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**HUMAN GEOGRAPHIES OF THE RURAL-URBAN
FRINGE: Social dynamics of land development
in the Nairobi rural-urban fringe, Kenya**

A thesis
submitted in fulfilment
of the requirements for the degree
of
Doctor of Philosophy
at
The University of Waikato

by

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March 2010

ABSTRACT

The process of urbanization is one of the most important dimensions of economic, social and physical change. It is almost a truism that the planet's future is an urban one and that the largest and fastest growing cities are primarily in developing countries. As in other parts of the developing world, the urban population in Africa is expected to double by 2025, Kenya is no exception. Rapid urban population growth means an increasing demand for urban land. This land is not available within cities, but in the rural-urban fringes, for various reasons. The conversion of agricultural land to residential uses in these areas is leading to rapid transformations of this space.

This thesis is motivated by a concern for the quality of life and environment in the Nairobi rural-urban fringe, specifically Town Council of Karuri (TCK). This is because it is a place where generic problems associated with urban growth (such as pollution, social dislocation, land use conflicts, loss of agricultural land) are increasingly becoming evident and manifest. This thesis thus examines the dynamics of land use change in the TCK with the aim of building an understanding of the drivers of agricultural land conversions, implications of resulting land use changes, and the related response mechanisms to the changes. The leading question that guided the line of enquiry and discussion is: *why is agriculture being squeezed out by non-agricultural land uses in the Nairobi rural-urban fringe?*

To understand land use dynamics it was necessary to frame landholders and their decision-making environments in 'situated contexts'. However literature, personal experience and interviews, indicated that forces driving or influencing land conversions interact and operate at varying scales and in an interrelated manner. With this understanding the study adopted an approach that embraced a nested set of scales, an approach that enabled an understanding of the complex local and macro forces and their localized consequences and responses. A case study research that adopted a multiple method qualitative approach and made use of a conceptual framework that borrowed from different theoretical perspectives was adopted.

This study, in the main, has indicated that the geography of rural-urban fringe is the outcome of a host of public and private economic, social, cultural,

environmental and political forces operating on a variety of scales from the global to the local/human. As a result, a full understanding of the rural-urban fringe and of the problems and prospects for different people and places needs to be grounded in the knowledge of the structural forces and processes that operate on and in combination with contextual factors to condition the geographies of the rural-urban fringe. This study has explored the complexity of geographies of the rural-urban fringe from a social perspective. It has illustrated the significance of macro, micro, local/human forces in creating and recreating the rural-urban fringe environment. The study achieved this by delving into the TCK to examine the diversity of places and actors and the way they affect land development.

This study points out that a number of powerful conditions/factors operate at broad scales to determine what is possible at the level of the individual landholder in respect to land use. These forces are leading to land conversions which produce both intended and unintended consequences. These consequences are contributing to change in social, cultural, environmental and economic aspects of the Nairobi rural-urban fringe. Actors (landholders and the residents) are however not passively accepting the fate of being victims of land use changes but instead they are evolving varieties of local/human-level responses (and also developing/recalling subaltern strategies) to enable them to live in the rapidly changing environment. Their varied individual and collective agency is however at times limited or strongly constrained by structural factors and conditions that are beyond their knowledge repertoire or control. This has led to differences in collective and individual responses to the conditions that shape the effects of drivers of land conversions. The differentiated responses are, however also, unintentionally creating conditions for further land conversions, either through making the hitherto unfavourable areas for settlement favourable or creating more obstacles for the continuation of viable agricultural activities.

The findings of this thesis point out that the explanation of why agricultural land use is being edged out by non-agricultural uses in the Nairobi fringe is contingent on many factors/conditions, primary of which is population increase through natural growth and in-migration. Population growth thus is a necessary condition for land conversions from agricultural to residential use in the Nairobi fringe. The process that produces population growth is, however, a part of the processes that produces land conversions in the Nairobi fringe.

The study argues for redefinition of focus as is embodied in the dichotomous definitions such as rural/urban, legal/illegal, formal/informal to definitions that reflect hybrid characteristics that rural-urban fringes are manifesting. Further implications of the findings on the future research, policy and planning in urban/rural-urban fringe contexts of the developing countries are also enumerated. Areas/aspects in which this thesis was considered weak are identified and future rural-urban fringe research directions are proposed.

DEDICATION

To my parents (Robert Thuo and Mary Wanjiku) representing my past, through my own representation of the present; to my children representing my future and to the gods representing eternity.

ACKNOWLEDGEMENTS

Many individuals, institutions and organizations gave me indispensable inspiration, support and sustenance during the course of researching for, and writing this thesis and I am greatly indebted to them. It would be impractical to name each one of them. This notwithstanding, I am obliged to acknowledge some for their specific contributions. First and foremost, I am indebted to my chief supervisor- Dr. Lex Chalmers (An Associate Professor in the Department of Geography, Tourism and Environmental Planning), and co-supervisor- Dr. Mairi Jay (A Senior Lecturer in the Department of Geography, Tourism and Environmental Planning) whose inspiration and guidance gave me the drive to undertake this study to its conclusion. Their patient and constructive comments and criticisms greatly shaped the outcome of this study.

I am grateful to Prof. John Overton of Victoria University of Wellington (New Zealand) and Prof. Roddy Fox of Rhodes University (South Africa) for their valuable comments as my thesis examiners. I will be forever grateful to Dr. Hamish Rennie (currently working at Lincoln University), for initially accepting me as a doctoral student, introducing me to New Zealand and his guidance in the preparation of my research plan on which this thesis is based. I am also grateful to Dr. Colin McLeay who at different times supported me during the writing of this thesis. Other people in and outside the Department of Geography, Tourism and Environmental Planning contributed their ideas and support to this study. Standing out is Dr. Anne-Marie d'Hautesserre, who on different occasions discussed with me the various aspects of my study, provided valuable literature and also commented on the various drafts of this thesis.

I am tremendously indebted to my informants who made the field work for this thesis possible. I am grateful to the landholders, residents, community leaders, planning practitioners, business people, government officers, non-government officers, among others, who shared their time and knowledge with me. I could not have achieved much in this study without their generous support and unparalleled co-operation during visits, interviews and discussions. It is through them that I gained a richness of experience and knowledge most of which is presented in this thesis. In particular, I would like to thank Ms. Casty Njoro-Physical Planning Officer, Kiambu District; Mr. Macharia- Town Clerk, Town Council of Karuri; Mr. Mukuha- Town Council of Karuri; Mr. Waweru- former

Councillor, Kihara Ward and Mr. Mungai- Chief, Kihara Location, among others. Their suggestions and discussions provided valuable information for this study.

I am greatly indebted to the New Zealand International Aid and Development Agency (NZAID) for providing scholarship and financial support for my doctoral studies. I also acknowledge precious support I have received from the Department of Geography, Tourism and Environmental Planning during my entire study period at the University of Waikato. I am also grateful for the support I have received from my employer, the Kenyatta University and specifically Department of Environmental Planning and Management.

Further, I am grateful to Dr. Caleb Mireri of Kenyatta University for his advice while I was shaping the original idea on which this study is based. I wish also to register my gratitude to Max Oulton, the Department of Geography, Tourism and Environmental Planning Cartographer, for his support in preparing various diagrams and maps illustrating different aspects of my study. My gratitude also goes to Brenda Hall, the Departmental administrative assistant who was always ready to offer support and advice when called upon. Also Heather Morrell for her support in library issues and End Note tutorials. I am indebted to my fellow colleagues, particularly doctoral students for their support which came in different ways, among them: Salman, Dorina, Greg, Olivia, Carey-Ann, Paul, Wambui and Rose Omondi. The Kenyan community in New Zealand also supported me in different ways; among those who helped are: Maina, Kiranka, Wangechi, Burhan, Wanjuki and Karanja. I would like to acknowledge the two Kenyan daily newspapers- The Nation and The Standard, for keeping me updated (through their online newspaper editions) on happenings in Kenya and thus making me feel 'home away from home.'

Finally, I wish to acknowledge the overwhelming contributions and sacrifices my family have made in the success of my academic career. Of special mention is Anncarol, Alfa, Mary, Abbie, Abba and the entire Thuo's family.

In conclusion, the combined efforts of all the acknowledged contributed to a marked improvement of the quality of this thesis. The shortcomings of the thesis, however, are my responsibility.

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GLOSSARY

Ahoi (Literally meaning beggars) - This is a Kikuyu name for landless people during pre-colonial times or those whose use of land was based on a principle of 'tenants at will.'

Boda boda- non-motorised transport.

CDF- Constituency Development Fund.

CG- Central government officials.

CL- Community leaders.

CM- Community members (indigenous and newcomers).

DC- District Commissioner.

DDCs- District Development Committees.

De facto- This phrase is used to characterize an action or a state of affairs that is accepted for practical purposes, but may be illegal or illegitimate.

De jure- This phrase is used to characterize an action or a state of affairs that fulfil the statutory formalities imposed by law.

DFRD- District Focus for Rural Development.

DO- District Officer.

EMCA- Environmental Management and Co-ordination Act.

FGDs- Focus Group Discussions.

GDP- Gross Domestic Products.

Gikomba- informal market in Nairobi City which deals mostly with imported second hand items such as clothing.

Gikuyu (or Kikuyu in Anglicized version)- The community is mostly found in Aberdare and Mount Kenya regions. These are one the immediate neighbours to Nairobi City (to be precise part of Nairobi City was part of Kikuyu area before boundary extension in 1963). They are the majority population in Kenya and in Nairobi. They speak a Kikuyu language.

Githaka (literally meaning a bush) – is a name traditionally used to mean land. It may have been used due to predominance of uncultivated land at that time. The name was also used interchangeably with the name *Ng'undu*. These names are rarely used in current time and instead the name *Mugunda* is widely used.

GPT- Graduated Personal Tax.

Harambee (literally means "all pull together" in Swahili language) - It is grounded on egalitarian practices customary to many ethnic communities of Kenya but has been adopted in contemporary times as community self-help initiatives.

Headmen- local name used to refer to an assistant chief, and has a root in colonial description of a village leader. Post independent Kenyan government formally scrapped that post from its official hierarchy. However, there are elders who have informally (but formally recognised) taken over the role that headmen used to play.

HIV/AIDS- Human Immunodeficiency Virus/Acquired Immuno-Deficiency Syndrome.

IBEA- Imperial British East African Company.

In situ- Situated in the original or existing place or position with minimal disturbance or external influence.

IMF- International Monetary Fund.

Jua Kali (Literally meaning hot sun)-This is a name used to refer to the informal sector jobs or jobs where government control is limited. It has its origin from a realisation that most of informal sector work is done in the open air sites. However, informal sector jobs are not necessarily conducted in open air sites. Some informal jobs are also located in upper markets locations.

KACA- Kenya Anti-Corruption Commission.

KANU- Kenya African National Union.

Kenya Gazette- This is an official publication that sets conditions for official documentation to come into effect. The Gazette may contain a range of legislation, official proclamations and notices of government appointments.

Kiama (Plural Ciama)-This name was traditionally used in Kikuyu community to refer to a governing body, the council of elders. With the demise of the traditional governance system, the name is used for the informal women groups (although there are also men in some of these groups) organised for specific social, economic, religious and economic purposes. Membership may be open or restricted. *Kiama* play such roles as merry-go round where members meet once a week either on Sunday or on a designated day of the week.

Kiosk- This is a small scale retailing unit equivalent to 'dairy' in New Zealand but usually operate in semi-permanent building structures.

Kirore- Kikuyu name for signature. However, it is mostly used in reference to a practice where people who cannot read and write use their thumb to print an impression in place of signature.

Kiswahili (also referred to as Swahili)- This is Kenya's national language. It is not the official language.

KNTC- Kenya National Trading Corporation.

Kshs- Kenya Shillings which is the name of the currency.

KU- Kenyatta University.

Kuhura mai na ndiri (literally meaning grinding water using mortar and pestle) - This is a Kikuyu proverb implying engaging yourself in an unproductive activity or an activity whose returns are uncertain or nil.

Laissez-faire- the theory or system of government that upholds the autonomous character of the economic order, believing that government should intervene as little as possible in the direction of economic affairs.

LATF- Local Authority Transfer Fund.

LG- Local government officials.

LGA- Local Government Act.

Mabati- This is a Swahili name for corrugated iron sheets. *Mabati house* are semi-permanent houses made of corrugated iron sheet in both roofs and walls.

Manamba- This is the name used to refer to touts (usually young men) frequenting bus stops and earning their living through money extortion from public service transport operators. They usually informally maintain some order in the mostly uncontrolled public transport (they are considered illegal by the government).

Mau Mau– This was a militant African nationalist movement active in Kenya during the 1950s whose main aim was to remove British rule and European settlers.

Mbari- This a Kikuyu name for clan or sub-clan or family group.

MDG- Millennium Development Goals.

Mlolongo system- This is system of voting where people queue to be physically counted. It was used in the 1988 Kenya Parliamentary and civic elections.

Msaliti– This is a Swahili name used to refer to a traitor or a 'sell out.'

Wenyeji (plural of Mwenyeji) (literally meaning the 'one who belongs) - This is someone who has been living in an area for a lengthy period of time.

Natives- The term "native" can have different social and political connotations in different contexts. In the context of British colonialism this term as applied to the inhabitants of colonies, assumed a disparaging and patronising attitude, implying that the people concerned were incapable of taking care of themselves and in need of Europeans to administer their lives. Some people resented (even today) the use of the term and considered it derogatory.

NCC- Nairobi City Council.

NEMA- National Environmental Management Authority.

NG- Non Governmental officials.

NGO- Non-Governmental Organisation.

NMDA- Nairobi Metropolitan Development Authority.

Nyayo-The slogan of *Nyayo* (literally meaning footsteps) was adopted by President Moi (Kenya's second president) indicating that he would maintain the status quo on assuming the presidency following Kenyatta's death (the first president).

