertheless, existing spaces like the NPAs and community initiatives present solid entry points to realising their citizenship rights.

The proposed Advocacy Strategy presents a set of new actions accompanied by guidelines that can help take the first step towards shifting residents' citizenship from merely a formal, legal status to a more substantive reality. Although this report focuses on road upgrading processes, we hope it will also set a precedent for the substantiation of citizenship in other informal settlement upgrading projects.

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4. Urban Markets in Kisumu

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4.1 Introduction

This chapter focuses on research into on **how planning processes affect the livelihoods of market traders in Kisumu**. This is explored by illustrating the link between traders' activities and the places and spaces in which they trade. Place refers to the area where markets are located in the city, while space refers to the areas that traders utilise through their business activities. Moreover, space encompasses both the economic factors and the social networks embedded within a physical area (Colín,2014:60): people shape the spaces they use, and these spaces also shape them (Colín,2014:64). In this chapter, we consider planning processes in terms of the mechanisms of market upgrading and relocation. As noted in earlier chapters, the participation of citizens is a key principle in realising the rights enshrined in the Kenyan Constitution. Participatory decision-making in Kisumu's planning processes calls for meaningful inclusion of traders, and requires social arrangements to promote such interactions (Fraser,1996). The chapter highlights how participation is affected by the current practices occurring through planning processes.

In Kisumu, there are both formal and informal markets. Kisumu's Municipal Council defines an informal marketplace as "a market which is not situated on designated land" (Folkesson & Skarp,2012:28). However, within Kisumu, layers of formality exist even within these non-designated market spaces. All types of traders, in both formal and informal markets, pay a fee to the municipal council – therefore, all traders are officially recognised through revenue collection. While formal traders pay taxes, register with social security and pay a monthly or yearly fee, informal traders typically pay daily fees. Daily payments accumulate into larger sums per month than monthly payments, making informal traders more financially precarious as well as less secure in terms of their tenure in marketplaces. They are therefore more vulnerable to the stresses created by urban planning processes, which often involve changes that can have the negative effects, such as displacing traders to less viable locations, disrupting functional trading patterns and damaging the social networks that support traders' livelihoods. Due to their higher level of vulnerability, informal traders, operating in formal and informal markets, are the focus of this research.

In Kenya, marketplaces constitute the bulk of the informal sector, generating around a third of the country's total economy (Central Bureau of Statistics,2003 cited in Folkesson & Skarp,2012:8). Moreover, the informal sector is estimated to have created 84.3% of all new jobs in Kenya (Kenya National Bureau of Statistics,2014), with 52% of the working population in Kisumu engaging in informal activities (Kisumu City Council,2002). Hence, market trading is a vital livelihood activity that provides employment for a diversity of citizens both within Kisumu and throughout the neighbouring regions. Therefore, maintaining traders' ability to conduct business is important to the trader, but also to the city economy. Moreover, it offers dignified livelihood opportunities for residents in Kisumu across all income levels.

This chapter focuses on two markets which are being affected by planning processes in Kisumu: the Jubilee and Kondele markets. With the implementation of the Kisumu Urban Project (KUP), Jubilee Market has been targeted for infrastructure upgrading (ISUD, 2014:143). In Kondele market, the National government is in discussions around road upgrading and processes of formalising the market, potentially displacing traders into three possible sites – Kosawo/Flamingo, Migosi and Nyawita.

Figure 4.1. Kondele market. Source: Alexander Macfarlane.



Jubilee is a formal market within the Central Business District (CBD) of Kisumu. Its prime location attracts traders and customers both within and around the market. In September 2014, Jubilee market experienced an influx of traders when the city evicted traders from nearby Oile Park. Kondele market is an informal market operating around 6km from the CBD. We took the opportunity to analyse the experience of Oile traders' displacement into Jubilee market in order to apply this learning to possible future experiences for Kondele traders.

4.2 Context

City Plans

As the third largest city in Kenya, Kisumu is recognised as a key metropolitan area for its contribution to the economy. To enhance development, the government focuses on the formation of urban plans to transform Kisumu into a more efficient, productive and market-led global city (Kisumu County, 2013). These plans envision Kisumu's future as one of modernisation, beautification, formalisation and infrastructural improvement (Kisumu County 2013). For markets, the plans aim to "rationalise Kisumu's commercial infrastructure by separating wholesale trade and retail activities, relocate hawkers, improve traffic conditions and quality of public spaces" (ISUD, 2014:149). This indicates an intention to establish specialised markets,

change consumer culture, create more green spaces and consequently remove informal traders from the streets. The Integrated Strategic Urban Development (ISUD) plan highlights the city's vision to relocate informal traders into enclosed markets and formalise the sector (ISUD, 2014).

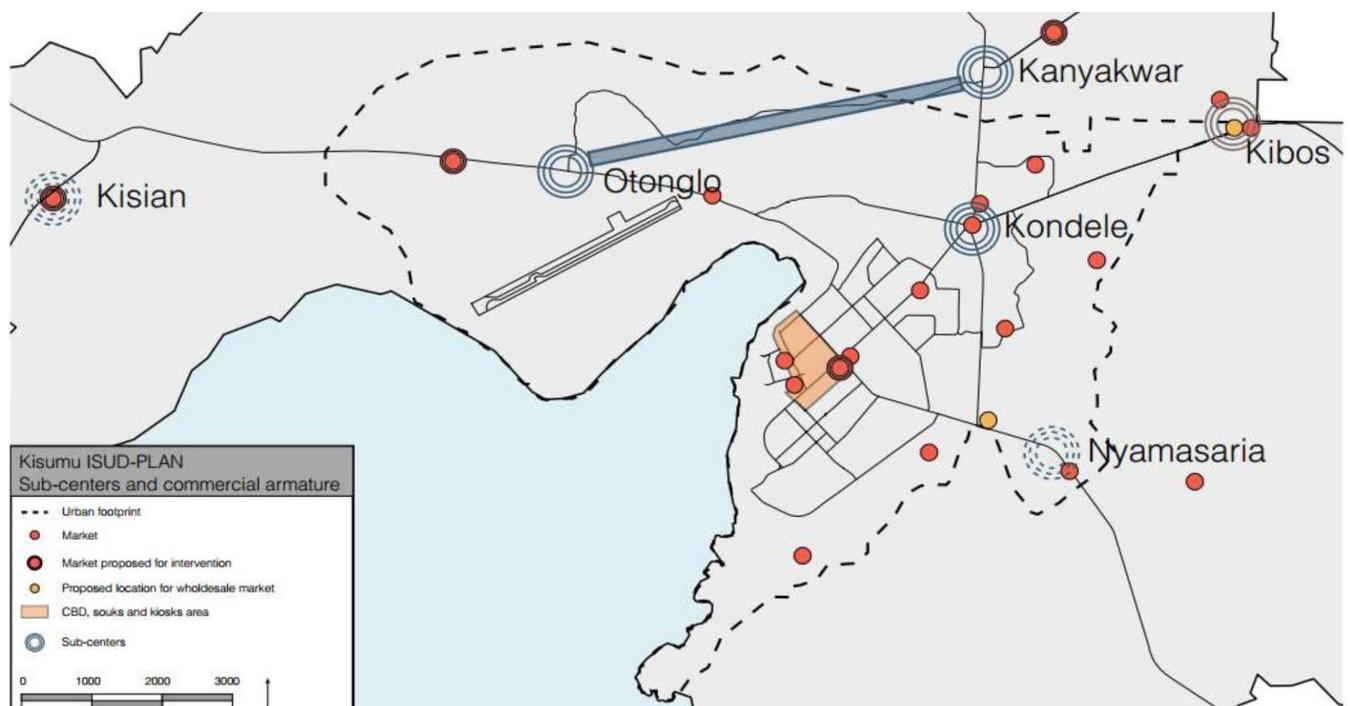
The government has a special interest in developing planning strategies for markets because of their importance to the city's economic growth. In particular, the city is concerned with finding ways to increase revenue collection from traders, as well as the payment of taxes. Their main objective is to become "an efficient domestic market and export led globally competitive economy" and "enhance regional integration and widen participation in both domestic and international trade" (Kenya Trade Policy, 2009:6).

Even though markets are a central part of the city, informality continues to be an issue in planning processes (Kenya National Trade Policy, 2009). Despite their clear value and enormous role in livelihoods, informal areas are seen as hindering the modernisation and beautification of the city, being typically "regarded as undesirable and in need of eradication and/or planning control" (UN-Habitat, 2009:63).

Policies

Several policies have created important advances for traders in Kenya, illustrated in Box 4.1. below.

Figure 4.2. Proposed sub-centres of Kisumu. Source: ISUD 2014:106.



Throughout these policies, the government recognises the contribution of the informal sector and the importance of incorporating traders into the city plan of Kisumu. In particular, the sector is valued for its role in reducing levels of unemployment by creating jobs for people who “cannot be absorbed in the modern sector” (National Trade Policy, 2009:54). Despite the evident belief that informal activities fall outside ideas of the ‘modern’ city, instruments such as the Urban Areas and Cities Act (UACA) seek to “nurture and promote development of informal commercial activities in an orderly and sustainable manner” (2011:25).

Although important progress has been made, there is still a gap between the policies and their implementation. In 2010, Kenya experienced structural change in the form of devolution processes which have redistributed resources and functions, created a new division of county government, and given rise to new laws and legislation on urban areas and public financial management (World Bank, 2015). As these changes are relatively recent, not

all of them are yet in full effect, making it difficult to say how they will affect markets and traders (Folkesson & Skarp,2012:52).

Kondele

Kondele is a highly contested space, not only for of its location but also because it has been identified as an area of “insecurity, unruly gangs, and poor hygiene” (Kabaka, 2013), and where authorities are concerned about potential squatting (ISUD, 2014: 99). Additionally, with recent upgrades of a roundabout and road, the area has become more accessible and has attracted the attention of the private and public sector. Land and rental values have increased in recent years due to high demand (Gibendi,2013). As such, urban projects have placed special emphasis on this area, thereby increasing the vulnerability of Kondele traders and residents’ livelihoods to eviction and/or relocation.

Box 4.1. Policies relevant to Kisumu Traders. Source: Chapter authors.

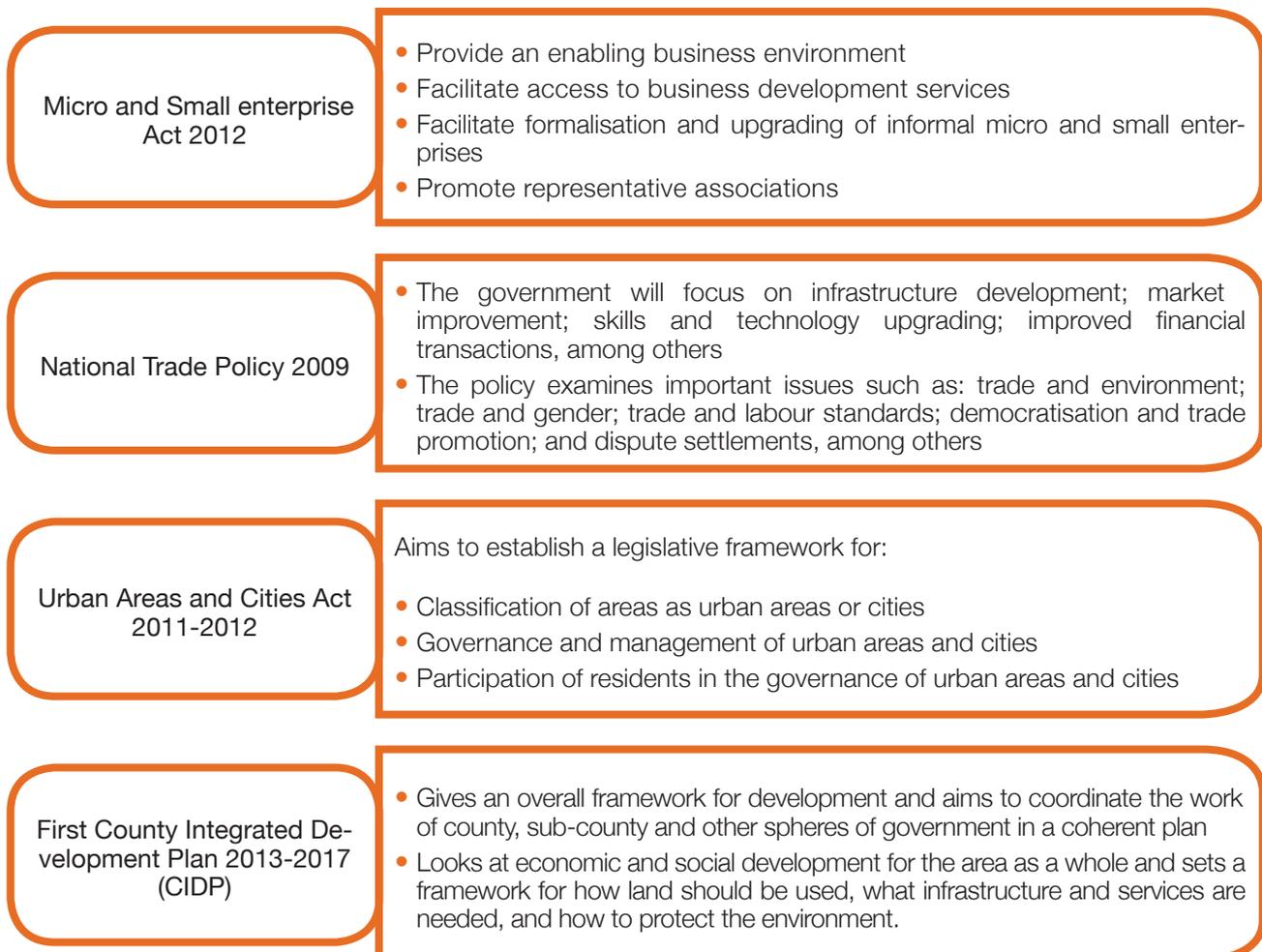
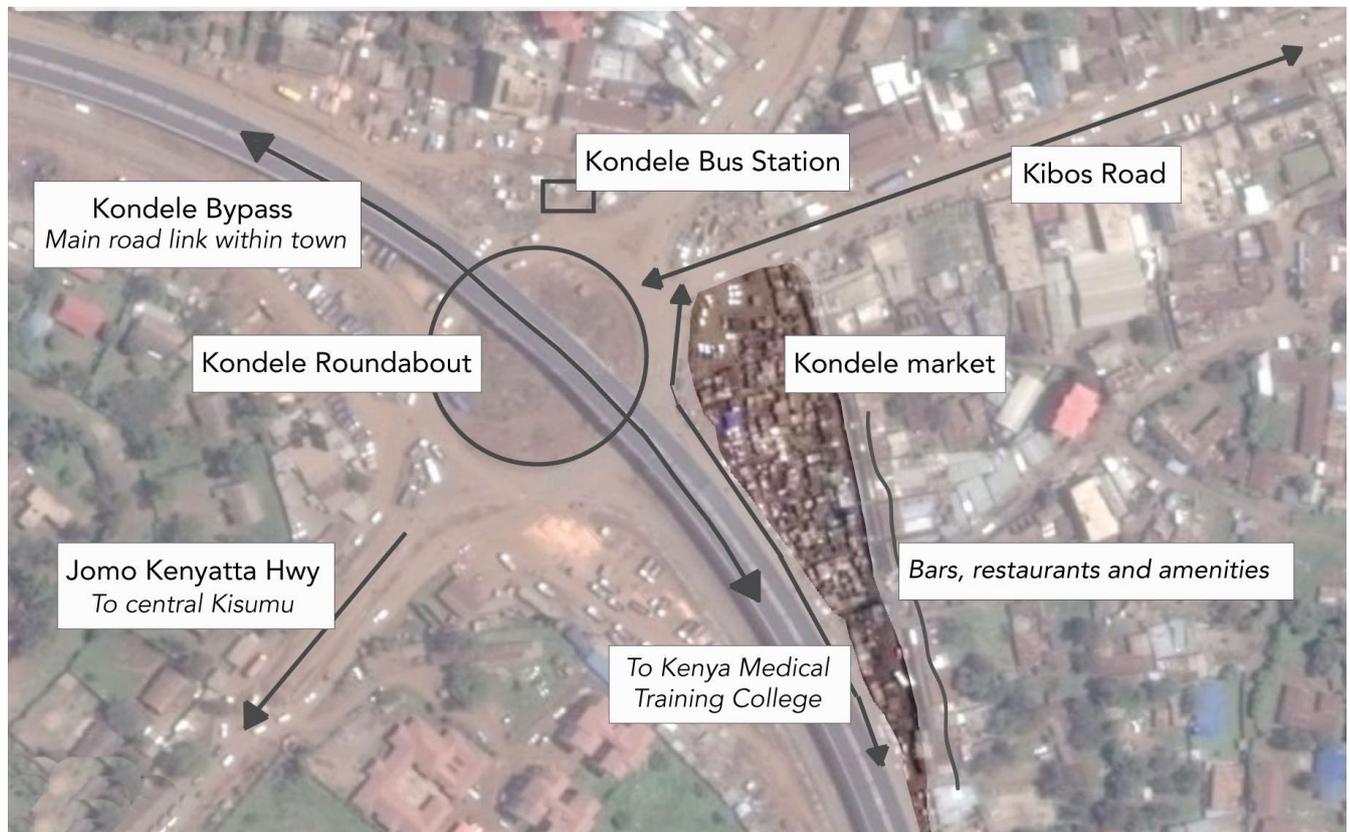


