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Community Voices in Sustainable Slum-Upgrading Processes: The Nairobi People Settlement Network (NPSN)

Humphrey Otieno

Abstract

This article presents the slum upgrading activities of the Nairobi People Settlement Network (NPSN) beginning with an historical background of this movement. It focuses on the participation of the community in these processes through highlighting NPSN goals, achievements and challenges in contributing to sustainable slum-upgrading programmes.

Background

The Nairobi People Settlement Network (NPSN) is a community social movement that was initiated in 2003 and officially inaugurated on 10 December, 2005 during the celebration of Human Rights Day in Korogocho. The network emanated as a result of numerous evictions in the early '90s and early 2000s in urban areas in Nairobi, Kisumu and Mombasa, among others.

NPSN is a cooperate national umbrella organization which draws its members from the informal settlements comprising of self-help groups, women groups, youth groups, faith-based institutions, non-formal educational institutions, hawkers and orphans' organizations. Currently NPSN has a membership of 126 groups in Nairobi and 260 in other urban areas in Kisumu, Mombasa and Garissa. NPSN also has links with other settlements in Kakamega, Busia, among others in the country.

For NPSN to achieve its goals, the network has divided its programmes into five different thematic areas to address the issue of housing rights as follows: (1) land and housing (addresses issues related to housing including slum upgrading, policy and legislation tenure ship, land acquisition, ownership and other physical housing issues); (2) education (framework on adequate housing, lobbying legislators and law maker on residents' rights to free primary education); (3) health (issues of overcrowding in the settlements, infectious or deadly and preventable diseases e.g. TB and skin infections, lack of health facilities); (4) water and sanitation (lack of water sources, high costs of purchasing water) and (5) environment (overcrowding, lack of garbage disposal sites, poor drainage systems and poor road infrastructure). In order to achieve these goals, NPSN has four programmes: (1) capacity building; (2) information gathering and dissemination; (3) advocacy and lobbying and (4) networking and linking.

Figure 1: Marking Human Rights Day



Source: NPSN, 2008

Figure 2: Land policy forum, Kitale



Source: NPSN, 2008

1. Defining Slum Upgrading

According to NPSN, rehabilitation or 'upgrading' aims at tackling any one or more of the problems related to informal settlements. However, since no two settlements are the same, there is no fixed way of resolving these issues. Any process of slum upgrading requires careful analysis of the local situation and adaptation to its unique circumstances. This requires the involvement of the residents in design, planning, implementation, monitoring and evaluation.

Slum upgrading is subject to local decision-making and can include anything from technical improvements to socio-political arrangements. The following list displays some of the most common issues addressed in slum upgrading programs:

- Legalization of tenure status for sites and houses, including regularization of rental agreements to ensure improved tenure;
- Provision or improvement of technical services e.g., water, waste and waste water management, sanitation, electricity, road pavement, street lighting;
- Provision or improvement of social infrastructure such as schools, clinics, community centers, playgrounds, green areas, etc;
- Physical improvement of the built environment, including rehabilitation/ improvement of existing housing stock;
- Construction of new housing units (housing construction can but does not necessarily form part of upgrading schemes. Often enhancing and rehabilitating the existing housing stock is much more sensible and effective and can be achieved at little cost through legalization of tenure status or regularization of rental agreements);
- Design of urban development plans (e.g. the rearrangement of sites and street patterns according to infrastructure needs, although working within existing settlement patterns is generally less disruptive to community networks. This measure sometimes entails resettlement of some residents);
- Changes in regulatory framework to better suit the needs and opportunities available to the poor, taking into consideration the existing settlement patterns;
- Densification measures (e.g. multiple-story houses in order to protect fertile land from being occupied for settlement) and de-densification due to partial resettlement.