Parastatals- These are governmental organisations with semi-autonomous status in their operations. They are established to provide key services to the people.

PC- Provincial Commissioner.

RAP- Researchers/academicians/private planning practitioners.

RE- Real estate agents/land dealers.

SAPs- Structural Adjustment Programmes.

Sessional Papers- Sessional Papers are the working papers of the Parliament and include bills (drafts of legislation), reports (from committees, cabinet etc.), accounts (including statistical information) and papers (documents conveying information or decisions to the members of Parliament).

Shamba- This is a Swahili name for a farm.

SOEs- State Owned Enterprises.

Sukuma wiki (literally meaning push the week) - This is a Swahili name used to refer to kale (a vegetable often eaten together with ugali, which is product from maize).

TCK- Town Council of Karuri.

Toa kitu kidogo (TKK) - (Literally meaning give/remove something small) – This is an unofficial extra payment, especially, to the public officers in order to expedite services to the customers.

UNCHS- United Nations Commission on Human Settlements.

UoW- University of Waikato.

Vijana- This is a Swahili name for young people. However, in Kenyan context it is widely used to refer to young men.

Wananchi- Swahili name for people but widely used to refer to ordinary citizens or people with little political or economic influence.

CHAPTER 1:

INTRODUCTION

This thesis is motivated by a concern for the quality of life and environment in the Nairobi rural-urban fringe. This particular place is unique because of its semi-rural/urban character (more transitional than enduring), the natural resources being affected by its transition from rural to urban, and the social, cultural and economic nature of the communities that have developed there. Much of my interest arises out of the realisation that the rural-urban fringe is a place where generic problems associated with urban growth (such as pollution, social dislocation, land use conflicts, loss of agricultural land) are increasingly becoming evident and manifest in the Nairobi rural-urban fringe¹.

1.1 PERSONAL BACKGROUND AND ITS RELEVANCE TO THE THESIS

The approach and focus of this research was shaped by my personal interests and life experiences. This thesis is therefore an account of my:

...struggles and challenges ..., narrative of learning and inspiration, complexity and mystery, joy and excitement, and of growth and transformation, both in personal and professional terms (Thompson 2001 153).

As such, the thesis resulted from my feelings, reflexivity, background and values as a researcher, my experience as a lecturer in environmental planning and as a resident who has lived in the rural-urban fringe during different periods of my life. My life experiences not only formed the basis of my interest in this research but also were invaluable in developing credibility and rapport with the communities living or working in the Nairobi fringe. When I interacted and shared with them, they were able to identify with many aspects of my experience.

As a young person, I attended a High School located in the fringe of a secondary town (Murang'a), some 100 Kilometres away from Nairobi in Kenya. For the four

¹In this thesis the terms Nairobi fringe will be used to refer to Nairobi rural-urban fringe.

years that I studied there I observed the neighbourhoods of the school. Several descriptions of the area could be offered, but what caught my attention were the land use conversions from agricultural to residential purposes. A lesson in local geography identified agriculture as the major land use in the area. However, the pace of land use conversion from agriculture to residential was so rapid that my interest was continually aroused, and therefore, I began to question others and myself about what was happening to those selling their parcels of land and why they were selling.

One of the explanations was that the town centre was located in hilly topography and therefore construction was expensive (even for commercial buildings); and, that with rising population and a physical constraint, alternative space (both convenient and cheap) was available in the urban fringes. By the time I completed my High School education, the town centre was dense with multi-storey buildings. Clearly, the issue of topography being the sole driver of change could be discounted, and my questions thus remained unanswered.

I then studied at Kenyatta University, located within the boundaries of Nairobi City. The location of the university is such that although it is within the Nairobi City, the surrounding areas are outside the City boundary and thus constitute part of the Nairobi fringe. Most of the areas surrounding the university were (in 1997) still agricultural or just bush-covered with no or minimal residential settlement. As I progressed in my studies, I began to notice houses being built in these former open and agricultural areas. Some of these areas were becoming dense much faster than others, but some parcels of land remained vacant. I used to take a stroll during weekends into these 'newly urbanizing' areas, and (being an environmental planning and management student) aspects of planning (or lack of it) could not escape my attention.

When I completed my Bachelors' degree, I worked for a Swedish Agroforestry Programme as a project monitoring and evaluation intern. This was in a town (Kitale) located some 500 kilometres away from Nairobi. As with my High School town, most residential settlements were located in the fringe areas of the town. So I stayed in one of the rural-urban fringe estates, where I bought water every morning from a vendor and I paid bicycle (*Boda boda*) operators to transport me to and from my work station.

After the internship, I enrolled for a Master's degree in environmental planning, and then took up a position as an assistant lecturer at Kenyatta University where I taught courses on informal settlement and public utilities. It is at this time that I began to seriously question some of the literature that explained the urban growth processes in light of my personal experiences and observations in the Nairobi fringe.

When the time came to establish my own home, I searched for a plot where I could build a dwelling (I should make it clear that buying a house was also an option but this required either a mortgage or a huge bank loan). In my search, I visited real estate agents and I also activated a wide network of friends in the search. I visited most areas within Nairobi city but did not like some of areas, the costs of plots, or I found that other related costs were too high. I had by then started looking for a plot in the neighbourhood of the university, a rural-urban fringe area. Here there were many plots available for sale. I was taken to many different sites and during these visits I saw plots with "on sale" signs, with the telephone numbers given. It took almost 6 months to get a plot that partially suited my needs. I purchased a plot and began constructing a house.

While going to work in the morning, from my new home (about 15km from my place of work), I experienced transportation problems due to inadequate public service systems and traffic congestion. During this time, I would also hear other people complaining about the delays in getting to work, increased bus fares, insecurity, lack of services and infrastructure. But even as this was occurring, more and more residential houses were replacing agricultural land uses. The overarching question in my mind then was why is this happening? There were no coherent explanations to my question, not even from my own experience.

1.2 AN INITIAL LEAD FROM THE LITERATURE

In the early stages of my research, I explored many leads in the studies of the rural-urban fringe. I came across work done by Starchenko, who looked at the rural-urban fringe as a site of postmodern expression of contemporary urbanisation (Starchenko 2005). He based his study in Canada. This work, together with that done by Pennock in the USA (Pennock 2004), provided a useful introduction to a wide variety of literature, but also encouraged me to use multiple conceptual frameworks to analyse urbanisation in rural-urban fringes. These studies provided a platform for my thinking about urbanisation in Nairobi

rural-urban fringe. I was aware, however, of a missing component of their work; the lack of a contextual basis grounded within lived experience of developing countries.

I also came across a paper by Mbiba and Huchzermeyer. This paper attempted to initiate a debate on the rural-urban fringe and opened up some useful areas for consideration (Mbiba and Huchzermeyer 2002). In particular, I got interested in the political economy, starting with neoclassical perspectives in the analysis of issues in the rural-urban fringe. However, I realised (as in the Pennock and Starchenko studies) that the theory of structuration in the Mbiba and Huchzermeyer paper held much promise in understanding complex situations, as found in rural-urban fringes. I started to read the primary materials such as those written by Friedmann and Miller (1965); Massey and Catalano (1978); Bryant, Russwurm and McLellan (1982); Giddens (1984); Gottdiener (1985); Bryant (1995); Daniels and Daniels (1999); Bryant (1995); Logan and Molotch (2007 edition) and these readings provided the framework for the conceptualisation of my study. Working with this approach I found Giddens' book (*The constitution of society: Outline of the theory of structuration*) was the key text to the approach to structure and agency conceptualisation.

In regard to specific and developing countries experiences, I relied on publications such as Simon, McGregor and Thompson (2006) (*The peri-urban interface: Approaches to sustainable natural and human resource use*). Other material offered by the Development Planning Unit, University College London was helpful, and Maconachie (2007) was also useful. To ground my study in Kenyan issues concerning urbanisation, local governance, land and rural-urban fringes, I derived much benefit from publications such as those by Ochieng' (2008 and 2007); Musyoka (2006); Kamau (2005); Elkins (2005); Odhiambo and Nyangito (2002); Koti (2000); Tacoli (1999; 1998a; 1998a); Overton (1988); Memon (1982) and other publications of the government of Kenya. These publications provided information presented in the contextual Chapters 4 through 8. The contextual chapters serve a key role in the study as they reveal the historical and spatial dimensions of the transforming rural-urban fringe that the original work in Chapters 9-12 were built on.

In my work I acknowledge the significant value of these contributions in the development of my approach to the matters addressed in this thesis. My thinking often derives from ideas rather than specific passages in the texts I have read,

although where I have paraphrased texts I have attempted to acknowledge sources directly. My intent was to register the derivation of my thinking. However, the exceptions to this practice are where statements and quotations capture ideas in a way that becomes a distinctive short hand for subsequent sections and researchers.

1.3 FOCUSING THE RESEARCH LENS

An exploration of the literature indicated that the process of urbanization is one of the most important drivers of economic, social and physical change in developing countries such as those in Sub-Saharan Africa (Pieterse 2008; Simon 2007 301; Harrison 2006; Hall and Pfeiffer 2000; Rakodi 1997; Lee-Smith and Stren 1991). Rakodi (1997 1) argued that it is “almost a truism that the planet’s future is an urban one and that the largest and fastest growing cities are primarily in developing countries.” The United Nations Centre for Human Settlements-UNCHS (now UN-Habitat) (2001) report indicated that approximately 25 percent of continental Africa’s population lived in towns and cities in 1975. In the year 2000, due to the combined effects of rural-urban migration and rapid rates of natural increase, 38 percent of the continent’s population lived in urban areas and the proportion is expected to increase to 47 percent by 2015, and to double by 2050 (UN-Habitat 2009 25; Thomas 2008 60; Clancy 2008 464; Hall and Pfeifer 2000 3).

Aguilar and Ward (2003) indicated that rapid urban population growth has led not only to an increasing demand for urban land, particularly for housing, but also for other various urban uses. And that in many countries, the increasing demand for land is affecting rural-urban fringes, where urban expansion is already encroaching into the agricultural lands and small villages.

Daniels and Daniels (1999) commented that the rural-urban fringes are characterized by diverse land uses, which often vary in relation to their functional linkages to urban and to rural sectors. The rural urban fringes are transitional in nature, that is, they become progressively more agrarian in orientation as one recedes from the urban centre to the rural areas. Due to diverse land uses, most population here is comprised of heterogeneous groups including original residents, farmers, migrant residents, recreational land users, industrial users, natural resource users, investors and speculators, developers and builders.

Furuseth (1999) argued that due to each of these populations having different values and resources, conflicts are likely to arise among them over a host of issues, such as the way land becomes allocated for different uses, including the way in which local governments are supposed to intervene and interfere with the determination of land uses. Conflicts also arise concerning the composition of membership in local institutions' boards, such as whether the newcomers are to be allowed to sit on those boards or not. There is also a contrasting vision among the indigenous and newcomer residents about how their areas should proceed or develop.

Despite the importance of the rural-urban fringe, Maconachie (2007), Simon *et al.*, (2006 7), Mbiba and Huchzermeyer (2002) and Audirac (1999) indicated that the area is still understudied. Among the reasons given for the relatively low number of studies of the rural-urban fringe is the divisions of academic disciplines that focus centrally on areas that have either rural or urban issues at their heart. This rural/urban dichotomy does not promote a comprehensive discourse about the development occurring in the area where urban and rural areas meet. Also contributing to the lower number of studies is the conceptual and operational separation of urban and rural areas in planning theory and practice (Evans and Mabbit 1997). Additionally, the concept of urban sprawl, which seeks to explain the rural-urban fringe areas, has also been cited as obscuring the complexity of cultural, environmental, economic and social forces at work in this space (Audirac 1999 7).

Against this lack of focus on the rural-urban fringe Maconachie (2007), Masuda and Gavin (2006), Mbiba and Huchzermeyer (2002), Briggs and Yeboah (2001), Tacoli (1999; 1998a) and Browder *et al.*, (1995) indicated that the conversion of agricultural land to urban uses is leading to rapid transformations in agricultural production, spatial structure, social structure, land ownership and land markets in the rural-urban fringe. I maintain that the dynamics at work in the rural-urban fringe have not been fully captured, as they are often not visible until physical land conversion actually begins or takes place. It is at the rural-urban interface however that we can best understand the process of today's urbanisation, land conversions and development, as well as the evolving conflicts over land uses. It is also the area where there is an opportunity to manage urban growth patterns before they get imprinted on the landscape.

According to Maconachie (2007) and McGregor *et al.*, (2006 317), managing urban growth is complex and conflict ridden. It is particularly so in developing nations such as Kenya, where the legal and policy frameworks of land use and ownership are weak. As a result land development has occurred in a haphazard manner resulting in urban sprawl. The consequence is non-optimal use of land within the planned/controlled areas (Mundia and Aniya 2006 106).

Mundia and Aniya (2006 97; 2005 2832) indicated that there is widespread land development sprawl within Nairobi City. The sprawling of residential developments is illustrated by land use images (Figure 1.1, 1.2 and 1.3), that show land use changes in the period between 1976 and 2000. These images indicate sprawling of the built up area, with most of the land being open or under squatter farming, which is common within Nairobi (see Memon and Lee-Smith (1993).