Figure 4.3. Kondele map



Precedents

Word Bank Markets

Two of the proposed sites for the relocation of Kondele Market (see Figure 4.3.) are previously failed World Bank funded markets. In the 1980s, the World Bank supported the 'Settlement Upgrading Scheme', which comprises social facilities and markets. These markets sought to improve and attract traders by providing them with infrastructure including, "shops, toilet facilities and access to piped water" (Onyango et al, 2013: 34).

Despite this, their location away from primary roads made them underused. Our research showed that the main reason for this was that traders prefer to trade closer to where transportation and road links are accessible (see Figure 4.3.). The failure of the markets can be attributed to "a lack of proper consultation with the local community" (UN-Habitat,2005) during the planning process for the markets.

Oile Market

Oile, an open-air 'informal' market, was an example of the interconnectedness of formal and informal market systems. It operated on land that Kisumu Council had not designated for commercial use, and as a result was not considered formal, although it was integrated into

the formal system through revenue collection (Skarp & Folkesson,2012:29). An estimated 1,500 to 2,000 traders at Oile, paying permits to the City, generated an average daily revenue of 14,000 KSHS (ISUD,2014:134), but nevertheless, the market stalls were demolished in September 2014 (Ondieki,2013). Traders maintain that after challenging an initial seven-day notice, they were told the eviction would be extended by a month – yet the market was removed only days later (Ondieki,2013). The traders we interviewed recalled that around three-quarters of the Oile traders went to protest at the County Assembly, where officials used tear gas to turn them back.

Although traders believed they were entitled to be moved together to a new site, those displaced from Oile were in fact split up and forced to find new places in which to trade. The fact that the traders' claims to a collective solution were not considered highlights a disconnect in political representation, in which despite playing a key role in the city economy, informal traders' voices are not adequately valued when it comes to urban development planning.

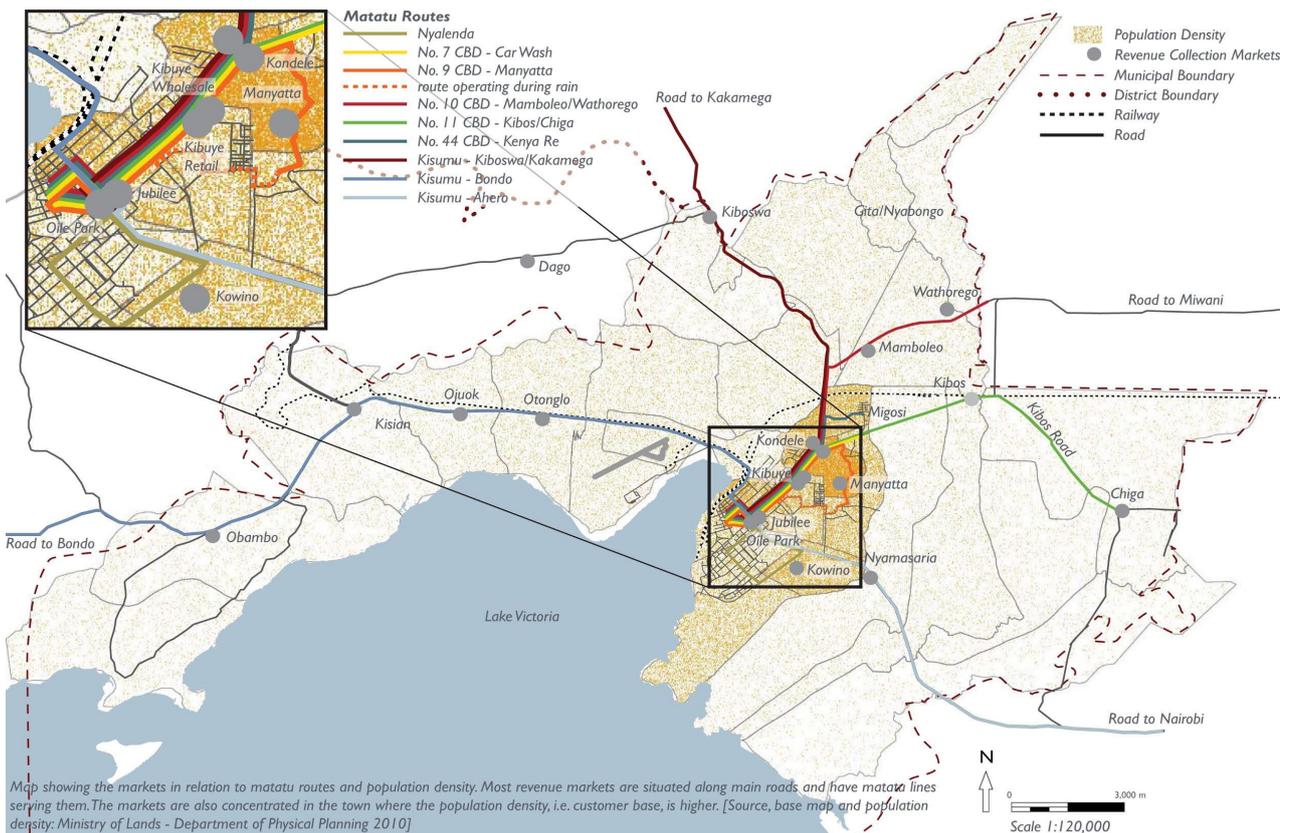
Lessons for Kondele

Kondele Market, like Oile, is informal, but is linked to the formal economy through revenue collection. It is also similarly threatened by demolition, and as such the case of Oile can be used as precedent should relocation occur. The fate of Kondele market should be an opportunity for

Figure 4.4. Potential Kondele market relocation sites. Source: Chapter authors.



Figure 4.5. Markets in relation to matatu routes. Source: Skarp & Folkesson (2012:78).



the City to learn from past experiences and find ways to recognise informal traders as a legitimate group of claimants in Kisumu and improve all traders’ participation in the planning of changes to urban markets, particularly in terms of active participation and a role in influencing the decisions that affect them.

Table 4.1. Overview of Kondele Market based on market mapping.* Source: chapter authors.

Stall type	Quantity (out of 211 stalls mapped)
Mobile (stall can be moved)	33
Basic (stall is semi-permanent and lacks walls and a roof)	159
Structured (stall is permanent and has walls and often a roof)	19
Type of product sold	Quantity (out of 211 stalls mapped)
Primary (raw materials, e.g. fruit and vegetables)	109
Secondary (goods created from raw materials, e.g. electronics)	84
Tertiary (services)	18
Gender of trader	Quantity (out of 211 stalls mapped) *
Male	19
Female	106

4.3 Framework and Methodology

Framework

Just as the Kenyan Constitution enshrines the principles of participation and the sovereignty of the people, we believe that planning and development processes in Kisumu city cannot be socially just unless the people affected by them have an equal voice in decision making. We define social justice in terms of the three dimensions identified by Nancy Fraser (1996):

- Recognition – the extent to which different categories of people are equally valued and respected.
- Distribution – the extent to which different categories

of people have access to the resources needed for meaningful participation.

- Representation – the extent to which different categories of people are treated as equal members of the political community and as equally deserving of representation.

We use these dimensions to assess the extent to which planning processes impact traders’ ability to obtain parity of participation, or the ability to participate as equal peers in the processes affecting their lives. Hence, in answering the question of how market planning processes affect the livelihoods of different market traders in Kisumu, we consider the following sub-questions:

- *Are traders’ needs and aspirations being recognised?*
- *Are traders’ needs and aspirations being represented?*
- *How do planning processes impact upon distribution?*

Methods and Data Collection

Initial desk-based research comprised of policy review and stakeholder analysis. Primary research, including mapping, interviews, focus groups and meetings with key stakeholders, was undertaken over a two-week period in Kisumu, culminating in a strategic action planning event where we discussed our key findings and identified three action plans with stakeholders.

In the primary research phase, participants were selected through a combination of opportunity and stratified sampling techniques. Selection for semi-structured interviews, life stories and participant observation in Kondele and Jubilee aimed to represent the diversity of traders and reflect the demographics of the markets. A selection of trader life stories can be found in Appendix 4.

The ratio of male to female participants is representative of the number of female traders in these markets. Similarly a diversity of variables including age, location within the market, and type of product sold, were also taken into consideration when selecting participants. We spoke to men and women, at stalls offering products ranging from fresh vegetables to coal to fashion, located on the accessible roadside edges of the markets as well as in the more densely packed interiors. In the case of consumers, opportunity sampling techniques were employed – we spoke to those consumers who were available and willing to engage. For the focus group, participants were selected through the Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT), and involved both male and female traders.

Figure 4.6. Markets research field engagements. Source: Tamlyn Monson and Alexander Macfarlane.



Table 4.2.. Details on Methods used in research on markets

Activity	Description	Aims
Semi-structured & in-depth interviews (in Nyalenda A)	21 semi-structured interviews and 3 in depth-interviews, comprising: <ul style="list-style-type: none"> • 12 tenants and 12 structure/landowners • 10 men and 14 women 	<ul style="list-style-type: none"> • To understand the security of tenure of different residents in Nyalenda A whilst understanding their spatial characteristics, services used, neighbourhood history and any community membership. • To interview various residents who are facing different challenges in different situations with different social and financial statuses in order to understand their connections.
Focus group interviews	Three focus groups, involving: <ul style="list-style-type: none"> • 3 youths residents from Nyalenda A • 14 members of a Women's Savings Group • 21 LOKUPE Housing Cooperative members (Manyatta Neighborhood Development Group) 	<ul style="list-style-type: none"> • To identify the challenges related to housing and security of tenure • To unpack the benefits and challenges of cooperatives and saving groups, as well as the process of joining such groups and members' experience.
Participatory workshop event	<ul style="list-style-type: none"> • Various stakeholders from government, private sector and civil society as well as residents from different settlements, mainly Nyalenda A and Manyatta B. 	<ul style="list-style-type: none"> • To engage participants in the strategy campaign as partners in the process and get their insight on what is needed to achieve adequate housing and security of tenure for the low income residents in Kisumu.
Meetings	<ul style="list-style-type: none"> • 22 public and private sector representatives and civil society leaders. 	<ul style="list-style-type: none"> • To understand the strategies and activities of different stakeholders specifically in terms of housing and their role related to that.

4.4 Findings

Our key problematic is the way in which market traders are misrecognised in planning processes – their exclusion from the planning process suggests that they are seen as less valuable and less deserving of respect due to their informal status. Our research indicates that the importance of space and place to traders' business activities is not being recognised in planning processes. Our three key findings are that location, social networks and voice are key factors promoting parity of participation for traders. We begin with the implication of space and place upon markets' location, and then explore their

impact on social networks, and in turn how this influences the channels of communication for trader's voice in the market and the political sphere. It is important to recognise the impact of space and place upon the trader's livelihood through urban planning processes, in order to work towards parity of participation.

Location

Our research highlights the importance of location upon market trading. Development in Kisumu has been strongly related to its location, which makes it an impor-

tant node in the transportation of products throughout East Africa. Yet there is a lack of corresponding recognition of the importance of location in the success of markets and the livelihoods of traders. Major roads, roundabouts and bus terminals provide a steady flow of customers who are readily able to access markets like Kondele and Jubilee.