The universally accepted notions of justice, equity and fairness imply that every member of society should be provided with a “level playing field” in terms of opportunities for the development of their potential and optimization of their welfare. Far from being an outcome, “equity” is a process built upon the concept of equal opportunity and space were individuals or a collective segment of the society can share freely without intimidation and define what they see or perceive as measures that will bring about change that they want and not imposed on them. According to Roemer, (Roemer, Wright and Anerson, 1996) equity demands an “equal opportunity policy”. He argues that although individuals bear some responsibility for their welfare, they are also affected by circumstances over which they have no control. Public policy should therefore, aim at equalizing advantages among people from groups with different circumstances and increase the fairness of social processes. If the outcomes then turn to be unequal, they are still fair.

2. Why Focus on the Voices of Communities?

The broad rationale, to focus on community needs, is based on systematic review of empirical evidence that residents in these settlements have immense knowledge, understanding and rich experience of their situation in sectors. The aim is to draw national and international attention to this critical issue which has a negative impact by depriving them their right to participate in social development and denies them access to social justice and national development which has lasting and intergenerational implications for the society.

Figure 3: Community residents during evictions at Dam Village



Source: NPSN, 2008

- **Community Slum Upgrading Goals**

Residents of informal settlements have the following goals with regard to their participation in slum upgrading processes:

- To ultimately be the designers of the units to be constructed;
- To ultimately be the implementers of the projects and to evaluate and monitor them to ensure compliance with the set standards i.e. the definition of adequate housing in the International Convention on Economic Social and Cultural Rights (ICESCR) and the Building Code;
- To prevent further slum mushrooming, forceful evictions and to re-introduce the concept of social housing for low-income earners;

- iv) To measure government commitment in reduction of slum polarization and demonstrate respect of human rights;
- v) To ensure residents living in informal settlements own the process.

3. Planning and Designing Slums in Nairobi

The process of housing and settlement in Nairobi has a long history that dates back to the late 60's, 70's and 80's and early 90's which witnessed to a change in leadership and governance. It was not until 1995 when the civil society, with the support of vibrant Faith Based Organisations (FBOs) lead by missionaries, began to question the motive and intention of the State to settle a number of evicted residents from different parts of Nairobi and its environs.

Today, there is a big shift in this process, from when the NGOs and FBOs took the lead, to grassroots communities taking up the imitative and leadership. From putting pressure on state agents to working in collaboration with government departments in fulfilling developed plans for sustainability, NGOs and FBOs are now engaged in capacity building and resource allocation. People-based advocacy has been used as the basis for engaging communities that have been victims of forced evictions. These communities are mobilized and empowered with skills on various components such as formation of savings groups, data gathering including mapping, enumerations and use of media. They then deliberate on construction material and develop community procurement procedures, making all the decisions for themselves.

4. Challenges in Slum Upgrading

- Complexity of issues within the informal settlements: Serviced land, lack of basic services such as water and sanitation, health, energy, education. Generally, lack of social and physical infrastructure.
- Ethnic tensions: When issues of slum upgrading arise, communities often tend to re-group along ethnic lines while others evict tenants who are not from their ethnic background.
- Tenants and structure owners: On the one hand, housing arrangements in the settlements are mostly verbal without any guidelines/contracts therefore, tenants are vulnerable to evictions. On the other hand, structure owners are denied access to their property by tenants who evade rent payment.
- Security of tenure and legality: The settlements are situated in reserved or riparian areas; this means that the designations are for expansions of infrastructure owned by the State or private corporations.
- Government bureaucracy on approvals: The housing approval process is so complicated and has to go through different arms of the government before it is accepted worsened by corruption or counterfeit or fake documentation.

- Funds: Lack of allocation of funds by the government during its annual resource allocation has a direct impact on housing and specifically, on the slum upgrading process. The government has not prioritized housing as one of the key factors determining the socio-economic state of the country.

5. Lessons Learnt

- High profile beneficiaries in government frustrate the slum upgrading process to suit their interests. Some politicians, senior civil servants and businessmen and women are known to be absentee structure owners or professional squatters.
- Varying opinions in matters of project design, priorities and beneficiaries' opinions. Other contentious areas are also in different economic, social, political and cultural values of the community.