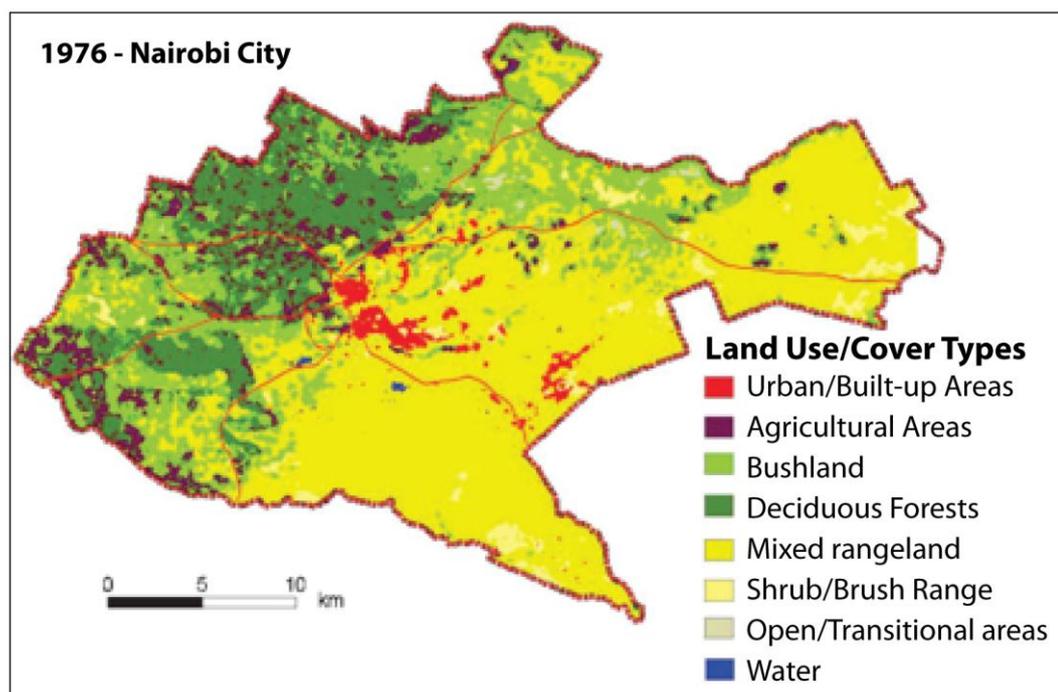


Figure 1. 1: Classified Land use/cover map of Nairobi City in 1976. Source: (Mundia and Aniya 2006 104).

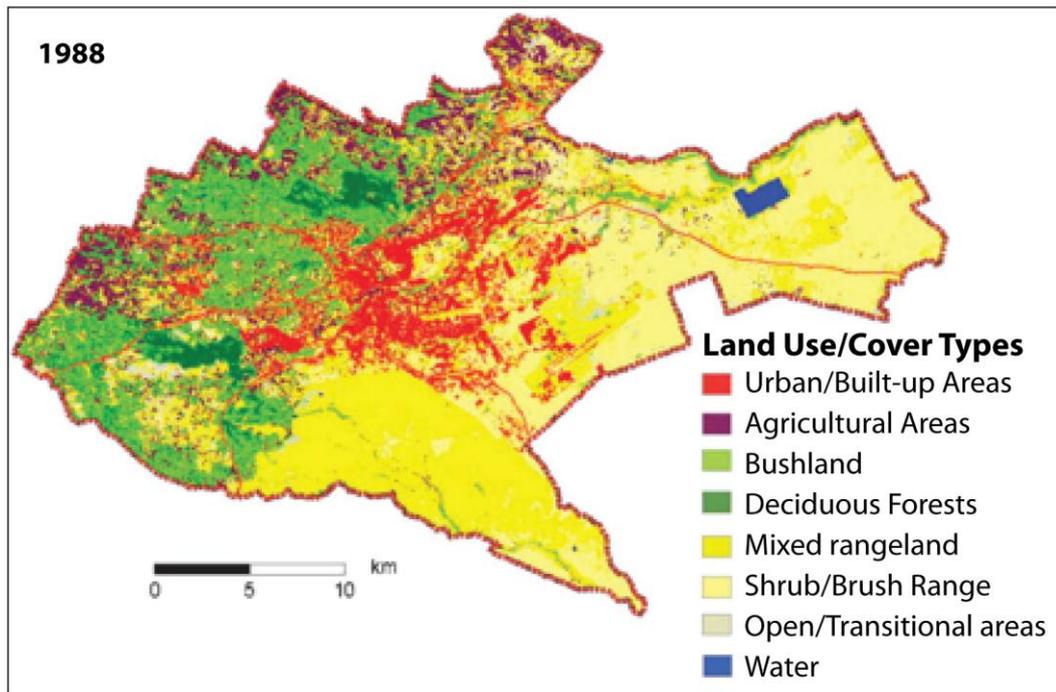


Figure 1. 2: Classified Land use/cover map of Nairobi City in 1988. Source: (Mundia and Aniya 2006 104).

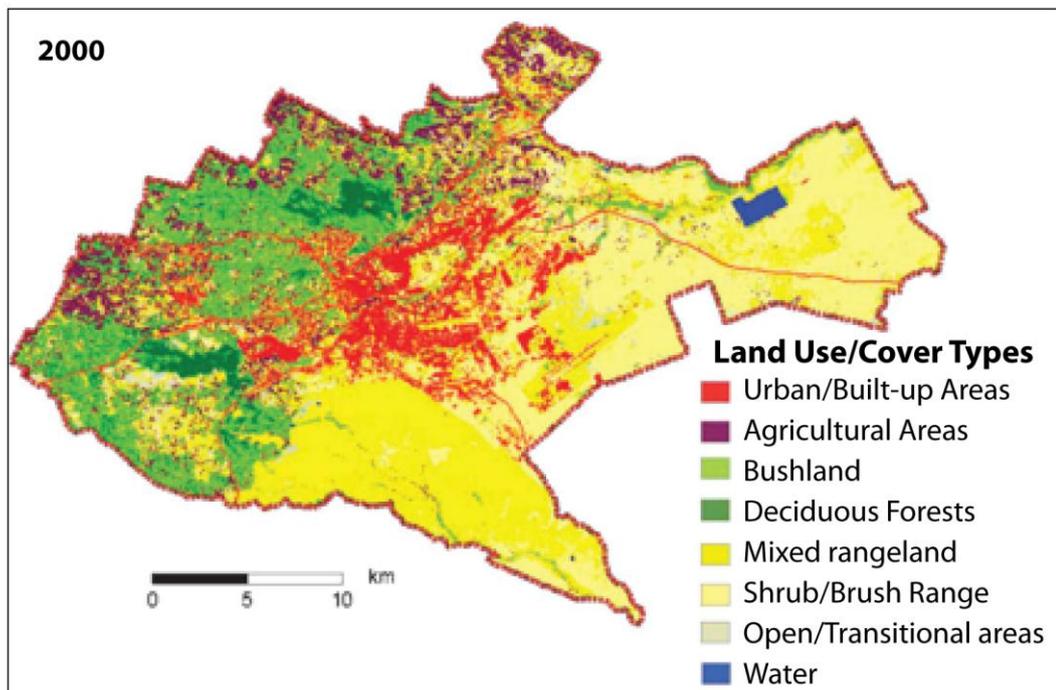


Figure 1. 3: Classified Land use/cover map of Nairobi City in 2000. Source: (Mundia and Aniya 2006 104)

Mundia and Aniya (2005, 2006) further indicated that there are residential land developments taking place beyond the 1964 City boundaries into the previously agricultural areas (rural-urban fringe areas), though their study never delved into the study of land use in those areas, apart from mentioning that they are taking place. The dynamics of land-use change² in rural-urban fringe is the key interest of this study.

The literature and my experience suggest to me that the rural-urban fringe is an area of transience rather than persistence. This transience is however skewed towards agricultural (rural) land use³ which is gradually being squeezed⁴ out by non-agricultural land uses. This squeezing out of agricultural land use is happening despite Kenya's economy being predominantly based on agriculture with more than 80% of its rural population depending directly on agriculture for income and subsistence. Furthermore, agriculture contributes about 26 percent of the Gross Domestic Product (GDP) and a further 27 percent to the economy through linkages with manufacturing, distribution and service-related sectors (Government of Kenya 2004b 49; Ogolla and Mugabe 1996 88). Specifically, the Nairobi fringe (Town Council of Karuri- TCK), where this research is based, is one of the few areas where land is fertile and has a high agricultural production potential against the country's scarcity of arable land (Gitau *et al.*, 2009 13; Sindiga and Burnett 1988 232). This is a paradox that needs further exploration.

Thus the objective of this study is to examine the dynamics of land use change in the Nairobi fringe with the aim of building an understanding of the drivers of agricultural land conversions, implications of resulting land use changes, and the related response mechanisms to the changes. The lead question that guided the

²This study use the term 'land use change' in line with Satterthwaite (2006 664) where the term 'urbanisation' is "used to refer to the change in land use from non-urban (usually agricultural) to urban." Thus in this study both terms are used interchangeably to refer to the same process.

³ Land use as used in this study entails the function or purpose for which the land is used by the human population and thus is defined as the human activities which are directly related to land, making use of its resources or having an impact on them (Food and Agricultural Organisation -FAO 1995 21). Therefore, functional rather than physical aspects of land use were given more consideration in this study. In deciding on the focus of this research, it was evident that looking at land degradation from a purely technical angle – that is, in terms of agricultural fertility, quality of vegetation, and other physical indicators – would not necessarily reveal much on the local land uses or about different interests on land other than farming.

⁴Nairobi metro 2030 Strategy indicates that "Urban sprawl has rapidly decimated the rural land uses by encroaching into rich agricultural hinterland of Kiambu, Thika and Kajjado areas" (Government of Kenya 2008 42).

line of enquiry and discussions is '*Why is agriculture being squeezed out by non-agricultural land uses in the Nairobi fringe?*'

1.4 MY THESIS

This thesis argues that a number of powerful conditions/factors, operating on the broadest scales, determine what it is possible at the level of the individual landholder in respect to land use. These forces sometimes lead to land conversions which produce both intended and unintended consequences. These consequences are leading to change in social, cultural, environmental and economic aspects of the Nairobi fringe. This argument does not deny that landholders have agency.

Landholders have not passively accepted the fate of being victims of land use changes but instead they have been routinely monitoring local and extra-local circumstances affecting their surroundings. They have evolved varieties of local/human-level responses to enable them to live in the rapidly changing environment. Their varied agency is however at times limited or strongly constrained by structural factors/conditions that can be beyond their knowledge repertoire or control. This has led to differences in collective and individual responses to the structural conditions that reshape the effects of drivers of land conversions. These drivers work differently, creating acknowledged and unacknowledged conditions.

The actions resulting from collective and individual responses are unintentionally enabling conditions for further land conversions, either through making the hitherto unfavourable areas for residential settlement favourable or creating more obstacles for the continuation of viable agricultural activities.

The position of this thesis is therefore that the reason why agricultural land use is being edged out by non-agricultural uses in the Nairobi fringe is contingent upon interrelated conditions which operate at the local, regional, national and international levels.

1.5 DEFINING THE RESEARCH FOCUS

A literature search indicated a dearth of information on the Nairobi fringe⁵. I thus adopted an inductive exploratory approach with the aim of incrementally building my understanding. I did this by first identifying different actors in land use management. I firstly conducted pilot interviews with officials at the central government and local government levels. This was meant to give me a cursory and broad view of the entire rural-urban fringe area. I then began my field data collection with preliminary interviews with landholders.

After conducting a pilot study, I realised that it was impractical to focus on the whole of the Nairobi fringe. I chose the Town Council of Karuri (TCK), a geopolitically defined area within the Nairobi fringe, because it is adjacent to the City, and has no major highways passing through it. Such roads may have an accelerator influence on land use conversions.

From my personal experience, the literature review and the preliminary field work, several themes came to the fore, and these themes formed the basis of this research enquiry. It is my view;

- i) That agricultural land use was being edged out by non-agricultural land uses. My research interest was to explore why this is happening against the country's implicit and explicit position of being an agricultural based economy. Specifically I sought to answer the question, 'what influences land use conversions in the area'?
- ii) That the resultant land use change has attendant consequences on both local people (farming and non-farming) and local institutions. Of interest here was 'what are the effects of land use conversions'?
- iii) Observing and questioning the above transformation during the initial phase of my field work I realized that local people have evolved and adapted response mechanisms to cope with the changes. Of interest to this research was to identify and examine 'how local communities (indigenous and newcomers) are coming to terms with effects of land use changes'?

⁵This lack of information is not peculiar to the Nairobi fringe only but is also observed in other rural-urban fringes (Maconachie 2007; Simon *et al.*, 2006; Mbiba and Huchzermeyer 2002; Audirac 1999; Evans and Mabbit 1997).

1.6 THE CHOICE OF THE CONCEPTUAL FRAMEWORK

To understand land use change, it is necessary to frame landholders and their decision-making environments in 'situated contexts' (Long 1992). This is because actors/agents are situated in social, cultural and institutional relations. Because of this, most activities of landholders are path-dependent, whereby past actions, decisions and interaction enable and /or constrain their present actions and to some extent future intentions and actions (Bathelt and Gluckler 2003 128). However from the literature, personal experience and interviews, I was aware that forces driving or influencing land conversions interact and operate on varying scales and in a contingent⁶ manner. Many of the influences of land uses on the landholders at the local/micro-level are not necessarily local but are a product of wider political and economic conditions that do not favour the continuation of economically viable agricultural enterprises. Therefore, contextual factors mediate the impact of both macro-structural and local/micro socio-political forces. In understanding land use conversions, then, I needed an approach that embraced a nested⁷ set of scales: An approach that would enable an understanding of the complex local and macro forces and their localized consequences. I therefore adopted a multiple method qualitative approach that made use of a conceptual framework that borrowed from different theoretical perspectives.

Although this study is on one locality and carried out on a micro-scale, I made the attempts to link findings to the wider processes that play a role in influencing land use activities in the area. I realized that, irrespective of decisions made being local, many of the choices that local actors face may actually be determined by others who operate at greater scales (Maconachie 2007 14). It was thus necessary to reconcile landholders' actions and perceptions with larger structural forces of society and government. The role that wider linkages play in enhancing land conversions as well as how individual landholders mediate and transform

⁶Contingency theory holds that although explainable micro and macro social patterns emerge in society, they interrelate in variable and often unpredictable ways (Itzkowitz 1996 i). The principle of contingency states that one event does not necessarily cause another particular event. And therefore identical pre-conditions for human action do not have the same consequences at any place and time. This provides an epistemological basis for a context-specific conceptualisation of intentions and consequences of human action. At the same time, it is recognised that future actions and development are fundamentally open-ended (Bathelt and Gluckler 2003 127).