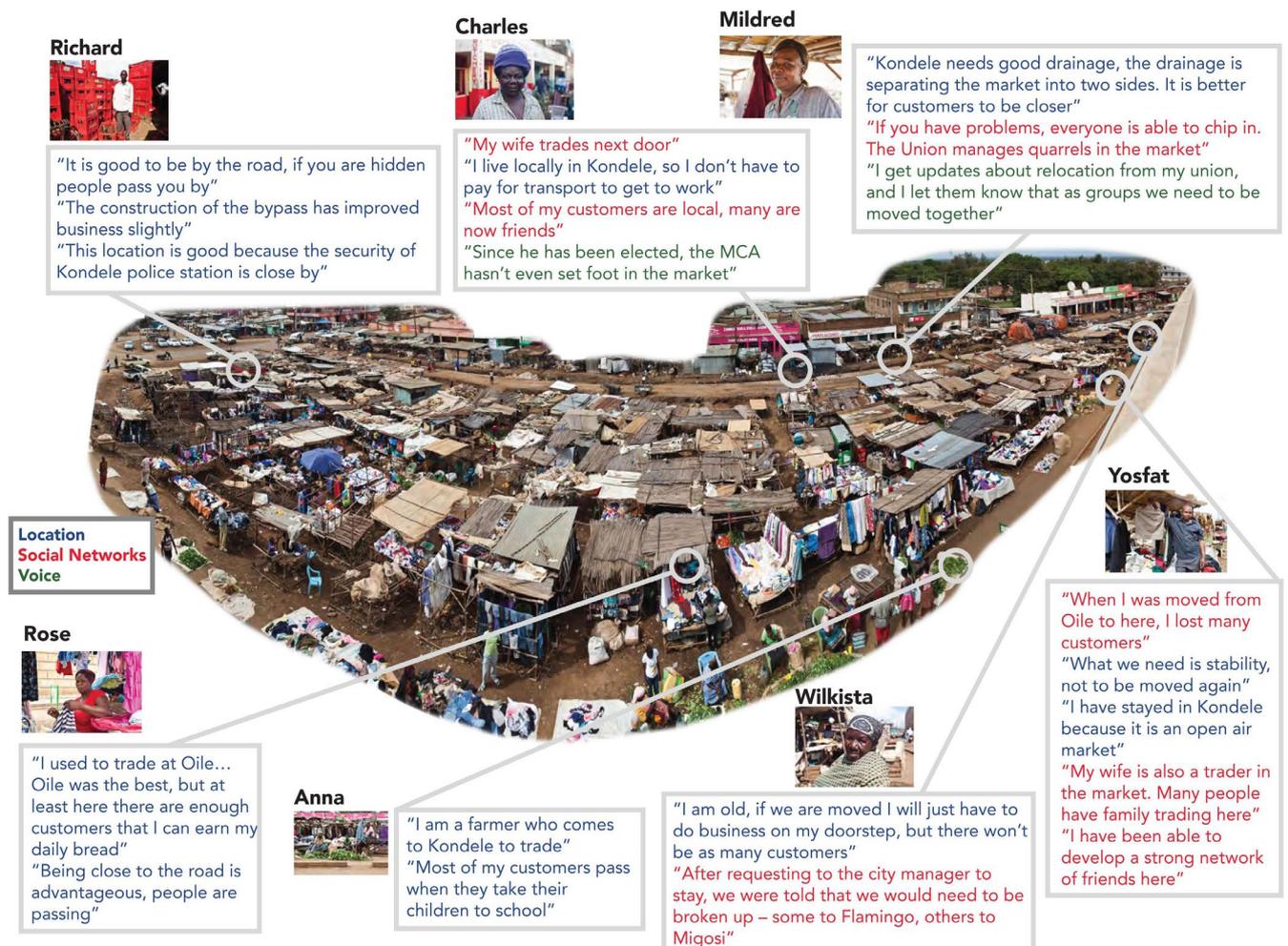
Kondele market's open nature and strategic location near major roads and bus stations allows for increased accessibility. Its visibility is not only appealing for local residents, but additionally for those entering and exiting Kisumu via the city's transportation links. Many customers specifically choose to do their shopping at Kondele in order to take their goods to another destination on their way in and out of the city. Similar trends are evident at Jubilee market and its positioning near Kisumu's main bus terminal.

Another principal diagnosis in relation to the importance of location considers markets' adjacencies to specific points of interest. In conjunction with major transport

links, Jubilee market's (and the pre-existing Oile market's) proximity to the city's CBD allows customers to access the market on their way to and from work. This further highlights the relation between location and mono-functional/multi-functional space, as well as the distribution of this space. Typically, modern supermarkets in Kisumu are treated as a destination, a place primarily utilised for their intended use as shopping centres. However, traditional markets in Western Kenya lie conveniently between two separate locales – such as between a person's living quarters and the transport node they use to get to work. The flow of customers through this space often takes place en route to a final destination. This pattern of consumption – as well as consumers' shopping patterns more generally – need to be more readily recognised in the planning processes of markets in order to develop a deeper understanding of existing markets' success.

This distribution of space and location further contributes to the building of social networks, particularly between different actors in the market. Former hawkers

Figure 4.7. Findings from Kondele. Source: chapter authors.



interviewed in Kondele market noted that the space allocated to them in stationary market stalls was a fundamental component in developing stronger relations with fellow traders, consumers and suppliers. Location is vital in creating a conducive environment for these relations to grow.

A final finding in relation to the necessity of location is directly linked to the positioning of specific products. The appeal of open-air markets throughout Kisumu is heavily connected with the availability of desirable goods. For instance, charcoal and dried fish are only sold in particular markets that allow for ventilation and exposure to the sun.¹

Flamingo Market and other failed sites funded by the World Bank are indicative of a failure to recognise conducive market conditions. This misrecognition is further evident in the planning process, as Flamingo market has once again been proposed as an alternative site for the relocation of Kondele traders. To avoid further planning failures, government officials need to recognise the importance of place and space in catering to consumer patterns and allowing markets and traders to prosper.

Social Networks

According to our findings, there is also a misrecognition by the city and county officials in regards to the importance of space in maintaining social networks between traders and customers. The current relocation process for traders assumes that they can operate in any location, without understanding their need to conduct business in spaces where they can access and maintain important relationships.

Building strong customer relations is crucial for engaging in commerce; it was found that being allocated space that is accessible to a large number of people helps to attract customers to market stalls. Meanwhile, staying in a permanent space provided traders with the stability needed to develop relationships with their patrons and establishing a regular customer base. The distribution of place and space therefore has a great influence on traders' ability to access and maintain customers. For example, many traders who had been displaced from Oile market and relocated to Jubilee were unable to inform clients about their new space and as a result lost their customer base. Furthermore, as latecomers to an established market, Oile traders were disproportionately allocated spaces that were less accessible to customers. As such, we see how the unequal distribution of space undermines their ability to build and maintain customer relations.

There is also a lack of recognition of the importance of networks for different social identities. For instance, many young traders who are entering this profession

receive support from other traders when they are establishing themselves. Other traders are primary carers and use networks with neighbouring traders to supervise their children. Indeed, these networks form part of an informal care economy whereby traders help to supervise vulnerable family members of traders such as dependents, or elderly members of the community. This allows traders to fulfil their role as carers, whilst being the breadwinners of their households.

Our findings further suggest strong networks exist between traders, many of which are maintained through established trade associations. The traders' associations can be grouped together either through the spatial arrangement of the markets, through the type of goods sold, or at times through belonging to a social group, as with youth associations. They function on multiple levels, ensuring there is an equitable distribution of financial aid and credit and loans among its members. They also serve as an avenue for members to collectively negotiate with stakeholders and participate in decision-making processes.

It is important to recognise that the institutional norms and practices of debt-collection serve as a direct barrier for individual traders to access business loans, as their vulnerability to shocks render this form of borrowing risky. The association therefore plays a key role by absorbing these risks and therefore enables traders to overcome these institutional barriers to accessing credit. Rather than traders being subject to the repossession of their goods for failing to repay their loans on time, the associations use a different approach whereby an agreed time for repayment is negotiated. However, when trade associations in Oile split after being displaced, many traders were forced to borrow money directly from the banks, absorbing the risks of debt collection.

Associations not only enable traders to access large business loans, they also function as mechanisms for building members' savings. They use a traditional form of saving called 'merry-go-rounds', meaning money is saved collectively and distributed to members when they need to access funds. This can be used either for business purposes or for personal reasons when members are financially strained.

In addition, the associations also provide a means to address the maldistribution of resources that occurs in informal markets, since their misrecognition means they are unable to claim their entitlements from the county government. In Kondele, despite paying daily fees, their lack of recognition means they are not provided with security officers as is the case in formal markets. These associations use funds to pay for their own security. Furthermore, these groups provide a 'safety net', as traders can get financial support when facing personal problems.²

Voice

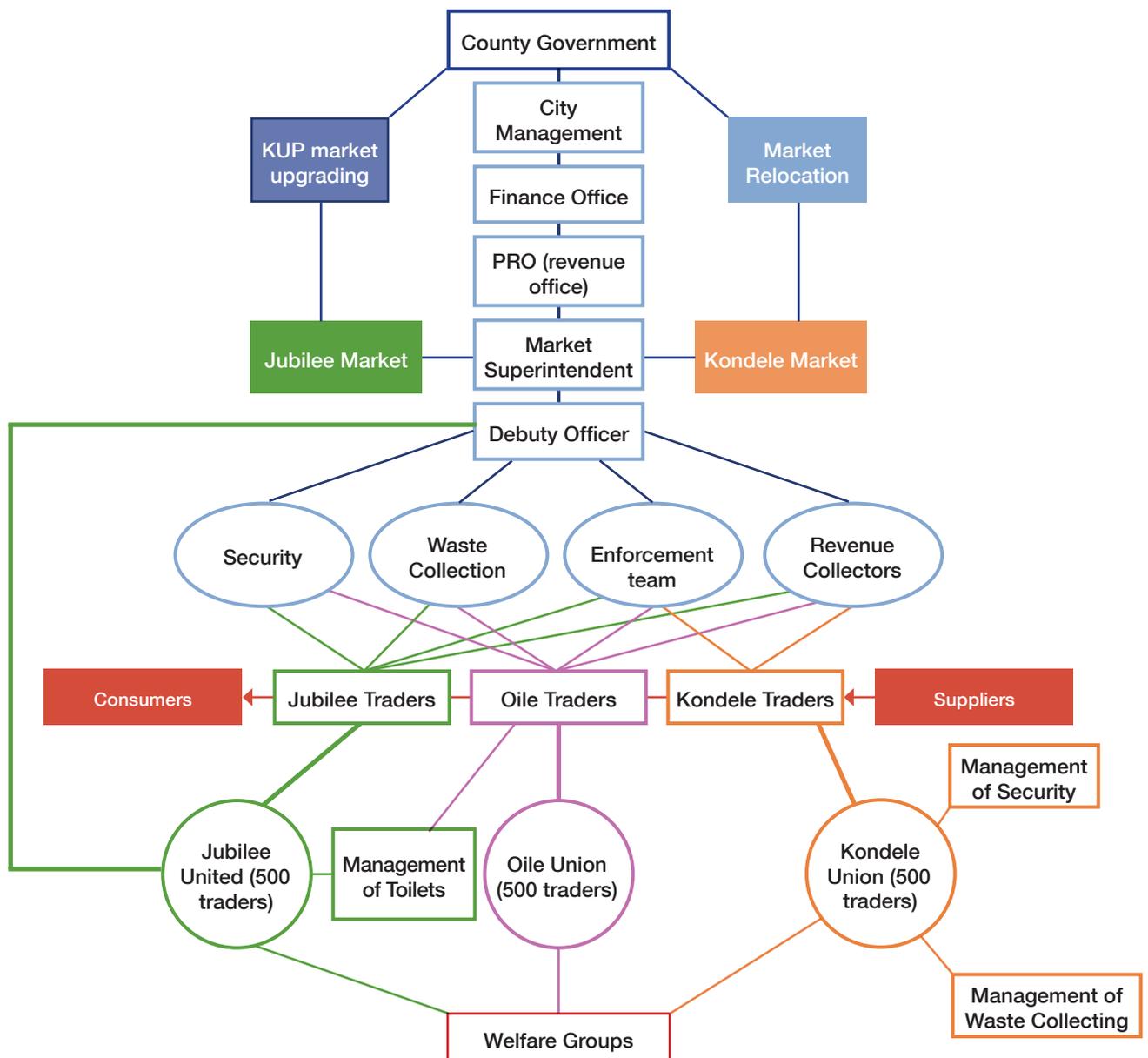
The traders’ networks and associations outlined above are important for recognition, which in turn impacts factors such as distribution of space, financial resources and providing a crucial safety net. As a result, these social networks also operate as a vital avenue for participation and representation. The current proposals to relocate Kondele traders do not factor in how this form of representation is linked to the traders’ ability to remain in one place, so they can build collective strength.

These associations are also part of larger umbrella unions that represent traders at the market level but also provide an opportunity to support their representation in

larger city-wide decisions. During a focus group, participants explained that unions are crucial for championing the rights of traders and also monitoring the rules and governance in Kondele. Participants explained that all new vendors are required to first go through the union so current traders know about newcomers.

These unions represent traders, not only in the governance of the marketplace, but also provide an opportunity to support their representation in larger governance decisions. When looking at the case of Mildred, a Kondele trader, she explained that her umbrella union keeps her updated on information concerning the relocation of traders. She also depends on the union to articulate what she feels are essential elements in relocation, such

Figure 4.8. Institutional and Social Network of the markets. Source: Chapter authors.



as remaining with her association members. An additional example is the Oile Market's union, which continues to engage with the city about the relocation and displacement of their market place. Although they were unsuccessful in influencing the outcome, union members nominated twenty individuals to articulate traders' views in the process of relocation as well as mobilised traders to protest at the county assembly. After the displacement of Oile traders throughout different markets within the city, the Oile Union leadership have acknowledged the difficulty of maintaining the same level of mobilisation. Finally, these market unions are additionally part of larger city-wide and national unions, such as KENASVIT who have successfully lobbied for bills such as the Micro and Small Enterprise Act (2012).

These unions and associations are especially important because of the weak political representation of traders. During a focus group in Kondele, traders ranked their local MCA as one of the least influential actors in impacting their ability to successfully trade. Likewise, several vendors interviewed pointed out that they voted for their local MCA as an individual to represent traders in Kondele, but since elected their representative has failed to engage in any conversation with vendors. In addition, it is difficult to hold government accountable because of the confusion of who is responsible for planning processes like relocation. This is evidenced by the Oile Union's complaint that they were unsure of who to approach about the eviction.

Although most traders and association members are women, it was clear from our fieldwork that many of the high level positions within the different unions are occupied by men. This is problematic for representation, and other forms of 'elite capture' within these networks needs to be addressed. Nonetheless, these unions are acting as important spaces for traders to make political claims. Hence these associations and unions are either at risk of being broken apart through the relocation process, or can act as a central role in assisting traders with achieving the parity of participation. Traders have

formed bonds of trust at both the association and union level, allowing them to utilise these networks as avenues to access and demand resources. These social networks are also the ways in which traders are collectively representing their views regarding what's important in processes that impact them as vendors.

Several of the policies governing the planning processes of Kisumu have highlighted the importance of participation. The KUP, for example, calls for capacity building through community participation for their market upgrading projects (KUP,2015). Similarly, the UACA aims to institutionalise "active participation by its residents in the management of its affairs" (UACA,2011:7). Traders, who are residents and contributors to the city economy, have organised networks that can be utilised as starting points to participate and negotiate in city planning. It is therefore important to safeguard these avenues of participation and to support rather than disrupt them by failing to acknowledge the importance of place and space in preserving these groups.

4.5 Advocacy Strategy

The advocacy strategy for markets is targeted at utilising the strength of traders' unions to create new partnerships and opportunities for traders, residents of informal settlements, and other partners. Several organisations are already collaborating to build wider coalitions to influence policy. For example, the National Informal Sector Alliance (NISA) is partnering with traders and housing organisations to lobby for the enforcement of Eviction and Resettlement Guidelines. The NISA Chairman, also a former Oile trader, explained that this strategy is used "as a platform for interaction with organisations with similar objectives, as capacity building for organisations so they can lobby."