6. Recommendations

The bottom-up approach is a key pillar in the slum upgrading process. In the light of the current situation, the lessons that have been learnt and the challenges that have been experienced; the following areas need to be taken into consideration to ensure further success of these efforts:

- *Programme Implementation*

A land and housing programme is currently being undertaken under the leadership of NPSN in collaboration with Civil Society Coalition on Housing, UN-HABITAT, Embassies of different countries specifically in the European Union (EU), donors, the private sector, the Kenya Private Sector Alliance (KEPSA) with support from key government departments, research institutions and the media. This has resulted by changing negative perceptions and demystifying the concept on slum upgrading.

Social exclusion denies certain groups equal access to resources (economic, cultural and political) and prevents them from enjoying the same opportunities as other groups to improve their living standards. Thus, there is need to refer to the Economic Social and Cultural Rights (ESCR) framework with regard to:

- i) Participation of the community in analysing the impact of specific and thematic issues such as water and sanitation, education, among others;
- ii) Accountability: to ensure that the information relayed or disseminated to the community is accurate and informative so as to prevent false/inflammatory statements by politicians, government departments or individuals masquerading as private developers;

- iii) Application of the non-discrimination principle in all aspects to discourage discrimination along gender, ethnic or economic status;
- iv) Empowerment of the community to enable them to question gaps, in legislations and policies, and help them test their capacity in engaging with policy makers and implementers by raising concerns not being addressed by the public;
- v) Linkages with partners/agencies on best practices for the success of such programmes. It prepares communities for the foreseen or unprecedented occurrences, challenges and provides for quick solutions and maintenance of the required local, regional and international standards on housing issues.

- *Upholding Dignity*

Adequate housing is fundamental to survival and to living a dignified life with peace and security. The right to adequate housing was recognized in the 1948 Universal Declaration on Human Rights and is entrenched in a number of international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICESCR became law in 1976 and is now legally binding 154 countries, including Kenya. In Article 11(1) it states that: “The State parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and for his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions” (UN, 1976).

The Covenant emphasizes that State parties must take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent. According to the UN Committee on Economic, Social and Cultural Rights, which oversees the ICESCR, in order for housing to be adequate it must provide more than just four walls and a roof over one’s head. It must, at a minimum, include the following elements, all of which directly pertain to slum upgrading:

- i) Security of Tenure

Security of tenure is the cornerstone of the right to adequate housing. It protects people against arbitrary forced eviction, harassment and other threats. Residents of informal settlements and communities without legal security of tenure live in a constant state of uncertainty, which keeps them from investing time, effort or money into their homes. Providing security of tenure is therefore key to successful slum upgrading strategies. For example, robust advocacy intervention among communities, NGOs and FBOs, in the case of Korogocho, Kambi Moto and Tanzania Bondeni led to land acquisition and approval by the local authorities after the communities presented their plans.

In settlements with a majority of owner-occupiers, tenure security can be provided relatively easily by granting land leaseholds or title deeds. In settlements with a majority of tenants, other systems of tenure security must be found that benefit the most vulnerable instead of commercial

slumlords. It must also be borne in mind that rental accommodation is sometimes preferable for very poor people, who may not want the extra burden of ownership and therefore regularization and control of rental status will be required.

ii) Available Services

Adequate housing requires access to basic services such as potable drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage, refuse disposal, site drainage and emergency services. For housing to be considered adequate, inhabitants must also have adequate space and protection against the cold, damp, heat, rain, wind, threats to health and structural or environmental hazards. Technical standards are a key issue to be addressed in this context. If technical improvements are not made within the range of the target group's ability to pay, they can lead to displacement of the lowest income groups in the community. Therefore technical standards of housing may need to be reduced, at least in the short-term.