⁷I should however note that scales do not always fit compactly together or within one another in a hierarchical way but are at times disparate.

those linkages and the structural factors in their specific decision making environments, thus needed to be considered.

There is no single theory that provided an explanation on how different influences, factors and linkages could be established or identified. An approach which stretches across the twin poles of structure and agency was needed. Therefore to understand the various dimensions⁸ of land use/conversions and the links among them, I adopted a conceptual framework that focused on neo-classical, political economy, and structure and agency theoretical perspectives. Neo-classical and political economy theoretical perspectives could not provide insights into localised/individualised aspects of land use such as the agency of the landholders, therefore in developing my argument, I further drew insights from Giddens' theory of structuration (Giddens 1984) to conceptualise how an actors' agency interacts with structural determinants of change to shape the conditions for land use/conversions at the local level.

Insights from an actor-oriented approach (Long and Long 1989) were also borrowed to augment the idea of how actors make choices and how those choices lead to the shift of the structures and activities of various institutions over time. It is the actions of the actors that illustrate how they exercise their agency within existing structures to address the circumstances that local and extra-local conditions are creating in their areas. It is with this notion of agency in mind that this study sought to answer the question, 'why is agriculture being squeezed out by non-agricultural land uses in the Nairobi fringe'?

This thesis therefore offers a path to understanding land use conversions on a local/human scale; these conversions are rarely well captured when analyzing rural-urban fringe issues at macro levels. On the other hand, it was not the intention of my study to provide 'solutions' to (or a better way out of) land use problems as is common with studies done by urban/environmental planners' heeding Friedmann's (1987 38) call for planning to "attempt to link scientific knowledge to ... actions." Instead, this study sought to create an understanding⁹

⁸It was not in the intention of this study to identify spatial regularities or treat regions or other spatial configurations as actors. Instead this study focuses on the strategies and objective of actors/agents and their relationship among themselves and institutions.

⁹The lack of information on the rural-urban fringes, not just on Nairobi fringe, has been identified as a major source of problems in planning for such areas by different authors

of issues affecting land use in the Nairobi fringe in a way that can inform the process of policy development rather than proposing activities or normative prescriptions on how to address land use. Furthermore, this thesis adds insights into the global initiatives literature such as *Cities Without Slums*, which are geared towards the achievement of UN Millennium Development Goals (MDG) (United Nations- UN 2000) particularly goal number seven which addresses the issue of ensuring environmental sustainability. Target 11 of the MDG Goal 7, specifically seeks to “significantly improve live of 100 million slum dwellers by 2020” (Huchzermeyer 2008 20; UN-Habitat 2003 7), is a case in point.

1.7 THESIS STRUCTURE AND CHAPTER OUTLINES

This chapter introduces personal and professional development factors that led to my choice of the study topic. Research issues are operationalized in the chapter, the significance and definition of the study given and the delimitation of the research established.

Chapter 2 embeds the study in various theoretical and conceptual matters relevant to the work. Theories were not the end goal of this research, but rather a vehicle through which the interpretation of realities as observed in the Nairobi fringe were made. From the research questions and preliminary analysis of the field work data, neo-classical economics, political economy and Giddens’ structuration theory were helpful theoretical lenses for understanding the dynamics of land use change.

Chapter 3 explains the research process that this study developed. It outlines the methodological approach adopted and methods used to complete this research. Several aspects such as the selection of informants, language used during interviews, and data analyses method are explained. A reflection on the process of data collection is offered alongside various constraints and obstacles encountered during this process.

Chapters 4 through to 7 present social, legal, economic and political features of Kenya, relating these to the way they impinge on land and land use

such as Simon *et al.*, (2006); Mbiba and Huchzermeyer (2002); Audirac (1999); Evans and Mabbit (1997).

management. The chapters provide the 'archaeology' of land and land use problems in Kenya, which indicate that these problems are historically contingent. This material is necessary to understand the national conditions that impact on land use activities and decisions in the Nairobi fringe. Chapter 4 presents a brief historical review of land ownership and use. The aim of this review is to build an understanding of how historical aspects relate to customary land use and how the superimposition of English land laws during the colonial period affected and continues to affect land use and its management. Further, the chapter presents a review of literature on land use/ planning and legal frameworks in Kenya. Legislation that governs land use is identified and interrogated. Ways through which various laws and regulations governing land use/planning in Kenya are enforced are assessed.

Chapter 5 gives an overview of Kenya's economic evolution. The Chapter brings into perspective the contemporary economic situation in Kenya with aim of showing how changing circumstances have affected different aspects of people's livelihood and the government's operations. The Chapter sets the stage for understanding the general national conditions under which people in the Nairobi fringe structure their livelihood.

Chapter 6 outlines various aspects of urban housing and how approaches to meeting the increasing demand for housing has affected land use in the fringe. Furthermore, different ways through which land becomes available for residential purposes are examined. Chapter 7 examines the structure of local authorities in Kenya and their roles in land use planning. Analysis of the ways in which local authorities relate to the national politics is offered, along with comments on various attempts to strength them through decentralisation policies.

Chapters 8 and 9 present information on the area used as a focus for the research. Features such as socio-economic and physical conditions are explained. Also an historical analysis of land and land use is made. Specifically, chapter 9 identifies various actors and describes their role in relation to land. The study appreciates that no single 'act' can be attributed solely to a single actor and in most of the cases actors are involved in more than one 'act' of land use. It is for this reason that the study focused on roles rather than 'acts' of various actors.

Chapter 10 examines various conditions and drivers that influence land use in the Nairobi fringe. It is however noted that these factors are closely linked and their separation is only meant to aid the discussions. The discussions are therefore based on broad categories of the conditions/drivers that contribute to land use conversions while recognising that there were overlaps among the chosen categories.

Chapter 11 examines various consequences/effects of land conversions on different aspects of life in the case study area. The chapter reviews the complexities and the interrelationships among various consequences of land conversions. Singular presentation of each category of consequences is offered with the sole purpose of enhancing clarity in the discussion and this treatment recognises that significant overlaps exist.

Following the above identification and assessment of the drivers and consequences of land use change, Chapter 12 traces various ways in which community members are coming to terms with or responding to rapid changes occurring in their midst. This chapter notes that the responses to the changes also play a role in furthering future land conversions by creating conditions that constrain continued farming or that create enabling conditions for further land conversions.

The thesis concludes with Chapter 13 which provides a summary of the key research findings and a conclusion. I also reflect on the study findings and contributions in light of the existing scholarship on rural-urban fringe/urbanisation. The chapter also identifies limitations of the study and proposes future research directions.

CHAPTER 2:

THEORETICAL AND CONCEPTUAL FRAMEWORK

2.0 INTRODUCTION

This chapter lays the conceptual foundations for my research on issues of land use conversions in the Nairobi fringe. This chapter is premised on the 'reality' that most of the modern urbanization and urban planning in particular in East Africa can be traced to European colonial rule. It thus follows that the conceptualizations of the urbanisation phenomena in this chapter have drawn intensely from the Western literature on urban growth and development.

The chapter attempts to situate the rural-urban fringe within the urban context by reviewing literature and theories on urban land use. The review of literature was guided by the view that there is no single dominant theory or paradigm of urban growth and development (Pennock 2004 1). Accordingly, within each of four substantive sections of this chapter, my review organises the commentary by ideas drawn from different contexts and sometimes out of strict historical sequence. The review thus was not aimed at comparing or contrasting various aspects of rural-urban fringes in different regions and countries but to build a case for what a rural-urban fringe is and how issues within it can be understood.

Throughout this review of significant theoretical comment, it was obvious that the rural-urban fringe is not a distinct entity, but one of the parts of an 'urban organism' that to a greater extent is subject to the same urbanisation forces that operate in a variety of ways within cities (Starchenko 2005 38). These observations called for a review of a variety of literature that situates the subject of rural-urban fringe within the broader literature on urbanisation. As a result, the review of various literatures was aimed at getting partial insights on different aspects of the rural-urban fringe.

The chapter begins by focusing on various characterisations of rural-urban fringe development that are based on spatial considerations. Realisation that spatially-oriented theories do not provide a full explanation of the rural-urban fringe phenomena called for the adoption of aspatial theoretical perspectives

(Briassoulis 2006: Iaquina and Drescher 2001). Therefore, insights from neo-classical economics and political economy approaches were reviewed using "...a broader lens of social theory" (Pennock 2004 5). Insights from neo-classical economics and political economy approaches were, however, found to be limited in accounting for the role of agency and contingency in urban growth and development. Insights from structure and agency perspectives, which attempt to account for the role of agency, were thus adopted. The theory of structuration was also used to bridge the divide between structure and agency. Insights from structure and agency theory were thus used alongside neo-classical economics and political economy approaches to guide the assessment of the dynamics of land use conversion in the Nairobi fringe, with each emphasizing different but related aspects.

2.1 DEFINING AND CHARACTERIZING THE RURAL-URBAN FRINGE

Placing the rural-urban fringe into the context of urban development allows an understanding of the continuous change in the characteristics of this part of the city and, based on that understanding, suggests an approach to defining and delimiting rural-urban fringe areas independent of a particular time or place (Starchenko 2005 42).

Collins (1994) observed that the word 'fringe' can be used literally to mean the outside boundary or surface of something; or a part of the city far removed from the centre. When considered as a space the characteristics of the rural-urban fringe become as important as its literal meaning. However, definition and attributes of the rural-urban fringe are not constant but change according to time and place (Masuda and Garvin 2008 112; Woods 2006 581; Simon *et al.*, 2006 4-5; Allen 2003 135; Spain 1993).

Despite many attempts to describe the rural-urban fringe, Audirac (1999 6-8) noted that it remains understudied and has seldom been defined in detail. Thus a quantifiable criterion that one might utilize to identify the fringe into an actual area does not exist. Differences notwithstanding, some agreement over definitions or appropriate terminology to describe the fringe area has emerged. These terms are sometimes used interchangeably to identify quite separate areas that have overlapping characteristics. They include periphery, rural-urban fringe (Pryor 1968), metropolitan fringe (Daniels and Daniels 1999; Browder *et al.*, 1995), urban fringe (Bryant *et al.*, 1982), peri-urban areas (Dupont 2007), peri-urban

region (Ford 1999), rurban fringe (Schenk 1997), peri-urban fringe (Simon 2008; Swindell 1988), desakota¹⁰ regions (Bentinck 2000; McGee 1991), and rural-urban interface (Rojas-Caldelas *et al.*, 2008). As a result of this multitude of terms, D. Thomas (1990 134) notes that 'confusion in terminology' resulting from various studies is considerable. This difficulty in the way rural-urban fringe is conceptualised and put into use may be a result of entrenched ideologies regarding the nature and processes of urban growth. However, a common thread among them indicates that they are transitional zones or interaction zones, where urban and rural activities are juxtaposed and the landscape features are subject to rapid modifications induced by human activities (Rojas-Caldelas *et al.*, 2008 643; Iaquina and Drescher 2000).

How far the fringe extends from the city varies considerably, and many commentators on the rural-urban fringe do not provide measured delimitations. The earliest attempts at delineating the rural-urban fringe can be traced to the 13th century B.C., when

[t]he Lord said to Moses ..., command the people of Israel that they give to the Levites ... cities to dwell in; and pasture lands round about the cities. The cities shall be theirs to dwell in, and their pasture lands shall be for their cattle and for their livestock and for all their beasts. The pasture lands of the cities . . . shall reach from the wall of the city outward a thousand cubits all around (Numbers 35: 1-4) (King James version Bible 1974).

There have been many subsequent attempts at defining and delineating the rural-urban fringe. For instance, in trying to differentiate rural from urban land uses, Wehrwein (1942 in D. Thomas 1974) described the fringe¹¹ as a transition between land which is predominantly for urban uses and the area purposely meant for agriculture.

In an attempt to trace a link between the city and the surrounding areas, Pryor (1968 204) argued that definitions of the rural-urban fringe should provide a logical link between theories of urban invasion on one hand and practical techniques for the delineation of the rural-urban fringe boundaries on the other. He categorized fringe areas into two, namely: Those that relied upon structural components (such as location and population density) and those that are based

¹⁰ In Malay, *desa* means rural or village and *Kota* refers to a city or town.

¹¹ Where the term 'fringe' is used, it is intended to indicate the same meaning as the term 'rural-urban fringe.'

on functional components (such as land use and employment). Neither of his categorizations, however, showed a successful integration of components of the rural-urban fringe either with theory or with practical delineation techniques (Starchenko 2005).

Looking at patterns of land use development within the city and the surrounding areas, Johnson (1974), noted that it was easier to delimit the rural-urban fringe of pre-industrial cities than cities during the industrial period. During the pre-industrial period rural-urban fringes of most cities were secondary to the central city where social, political, and economic power were concentrated. Fringes constituted zones around the edges of cities mostly inhabited by disadvantaged groups. With increased industrial growth, however, more land was required for expansion and this led to the increased rate of industrial land uses at the fringe. Other land uses which are also located at the fringe are those that require no frequent or immediate access by the whole city population. These land uses include waste dump sites, water treatment and storage plants. Johnson continued to observe that the enhanced transport infrastructure and absence of strict planning regulations led to development patterns at the fringe that were dispersed or at low density. This pattern of land use weakened the ties between the fringe and the core of cities as new employment opportunities, shopping centres, and recreational facilities in the rural-urban fringe gave rise to patterns of travel that made the core of the city like any other desirable travel destination.