Whilst broadening alliances benefits traders associations, it can also provide additional leverage for residents' organisations, such as the NPAs. In an evaluation of Practical Ac-

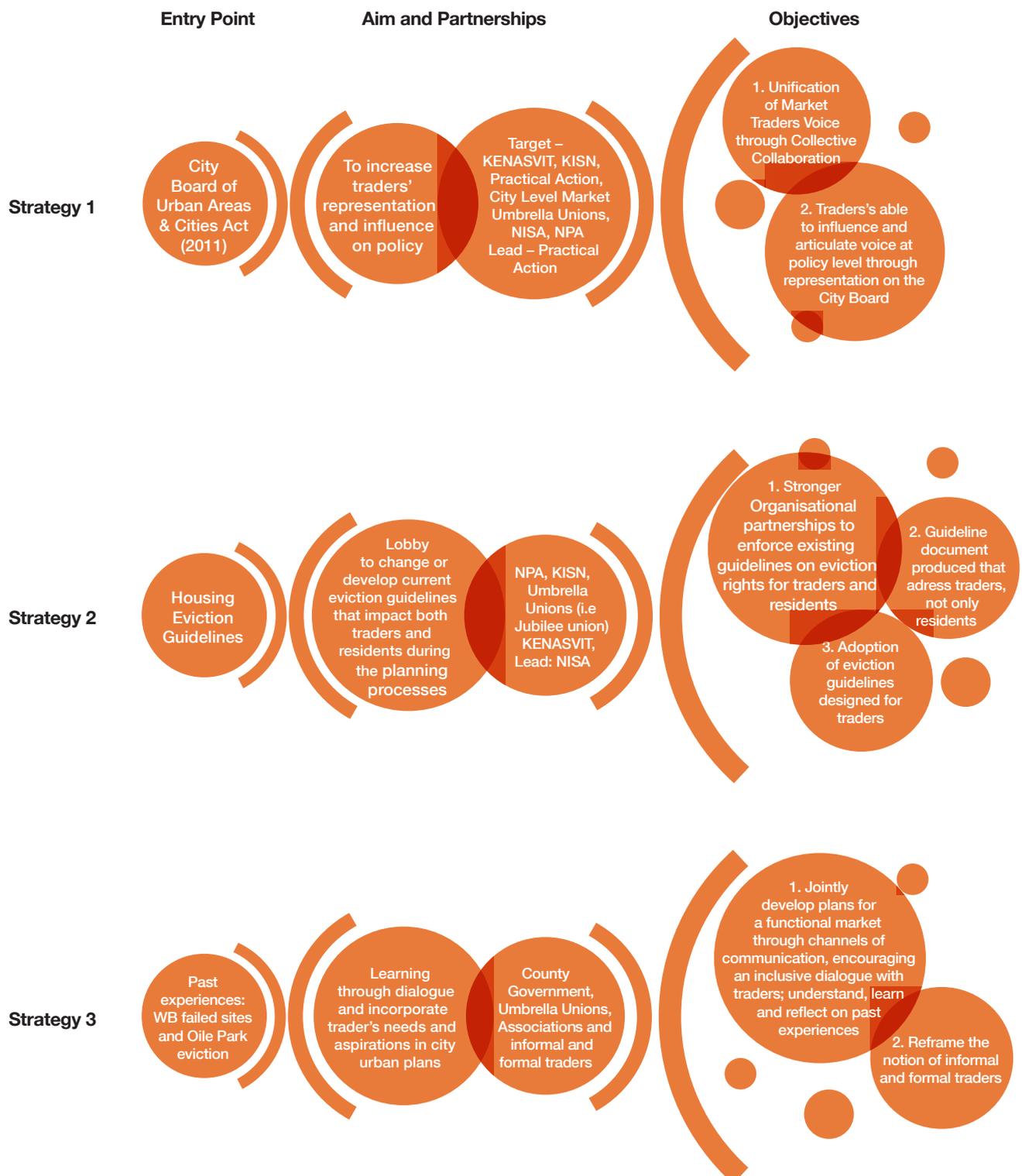
Figure 4.9. Final workshop with market stakeholders. Source: Alexander Macfarlane.



tion's 'People's Plans into Practice' project, it was noted that "making use of groups and meetings that have already succeeded in engaging with marginalised groups...is perhaps a better strategy to increase the reach of NPAs" (Majale & Walker, 2013). Hence, both traders and residents can

utilise these partnerships to strengthen the 'room for manoeuvre' in spaces of participation opened up by the devolution process. The advocacy strategies outlined below aim to highlight entry points for these partnerships. A strategic action plan for markets can be found in Appendix 3.

Figure 4.10. Advocacy strategies for markets



Strategy 1: Trader Representation

Actions:

1.1. Build alliances with city-wide unions to strengthen the united voice of traders.

Through an inclusive collaboration select a representative for the City Board to be part of the “umbrella body representing professional associations in the area”

1.2. Utilise established alliances between KISN and market traders, done through Practical Action³, to build partnerships with city-wide unions to strengthen the united voice of traders and residents.

Through inclusive collaboration, select a representative for the City Board to be part of the “cluster representing registered associations of the informal sector in the area”

1.3. Set up a formal meeting with the Executive Committee from NPA to start to create alliances between traders to be able to nominate a representative from a NPA who will recognise and represent traders' interests in the “cluster representing registered neighbourhood associations in the area”

Invite NPAs to attend Union Membership meetings in order to create a strong collaboration.

Strategy 2: Eviction and Resettlement Guidelines⁴

Actions:

2.1. Build stronger alliances between Unions and other organisations who are already lobbying for the enforcement of the guidelines, e.g. NISA and NPAs⁵

2.2. Build on capacity building between NISA and Oile Market traders, who have already lobbied to change and enforce the guidelines

2.3. Introduce changes and enforcement strategies through the Community Forums at the County Level

Strategy 3: Learning from past experiences

Our research has identified that there is a consensus on having fully functional markets; meaning that markets are provided with infrastructure (security, drainage and sanitation) and traders and government generate capital. However, experiences of the failed World Bank market sites and the Oile Market eviction, appear as contested and/or adversarial urban planning developments to be reflected upon.⁶ Therefore, to ensure the success of urban projects, spaces of reflective dialogue should open decision-making processes to traders.

Actions:

3.1. Invite informal and formal traders to the next meeting of the Citizen Fora (UACA,2011) where “proposed development plans of the county and of the national government” are being discussed

Open a dialogue that discusses why the World Bank sites did not work and which elements need to be incorporated in order for any proposed relocation site to be functional.

3.2. Use the spaces and resources provided by KUP to open a periodic dialogue to identify what elements, besides infrastructure, are essential for the upgrading of markets (e.g. locate trader welfare groups together).

3.3. Through Union leaders, follow up on the promises made by the government to ensure that traders are being incorporated in the urban projects of Kisumu that affect them directly and indirectly.

Lobby for better implementation of the policy (Kisumu County,2013:189) which stipulates that, “monitoring and evaluation will be synchronised to involve all partners and stakeholders to make sure there is transparency and accountability in implementation of projects/programmes in the County”.

3.4. Through dialogue in Community Participation forums provided by the County Government (Kisumu County,2013), Citizen Fora and KUP Participation Consultancies, identify and elaborate which rights are essential for informal and formal traders to maintain and improve their livelihoods, incorporating past experiences of Oile traders

4.6 Conclusion

Whilst traders, particularly those in the informal sector, are acknowledged in policy, our research has demonstrated they do not have equal status to participate in planning processes. Consequently, a level of misrecognition is evident, directly conflicting with the needs and aspirations of traders as citizens. The interconnected socio-cultural (misrecognition), economic (maldistribution), and political (misrepresentation) obstacles to the ability of traders to obtain parity of participation are evident throughout the findings. The framing of this research highlights the significant link between space and place and the capacity of traders to maintain livelihoods. The misrecognition of the importance of place through location can lead to the maldistribution of space, which impacts the ability of traders to maintain strong social networks. This in turn has implications for the strength of collective voice, ultimately resulting in misrepresentation.

It is important to recognise that the identity of traders is multifaceted; they are also citizens of Kisumu, whose needs and aspirations overlap and interlink with those of other marginalised residents. Subsequently, the vision of development at the city-level does not meet the aspirations of the citizens of Kisumu more broadly, and fails to take into account the impact this has on the social realities of the city's diverse population. As such, the inability to achieve fair participation in these developments impacts the livelihood of range of citizens from Kisumu.

The economic contribution of the markets to Kisumu, and to Kenya, highlights their integral role to future growth and development. The sector represents a major livelihood and dignified job opportunity for citizens. Therefore, overcoming the obstacles to the parity of participation are essential for the growth of markets, increasing their economic contribution, and ultimately the livelihoods of the citizens of Kisumu.

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NOTES TO CHAPTER 1

1. The popularity of dried fish, as a more healthful option to the increased amount of processed foods funneled into the city through modern supermarkets, is a potential component in improving health conditions in the city, which is experiencing elevated levels of diabetes. Our research suggested that consumers seek out open air markets for the availability of such whole foods.
2. Examples of this includes covering medical bills when family members are unwell, or covering the school fees for children.
3. Formed 15th May 2015 in Strategic Action Plan Event, where five traders were selected to form part of the Committee.
4. This Guidelines are aimed for residents but are currently used for the relocation and eviction of traders.
5. Building the united voice of traders it is important to be aware of elite capture existing within the current associations and unions.
6. Neither the government nor the traders would like to go through these experiences; hence there is a space for negotiation and understanding what could be done in a different way.

5. People with Disabilities

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5.1 Introduction

Focusing on the experiences of people living within a number of different informal settlements in Kisumu including, Manyatta A, Manyatta B, Nyalanda A, Nyalanda B and Obunga, the research presented in this chapter assesses the extent to which the institutional landscape of Kenya recognises and delivers on the rights of people with disabilities (PWD). It is important to note that the institutional landscape encompasses both ‘formal’ institutions and ‘informal’ ones, including structures that are implicit in people’s practices, such as social norms and organisational routines (North 1990).

This research complements and builds upon the findings from the previous SDP report (2015) – which sought to investigate the participation of PWD in neighbourhood planning processes in Manyatta B – in order to create an advocacy strategy to promote the rights of PWD. In light of the urban planning processes and modernisation attempts that are taking place in Kisumu, such as the Kisumu Urban Project (KUP), it is important to ensure that PWD are included and that such plans are disability-friendly. This research project, however, identified that before the integration of PWD into planning processes can occur, there are more fundamental issues concerning the recognition and realisation of their basic citizenship rights, which need to be resolved. Therefore, this research attempts to adopt a more holistic and Kisumu-wide approach – thus not limited to providing strategy recommendations solely to the NPAs but also to other key actors and stakeholders with a vested interest in promoting and ensuring the rights of PWD are recognised and achieved.

5.2 Context

PWD are commonly the most marginalised and excluded people within society (WHO 2011). Reliable data on PWD are difficult to source within Kenya for a variety of reasons, including the difficulty individuals experience with registering with the Government, the shortage of trained health officials to facilitate this process, and the high levels of stigma and discrimination in society, which prevents diagnosis and disclosure. The World Health Organisation’s “World Report on Disability” (2011) estimates that up to 15% of the world’s

population lives with some form of disability. However, within Kenya, the 2008 National Survey for People with Disabilities reported that just 4.6% are classified as living with a disability, suggesting that a large number of PWD may be invisible in Kenya, and are not reflected in official statistics.

The challenges faced by PWD are exacerbated in low income areas such as Kisumu’s informal settlements. Access to adequate healthcare, education, livelihoods and the ability to participate in political and social dimensions of life proves extremely challenging, in addition to the difficulties PWD experience due to unsuitable infrastructure including housing, sanitation and roads, particularly during the rainy season.

In light of significant reforms in Kenya’s political landscape over the last decade, opportunities for change have presented themselves. In 2010 the new Constitution of Kenya established a devolved structure. Devolution is the statutory granting of powers from the central Government of a sovereign state to a Government at a subnational level. The Constitution created 47 county Governments, Kisumu being one of these counties and established lower units within the counties, namely: the sub-county, the ward, and the village Government, all of which are linked to the County hierarchically. Within Kenya, there has recently been a concerted effort to ensure that the rights of PWD are enshrined in policy, whilst Kisumu has also drafted the ‘Kisumu County Persons living with Disabilities Bill 2014’, which is outlined in greater detail within the ‘Policy and Implementation’ section.

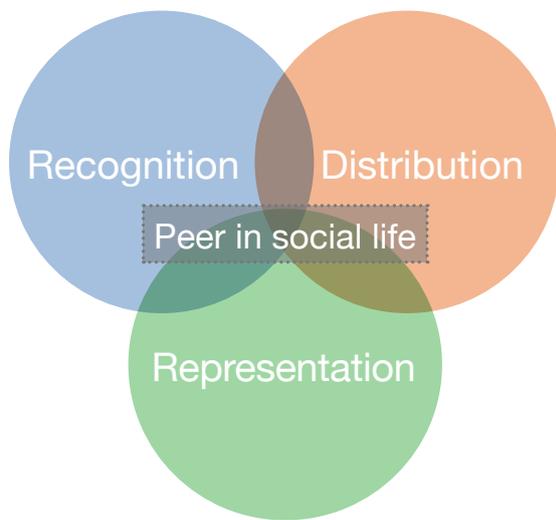
5.3 Framework

Recognition, Redistribution, and Representation

The research was analysed through Nancy Fraser’s theory of justice, which argues justice should be understood in terms of parity of participation. Parity of participation is directly impacted by the three dimensions of recognition, distribution and representation. Based on this theory, we analysed whether PWD are recognised in social life with equal respect and status, whether they have access to adequate resources in order to participate equally in social life, and whether they have an equal voice in deci-

sion making processes. We identified the opportunities and challenges in each dimension and the ability of PWD to ‘participate as peers in social life’ (Fraser 2010:113). It is important to recognise that the three elements of the framework do not exist in isolation from one another; rather they are interconnected and reinforce each other.

Figure 5.1. Framework of analysis. Source: Chapter authors, drawing on Fraser, 2010.



5.4 Methodology

The research was conducted in two stages. The first consisted of desk research based in London, including policy and stakeholder analysis, contextual information

Figure 5.3. Final participatory workshop held in Kisumu on May 15th 2015. Source: Chapter authors.



collection from Practical Action and Leonard Cheshire. The second stage involved data collection and analysis in Kisumu, Kenya. In Kisumu, we held 24 interviews and meetings covering stakeholders from the Government, NGOs and self-help groups of PWD. The interview questions and focus group activities were based on an understanding of Fraser’s themes of recognition, redistribution and representation. Below is a list of activities undertaken and a breakdown of the stakeholders involved.

A web of institutionalisation (Levy 1996) was used to organise and analyse the information we obtained from our activities, allowing us to break it down into various elements that fall into the ‘citizen sphere’, ‘delivery sphere’, ‘organisational sphere’ and ‘policy sphere’ respectively. This method was adapted in order to understand the situation of disability rights within Kenya, and the sites of power that can be influenced, in order to promote the institutionalisation of disability rights in Kisumu.