iii) Affordable Housing

Housing must be affordable for everyone. One of the key challenges in slum upgrading is ensuring that improvements do not lead to increased housing costs and therefore displacement. However, fulfilling human rights in the context of slum upgrading does not mean, that State or local authorities are under the obligation to provide free services. On the contrary, some slum upgrading approaches have relied nearly exclusively on the target group's resources (for example, slum upgrading projects organized by slum residents in Kambi Moto and Kahawa Sukari). Ensuring successful slum upgrading requires constant attention to the budgets of the affected communities and the charges and prices associated with the project. Affordability is key to any upgrading process, particularly when it comes to operation and maintenance of new installations, so while reducing standards where necessary to allow an existing population to remain in place can be a positive step, reducing standards which then leads to an increase in maintenance costs should be avoided.

iv) Physical Accessibility

Housing must be accessible to everyone. Housing law and policy must ensure that housing needs of the most vulnerable groups in society are met, including women, the elderly, the physically challenged, children etc. Where housing markets fail to address this, slum upgrading programmes can support the most vulnerable population by improving the urban environment in which they have their homes.

v) Suitable Location

For housing to be adequate it must also be well situated so as to allow access to employment opportunities, health care services, schools, childcare centres and other social facilities. It must also be located in an acceptable environment, not, as is often the case, in environmentally hazardous areas such as dump sites, steep slopes or flood prone areas. Though low-income settlements usually

lack public facilities, it has been recognized that strong social networks play an immensely important role in alleviating this deficit as well as in creating employment opportunities. Slum upgrading, as opposed to relocation, should make sure that social networks are maintained and distances to the work place are kept reasonable.

vi) Cultural Adequacy

The right to adequate housing includes a right to reside in housing that is considered culturally adequate. Slum upgrading programs that do not consult with the target group prior to any improvement actions run the risk of not being accepted by the community due to cultural inadequacy. It is therefore advisable to agree upon improvement measures by engaging in dialogue with residents. For example, in some areas of Kenya, informal burial grounds are commonly kept next to the home, resulting in extraordinarily strong personal attachments to specific housing sites. Traditional planning instruments such as site redistribution or the reorganization of the street layouts are therefore potentially hampered and must be reconsidered.

Conclusion

In my experience, upgrading of the urban environment of low-income settlements encompasses a variety of components. The main issues are political will from the authorities, land tenure, financing and institutional arrangements, including how stakeholders, particularly the marginalized and vulnerable, can participate in decision-making processes. It is important that the political will to carry out an upgrading process comes from an idea of improving the standing of a community, rather than a desire to rid an area of an 'eyesore'. Successful slum upgrading is a long-term process rather than a political project; it must be supported by all stakeholders despite conflicting interests.

This process involves carrying out extensive surveys, preferably by the residents themselves in order to understand what the norm in terms of living conditions is and what ideas the residents may have of how this could be improved. Women's involvement is particularly essential in this process as they tend to not only be the social 'glue' but also the residents who have invested most in the homes and their environment. If the upgrading process is not favourable, they often suffer more. Part of a slum upgrading process may be simply to make provision for further increases in population by making land available with services for low-income residents. This will decrease pressure on those settlements which are already in existence, making the upgrading process easier to manage.

Usually, tenure regularization is the first step towards achieving any substantial improvements as without some form of regularization it is unlikely that there will be investments made to improve either services or housing. It is also an essential element of the human right to adequate housing. One option, which lowers the likelihood of speculation, is land sharing agreements, whereby land titles are not given to individuals but are held in trusts. This also helps to

avoid the commodification of land. Infrastructure deficits, especially concerning water supply and waste water and sanitation management, are also important issues to be addressed. While access to potable water is vital to human survival, functioning waste and waste water management systems also help to secure an adequate standard of health.

Nevertheless, the desire to achieve the technical goals in slum upgrading processes should not be the main focus of such initiatives. It is equally important to enable communities to contribute to urban management issues on a regular and institutionalized basis. This not only requires effective community organizations but also the cooperation and political commitment of local governments and administrations.

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