Considering the relationship between fringe areas and the city centre in defining the rural-urban fringe, the concept of urban field is useful. Friedmann and Miller (1965 313) described a scale of urban influence that penetrated deep into the periphery, and that made it necessary to change the scale of the spatial consideration of urbanization. Their idea challenged the traditional concepts of the city that did not take into account the relationship of the city core with the surroundings. Friedmann and Miller put forward a concept of 'urban field', where the extent of a region of influence is based on the relationships or functional links between sections within it. Their concept of urban field entailed a continuum of urban influence that starts at the core of the city and disperses outward, though not in a uniform manner, especially as the distance from the core increases.

Coppack (1988 18) observed that although the urban field concept did not explicitly mention the rural-urban fringe within its framework, it has nevertheless

influenced many rural-urban fringe studies. It should, however, be noted that the concept of the urban field was based on a limited set of conditions (it did not include environmental, cultural and political factors) despite its acclaimed universal status. Limitations notwithstanding, concepts such as 'regional cities,' subsequently grew from the 'urban field'.

With regard to regional cities, Starchenko (2005 23) noted that like the urban field concept, it put forward an idea of a space with multiple functions that possess three main characteristics. The first characteristic is nodes of intensive land use activities scattered amidst farmland and undeveloped areas. The second characteristic is the relationships amongst the nodes which are in the form of physical flows, such as, of goods and people, and non-physical flows such as of information. The third characteristic is the periodicity of relationships which is made up of different rhythms such as daily, seasonal, and weekly exchanges.

Bryant *et al.*, (1982 10) observed that regional cities require linkages among various functions. These linkages provide the possibility of access in all directions within the region, though the largest flows are still directed towards the city core. The countryside is important within the regional cities concept as it is considered to be influenced by the social and economic processes of the regional city as a whole.

Bryant *et al.*, (1982 14) also noted that these linkages can be conceptualized in terms of a continuum between rural hinterland and urban area, divided into several zones of inner and outer fringe zones (see Figure 2.1; Box 2.1). The inner fringe is where the transition to urban uses is advanced, while an outer fringe is where rural landscape is dominant. They referred to the outer zone of the city's countryside as the urban shadow and rural hinterland, which has links with or is influenced by the city. The outer zone boundaries are temporal in that they fluctuate periodically in response to various rhythms of the regional city. In reality, however, according to Starchenko (2005 23), the continuum of individual zones may merge into each other and make the specific geographic definition difficult. I argue, therefore, that the definition of fringe zones thus need to be inductively developed (which was the case with my study) depending on specific places while identifying several key variables for which threshold values could be categorized.

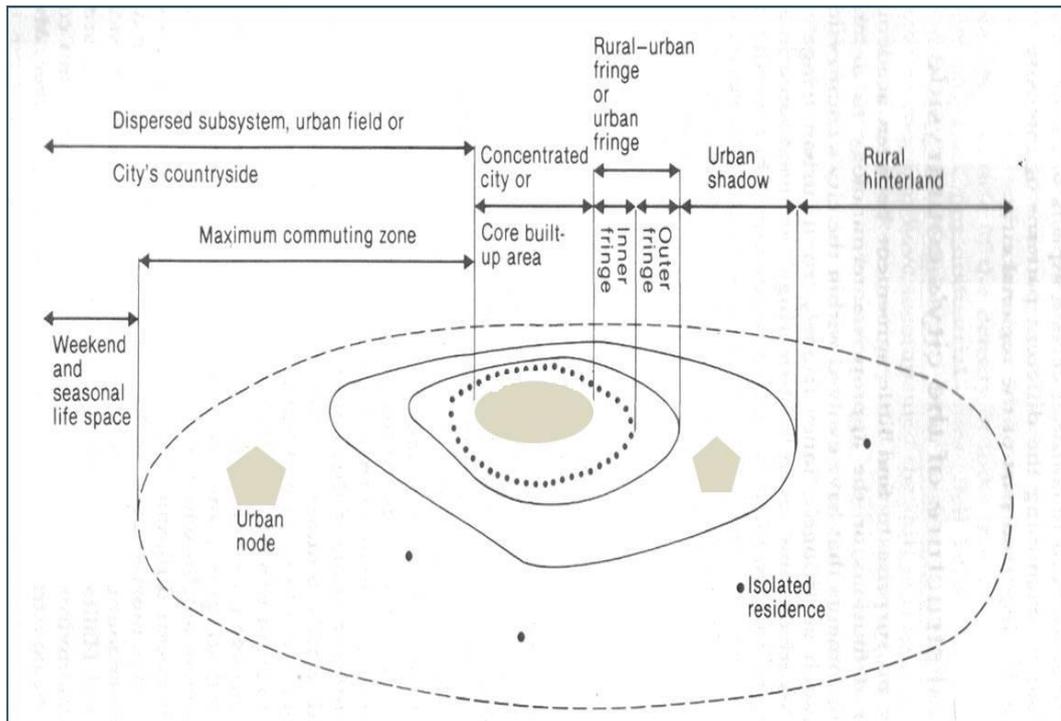


Figure 2. 1: The rural-urban fringe scheme. Source: (Modified from Bryant *et al.*, 1982 12).

Box 2. 1: Brief explanations of Bryant's model on the rural-urban fringe. Source: (Bryant *et al.*, 1982 13-14).

Inner fringe is characterized by land in the advanced stages of transition from rural to urban uses, land under construction.

Outer fringe is an area where although rural land uses dominate the landscape, the penetration of urban oriented elements is clear (often single family housing).

Urban shadow is an area where physical evidence of urban influences on the landscape is minimal but metropolitan influence emerges through the commuting patterns of part-time and hobby farmers and residents of small towns.

Rural hinterland is second homes/recreational uses, extensive agricultural uses and open spaces.

In an attempt to show why there is an uneven land use development in the rural-urban fringe, Bryant *et al.*, (1982 14) observed that urban development may not occur around all urban centres in all directions. This, they explained, may be due to constraints and enabling aspects of the physical environment or planning controls and land use regulations. It is also due to variations in societal response to changes within the surrounding areas of a particular city which are not expressed uniformly across geographic space. This makes the rural-urban fringe a discontinuous spatial phenomenon around most cities. Starchenko (2005 25-26) therefore observed that the regional city concept represents an attempt to anchor the concept of the rural-urban fringe within the general context of urban development, with a link to broader socio-economic processes.

Browder *et al.*, (1995 312) observed that rural-urban fringes are characterized by diverse land uses, which often vary in relation to their functional linkages to the urban and rural sectors. They are also transitional in nature as they progressively become more agrarian in their orientation as one moves from the city centre to the rural areas. These areas are highly diverse because they are linked to both urban and rural areas which thus complicate efforts to characterize them. There are however cases where urban growth has engulfed existing rural areas and villages. This 'capture' of rural areas and villages results in progressive replacement of the rural character of the fringe by a more urban character in terms of land use, employment, income and culture (Sindhe 2006 193).

While focusing on population and livelihood aspects, Aberra (2006 119) and Memon (1982 148) indicated that there are cases where rural migrants move into rural-urban fringes as the first step in a progressive migration towards urban centres. Here rural-urban fringes become transitional spaces or temporary holding locations for new migrants to the urban centres. In yet other cases, new settlements on the rural-urban fringe entail long-time urban dwellers moving to the rural-urban fringe to take advantage of low land rents or to capitalize on new opportunities for land acquisition, speculation and informal enterprise (Briggs and Mwamfupe 2000, 1999; Memon and Lee-Smith 1993; Memon 1982 152-154). Unlike within the city, rural-urban fringes provide residents and entrepreneurs with cheaper housing, more relaxed building and business regulations (Briggs and Mwamfupe 2000, 1999; Memon 1982 152, 155). Inconsistent availability of land for urban uses results in 'leapfrogging' of parcels of land thus creating a pattern of scattered or patchy residential development (Bryant *et al.*, 1982 64, 174).

Adopting multiple perspectives, Masuda and Garvin (2008 112) and Dupont (2007 89) indicated that there are many forces that affect land uses in rural-urban fringes. These are social, economic, political and cultural forces operating at macro, meso and micro scale. They include housing and land markets, planning decisions, ownership patterns, land use characteristics, infrastructure and transportation structure and roles of actors within these processes. These forces lead to rapid physical, social and economic transformation in rural-urban fringes which then generate conflicts and opportunities (Douglas 2008, 2006 17; Mbiba and Huchzermeyer 2002 122).

Additionally, there are socio-economic aspects that may be used in characterization of rural-urban fringes. These include high house construction/ownership rate, heterogeneous occupational structure and heterogeneous socio-economic status (Furuseth and Lapping 1999; Ford 1999; Daniel and Daniels 1999 9). Due to heterogeneous social and economic characteristics of rural-urban fringes, there are bound to be competing land uses and interests. For example, there is a likelihood of smallholders and large landholding farmers, low-income and informal settlers, industrial entrepreneurs and urban middle- and upper-income residents co-existing within the same area but with different and often competing interests, practices and perceptions (Tavernier and Onyango 2008 554; Shindhe 2006 181; Allen 2003 137). Allen (2003 136) viewed rural-urban fringes as having paradoxical problems in that they can be characterized by lack of 'urbaneness' (such as lack of adequate infrastructure, services and regulations among others), or lack of 'ruralness', (such as high prices for land, loss of fertile soil and social cohesion, among others).

According to Starchenko (2005 210) and Allen (2003 137), uneven development of rural-urban fringes reflects socio-economic characteristics of the residents. Rural-urban fringes of developed and developing countries show different development characteristics. For example, while the experience of developing countries indicate that most of those occupying this area are engaged in informal economic activities (Memon 1982 154; also see Chapter 10 in this thesis), those in developed countries, on the other hand, are mostly from upper and middle income groups (Bunker and Houston 2003; Furuseth and Lapping 1999; Daniels and Daniels 1999 9).

In regard to developing countries (such as Kenya) several authors (Rojas-Caldelas 2008; Aguilar 2008; Allen 2006; Aguilar and Ward 2003; Mattingly 1999; Adell 1999; Browder *et al.*, 1995; Memon 1982) have used different phrases to describe conditions of rural-urban fringe settlements which include, but are not limited to: Agglomerations of poverty; metropolitan village; belts of misery; informal settlements; spontaneous and low-income settlement; slums of despair, among others. The main theme of these phrases is that people living in these areas have rural roots, are engaged in informal economic activities and have less effective services and facilities compared to those available at the city centres. Although urban development in these countries may show some common

characteristics, there are however some differences. Differences are a result of historical, legal, cultural and social backgrounds of different countries and regions within countries.

Starchenko (2005 38) advises that, while definitions of rural-urban fringes should ideally be based on parameters that are unique to different areas and that are likely to remain constant over time, this is impossible due to constant changes in rural-urban fringe experience. These constant changes render any set of defining parameters quickly outmoded (Dangalle and Narman 2006 165). Mbiba and Huchzermeyer (2002 123) also observed that there is no single spatial definition of the rural-urban fringe across the world and/or even for any single city. As such any definition would have to be specific to some interests (depending on some pertinent issues or for specific purposes) with precise criteria.

Starchenko (2005 38) explained that an approach that is inclusive and flexible is thus required in order to resolve this situation, taking into account that a rural-urban fringe is an abstraction of reality and therefore there are no universally applicable definitions or boundaries, only shifting definitions and shifting phenomena. He considers that a number of dimensions can be used in developing definitions in each case under consideration. He further argued that these dimensions may include but are not limited to environment, settlement patterns, land values, nature of land use, demographic, social, economic, administrative, political, and infrastructure supply, among others. Spatial delimitations can however help in highlighting and describing what a researcher deems to be key components in relation to the research at hand (Mbiba and Huchzermeyer 2002 123). In delimiting a rural-urban fringe, Simon *et al.*, (2004 247), argue that:

In terms of present-day qualitative and post-structural approaches to research, empirical measurement and identification of specific distances and areas corresponding to such labels (urban and rural) is not seen as important. This is extremely difficult to do in practice, has limited use and is subject to rapid change in such dynamic conditions.

Aware of the complexity in defining a rural-urban fringe, this study focused on areas outside Nairobi City's administrative limit; that is, areas beyond 1964 boundaries. These are areas experiencing land use conversion from agriculture to urban residential uses. Viewed from the perspective of spatial theory, these areas (between the city and the rural hinterland) are advantaged due to the

presence of labour and market opportunities in the city, and because most of the transportation network from the city to rural areas passes through them (Fox 1991). They may also be expected to experience negative impacts (such as crime, pollution etc.) due to their proximity to the city. Areas at a greater distance are expected to report fewer urban-oriented impacts. Due to limitation of time and resources, it was impractical to cover the whole of the Nairobi fringe. This study thus chose the Town Council of Karuri (which borders Nairobi City to the North-east) as a case study¹² and used its administrative boundary¹³ to delimit a rural-urban fringe (see Maps 4.1, 8.4 and 8.5). However, most of the secondary information used on social, environmental, political, and economic aspects was only available at the Kiambu District level which covers a wider area than the Town Council (see Chapter 3 and 8 for more detailed information).

2.2 INFLUENCES ON LAND USE: INSIGHTS FROM NEO-CLASSICAL ECONOMIC THEORIES

Weintraub (1993) explains that, neo-classical economic theories focus on the determination of prices, outputs, and income distributions in markets through supply and demand, mediated through economic 'agents,' either households or firms. In Weintraub's view, agents are thought of as being characterised by having unlimited desires and wants which exist amidst various constraints or scarcities. Tensions or the decision problems emanating from competing desire and wants are assumed to be worked out through market mechanisms or forces. Prices are taken as the signals that tell households or firms whether their conflicting desires can be/have been reconciled.

¹²The choice of this case study was guided by Flyvbjergs' (2001 77) observation that when the objective of the study is to achieve the greatest possible amount of information on a given problem or phenomenon, a random sample of various cases may not be the most appropriate strategy. He continued to observe that a typical case is often not the richest in information and that atypical or extreme cases often reveal more information because they activate more actors and more basic mechanisms in the situation studied.