Figure 5.2. Students facilitating final participatory workshop. Source: Chapter authors.



Figure 5.4. Map of Kenyan Government Structures. Source: Chapter authors.

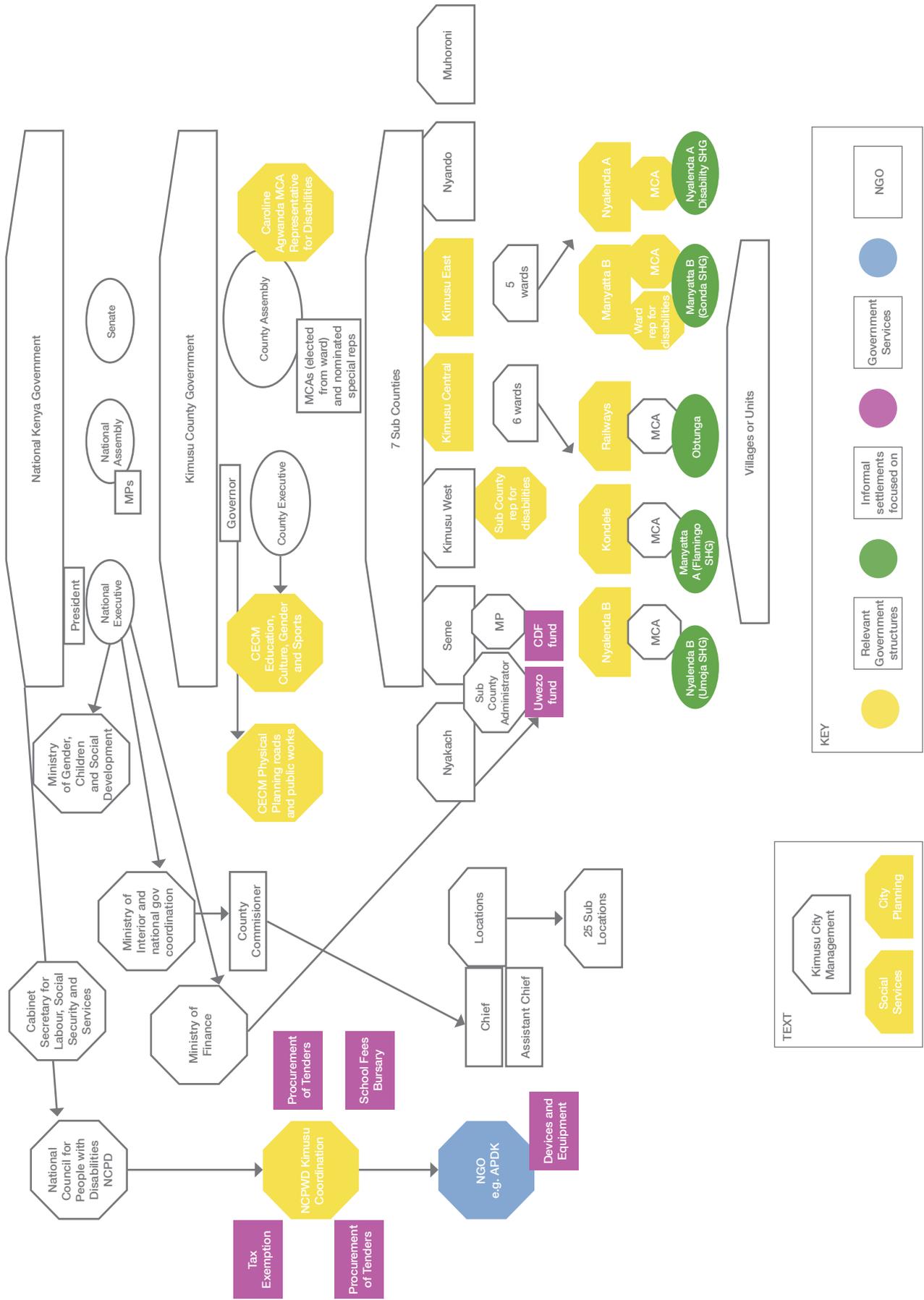


Table 5.1. Data collection activities for Disabilities Research

Activity	Description/Aim
Policy analysis	Reviewed and analysed key policy documents (desk research in London)
Stakeholder analysis	Reviewed and mapped key stakeholders (desk research in London)
Context research	Interview with Practical Action and Leonard Cheshire and reading relevant literature.
Focus group discussion	Conducted 6 focus group discussions in Kisumu with four Disability self-help groups, a blind group and a group of deaf residents. Designed 2 participatory exercises to analyse individuals lived experiences and individual's understanding of disability rights in the Kenyan Constitution.
Kenya Government mapping	To understand the structures and roles and responsibilities at different levels of Government (see Figure 5.3).
Institutional analysis	Exercise carried out with three disability self-help groups. To understand which organisations are more or less important to individuals in regards to support.
Semi-structured interviews	Conducted 23 semi-structured interviews, including with individuals and representatives of government (county and sub-county levels, ward level, city management, social services and KUP) and NGOs, including the Association for the Physically Disabled of Kenya (APDK), KUAP, Leonard Cheshire and Practical Action. Aimed to understand the everyday challenges and key issues faced by PWD.
Advocacy participatory workshop	Attended by 26 individuals. Opportunity to feedback research findings and build an advocacy strategy with key individuals and partners.
Web of institutionalisation	To organise and analyse the information obtained from activities and interviews and to trace and examine the problems in the process of mainstreaming disability.

5.5 Findings

Policy and Implementation

As part of the institutional landscape, the policy environment plays a central role in recognising and delivering on the rights of PWD. A key finding from our research was that the policy environment in Kenya, in regards to disabilities, is highly progressive. This includes the National Persons with Disabilities Act 2003 and the established the 'National Council of Persons with Disabilities' (NCPWD), the Government agency responsible for the registration of PWD, administering financial support and entitlements and generally mainstreaming disability issues 'in all aspects of socio-cultural, economic and political development' (NCPWD website). In 2008, Kenya ratified the UN Convention of the Rights of Persons with Disabilities (UNCPRD) and in 2010 the new Kenyan Constitution set out key rights of PWD. In theory, such policy improves access to such entitlements as a life free from all forms of discrimination based on disability (UNCPRD), and provides employment opportunities through the Constitution's designated 5% of public jobs to be reserved for people with disabilities. Within Kisumu, there have been active attempts to ensure these policies are embedded at the county level, with the representative for PWD, Caro-

line Agwanda, tabling motions and drafting the Kisumu County Persons living with Disabilities Bill (2014). Fraser claims that misrecognition, or recognition by extension, can be "perpetrated... through institutionalised patterns," such as policy (Fraser, 2000:114). That is to say, policy provides an opportunity to shift the established norms regarding the poor social status of PWD. Against this backdrop, the progressive policy environment is a positive step towards the improved delivery of the rights of PWD. In practice, however, there have been multiple obstacles preventing the full realisation of such policy on the ground. Table 5.2. provides analysis of Government programmes and the difficulty of implementation. This can partly be explained by the fact the new devolved system is still young and many policies are yet to be fully implemented across the Government. Nevertheless, in an interview, Kisumu's city planner referred to disability issues specifically as an "afterthought," whilst plans for development, modernisation and regeneration in Kisumu appear to be prioritised.

Ultimately, whilst such documents provide an opportunity for an improvement in the delivery of the rights of PWD through their increased recognition at the policy level, misrecognition "can also be institutionalised informally—in associational patterns, long-standing customs or sedimented social practices of civil society" (Fraser, 2000:114). Current institutionalised practices see PWD

Table 5.2. Kenyan Government Services to PWD. Source: Chapter authors.

Service	Beneficiary	Administrated by	Funded by	Challenges
Social security transfer	Elderly and severely disabled	Cabinet for Labour, Social Security and Services through NCPD	National Government (World Bank)	<ul style="list-style-type: none"> • Limited reach - Mainly is given to elderly, few seem to have been able to apply. • One family have 3 severely disabled children, but only able to apply for one transfer. • Have to be assessed and picked by CHW or Community Development Assistant • The Kenya National Commission on Human Rights report indicates <i>'the coverage is still low at 94 persons with severe disabilities per constituency and the allocation of Kshs 2000 per month is meager compared to number of needs and inflation rate'</i> (2014:xii).
School fees bursary	All PWD	National ministry for education through NCPD	National Government	<ul style="list-style-type: none"> • Have to have registered for NCPD card • Many still on waiting list
Devices subsidy	All PWD	NCPD through APDK and other NGOs	National Government	<ul style="list-style-type: none"> • Limited – people have been turned away
Uwezo Fund	All community groups registered with social services	Sub County	National Government	<ul style="list-style-type: none"> • Only for community groups and not specifically for PWD. • NCPD encourage them to include PWD
Community Development Fund (CDF)	All community groups registered with social services	Sub County	National Government	<ul style="list-style-type: none"> • Limited – people have been turned away
Tax exemption	All PWD with registered card	County Government CECM for finance	National Government	<ul style="list-style-type: none"> • Only for community groups and not specifically for PWD. • NCPD encourage them to include PWD
Tenders procurement	Any PWD who has registered company, 1000sh, good bank record and previous references.	County Government CECM for finance	National Government	<ul style="list-style-type: none"> • No PWD company has so far been able to apply. • PWD combined in same group as women and youth.
5% Of all public jobs to pwds	All PWD	All public offices	National Government	<ul style="list-style-type: none"> • Many are not considered because of an impairment despite education. • Others lack experience and training and so cannot apply.
Social services registration	All PWD self-help groups or CBOs have to register.	City Social Services	National Government	

stigmatised, excluded or often made invisible, making them less than full partners in social interactions, for example, the way in which people with albinism are viewed and treated (see Appendix 5). Many of the people we met struggled to find employment. Employers may perceive PWD as unable to contribute, despite an impairment not impeding ability to work in certain professions. For instance, a member of Flamingo self-help group, who is an experienced community volunteer, was not chosen as a local community workers to spread a Polio campaign. The member described this as discrimination by the government, because she was considered to 'not be able to work'. The cost of the extra equipment such as braille, may also deter employers. Furthermore, as many have not been able to access the same education as others, the 5% quota for employment is not filled, as people have not had the opportunity to gain the training or education required. One member of Nyalenda self-help group spoke of how he had made many applications but has since given up. The enduring stigma and discrimination suffered by PWD in Kenya cannot be overcome merely by introducing progressive policy; instead there needs to be an interrogation of misrecognition in all of its various forms, including the ways in which it influences the distribution of resources and political representation of PWD.

There is a tendency towards formalisation when it comes to addressing the issues that PWD face. That is to say, there is an inclination to develop legislation as a solution for all issues, including those caused by the shortcomings of existing legislation. For example, the PDA 2003 provides rights concerning access to public buildings. It states that "a proprietor of a public building shall adapt it to suit PWD in such manner as may be specified by the Council" (22.1). The lack of implementation has urged the Representative for PWD in Kisumu, Caroline Agwanda, to table a similar motion that seeks to improve the accessibility of public buildings. Whilst such legislation has proven to be invaluable leverage against which PWD can claim their rights, the focus now needs to shift towards the issues associated with implementation. The continued focus on new legislation to address the various issues faced by PWD will ultimately obscure the more central challenges relating to the implementation of policy on the ground.

Furthermore, the difficulties of implementation can be partially explained by a lack of resources assigned to disability policy. For example, the Kisumu Regional Officer of NCPWD, George Odhiambo Thadayo, described some of the issues surrounding the registration process for the disability identity card. The limited technical resources and personnel of the NCPWD have contributed to significant delays in processing applications and printing the cards. Indeed, one member of the Kisumu Union of the Blind waited 6 years to receive his registration card. The difficulties associated with registration have resulted in inaccurate data surrounding the number of PWD in Kenya.

This has problematic repercussions in terms of allocating adequate funds to cater to the needs of all PWD and ultimately serves to perpetuate the insufficiency of resources. This lack of resources can also be felt in regards to the limited capacity of the NCPWD to execute training and development for staff on the rights of PWDs. Insufficient sensitisation of staff is felt acutely by PWD on the ground and shapes the ways in which policies are executed, or not. For instance, members of Flamingo self-help group told us how Government officers "are not friendly" to them. In interviews with Government officials at county and city level, there was demonstration of some knowledge of the rights of PWD within the Constitution. However, many seemed to view this simplistically, referring to the "need for a ramp". There seemed to be a lack of appreciation for the complexity and diversity of the issues facing PWD. The insufficient allocation of resources to disability affairs has translated into the status subordination of PWD as they are unable to access the assets they need to participate in social life equally and free from discrimination.

In addition to this, the following themes emerged as key concerns within the research undertaken in the field and offer further explanations for the difficulties endured in implementing progressive policy on the ground.

Political and Economic Environment

In Kisumu, current political and economic structures adhere to a neoliberal ideology. Neoliberalism emphasises free market economics, a limited role of the state in the provision of social welfare, and individual responsibility for success. People who are unable to succeed within these structures are marginalised and may not be recognised as full members of society. In Kisumu, policy seems to be

Figure 5.5. Meeting with Flamingo Self-Help Group. Source: Chapter authors.



formulated in accordance with this thinking. Our research revealed a tendency for policymakers to see PWDs' need for support from others, the state, and civil society as a problem of "dependency". This negative label has proved enduring; currently, there is little space for PWD to challenge the state's power to designate them in this way. Accordingly, policies are developed with an emphasis on correcting dependency, encouraging independence and individual responsibility. For instance, section 14, (3) of the Draft Kisumu County Person's Living with Disabilities Bill 2014 (p.12) refers explicitly to the intention to facilitate "self-reliance" of the "deaf, blind and mentally retarded". This policy environment is problematic for PWD, as it tends to ignore the numerous obstacles PWD face in achieving independence within existing structures. Furthermore, the focus on self-reliance contradicts the lived realities of PWD, many of which are firmly rooted in experiences of mutual dependency and cooperation, for instance in the self-help group and how neighbours support each other.

Moreover, this emphasis on self-reliance encourages reduced support for entitlements. Social welfare is viewed less as a form of legitimate support from the state to its citizens and more as a handout that perpetuates dependency. Thus, support for PWD is limited and is often allocated only to the most severely disabled, resulting in the unequal distribution of social welfare spending. More generally, the categorisation of PWD as "dependent" results in status subordination and lessens their ability to participate as full members of society, as they do not receive the appropriate support to do so (see Case Study 1).

The entitlements that are provided are designed to work within existing market-led structures to incentivise self-reliance. An example of this is the NCPWD card. The

Box 5.1. Case study 1

Lillian and her family live in Nyalenda B. Lillian and her husband have three children who are 7 years, 4 years, and 18 months. All three children have vision and hearing impairments, as well as physical and learning disabilities. Through the support of a community health worker, Lillian receives the cash transfer for her oldest child but does not receive any support for the younger two. This entitlement allows the older child to go to school and live a fuller life, but does not go far enough as her two younger children are not recognised by the state and are unable to participate in society to the same extent as their older siblings (see Appendix 5).

main benefit of the card is tax exemption, though this can only be claimed by PWD who are employed. This requirement excludes unemployed PWD and ignores how employment challenges are compounded by an individual's disability status, as earlier exemplified. By prioritising the allocation of resources for employed PWD, the card reveals a hierarchy topped by the employed who are conceptualised as self-reliant and productive whilst confining the unemployed, who are perceived as dependent, to the bottom. This status subordination of the unemployed encourages the maldistribution of resources, thereby perpetuating the dependency narrative.