¹³Although this study used administrative boundary of TCK as a basis of delineation of a rural-urban fringe, I appreciate the necessity of including people's accounts (lay-knowledge or practical consciousness) of the form, content and context of their daily lives as the relationship between structure and agency in determining the extent of the locality which in most cases exceeds the government's set spatial boundaries (Giddens 1984).

According to Pennock (2004 9), the neo-classical paradigm on urban land use is based on the assumption that urbanisation is a result of cumulative actions of individual households and firms within a particular locality. These actions materialize into demand for land. In theory, demand for land results in particular land uses which reflect profit making potential for each location/site relative to all other locations. For this demand to be met there is a need for a free market that operates in an economically rational way. Factors such as labour supply, location of land use, cost of transportation and availability of natural resources are considered to be important components of neo-classical economic approaches (Gottdiener 1994).

Alonso (1960) provided one of the earliest applications of neo-classical economic approaches to study urban land use. His model assumed that firms and individuals were rational actors in an urban land market. He supported his assumptions by describing a land bid-rent curve, whereby the location of a particular land use within an urban area was determined by the bid-rent curve. This was because the bid-rent curve was thought to represent profit maximization potential for firms or satisfaction maximization for residents (Alonso and Joint Center for Urban Studies 1964). Alonso's model was based on numerous assumptions such as existence and availability of perfect knowledge and information as pertaining to land markets and perfect transportation access, while discounting other non-economic factors that are likely to influence urban land use (Pennock 2004 10).

Pennock (2004 10) observed that the assumption of economic rational land use allocation discounts the role of government which is seen to be unnecessary or even undesirable. There is, however, an appreciation that there is a likelihood of short-term inefficiencies and externalities in land use, but (over time) it is held that the market as a self-regulating and equilibrium seeking system resolves these problems.

Logan and Molotch (2007 9) noted that the assumption that markets allocate properly and that users, buyers, and sellers have optimal information, holds true to some extent. However, the rationality of actors regarding their use of land is determined by various factors. Land markets are far from being perfect because a number of actors, at any point in time, are limited and land market is rife with speculation based on prices. The approach also fails to account for such factors

as social, cultural, personal and political inequalities (Davis 1991 57) which have the potential to affect the use to which land may be put into or access to information and other resources necessary in meaningful market situations. They further observe that markets are not ordered by impersonal laws of supply and demand but are a result of cultures which are bound up with various interests. Land markets, thus, work through such interests and institutions that they are derived from. These forces organize how land markets work, what prices will be paid/received, as well as behavioural responses to prices. Another problem with a purely economic approach is that information on land prices and its determinants is very difficult to find (this is a severe problem in developing countries where customary/neo-customary land tenure is prevalent, as in my case study).

Chicoine (1981) further observed that physical characteristics of the land parcel and the economic value of it may influence land use. Physical characteristics, such as size of plots, topography, arability, structural improvement and natural resources, influence other uses of land such as agriculture, recreation, residential or commercial development and may raise the land's value (Nelson 1992 138). In some cases certain features such as slopes or wetlands may make certain uses difficult or illegal under environmental and planning legislation (for example, the Physical Planning Act or EMCA limits some land uses in a Kenya). It is a case of physical features of land intersecting with public policies and regulation to shape peoples' actions on land.

Mbiba and Huchzermeyer (2002 124) agree that neo-classical approaches assume an existence of a perfectly equal and homogenous land character and also note that it omits any consideration of non-material values (Logan and Molotch 2007 1-4) such as customary ties to the inherited land. Furthermore, it does not consider land markets in 'pre-capitalist societies' where land use is based on customary laws (Zein-Elabdin 2009 1158; Rakodi 2005 5). In this case, land use changes are not ordered by the 'formal' markets or 'Western style' individual land title. Berner (2001 6) noted that:

... market expansion [is] incomplete even in the most advanced societies. Economic activities within households (and sometimes communities) neither follow the logic of the market, nor are they regulated by the State. There is no monetary remuneration, and entitlements are defined and governed by personal relations rather than property rights.

Pennock (2004 9) observed that although neo-classical economics approaches are contested by a variety of critical theories, particularly those derived from political economy, their perspectives have been applied to the study of urban land use and with time have become interwoven into the fabric of urban research such that they have almost become hegemonic. They have formed a huge part of the ideological structure that has been used as a guide to assist in understanding and explaining urban growth. In this study, insights from neo-classical economic theories are used to explain and reflect on some land use aspects as contained in the case study chapters.

2.3 INFLUENCES ON LAND USE: INSIGHTS FROM POLITICAL ECONOMY THEORIES

Pennock (2004 11) argued that because land markets are based on private property and voluntary exchange for private gain, for markets to function optimally, great intervention is needed to manage these arrangements. Thus the role of government in ordering land markets cannot be easily discounted. For instance, government intervenes in diverse ways (such as, through sectoral policies, or as a development intermediary) in order to safeguard particular interests and values. Protection of the environment is one such example where such interventions are needed. This intervention calls for an approach that focuses on the role of the State in regulating land uses and land markets. Such an approach may reinforce a gap in understanding why some land uses occur and not others, one of inadequacies of neo-classical economic approaches. There is a need to explore beyond outward appearances and events of land uses, to actual mechanisms that produce such land uses. Specifically, neo-classical approaches (and also political economy) do not directly address the issue of human agency¹⁴, and in most cases human agency is absorbed as part of assumptions within theoretical parameters in analyses (Healey and Barrett 1990 92).

The political economy approach to land use attempts to address shortcomings of neo-classical economics by including the issue of government in land markets. It advocates an integrated and relational approach to understanding the interconnectedness of economic, political, social and ecological processes that

¹⁴Agency is defined as “the actions and motives of human actors in the practice of social conduct” (Gregory 2000 349).

work together to produce uneven urban (rural-urban fringes) land use distribution (Swyngedouw and Heynen 2003 902).

Different forces and processes influence land use behaviour/activities in the rural-urban fringe (Logan and Molotch 2007 1-4). One way to understand these forces and processes in a locality is to focus on the interaction between activities and people, and between the locality and the external environment (Liffmann *et al.*, 2000 363, 369). This allows the linking of human activities within systems of exchange or interaction which include economic, social, political, regional, national and even biophysical aspects (Logan and Molotch 2007 20; Bryant 1995 257).

One set of relations that calls for further attention is the interaction between the government and the land market, including government's efforts to manage land development, influence land use and protect natural resources. Through time, state intervention constrains the use to which land can be put and therefore affects its uses. It is however argued that it is necessary for government to be involved in the land market to safeguard public interests (Watson 2008 231-232; Bryant 1995; Peterson 1991 15; de Soto 1989 183).

Liffmann *et al.*, (2000 369) indicated that in managing land uses, different governments have come up with a range of public policies and regulations. These include zoning, subdivision and environmental regulations that aim at regulating or influencing land use decisions of private landholders. These regulations constrain landholders' options for the use of land, and thus influence present and future market values of land. Government policies that promote infrastructural development (such as construction of roads, highways, municipal sewers and water supply) may also influence the use of land. In addition, policies such as those related to land rates and taxes influence landholders' financial calculations and therefore influence the way they use land (Maconachie 2007 12; Logan and Molotch 2007 23; Hart 1991a, 1991b).

Property rights also influence the way land is put to use. Where land rights guarantee long-term tenure to a particular parcel of land, landholders may decide to use such land for a longer time without selling it. This may be contrasted with short-term tenure which may make landholders avoid long-term commitment to the land (Cavailles and Wavresky 2003 344; Raymond 1997).

Land uses are also characterised by societal competition which support an argument that they are socially produced. The social production of land uses is embedded within the structure of the overall system of production and consumption, which are the outcomes of societal organisation (Logan and Molotch 2007 12; Gottdiener 1985 Massey and Catalano 1978 22). In such a competitive environment, inequalities are reproduced at all societal land use levels including city, rural areas, and rural-urban fringes (Simon 2008 15; Mbiba and Huchzermeyer 2002 124).

Mbiba and Huchzermeyer (2002 125) argued that in rural-urban fringes, rapid urban growth and land commercialisation impinge on livelihoods of local households and institutions. This creates a condition that threatens the wellbeing of actors in these areas (Logan and Molotch 2007 1-2, 20, 23; Plantinga *et al.*, 2002 561; Liffmann *et al.*, 2000 363, 369; Davis 1991 57). Compared to a good number of city residents and institutions, the rural-urban fringe residents are under-resourced with respect to knowledge and skills to effectively participate in the emerging urbanised local economy. This is largely attributed to persistent structural inequalities (due to what Lipton (1977) calls urban bias in development) and inadequate decentralisation of national resources to local levels. This has produced social phenomena such as proletarianization, squatter settlements and poverty when the unprepared local actors are faced with city-wide forces. Under such conditions, actors' capacities to cope and adopt are limited and this leads to few local (and non-local) individuals and institutions dominating the local production systems (Binns and Maconachie 2006 217; Bryant 1995; Simon *et al.* 2004 243). The process of peasants' dis-enfranchisement by city-based forces is akin to unequal global economic relations being played at the international levels with the exception that at the local level, the forces are either direct or indirectly mediated through governmental operations.

Global forces influence costs of agricultural production and prices of local produce (Logan and Molotch 2007 256). Under traditional farming systems, agriculture is local as much of it is bound to local practices of landholders who are attempting to make the best out of their land under prevailing local conditions. However, while land is not internationally mobile, some inputs (e.g. seed, fertilizer, animal feed), outputs and knowledge related to agriculture are very mobile, even in a global sense. The use of agricultural land is also not just for economic purposes but it is bound with historical conditions and cultural systems.

Thus, opening it up to the global economy has far-reaching implications for the cultural transformation of the local actors. Globalisation¹⁵ enforces increased competition for places of production and consumption, the consequence of which is pressure on local institutional arrangements as local people try to adjust to changing conditions (Simon 2008; Maconachie 2007; Arabindoo 2005; Bryant 1995; Braun 2002).

In some contexts, globalization may foster decentralisation in political, administrative and fiscal powers and thus facilitate the local empowerment (through local management of public goods) and economic independence. However, the (envisaged) empowered, diverse and culturally rich local communities may not arise automatically without broad political support. Instead it may result in dualism, where one part of the community enjoys benefits of globalisation (through their ability to adjust their agricultural production systems to serve global markets e.g. export flower farming in the Nairobi fringe) while the other part of the community remains marginalized and subsistence-oriented in their agricultural production (Braun 2002).

Mbiba and Huchzermeyer (2002 125) indicated that when the local economy is 'captured' for the production of raw goods and materials for global markets (e.g. coffee, tea or flowers), its capacity and capability to support local basic needs is diminished/altered. Local livelihood systems especially those that support poor households (who are usually weak and unprepared) are weakened or lost. Local institutions are also overwhelmed by the entry of more powerful actors than the local structure and capacity can handle. This leads to further marginalisation of the local people, who in many cases are indigenous farmers, and the weakening of local institutions. When this happens, breakdown in land use governance and administration is likely to take place. Breakdown in local institutions leads to corruption and other self-seeking incidences which further lead to marginalisation of the indigenous actors. This further hinders them from actively taking part in new economic opportunities. Where social and economic conditions, such as local employment, income, population growth and national economic trends are favourable, landholders can pursue various options to achieve certain life goals. The existence of alternative opportunities can thus enable them to make diverse

¹⁵Globalisation "...is a process by which the experience of everyday life, marked by the diffusion of commodities and ideas, is becoming standardized around the world" (Braun 2002).

social and economic choices, thereby influencing their engagements with the land as a source of livelihood (Simon 2008 11; Dayaratne and Samarawickrama 2003 102; Broomhall 1995).

Bryant (1995 257) observed that on the macro scale, "...there are forces that link economic activities in the rural-urban fringe to systems of exchange nationally and internationally..." And that these forces are also partly responsible for the changing relationship between the rural-urban fringe and the city. For example, in different rural-urban fringes, there may be dairy and horticultural farms that have links with cities and international markets. In understanding dynamics of such production systems, a broader focus that includes global markets and policies is thus needed. In most cases local production activities and decisions are influenced by global forces that barely take into account local circumstances (such as need for local food production and customary land use and ownership), though they affect local conditions of production (Mbiba and Huchzermeyer 2002 125).

Promotion of neoliberal policies by the World Bank and International Monetary Fund (IMF) and the pressure on developing countries to adopt an enabling and facilitative approach to housing (instead of mass provision) has given rise to policies that indicated the growing acceptance of different forms of self-housing in most developing countries (UN-Habitat 2003 43; Briggs and Yeboah 2001 21). These led to a shift in policies dealing with informal housing in different countries. However, access to land for housing, especially in cities remains a problem. Uncertainty in systems of land availability and governance within many cities (especially in developing countries) has led many residents to seek construction land in rural-urban fringes (Pacione 2005; Potts 2004; Home and Lim 2004 1; UN-Habitat 2003 46).

Furthermore, the adoption of neo-liberal policies affected smallholder farming production as a result of reduced government spending on agricultural extension services. Maconachie (2007 11) observed that reduced government support for smallholder farming in many countries where neo-liberal policies in form of SAPs were implemented led to reduced farm productivity. This further weakened smallholders' capacities and thus constrained their coping mechanisms and transition to other land development alternatives.

Cheru (2005 6) observed that when a local production system (such as smallholding farming) is weakened, it becomes marginalized from the mainstream of national development. Low levels of agricultural production, coupled with lack of non-farm employment opportunities and the absence of vibrant small and medium-size urban centres (to facilitate interaction between rural areas and major cities) and disparities in the level of services provided collectively accentuate the abandonment of farming by people who move to primate cities.

Effects of the exodus to primate cities are also felt throughout the metropolitan system of many developing countries (Pacione 2009 120; UN-Habitat 2005 4; Briggs and Yeboah 2001 23). These migration forces are producing regional or meso effects (trade policies, regional economic integration, legal framework, transportation policies among others). These forces are mostly manifested in the form of population expansion and spread of residential development in former farmlands. The forces also underlie processes that are linked to unequal economic and living conditions between rural-urban fringes and the cities (Bryant 1995 258).

2.4 TOWARDS A LOCALISED CONCEPTUAL APPROACH

Lambin *et al.*, (2001 266) observed that political economic explanations of a rural-urban fringe focus on differential power and access, enforced by dominant social structures. Explanations tend to assume that capitalist-based structures (above all others) exacerbate differences in power and access, and hence land use changes. Changes resulting from non-capitalist structures are dismissed or taken as part of explanatory assumptions (Zein-Elabdin 2009 1158). For example, one non-capitalist contributor to land use change in rural-urban fringes is the actor's agency (Mbiba and Huchzermeyer 2002 126) which, although relatively neglected, may have a great influence on land use and the process of land conversion.

A focus on local actors in societies (such as those in developing countries) where both pre-capitalist (traditional) and capitalist (modern) systems operate may allow us to see how structural forces from globalization and socio-cultural influences circumscribe the agency of actors, thus highly affecting their life choices (Bryant 1995; Mbiba and Huchzermeyer 2002 124). Such an approach may also show how actors manoeuvre through various constraints to come up

with strategies for their day to day living: That is, how actors meet their life needs or solve their problems amidst lack or inadequate provision by formally or officially sanctioned bodies or organisations (Rakodi 2005 5).

A conceptual approach that provides a framework on which to base an understanding of the agency (alongside explanations of how actors use agency to challenge or reinforce the existing structures that affect their use of land) is thus needed. Such an approach can help to reveal ways in which land for urban development is used and known, while challenging the unacknowledged and acknowledged assumptions at the heart of land use planning discourses that are insensitive to meanings and values in practices of non-dominant cultures (Harrison 2006). Such an approach reasserts the importance of historical and contemporary voices through a reconstruction of history and knowledge production (Zein-Elabdin 2009 1155; McEwan 2002 127-128). The approach may also seek to capture voices and actions which are usually ignored in dominant varieties of space production narratives. These ignored voices and actions are also referred to as 'subaltern voices or actions' (Sharp 2009 115; Yeboah 2006 51, 61; McEwan 2002 127-131; Spivak 2000 xxi, 1988 298; Ogude 1997 106). Through actors' actions (as evidence of their agency) there can emerge a possible way of identifying culturally appropriate ways of infrastructure and services provision in situations where formal provisions by local/central governments are inadequate. This (agency) would also give information on ways landholders are able to manoeuvre to accommodate change in their local environment.

Given the reduced presence of the government in management of day- to- day affairs of the society and the economy (in part due to effects related to Structural Adjustment Policies (SAPs) in countries such as Kenya) local actors have assumed a major responsibility for managing different aspects in their localities (UN-Habitat 2009 26, 1996 161; Simon 2008; Satterthwaite 2006; Bryant 1995 258; Potts 2004; Batley 2002 136). In such cases, land use planning ideals and methods (required and advocated by governments) are no longer accepted or supported by the majority of actors (Batley and Larbi 2004 9). Simon (1997 190) observed that reduced central/local government influences lead to,

...individuals and groups of people at a local level .. seeking the attainment of their aspirations for better living standards outside the realm of State.

As noted elsewhere in this thesis, the study is situated within a colonial legacy and weak central/local government institutions. Therefore changes taking place are not just on land use but also political, cultural and social as well. The process of transition from 'traditional' (indigenous) to 'modern' systems is however not clear-cut; it is on-going and characterised by a systems mix (Zein-Elabdin 2009 1155; Sharp 2009 135; Maeda 2009 345; Prochner and Kabiru 2008 130; Harrison 2006; Sandercock 2004; Olaniyan 2000 274). The strategies emanating from such processes are thus hybrids of both traditional and modern livelihood strategies. Simon (1997 192) and Nabudere (1997 214) however argued that many of the hybrids strategies are not postcolonial but are rather post-traditional because they embody

... indigenous values, social structures and identities that survived –admittedly to differing extents and with differing degree of engagement with or transformation by colonial impositions (Simon 1997 192).

The resultant hybrid strategies empower the actors in the articulation of their experiences and also in their engagement with social, economic and environmental transformation. These strategies work in complex and sometimes covert ways, mostly in contradiction to the prevailing official social and economic channels (Harrison 2006; Bryant 1995; Young 2003 79). Hybrid formations are however not uniform as they differ in distribution and practice within a particular locality and even among actors (Yeboah 2005 61; Sandercock 2004). These formations (or hybridity) involve processes of interaction that create new social spaces to which new meanings are given within specific situations and localities (Young 2003 79).

Following from the above understanding on hybridity, a focus on the local actors thus provides a good basis for locating the spaces of hybrid formations (Yeboah 2005 61; Harrison 2006). Localised actions (as discussed in Chapter 12) are thus significant in understanding aspects of land use and change. Therefore, a look at actors and specifically at the aspects of structure and agency can reveal how people make choices within locally variable social, economic, environmental and cultural conditions (Bryant 1995). Such an approach may also allow us to understand how innovations may be introduced and adopted in certain areas and not in others. In addition, it may lead to understanding why people continue to follow socially and environmentally destructive paths, despite evidence of the

damage to their locality (see Chapters 10 and 11). The actions may be explained using Simon's (1997 190) words:

...they are seeking the basic needs... but have despaired of the ability of the State and official development agenda to deliver on their promises and have thus taken their own initiatives.

In understanding land conversions, it is thus worth appreciating that locally constituted conditions are critical in influencing land use change (Bryant 1995 258; Bryant *et al.*, 1982 59) at the micro level. However, it is at this level that there are tendencies to see individual and local actors as reactive and as such following or being led by macro and meso scale forces and processes (Bryant 1995 258). These tendencies are partly theoretical positions that underpin the literature catalogued above (from neoclassical economics and political economy perspectives) which generally "...ascribe a relatively passive level or reactive role to local community involvement..." (Bryant 1995 258) in land use decisions. For example, while conceptualizing meso scale change in the rural-urban fringe, the focus is put more on the effects of the influences emanating from the city core than on the locally-based influences (Bryant 1995 258). In such cases land use changes are usually represented in the form of external pressures and influences without a clear consideration of internal influences (Plantinga *et al.*, 2002 561). Such influences include environmental, familial, societal, and cultural diversity and the existing settlement structure within the rural-urban fringe. Such representations thus miss out on complex realities that characterise land use in the rural-urban fringe and the individual actor's capacity to choose (or circumvent) between macro and meso processes (Bryant 1995). Therefore, structuration theory (structure and agency approach) is relevant in this study as adds insights into the understanding of the actors and the shifting nature of their agency.

2.4.1 Insights from structure and agency approach

Long and Long (1992 21) noted that actors process information and strategize in their dealings with one another and are active participants in their social worlds. Actors may be either institutions or individuals. Furthermore, actors attempt to solve problems, and learn how to intervene in the flow of events around them, while also continuously monitoring their own actions, observing how others react to their behaviour and taking note of various contingent circumstances (Bernstein 1989 26). Commenting on the ability of actors to monitor their activities and those of others, Giddens (1984 29) observed that:

Human actors are not only able to monitor their activities and those of others in the regularity of day-to-day conduct; they are also able to 'monitor that monitoring' in discursive consciousness. 'Interpretative schemes' are modes of typification incorporated within actors' stock of knowledge, applied reflexively in the sustaining communication. The stocks of knowledge which actors draw [upon] in the production and reproduction of interaction are the same as those whereby they are able to make accounts, offer reasons, etc.

Vanclay (1995 111) and Davis (1991 57) observed that although social, economic, environmental and cultural structures may promote or constrain certain values (for instance about land), actors are able to manoeuvre and act on their decisions to generate new forms of values (in the case of this study, land uses). This can occur even in situations of severe restrictions/limitations but whereby individuals can still make choices among options or actions. This leads to the notion of *agency* which attributes to the individual actors the capacity to process social experience and devise ways of coping with life.

According to Giddens (1984 4), the power of actors to act is grounded in human consciousness, which exists in three levels. First of these levels is the discursive consciousness which is the level at which humans can express their thoughts, emotions and reasons for actions. That is, it is that which they are able to say or to give verbal expression concerning social conditions, including conditions of their own action. Here there exists a conscious awareness of procedures and rules guiding a particular action. The level thus comprises of the knowledge of how to do things or to live, and whereby social agents can explain the reasons for their actions and intentions.

The second level is the practical consciousness level which consists of extensive knowledge about life by actors on how to survive in their environment, how to cooperate, compete, cope and get things done. It is based on what they know or believe about particular conditions but cannot express discursively (Giddens 1990 301, 1984 6-7). Here social agents are tacitly aware of the reasons for their actions, and therefore it is at this level where application of basic skills (common sense skills) necessary for handling daily existence operates. It is routinized into humans' daily existence and involves little if any motivation or concentration to access/apply, though when social agents are pressed to account for their actions, they can give explanations pertaining to them. The knowledge and skills at practical consciousness level is mutually shared with other members of a

particular group or society and, are essential for the execution of social life (Emirbayer and Mische 1998 963-964; J.B. Thompson 1989 59). However, (Giddens 1988 58) observed that:

More important are the grey areas of practical consciousness that exist in the relation between the rationalisation of action and actors' stocks of knowledge; and between the rationalisation of action and the unconscious. The stocks of knowledge, in Schutz's term, or what I call mutual knowledge employed by actors in the production of social encounters, are not usually known to those actors in an explicitly codified form: the practical character of such knowledge conforms to the Wittgensteinian formulation of knowing a rule.

In both discursive and practical consciousness levels, humans can explain the intentions and reasons for their actions. These levels can interpenetrate each other and thus their distinction is fluid and can be altered by many aspects such as socialization and experience. The unconscious level is not accessible by discursive consciousness. It is the level where life histories, knowledge of experiences, emotions and thoughts are usually filed from the immediate conscious recall, especially during daily discussions (Tucker 1998 81; Giddens 1984 375).

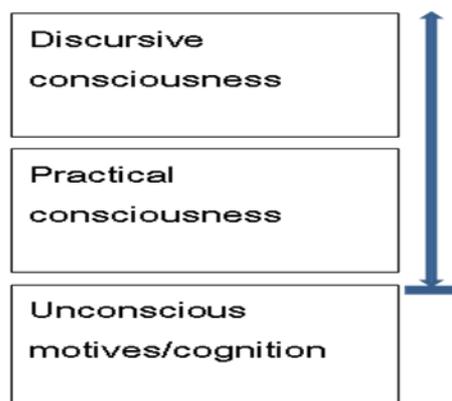


Figure 2. 2: Relationship between discursive consciousness, practical consciousness and unconscious motives/cognition. Source: (Modified from Giddens 1984 7).

Social agents/humans, draw upon these three layers of consciousness, which can be described by a stratification model (see Figure 2.2) of human actions (Craib 1992 40). The stratification model according to J.B. Thompson (1989 59) and Giddens (1984 6, 376) comprises of three moments: First, is the motivation of action which is derived from unconscious and which is important for overall plans and situations which sometimes break with the routines of life; secondly, there is rationalization of actions derived from practical consciousness and thirdly, through reflexive monitoring of actions. Giddens further observed that

there exists a repression in form of unconscious motivations and which creates a barrier that affects the discursive consciousness and the unconsciousness. It is the existence of this barrier that leads to a rejection of the notion of the very existence of unconscious motivation (Tucker 1998 81; Cohen 1989 51-52).

Giddens (1993) made a point that people act with knowledge, skill and intention, and that their motivation has a structure which responds to their needs/wants at any given time in life. In arguing against the notion of existence of unconscious motivations, Giddens noted that infants are not born with the capacity to meet their own needs, though they possess them (needs), and these must be met by others. Meeting of their (infant) needs is further extended to mediation and guidance of them (infants) in/with the social world. This mediation and guidance is meant to align the wants of infants with demands and expectations of the wider society. This is how human actors are grounded into reciprocal social relations with others within their environment. The statement below affirms this grounding of individual actors in a set of social relations. Giddens (1993 124) stated that given,

...the modes of management of organic wants represents the first, and in an important sense the most all-embracing, accommodation which the child makes to the world, it seems legitimate to suppose that a 'basic security system' – that is, a primitive level of management of tensions rooted in organic needs – remains central to later personality development; and given that these processes occur first of all before the child acquires the linguistic skills necessary to monitor its learning consciously.

The initial level of human needs thus becomes the core influence in the development of future human personality, with the major need being the basic security system, which is largely inaccessible to our consciousness (Cohen 1989 51). Maintenance of this security system thus becomes a pre-occupation of each social actor (in the case of this study, the landholder) through an ongoing involvement with the social world. Because the environment in which people live is not secure and predictable, the basic security or ontological security¹⁶ drives human motivation (Giddens 1993 123-124; Craib 1992 38; Cohen 1989 53).

¹⁶This kind of security entails the confidence or trust that the natural and social worlds, including the self and social identity, are as they appear to be. It is because of ontological security that actors are more likely to re-produce known or dominant structures than they are to create new structures (Giddens 1984 50, 375).

Giddens (1989 278) observed that access to (or existence of) basic security allows individuals to develop their full potential within uncertain or unpredictable localities. For example, responses to rapidly changing land uses in a rural-urban fringe may reflect a need for some form of nurturing a source of livelihood (land) in an environment full of uncertainties. Lack of nurturing or inconsistent nurturing produces tensions in (or damage to) sources of livelihood (Craib 1992 39). To reduce the tension or the damage, landholders are continuously searching for ways to enhance this security in their surroundings, albeit in rapidly changing and unpredictable conditions. Also, in their day to day encounters, landholders always face potential risk to their livelihood. To further ground their security and minimize their risk, individuals cooperate through the use of tact and trust as a society or community. This allows people to enhance their position and knowledge of how to access and maintain their livelihood (Davis 1991 57; Held and Thompson 1989 9).