This is not the only entitlement available to PWD, however. The state also offers social security cash transfers for the severely disabled. This entitlement creates an opportunity for contact between the state and some of the most marginalised members of society. People with severe disabilities have been recognised as members of the community, and as such, deserving of state resources. However, the cash transfers do not challenge notions of dependency associated with entitlements. Rather, the entitlement is perceived with gratitude as a welcome gift or donation and not as a right (Plagerson et al, 2012). As it stands, there is currently no space for governmental and non-governmental actors to discuss rights and responsibilities with regards to legitimate relationships of care and challenge notions of dependency (Plagerson et al., 2012). This risks perpetuating both the association of entitlements with dependency and the view that PWD are disempowered "objects of charity or benevolence" who are unable to claim rights typically associated with citizenship (Fraser, 2005:77). In this way, they struggle to achieve equal status in society.

Limited state support has created gaps in the provision of social welfare. Civil society has attempted to fill this void with the short-term provision of services. In Kisumu, there is an overwhelming reliance on donor funds for the provision of services to PWD. For example, organisations such as Starkey are relied upon to provide hearing aids. This in allows the Government to continue to provide insufficient welfare, as it is provided by donors. Self-help groups, which work towards the economic and social empowerment of their members, are also a major source of support with loans for school fees and medical expenses, which were a key concern for many PWD we met.

Though many PWD expressed the need for and importance of these efforts, civil society's emphasis on services inhibits it from undertaking an advocacy role. The necessitated emphasis on short-term service provision has resulted in a fragmented civil society; service provision has distracted civil society from collective action and normalised a tendency to work alone. The absence of this pressure has contributed to the lack of implementation of crucial policies and the prevalence of accountability related challenges. The current environment enables the status subordination of PWD to continue

relatively unchecked, enabling the continuation of both the maldistribution of resources for social welfare and, subsequently, the unequal participation in society.

Representation

The representation of PWD was a recurring issue in our research. Many people felt excluded from the decision-making process and felt disconnected from their representatives, whom they believed were not representing their interests and adhered to a self-serving agenda. “We don't have a strong representative. They are there and they claim they are our voice but it isn't representative...they don't feel what we feel,” Erique from Gonda self-help group explained. Without sufficient representation, PWD cannot challenge labels of dependency that inhibit them from contesting unjust social welfare distribution. Moreover, a lack of representation excludes PWD “from the universe of those entitled to consideration within the community in matters of [resource] distribution, recognition, and ordinary-political representation” (Fraser 2005:77).

Currently, there appears to be a disconnect between the needs of people on the ground and their needs as represented at the various levels of Government. County Government and city management referred to how PWD rights were being enacted because of the progressive Bill and Constitution protecting people's rights, however, in reality this was failing to materialise. This could be explained by a gap in the chain of accountability, and our research suggests that this is particularly evident at the ward level. Whilst certain wards, such as Kisumu East, have taken it upon themselves to employ a representative for PWD, this is not a consistent practice across Kisumu and seems to be a decision that was made based largely on the goodwill of the MCA. As a result, the flow of information and resources is disjointed and at times fails to reach the grassroots level. The absence of information is critical to the inclusive representation of PWD. Our research revealed numerous instances in which PWD were excluded from political processes simply because of a lack of information. For example, members from Nyalenda self-help group were unaware that they had a representative at the county level. Another self-help group mentioned that while they had attended a participatory budget meeting, others had not because they were unaware that it was occurring. Such a blatant absence facilitates the continuation of poor representation, and, consequently, status subordination and the maldistribution of resources necessary for full participation in society.

An additional challenge to representation is participation. Though the Constitution states that ‘the people may exercise their sovereign power either directly or through their democratically elected representatives’ (2010:1.2), many PWD are unable to exercise this right. The new devolved structure creates spaces where people are invited to participate in decision making processes. PWD

are often not invited and even when they are this can be purely symbolic. Additionally, spaces of participation may not be physically accessible. If PWD were to attempt to seek recourse for these issues through County Government officials or the NCPWD, they would fail simply because the Huduma Centre, where the county Government offices are located, has 18 floors and no lift. The physical inaccessibility of the building denies PWD effective representation as it inhibits them from contesting grievances and seeking justice.

Despite these challenges, devolution has provided an opportunity for improved representation of PWD. Indeed, the very premise of devolution is to bring the locus of power and resources closer to the people so that they may exert greater influence in decisions that will directly impact their lives. As Kenya adjusts to its new system of governance, there is room for manoeuvre for PWD to advocate for more effective representation of their needs and rights. Insufficient or non-existent structures of representation inhibit PWD ability to claim their rights and seek redress when they are not delivered.

Conceptualisations of Disability

Whilst the policy environment in Kenya in regards to PWD is largely progressive, there are shortcomings in relation to the ways in which PWD are conceptualised, which has an impact on the way in which their rights are delivered and recognised. Policy is produced “through a dynamic historical process involving the social constructions of knowledge and identities of target populations, power relationships, and institutions” (Schneider & Ingram 2005:5). The knowledge that informs policy is socially constructed and also plays an important role in defining values and norms.

The constitution allows for membership of “marginalised groups” (including women, youth, and PWD), who act as representatives at County level. Despite the positive steps that have been taken to ensure representation, the conception of a unitary identity for PWD is problematic. There appears to be an assumption that through nominating someone with a disability, everyone with a disability will be adequately represented. Through representing difference in this way, an oversimplified group identity is imposed on PWD. It creates a facade of representing diversity however potentially masks the power of dominant factions in society. Although within our interviews people noted the importance of being represented by those who understood the issues they faced as PWD, there was also concern about whether the current systems were adequate. For example in the introductory activity with Gonda self-help group, many members mentioned the need for proper representation. This emphasises the importance of representatives having appropriate spaces to be able to understand the lived experiences of PWD.

Another problem lies in the way in which the government groups PWD together with other marginalised groups. Issues related to PWD are classified alongside those of women and youth, revealing Government perceptions about the vulnerability of PWDs. For example, 30% of tendering positions are reserved for women, youth and PWD. The respective abilities and social realities of these groups differ considerably. In reality PWD are unable to secure their portion of this reserve and they have thus far struggled to partake in the tendering process. Esther Onano, secretary at APDK, said: 'Only 1 PWD company has won a tender in three counties....To win a tender, they require financial backing, recommendations from previous work and ability to write a proposal. These requirements are out of the reach of PWD.' The policy deceptively seems to be distributing opportunity to PWD, yet in reality it is not overcoming the structural issues embedded in society that could lead to this transformation.

The focus on self-reliance also affects the way in which PWD are conceptualised. Ideas about who can and cannot do productive work can see PWD defined as a group of people whose bodies do not work, or as those who look or act differently (Shakespeare 1996). This conceptualisation is also informally institutionalised in society. George from Gonda self-help group told us that many people in society just see PWD as 'beggars who want something'. Furthermore, there seems to be a hierarchy

The process of identity formation for PWD has been constrained by the neoliberal ideology of individualism and through the policy grouping of those labelled as 'vulnerable'. These ideas at policy level can deepen the stigmatisation and discrimination, or even non-recognition or systematic exclusion, of PWD, such as in the case of Collins and Dorothy (see Case Study 2 in Box 5.2.).

Figure 5.6. Meeting with Gonda Self-Help Group. Source: Chapter authors.



The institutional landscape plays a critical role in the accessibility and quality of services. Prejudices can taint the institutional culture of Government offices and breed intolerance, resulting in the status subordination of PWD. Government offices responsible for the implementation of policies and delivery of programmes and services may exemplify these attitudes by failing to prioritise provision of services for PWD. This creates a cycle of deprivation; exclusionary organisational philosophies perpetuate the subordination of PWD through a lack of service provision, seemingly validating their status as "less than full members of society" (Fraser 2000:114). Misframing PWD can see them excluded from matters of recognition, redistribution and political representation, reinforcing their marginalised citizenship status.

5.6 Advocacy Strategy

Following our work to map out the institutional landscape in Kenya we recommend four strategies, which can be used to overcome the most significant blockages between policy and implementation, as identified in our analysis.

These strategies are also influenced by the three actions that were identified by the 26 participants who attended our final workshop. These actions were intended to be tangible strategies that individuals and organisations present could help implement themselves. They were:

Box 5.2. Case study 2

Collins, 25, and Dorothy, 23, live with their mother in Obunga. Both are severely disabled and rely completely on their mother for care. The family does not receive any Government assistance, but rather seeks support from other channels such as their church, neighbours, and NGOs. They were unable to obtain an education, after the local school for PWD did not have the appropriate facilities for their care.

Stigmatisation has heavily influenced the life of the family. After an abusive encounter with members of the community, Collins and Dorothy have been confined to their home because of their mother's concern for their safety. They are completely marginalised from wider public, both at the Government level and within their own communities. Their mother worries about what will happen to them after she is gone, as there is virtually no promise of support or acknowledgement of them in society (see Appendix 5).

- Changing attitudes through sensitisation and awareness initiatives.
- Working together, by establishing an umbrella organisation and self-help groups sharing support and learning.
- Encouraging and supporting PWD to register.

The strategies below are intended to be both aspirational and pragmatic, aimed at different stakeholders all who hold the potential to positively affect the lives of PWD.

Strategy 1. Addressing neoliberal agenda (Short-term).

Goal: Facilitate collective action to overcome fragmentation and enable civil society to assume an advocacy role.

Responsible: Civil Society/self-help groups/NPAs.

Entry Point: Mobilisation around a common issue – this could be one of the issues outlined in the strategies below.

Actions:

1.1. Formation of an umbrella group in order to build a coalition of organisations working at the community up to the national level on promoting the rights of PWD.

1.2. International and national NGOs like APDK and Practical Action could play a key part in helping to bring relevant organisations together.

1.3. Actively put pressure on the Government on key issues and hold it to account.

1.4. Sharing of key information, learning and resources to strengthen and build the capacity of civil society.

1.5. KISN to encourage community members to be form part of the network and raising awareness about its existence and purpose.

Precedent: Disability Organisations of Rwanda, to "serve as a coordinating and representative body for the movement and to build the capacity of member organisations" (VSO 2012:2). Organisations grew strength, became more visible and have attracted support from international organisations. NUDOR provides a "platform for its members to share information and experience and to build their capacities to advocate for the rights of people with disabilities" (NUDOR 2014).

Strategy 2. Addressing neoliberal agenda (Long-term)

Goal: Facilitate two pronged approach targeted at Government officials and PWD to reframe 'dependency' as 'legitimate relationships of care.'

Responsible: 1. Ward MCAs, MCA Caroline Agwanda and NCPWD; 2. KUAP, Practical Action, NPAs and other civil society actors.

Entry point: 1. Opportunity within the context of devolution to encourage participation and dialogue; 2. existing civic education campaigns such as that executed by KUAP surrounding HIV/AIDS.

Actions:

2.1. Approach to Government:

- Utilise the existing space, provided by the devolved structure, for dialogue between Government and PWD to facilitate a greater understanding of the legitimacy of PWD's claims for support. This ensures that as citizens are more aware of their rights, they are given a space to debate citizenship rights with the Government and encourage changes to conceptualisations of PWD. For example, one idea could be for the ward MCA to have an open public hearing once every month which is accessible for PWD both in terms of physical access and provision of sign language. This provides a space for mutual learning which can challenge the one-way flow of power to which the dependency ideology subscribes.
- This could be an opportunity for other relevant stakeholders, such as Caroline Agwanda and the NCPWD, to interact with the disabled community.

2.2. Approach to PWD:

- Dissemination of appropriate information to better inform individuals and organisations about who and why PWD are entitled to support.
- Raise awareness of rights so that entitlements are not perceived as handouts or gifts.

Strategy 3. Representation

Goal: Improve representation of PWD within decision making processes.

Responsible: MCA representatives.

Entry point: Opportunities for increased representation at different levels of Government due to devolution.

Actions:

3.1. MCAs to ensure there are PWD representatives in their respective constituencies.

3.2. Effort is made to ensure that these representatives are inclusive of, and speak for, people living with different types of disabilities. There should be clear process of redress should people feel their views are not represented.

3.3. Ward Administrators use the City's Social Services register of self-help groups to ensure all groups are aware of consultations.

3.4. Public consultations and meetings are accessible and sign-language translators are provided.

3.5. KISN to play a key role in leading by example by having representatives for PWD on their task force committees.

Precedent: In Manyatta B the MCA has appointed a representative for disabilities. This representative is actively engaged and ensures that the views and opinions of people living with disabilities are heard in the Manyatta B area in consultations and public meetings. Following this model of best practice a representative could be appointed in every ward throughout the Kisumu County.

Strategy 4. Conceptualisations of disability

Goal: Shift conceptualisations of disability amongst Government officials through sensitisation initiatives

Responsible: NCPWD

Entry point: NCPWD as they are already responsible for mainstreaming disability across Government

Actions:

4.1. Government to allocate sufficient resources to NCPWD to design and carry out staff training.

4.2. NCPWD to develop training for staff across all Government departments. Training could include: awareness about the rights and entitlements of PWD, strategies to mainstream PWD in policy and programming, sensitisation exercises to addresses stereotypes, myths and misconceptions about disability in the workplace and community.

4.3. NCPWD to implement staff training across Government.

Precedent: In 2014 the Government of India started to implement an ambitious sensitisation program to train Government policy makers and staff working with PWD. This was to ensure better assistance and service delivery as guaranteed by rights recognised in the UN Convention on Persons with Disability ratified by India in 2007. Specifically designed training and workshops aim to raise the awareness amongst 30,000 staff over a three year period about the capabilities of PWD and the importance of an inclusive workplace, disability related legislations and programming, mainstreaming opportunities and communication skills such as basic sign language.

5.7 Conclusion

The institutional landscape of Kenya presents many challenges for the recognition and deliverance of the rights of PWD. The disjuncture between policy and implementation combined with the pervasiveness of neoliberal discourse, the limited structures of representation and the problematic conceptualisations of disability has led to the profound dissatisfaction of many PWD, which was felt acutely throughout this fieldwork. There are, however, various entry points which have presented themselves as opportunities to address some of these shortcomings. The context of devolution, through its attempt to shift the locus of power and resources closer to the people, combined with the fact that the system is still young and adaptable, has created a space for PWD to challenge the injustices that they face. Furthermore, there are positive initiatives already taking place, such as the progressive policy environment and the existence of the NCPWD, whose performance could be bolstered through increased advocacy work. As Kisumu faces imminent change through the implementation of urban plans, processes of mobilisation and collective action have gained traction as residents attempt to ensure that their voices are being heard and meaningfully incorporated. It is important now to ensure that this collective is equally representative of all residents of Kisumu. The NPAs, in partnership with Government and civil society stakeholders, can use this advocacy strategy to harness the existing potential in Kisumu and execute a united approach to the improved realisation of the rights of PWD.

There is intricate interplay of misrecognition, maldistribution and a lack of representation playing out within the context of PWD in Kisumu, and the aforementioned advocacy strategy aims to provide a holistic approach addresses all three dimensions concurrently. This approach appreciates both the complexity of the lived experiences of PWD in Kisumu, and the intricacy of the institutionalised patterns of injustice that shape the environment within which they live.

Figure 5.7. Meeting with Nyalenda Disability Self-Help Group. Source: Chapter authors.



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6. Conclusion

Against a wider backdrop of modernization, decentralisation and an often positive legal and policy context that provides a foundation for participation and people-centred development in Kenya, the findings in this report show that much remains to be done to ensure that this context translates into people-centred processes that foster inclusion and participation by low-income residents and interest groups in Kisumu. Cross-cutting issues that emerged across the four action research projects included a contrast between the participatory spirit of the Constitution and related laws, which clearly put people first, and the top-down manner in which urban development processes tend to occur. While participation is defined by national legislation as both information delivery and enabling the people to influence decision-making processes, there is a tendency not to incorporate the more active dimension of participation.

A variety of participation deficits have arisen because participation is commonly reduced to information dissemination and ‘sensitisation’ – as in the case of the KUP road upgrading project, which has treated participation mainly as information delivery. Consultation with residents seldom involves the more active component of enabling them to influence decision making about issues which will impact their livelihoods, environments and capabilities, as was the case in Kondele, where informal traders have been informed of their impending relocation but not consulted in the selection of relocation sites.

Another issue relating to people-centred development is the need for greater parity of participation in existing participatory spaces: the full diversity of identities and roles in the community needs to be better represented in participation. Many people with disabilities (PWD), for instance, have a limited ability to participate in existing forums, as do many young people and tenants. Some groups need support to develop stronger representation within civil society – for instance, a coordinating body for different disability associations could unite the voices of people living with different disabilities.

Several other gaps were also evident between government policy and implementation. For example, the contribution of informal traders to the economy is acknowledged in policy, but not in Kisumu’s planning structures and vision of the modern city. Similarly, while Kenya’s policy environment around disability is very progressive, in practice few people are able to claim existing entitlements to jobs, school free bursaries and social security transfers.

A range of obstacles to accountability were also identified by the action research. It appears that certain groups are disadvantaged by their lack of access to information, decision-making mechanisms and grievance processes – informal tenants being one example. Here, lack of appropriate policies can play a role, such as the lack of eviction and resettlement guidelines. Lack of information can hinder representation – for instance, one of the self-help groups for people with disabilities was not aware that there is a county-level representative for disability, and therefore unable to make use of this avenue for representation. For other residents, a key issue was the perception that queries, concerns and comments that they have voiced in participatory forums never seem to have reached higher levels of government. This points to potential problems of communication flow and co-ordination channels between government authorities, project implementers and community members. Finally, certain misconceptions hinder accountability toward certain groups. For instance, the claims of people with disabilities for support are often seen as a negative ‘dependency’, when national policy indicates these are legitimate relations of care by the state. In a similar way, informal traders are often reduced to the negative category of ‘encroachers’ who have no legitimate say in urban development, when in reality the economic life of the County is dependent on urban development nurturing the informal sector.

Using a range of participatory research methods, culminating with a participatory workshop to discuss findings and identify potential ways forward, students have gathered and recorded knowledge about present challenges and proposed a range of advocacy strategies involving a variety of stakeholders. These strategies were developed in partnership with stakeholders, using the knowledge gathered during the fieldtrip. They were intended as small-scale, achievable steps for the Kisumu Informal Settlements Network, that if actioned by serve as entry points into larger processes of transformation that may contribute to greater inclusiveness in Kisumu’s urban development, and a greater capacity for citizens to impact on the decisions that shape their lives. Although 2015 was our final year of fieldwork in Kisumu, this report provides the basis for an ongoing journey, in which KISN will need to work on accommodating a more diverse array of constituents, and partner with stakeholders to begin small-scale actions to realise substantive citizenship and people-centred development in Kisumu.

Annex 1. Actions and Indicators for Roads Group Advocacy Strategy

Objective 1: Reframe the understanding of participation of the authorities.

ACTIONS FOR NPAs	SHORT-TERM INDICATOR (6 months)	MEDIUM-TERM INDICATOR (18 months)	LONG-TERM INDICATOR (36 months)
1A. Ensure that the participatory bill includes: functional guidelines to secure quorums, inclusivity of all groups and members of government and open channels of communication for feedback.	<ul style="list-style-type: none"> - Community-worked draft of mentioned guidelines. 	<ul style="list-style-type: none"> - Meeting per trimester, with other groups involved and interested in the participatory draft. - Total of meetings: four in a year. 	<ul style="list-style-type: none"> - Implementation participatory policy, involving and working with the responsible actors. - High level assessment of the implementation of the participatory policy
1B. Facilitate a grievance mechanism (See Appendix 2).	<ul style="list-style-type: none"> - Design of general format - Meeting to explain the mechanism to community and local authorities, and receive feedback 	<ul style="list-style-type: none"> - Pilot of the grievance mechanism, at least one meeting every two months, including follow-up topics from previous gatherings - Trial space to adapt the mechanism 	<ul style="list-style-type: none"> - Grievance mechanism implemented and assessed with tangible results of enhanced meaningful participation
1C. Raise awareness with the community and local authorities about meaningful participation through workshops.	<ul style="list-style-type: none"> - Design the workshop and its advertising campaign 	<ul style="list-style-type: none"> - Pilot of the workshop measuring the increases of awareness raising 	<ul style="list-style-type: none"> - Evaluation of general level of meaningful participation awareness

Objective 2: Improve the communication channels and coordination between government authorities, project implementers, and community members

ACTIONS FOR NPAs	SHORT-TERM INDICATOR (6 months)	MEDIUM-TERM INDICATOR (18 months)	LONG-TERM INDICATOR (36 months)
2A. Promote an information system that is simple and accessible (i.e information centre) (See Appendix 2).	<ul style="list-style-type: none"> - Design of the information system including a list of responsible of updating it. - Meeting to explain and diffuse the information system to the responsible of updating it - Meeting to explain and diffuse the information system to community and local authorities, and receive feedback 	<ul style="list-style-type: none"> - Pilot of the information system, including evaluations of its functioning every two months, during the follow-up meetings. <p><i>Note: the pilot should be implemented already with the target users.</i></p>	<ul style="list-style-type: none"> - Implementation of the information system - High level assessment of the implementation of the information system that consists of interviewing different types of residents to learn about their level of satisfaction of the capacity of the mechanism to communicate their concerns and procure meaningful follow-ups.
2B. Promote coordination between upgrading programs at a community level (i.e.. KISIP and KUP).	<ul style="list-style-type: none"> - Initial meeting to share the objectives, agendas and targets of each program. - Action plan with 3 opportunities of coordination between the two programs 	<ul style="list-style-type: none"> - Meeting every two months to follow-up the action plan 	<ul style="list-style-type: none"> - Evaluation of coordination of the two programs done by the NPAs together with some allies such as the new Practical Action structure, based on the effectiveness of the conjoint actions

Objective 3: Promote inclusive participatory spaces

ACTIONS FOR NPAs	SHORT-TERM INDICATOR (6 months)	MEDIUM-TERM INDICATOR (18 months)	LONG-TERM INDICATOR (36 months)
<p>3A. Promote the importance of inclusive processes of participation in all settlement-upgrading projects.</p>	<ul style="list-style-type: none"> - Design one advertising campaign with real examples on how to promote the importance of inclusive and democratic processes of participation in all settlement-upgrading projects. - Map the different types of identities of the community members that attend activities related to road upgrading. - The process of designing the campaign should be done with community members and organisations including schools and other relevant groups 	<ul style="list-style-type: none"> - Launch the advertising campaign in Kisumu - The development of the campaign should be done with the community members and involved organisations. 	<ul style="list-style-type: none"> - Evaluation of impact of the campaign done by the communities that are undergoing informal settlement upgrading processes. - The evaluation can be done by assessing: <ul style="list-style-type: none"> - Involvement of more types of identities. - More participants of already involved identities. - Interview community members about how meaningful their participation is now.
<p>3B. Promote coordination between upgrading programs at a community level (i.e.. KISIP and KUP).</p>	<ul style="list-style-type: none"> - Diagnosis of the present implementation of the initiative. 	<ul style="list-style-type: none"> - Action plan to adapt/ activate the initiative. - Meeting every month to follow-up the action plan. 	<ul style="list-style-type: none"> - Meetings every two months to monitor operations. - Evaluation of the results of the initiative with the community and the local authorities based on levels of conformity.

NOTES TO ANNEX 1

These actions should not be left static after the long-term goal. There is always room to improve, adapt and enhance their impact.

Annex 2. Operational guidelines for Roads Advocacy Strategy Actions

Grievance mechanism process.

In order to ensure the fulfilment of the first action, here is a proposal for the grievance mechanism that should be run by the NPAs. This format is open for adjustment, it only presents a first approach to a concrete process:

1. Periodic meetings with the community, where personal and community concerns can be expressed. The main way of registering concerns should be through a general format that has at least information regarding:
 - Name and contact details of the affected person.
 - General information such as date, general topic of the concern, name of neighborhood, etc.
 - Description of the concern including any previous information received on the matter (it could refer to a previous general format).
 - Information about the NPA's member in charge of the meeting and the one that registered the concern.

These meetings should also be a space for follow-up of received responses by the authorities or to deal with the lack of responses.

2. The general formats should be classified in a convenient way to present to the relevant authorities.
3. While presenting the general formats, preferably to the Ward Administrator, a receipt should be signed and a date of commitment for answer should be established.
4. On the due dates, the NPAs should demand a response from the authorities.
5. Design a communication space where periodically either responses or lack of compliance from the authorities to respond or to fulfil a commitment could be disseminated. The aim is to create consciousness of the responsiveness from the government.

Information dissemination system

In order to guarantee an adequate dissemination of meaningful information, the Ward should implement a new effective system.

Here are some guidelines:

- The system should consider simultaneous means of communication that consider online channels (Facebook, Twitter, website, etc), existing broadcast spaces (local radio, television, newspapers) and written messages in strategic local public spaces (lighting posts, message boards, markets, water kiosks, churches, etc.). This to ensure inclusivity of all the persons of the community.
- Each message should at least include basic information on the main topic (topic, date, place, hour, who invites, etc.) if more information is needed, contact information should be included.
- All messages should be published simultaneously in the different means of communication (online channels, broadcast spaces and written messages), to ensure adequate dissemination.
- There should be time parameters for certain communications such as meetings, i.e. All calls for meetings should be published at least one week before the date.
- The language should be simple and in different languages: Luo or Swahili and English, if possible.

Annex 3. Strategic Action Plan for Markets

In considering the action plan below, it is important to be aware of the conflicts that arise from representation processes and consider that trader's Unions entail the risk of elite capture, in which the interests of more

powerful individuals may tend to dominate. It is also fundamental to promote women's representation, as they are the majority of the traders in Kisumu.

Priority 1	Trader Representation			
Entry Point	City Board of the Urban Areas & Cities Act (2011)			
Aim	To increase traders' representation and influence on policy			
Objectives	Actions	Who?	Output	Outcome
1.1. Unification of Market Traders Voice through Collective Collaboration	<ul style="list-style-type: none"> Build alliances with city-wide unions to strengthen the united voice of traders (especially promote women leadership to represent traders) Through an inclusive collaboration select a representative for the City Board to be part of the "umbrella body representing professional associations in the area" (Urban Areas & Cities Act, 2011:13) 	Target – Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT)	Directly nominate representative from a trader's association on the board	<i>Short Term:</i> Unification of Voice through Collective Collaboration <i>Medium Term:</i> Creation of a formal partnership between city level Unions, NPAs & Practical Action
1.2. Unification of voice with different stakeholder from informal sector through collective Collaboration	<ul style="list-style-type: none"> Utilise established alliances between KISN and market traders, done through Practical Action, [1] to build partnerships with city wide unions to strengthen the united voice of traders and residents Through inclusive collaboration select a representative for the Board City to be part of the "cluster representing registered associations of the informal sector in the area" (Urban Areas & Cities Act, 2011:13) 	KISN, Practical Action, City Level Market Umbrella Unions, Kenya National Alliance of Street Vendors and Informal Traders (KENASVIT), National Formal Sector Alliance (NISA) Lead – Practical Action Target – KENASVIT, NISA, City-Level Market Umbrella Unions	Nominate a representative from the informal sector on the board, who will represent traders' interests	<i>Long Term:</i> Traders' able to influence and articulate voice at policy level through representation on the City Board
1.3. Unification of voice with through collective Collaboration	<ul style="list-style-type: none"> Set up a formal meeting with the Executive Committee from NPA to start to create alliances between traders to be able to nominate a representative from a NPA who will recognise and represent traders' interests in the "cluster representing registered neighbourhood associations in the area" Invite NPA's to attend to Union Membership meeting in addition, in order to create a strong collaboration 	Practical Action, NPA Lead – Practical Action Target – NPA	Nominate a representative from a NPA who will recognise and represent trader's interests	

Priority 2	Market Eviction and Relocation Guidelines			
Entry Point	Housing Eviction Guidelines			
Aim	Lobby to change or develop current eviction guidelines that impact both traders and residents during the planning processes			
Objectives	Actions	Who?	Output	Outcome
2.1. Enforcement of the Eviction and Resettlement Guidelines for traders and residents affected by relocation. Amending & adapting guidelines to be specific eviction and relocation guidelines for markets	<ul style="list-style-type: none"> Build stronger alliances between Unions and other organisations who are already lobbying for the enforcement of the guidelines e.g. NISA and NPAs Introduce changes and enforcement strategies through the Community Forums at the County Level 	<p>NPA, KISN, Umbrella Unions (market unions i.e. Jubilee union), KENASVIT,</p> <p>Lead – National Informal Sector Alliance (NISA)</p>	<p>Stronger Organisational partnerships to enforce existing guidelines on eviction rights for traders and residents.</p> <p>Guideline document produced that address traders, not only residents</p>	<p><i>Short Term:</i> Creation of spaces of dialogue across cross-cutting themes affecting residents – with relationship developed between NPAs and Umbrella Market Unions</p> <p><i>Medium Term:</i> New partnerships forged between NPAs and City & National Trader Unions to help with enforcement of the guidelines</p>
2.2. Lobby for eviction and relocation guidelines to be implemented	<ul style="list-style-type: none"> Build on capacity building between NISA and Oile Market traders, who have already lobbied to change and enforce the guidelines 	<p>Market Umbrella unions, KENASVIT, National Informal Sector Alliance (NISA),NPA</p>	<p>Adoption of eviction guidelines designed for traders</p>	<p><i>Long Term:</i> Adoption of Eviction & Relocation Guidelines for Market Traders made accountable through the new partnership. Traders will better be able to traders to maintain livelihood through recognition of place and space.</p>

Priority 3	Learning from Past Experiences			
Entry Point	Oile Park forced eviction 2014 & Failed sites for markets funded by World Bank 1980			
Aim	Learning through dialogue and incorporate trader's needs and aspirations in city urban plans			
Objectives	Actions	Who? (Target?)	Output	Outcome
3.1. Jointly develop plans for fully functioning market through channels of communication that encourage an inclusive dialogue with different traders (formal and informal) in order to understand, learn and reflect on past experiences	<ol style="list-style-type: none"> 1. Invite informal and formal traders to the next meeting of the Citizen Fora (UACA,2011) where “proposed development plans of the county and of the national government” are being discussed <ul style="list-style-type: none"> • Open a dialogue that discusses why the WB sites did not work and which elements need to be incorporated in order for the propose site to be functional. 2. Use the spaces and resources provided by KUP to open a periodic dialogue in order to identify what elements, apart from infrastructure, are essential for the upgrading of the markets (e.g. locate trader's welfare groups together). 3. Through Union leaders, follow up on the promises made by the government to ensure that traders are being incorporated in the urban projects of Kisumu that affect them directly and indirectly. <ul style="list-style-type: none"> • Apply the policy (Kisumu County, 2013:189) which estipulate that, “monitoring and evaluation will be synchronized to involve all partners and stakeholders to make sure there is transparency and accountability in implementation of projects/ programmes in the County”. 	County Executive, City Manager, City Planner, Ministries (Devolution and Planning, Transport and Infrastructure, Land, Housing and Urban Development, etc.) and Members of the County Assembly, KUP developers, external consultants together with informal and formal traders	Inclusive Urban Market Project which acknowledge the importance of location, social networks and voice and political	<p><i>Short Term:</i> Recognise that traders (formal and informal) are citizens with rights and incorporate the different traders in the decision-making processes of urban plans</p> <p><i>Long Term:</i> Co-production of urban planning for future development initiatives</p>
3.2. Reframe the notion of informal and formal traders	<p>Through dialogue in Community Participation forums provided by the County Government (Kisumu County,2013), Citizen Fora and KUP Participation Consultancies</p> <ul style="list-style-type: none"> • Identify and elaborate which rights are essentials for informal and formal trader to maintain and improve their livelihoods, incorporating the past experiences of Oile Park traders). 	County Government Office, City Manager, KUP Community Participation Chief, informal traders (former traders from Oile Park) and formal traders.	Recognise that traders (formal and informal) are citizens with rights	

Annex 4. Market Traders' Life Histories

Richard Odhiameo



Richard is a trader and distributor for Coca cola. He began selling soda's through his brother and started his own business in Kondele in 1996. Since then he has extended his business to Kibuye where he now also distributes. He is part of an association where he is able to save and has already bought a generator which has helped him keep his goods at a cooled temperature. He also has a personal savings in case there is a change in his financial circumstances.

For him business is good and has improved since the building of the by-pass as it attracted more customers to the area because of the traffic. For him it is important that he was allocated a space by the road side to conducts his business as his goods are loaded into his container from the trucks. Being by the road and the transit area also gives him regular customers because he is located opposite a van hire business that is open 24 hours a day.

The new flood lights opposite him are also important because it means he can trade until late hours, in fact it extends the trade hours for all traders and some trade until 9pm. He says that is one of the main advantages of Kondele market because other markets close at 4 or 5pm. However, the rainy season and the incomplete drainage means that his business has been negatively impacted in recent months, but he doesn't feel like he has anywhere to complain to. After meeting the city planner he was told "What happened to Oile market will happen to Kondele". He fears his structure will be broken in the relocation process

Maurice



At 21 years old, Maurice Ogange, a single man with no dependents, is what is commonly referred to as a Street Hawker. Due to the scarcity of jobs available, upon leaving school Maurice began selling 'smokeys' (a type of sausage) to raise some money before he begins studying in September of this year. Each package of sausages is normally 350 KSH and from each package he

makes around 200 KSH. On a bad day he sells three packages, whilst on a good day he sells approximately ten packages.

Maurice hawks (sells), in and around areas of Jubilee Market, believing that operating in this location is the 'smart' thing to do. He prefers selling at Jubilee due to its proximity to his home. Whilst Kibuye Market is also a good option, it is too far from his home. Maurice also buys products from Jubilee market to accompany his products, in order to increase the margin of his goods – for example he purchases tomatoes to make a salad accompaniment.

He also purchases these complimentary goods through his social networks, from those he knows operating within the market. Maurice's social networks are very importance to his ability to conduct business. He met his employer through an acquaintance; therefore his network helped him access the job opportunity. His employer has hired around 20 hawkers, who purchase from the employer and sell through this network. His brother-in-law also works as a street hawker, selling smokeys. Relationships with customers are also important to provide income for his work. He is happiest during the holiday season and when more students are around, as this generates more customers and thus he is able to sell more goods and make more money to support his livelihood.

Dorothy



Dorothy, a Luo trader from Western Kenya was born in 1946, but did not start her business until the age of 41. Family instability and lack of education catalysed her choice of profession. After making the move from her hometown of Siaya to Kisumu upon marriage, Dorothy began to follow in her mother's footsteps by selling fish at her home estate. Eventually, Dorothy was able to find a spot in the much sought after Oile Market in the center of town. After being forcibly relocated with the market's destruction, Dorothy found herself at the adjacent Jubilee Market. Despite it's prime location, she admitted sales were not nearly on par with Oile Market. Dorothy clarified that Oile's open nature added to its appeal as a prosperous market. Increased visibility had exponentially added to Oile's success. Many people who worked in the Central Business District would have to pass through Oile Market on their way back home. Dorothy is now supporting thirteen children, many foster children from other family members who have passed away. While she is the primary support structure for her family, she has a brother who lives with her working at an NGO dealing with HIV.

Florence Auma Othuon



Florence is a 32 years old widow, living in Manyatta with her three children. Eight years ago, before trading at Jubilee Market she used to work in a Hair Salon. She then became trader when her mother got sick and had to help her in the market. Teresa, Florence’s mother, helped her to start working in Jubilee Market by contacting a stall owner through a friend. Since then she has been trading potatoes, onions and tomatoes. She gets her supplies from Kibuye and sells her products to Indians who live nearby.

She pays the municipal government 600 Ks per month (£4) to be able to sell at Jubilee Market (plus a fee for every bag of goods that she brings in), as well as renting the stall from the owner for 600 Ks per month. In comparison to Teresa, she pays almost twice the amount of money.

Florence is part of an association whose concern is for the welfare of its members (around 20 members). The group is part of the Union called Jubilee United.

On the subject of the upgrading of the market, she agrees that improvements are necessary but there needs to be adequate temporary space within the town.

Her aspirations are for her children to get good jobs, such as being a doctor.

Mildred is a widow living in Kisumu with one child. She began trading cereal 9 years ago in Kibuye after the death of her husband. Mildred was able to establish a successful business until 2012 when she left Kisumu in order to take care of her son. Although she was unable to trade, her Kibuye union assisted her with her son’s medical bills.

After her son’s passing, Mildred returned to Kisumu but no longer had a place in Kibuye. Eventually one of Mildred’s friends helped her secure a space in the market.

Mildred has successfully rebuilt her trading networks at Kondele, and is now the secretary of her savings and loans group.

In regards to relocation of the market, Mildred depends on her union to keep her informed and emphasizes the importance of keeping her savings and loan group members together.

Her aspirations are to own a shop and to build a home for her and her daughter.

Charles Odugu



Charles was born in Siaya, moving to Kisumu in 1983 after graduating from college. He worked in the brewery, though was forced to leave in 1998 as the plant was shut down, so he began trading. Initially Charles tried selling a number of products, though settled on charcoal, which he now sells in Kondele market. Kondele is convenient for Charles as he lives locally and doesn’t have to pay for transport to get to his place of work. The location is beneficial as Kondele is a residential area with many local people and he has managed to build a strong network of regular customers. In addition, the road enables his supplier to regularly deliver from Kilgoris in the Great Rift Valley. Charles’ wife also began trading in Kondele in 2000. He was able to purchase a space in the market at a time when there were fewer people, and has subdivided it to accommodate his wholesale and retail businesses, as well as a structured kiosk in which his wife sells household goods.

Charles worries about the future, suggesting that his business only enables him to survive as he not only supports his family, but also his unemployed parents in Siaya. There are fears of relocation, and the city manager has already told them that Kondele is not a market, and that they will need to be moved. Despite asking where they will be moved to, they have not been provided with an answer. For business, Charles needs to be in a place with a high population. In addition, he must be in the open air because of the harmful carbon fumes in charcoal. The traders in Kondele have never been consulted about relocation. Charles feels that the market is earning big money for the county, and despite being told that they are not on the map, the county is still happy to recognise the market when they collect revenue.

Mildred



Annex 5. Disability Case Studies

Case study 1

Lillian, mother of three children living with disabilities

Lillian lives in Nyalenda B. Lillian has three children aged 7 years, 4 years, and 18 months all of whom are deaf and blind and have severe learning and physical disabilities. Her husband is a tuktuk driver but work can be unreliable and he receives a very low income. The family face routine stigmatisation as members of the community believe the family may be cursed because Lillian gave birth to three children living with disabilities

The mother attends the Umoja Self Help Group in Nyalenda B which provides emotional support. She also has a community health worker that visits regularly and has supported her since the birth of her first child 7 years ago. The Community Health Worker encouraged and supported the mother to register her children with the NCDWP. As a result her eldest daughter was able to receive the social security cash transfer from the National Government as well a bursary for schools fees given to all children in Kenya. This enabled the daughter to be able to attend a school for disabled children which has had a profoundly positive effect on her ability to walk and learn simple methods of communication. The family depend greatly on the cash transfer but given the current system they are unable to apply for their other two children as the parents' names are already registered on the system. Without this entitlement the younger children are prevented from learning key skills needed to live a fuller life and participate in society. Caring for three children with such significant needs can be overwhelming due to the practical and emotional challenges faced. Lillian's wish is that all her children will be able to receive an education and one day receive the entitlements they deserve. Social security cash transfer helps to pay for occasional occupational therapy and treatments. She would like the children to receive treatment regularly but cannot afford it given the high fee.

Case study 2

Collins and Dorothy

Collins, 25, and Dorothy, 23, live with their mother in Obunga. Both are severely disabled and completely reliant on their mother for care. The family has great dif-

iculty accessing support. They receive no assistance from the state, but instead seek support through other channels such as their church, neighbors, and charity organisations. Collins and Dorothy have not had the opportunity to obtain an education, as they were turned away from a school for PWD as they were unable to meet its minimum requirements for acceptance. Because of their ages, they have no hope of attending school in the future.

The family's life has been significantly shaped by stigmatisation. The family is marginalised within their own community, and support from neighbors is limited. When Collins and Dorothy were younger, they enjoyed relative freedom of movement until an abusive encounter with community members forced their mother to confine them to their home. One day, while outside, they were confronted by a group of people who began to abuse them physically and verbally. Collins was lifted from his wheelchair by a man who threatened to drop him, whilst others shouted, "Did your mother kill someone? Is that why you're like that?" Though a neighbour intervened and the incident ended before it escalated further, the experience had a profound impact on the family's life. Collins and Dorothy's mother decided that it would be better to hide them in their home to keep them safe

Collins and Dorothy are completely marginalised from wider society, both at the level of the state but also their own community. Their mother worries about what will happen to them after she is gone, as there is virtually no promise of support or a place in society.

Case study 3

Rogers and Albinism

Rogers was the first person with albinism we met in our field visits. As a person with albinism, he experienced a different type of stigma from people with other types of disabilities. In some countries in Africa, people believe that certain body parts of people with albinism can transmit magical powers. This kind of stigma places people with albinism in a severe danger of being kidnapped or killed. Therefore, some parents have to hide their children in the house, which makes it more difficult for the Government and NGOs to collect information and deliver services to them.

Even when people with albinism are able to overcome stigma, they face difficulties accessing society because of their vulnerability to sunlight. They require medical lotion to protect their skin from the sun. They are given one bottle by the Government a month which doesn't protect them adequately. Many people with albinism suffer skin cancer because of the negligent support.

However, compared with other people with albinism, Rogers admitted he had benefited from the progressive policies. He managed to go to visual impairment school and get a job in Social Service Centre. 'I benefited from the new Constitution because it says every company and institution have to have at least 5% of PWD staffs. But most of the companies don't obey it because there is no punishment', Rogers told us.

Case study 4

Oliver Omondi (Therapist in Kisumu district general hospital)

Oliver is 31 years old. He has worked as an occupational therapist for 7 years in the Kisumu District General Hospital. For his training Oliver attended the Kenyan Medical College for three years – the fees were expensive and he hoped that once graduating he would be able to slowly pay back the money he borrowed from his family to pay for the fees. Oliver however is a volunteer. He receives a modest stipend per month which is given to cover transportation and lunch however he uses this to live on.

The need and demand for occupational therapy is extremely high in Kenya. Despite this, the Government only funds 10 newly qualified Occupational Therapist per year. Furthermore Occupational Therapy is a service only offered in the larger hospitals not at the district or subdistrict level.

Oliver works from 6am in the morning to 6pm in the evening, treating up to 20 children every day. Orthopaedic treatment costs Ksh 100, this coupled with the transportation fee is very expensive for many local people.

SDP STUDENTS REPORT 2015 - DPU

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The central purpose of the DPU is to strengthen the professional and institutional capacity of governments and non-governmental organisations (NGOs) to deal with the wide range of development issues that are emerging at local, national and global levels. In London, the DPU runs postgraduate programmes of study, including a research degree (MPhil/PhD) programme, six one-year Masters Degree courses and specialist short courses in a range of fields addressing urban and rural development policy, planning, management and design.

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The academic staff of the DPU are a multi-disciplinary and multi-national group with extensive and on-going research and professional experience in various fields of urban and international development throughout the world. DPU Associates are a body of professionals who work closely with the Unit both in London and overseas. Every year the student body embraces more than 45 different nationalities.

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MSc Programme in Social Development Practice. The central focus of the course is the relationship between active citizenship and development, with the recognition that diverse identities and aspirations are critical components of social change. This course responds to the increasing focus on well-being and 'people-centred' approaches, evidenced both by the revised policy priorities of many development agencies, and the discourses of grass-roots organizations, which question market led processes of development. At the same time, there is a need to problematize such approaches, given the power relations operating at various scales, from the global to the local, and the social dynamics of rapidly urbanizing societies. These concerns highlight the challenge of recognising and valuing difference in a way that strengthens, rather than fragments, collective action, and ensures universal principles of equity. This course offers the opportunity to engage with the theoretical and practical implications of promoting well-being and citizenship in the context of social diversity, exploring the traditional realm of the social sector as entry point to influence wider contestations of rights and citizenship as manifested in development initiatives.

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