As a result of individuals' cooperation, a system of social practices that forms the social system (systems¹⁷) is created (Craib 1992 40; Held and Thompson 1989 10). The drive for cooperation among people is meant to achieve self-identity and personal security in their lives, and is manifested through routinized predictable actions (Gregory 1989 197), such as becoming a member of religious or vigilante groups. This thesis points towards the formation of new social groups in Chapters 9, 10, 11 and 12. Actions by individuals form part of societal structures (Vanclay 1995 114; J.B. Thompson 1989 73). When such social practices are continued over time, people master them as a way of living in unpredictable and changing conditions (Emirbayer and Mische 1998 1006-1007; Giddens 1990 301), thus further replacing (though sometimes gradually) previous social relations that supported their livelihood.

Giddens (1984 29) observed that mastering of skills involves possession of the ability to handle unfolding challenges and tensions in an ongoing manner. With time, mastered skills become a sort of mutual knowledge among people

¹⁷According to Moos and Dear (1986), systems are regularised social practices situated in time and space. They also argued that systems that are "deeply embedded" parts of life are called institutions and have no reality or existence separate from the action of the people.

(community) in a locality which consists of rules¹⁸ of legitimation and signification (c.f. Tucker 1998 83; Craib 1992 45; Bryant and Jary 1991 10). These rules are meant to reduce possibilities of losses for each individual. Rules of legitimation provide a rationale through which actions are sanctioned as an acceptable form of behaviour among individuals. That is, legitimation provides morality in form of shared sets of values and ideals, normative rules, mutual rights and moral obligations. For example, as this thesis will show, it may be acceptable for landholders to sell small parcels of land and move out to more rural areas to buy bigger parcels of land, or to sell portions of their land and leave intact a space where there is graveyard. On the other hand, rules of signification enable the effective communication of meanings on various behavioural tendencies. For example, landholders may use various arguments, such as the decline of income from coffee, to justify land sale and its conversion for residential purposes, even if they did not use land to cultivate coffee previously. According to Giddens (1984 29):

The communication of meaning, as with all aspects of the contextuality of action, does not have to be seen merely as happening 'in' time-space. Agents routinely incorporate temporal and spatial features of encounters in the process of meaning constitution. Communication, as a general element of interaction, is a more inclusive concept than communicative intent (i.e. what an actor 'means' to say or do).

Rules of legitimation and signification are embedded in individuals' life in such way that in most cases they can only tacitly be understood, with and their explanation at best being an interpretative prediction (Pennock 2004 21). Giddens (1984) noted that regularized social practices once they are embedded in life become institutionalized. This institutionalization of routinized social practices comes as a result of their recognisability and acceptability by the collective membership of the society and also when they are reproduced over a considerable period. Every act of reproducing the rules thus also reproduces the structure of the social institution and its context, thereby reinforcing mutual knowledge among individuals. Therefore, human need for ontological security leads to the repeat of routine patterns of behaviour that unintentionally reproduce existing structures. Other than just reproducing social structures, individuals also through their practices reproduce the social system (Saunders 1989 225).

¹⁸Rules guide regularized behaviours that are implicitly acknowledged as being appropriate and enable people to manage their daily lives and understand the world around them (Giddens 1984 21-23).

Pennock (2004 21) observed that there are however some times when the process of reproduction is by-passed and instead power and domination are used to alter social events in a way that is transformational. Allocative and authoritative resources are used to effect such changes (Craib 1992 47). Allocative resources include command over objects, goods or material phenomena that are used to enhance and maintain power. For example, city-based land seekers, with more money than indigenous residents are likely to bid up land prices rise to a level where continued farming is not justifiable economically. On the other hand, authoritative resources include command over people and are meant to gain control over others (Cohen 1989 28). For example, indigenous residents in the rural-urban fringe may invoke customary regulations and social norms in dealing with land uses and security matters even in relations with the newcomers who do not subscribe to such norms and practices.

Pennock (2004 21) added that rules of legitimation and signification are needed to access and use both of the above resources (allocative and authoritative) and that these resources are unevenly distributed within society as some actors have more resources and power than others. However, even those with little power have some influence on those with greater power and resources. As a result, individuals live within limits of resources, having skills and knowledge of the broader social conditions that may be influencing their locality (given that each individual possess some room for manoeuvre). Agency then arises from the individual's understanding of rules and capacity to utilize resources (Giddens 1989 253, 1984 33, 74).

The agency/structure interface

Social relations take place within structures, institutions and cultural conditions that have links at micro and macro levels (Vanclay 1995 114; Long and Long 1992). In an attempt to bridge the gap between macro and micro, subjective and objective, actor and structure, Giddens introduces a structuration approach (c.f. Tucker 1998 11; Vanclay 1995 119; Giddens 1991 204, 1984 29). The process of structuration is however difficult to observe especially at empirical level (Starchenko 2005 83; Flyvbjerg 2004 299, 300; Gregson 1989 240, 246). To address this obstacle, Starchenko (2005 83) advises that adopting Giddens' concept of bracketing, becomes helpful (c.f. Cohen 1990 43; Giddens 1984 288). The notion of bracketing holds that, neither actor nor system is placed "... in a

superior position in analysis, but rather integrates both areas of concern even though the focus may be on one or the other” (Starchenko 2005 83).

The primary concept of the theory of structuration is the duality of a structure and agency (Tucker 1998 12; Craib 1992 33-34; Giddens 1991 204, 1989 253; Cohen 1989 10), that is “the rules and resources drawn upon in the production and reproduction of social action are at the same time the means of system reproduction” (Giddens 1984 19). Human actions are therefore assumed as being able to reproduce and transform themselves. According to Giddens (1984 2):

Human social activities, like some self-reproducing items in nature, are recursive. That’s to say, they are not brought into being by social actors but [are] continually recreated by them via the very means whereby they express themselves as actors. In and through their activities [actors] reproduce the conditions that make these activities possible.

Giddens (1991 204) noted that depending on events and circumstances, individuals within the society can draw power and resources to alter potential¹⁹ outcomes and therefore bring them (social outcomes) under control. Because of the duality of societal structures, empirical observation of the social system is possible (through bracketing) as they are linked and bounded in social practices across space and time. Therefore social practices not only influence structure but also constitute and reproduce the structure. This proceeds in a continuous manner, as structures can be changed (reproduced) when knowledgeable human actors put their knowledge, resources and power into practice. Giddens (1984 25) averred that:

Structure is not ‘external’ to individuals: as memory traces, and as instantiated in social practices, it is in [a] certain sense more ‘internal’ than exterior to their activities... Structure is not to be equated with constraints but is always both constraining and enabling. This of course does not prevent the structured properties of social systems from stretching away, in time and space, beyond the control of any individual actors.

The concept of the duality of actor and structure avoids the tendency of belittling the lay actors,²⁰ as it allows/ascribes to individuals a capacity to knowingly

¹⁹It is this potential for action that brings into question the concepts of scientific positivism in relation to human interaction and agency.

²⁰“Lay-knowledge or practical consciousnesses are only atheoretical in the sense that their conceptualisations and claims are relatively unexamined. Since lay-knowledge is both part of our object, and a competing account of it, our response to lay knowledge must not be to dismiss it, but rather to examine it” (Sayer 1988 267).

perform certain practices while ensuring that those practices simultaneously reproduce the wider system, though often in unintended ways (Bryant and Jary 1991 23; Giddens 1989 253; Cohen 1989 26). Practices are structured in such a way that while individuals (in the case of this study, landholders) are knowledgeable about their locality, they act in a way which unintentionally reproduces the wider system of land use in the rural-urban fringe (Giddens 1991 204, 1989 300).

Giddens (1984) argued that people as social agents are capable of producing, reproducing and transforming their own history. They are thus constantly creating and recreating their society and locality. Additionally, people are knowledgeable about institutions (i.e. customary and local governance) and practices of their society and locality (i.e. land subdivision through inheritance and reduced economic viability of land sizes) which is absolutely essential for their continued livelihood. These actors may intervene in any course of events in that they can use their knowledge, power and resources to alter the outcome of any event (e.g. initiation of private security by residents when there is increase in crimes as a result of breakdown of communal and social ties). This is because they can choose to act or not to act. If their choice to act (i.e. to address to a particular issue such as insecurity) is successful, then end result may become routinized into the process of social reproduction (Gregory 1989 188).

Vanclay (1995) and Davis (1991) argued that individuals make decisions that are contingent upon the conduct of others. That is, their behaviours and actions are also affected by diverse external institutions, structures and cultural factors that are beyond their immediate setting. The influence on their behaviour is not only through direct interaction or through activities of entities (such as the public media) but is also based on collective cultural history. Culture is constraining as well as empowering. Making choices among the cultural repertoire restricts actors from facing or addressing situations that they may not have experienced before (Vanclay 1995 114; Davis 1991 57). This may be so in situations of rapid change (such as in the rural-urban fringe) where people may not have appropriate behavioural responses within their cultural repertoire to address resulting consequences. In explaining how human behaviours and actions are structured, Giddens (1984 27) observed that:

The flow of action continually produces consequences which are unintended by actors and these unintended consequences also

may form unacknowledged conditions of action in a feedback fashion. Human history is created by intentional activities but is not an intended project; it persistently eludes efforts to bring it under conscious direction. However, such attempts are continually made by human beings, who operate under the threat and the promise of circumstance that are the only creatures who make their 'history' in cognizance of that fact.

Emirbayer and Mische (1998 963, 1006) observed that in addressing change, actors draw on agency. Thus it is the use of agency that enables actors to break away from normalized behaviours. This takes place in a temporally embedded process of social engagement that reproduces and transforms the social world through the interplay of habits, imagination and judgments of actors (Bathelt and Gluckler 2003). Temporal embeddedness²¹ defines how actors may reproduce or transform social systems. For instance, a focus on the past allows actors to make selective reactivation of past patterns of thought and action, while a focus on present allows actors to make practical and normative judgments among alternate actions in response to the emerging and evolving situations; and if the focus is based on the future, actors use imagination to generate possible future actions defined by actors' hopes, fears and desires (Emirbayer and Mische 1998 1006-1007).

Emirbayer and Mische (1998 979, 1006-1007) continued to note that agency has three temporal orientations (i.e. *past*: routine, *contemporary*: sense-making and *future*: strategic action) that operate in conjunction. There is however interplay among the three orientations. Routine behaviours are always available for enactment; sense-making is necessary, while choosing among alternatives is a strategic action. Actors, however, adopt one of the three forms of orientation depending on the prevailing dominant condition. When the focus on the past is dominant, actors are likely to re-enact past patterns of behaviour to achieve stability in their life. When behaviours are routinized, they produce a sense of stability, concreteness and permanence among individuals (Pennock 2004 20). However, the selective nature of reactivation will in some occasions call for change. This change may not be spontaneous, but become only recognizable through gradual accumulation (as in the case of landholders selling small portions of their lands independent of one another in their locality and gradually changing

²¹Embeddedness is not spontaneous but experience-based and develops over time from a historical process (Bathelt and Gluckler 2003 134).

the area), or may be drastic (where rapid sub-divisions of several parcels of land takes place at once).

During the process of land use change and in conditions of uncertainty/impermanence about the future of farming as a viable economic enterprise, there may be no previous pattern to borrow from or no chance to act in a strategic way (Liffman *et al.*, 2000 363, 369). This happens especially if individuals such as indigenous residents are not structurally prepared to adopt capital and labour intensive farming such as horticulture after the collapse of the traditional farming such as coffee farming. It is one of those instances/situations where urgency is required and choice has to be made at that moment in time and space. In this case, actors (landholders) are amenable to make sense of their situations, and will come up with a way that will help them to react/act to changes to reduce the uncertainty at hand (Emirbayer and Mische 1998 1006-1007). In such situations some landholders may seek off-farm employment or sell portions of their farmland to meet their immediate livelihood needs. These activities however can contribute to further marginalisation of agriculture as a source of livelihood for the concerned landholders. Commenting on such human actions, Giddens (1984 14) observed that:

Repetitive activities, located in one context of time and space, have regularised consequences, unintended by those who engage in those activities, in more or less 'distant' time-space contexts. What happens... then, directly or indirectly, influences the further conditions of action in the original context. To understand what is going on, no explanatory variables are needed other than those which explain why individuals are motivated to engage in regularised social practices across time and space, and what consequences ensue. The unintended consequences are regularly 'distributed' as a by-product of regularised behaviour reflexively sustained as such by its participants (actors).

Emirbayer and Mische (1998 963, 1006) explained that where elasticity of time allows, actors are able to exercise their imaginative power, express their hopes and fears and come up with a strategic project to achieve the desired future. The choice is made among different alternatives and with different values being articulated in taking a particular course of action. For example, where some landholders diversify their farm production when the situation is normal, the effect of abrupt change may not be adverse to them. Those that diversify their farm production capabilities have a cushion against the immediate effects of income loss and may even have elasticity for manoeuvring to other sources of livelihood.

Long and Long (1992 23) warned that agency should not be confused with the decision-making capacities of actors. They explained that agency is comprised of social relations and, can only be effected through them. Thus, agency rests fundamentally on the actions of a chain of agents with each of them translating it according to her and his projects, while trying to enrol each other into their own projects. For example, although decline in returns for agricultural produce may affect most of the landholders, not all of them will respond in the same way. There are issues other than just product prices that are likely to affect the ability of landholders to manoeuvre. Such issues include land tenure (Davis 1991 10) and cultural factors (e.g. customary aspects of land ownership/use). This explains why different landholders respond in different ways to the seemingly similar phenomenon. However for some of their actions to be forthcoming/ beneficial, some collective systems (Davis 1991 56-57) are necessary to aid them accommodate changes. For example, the presence of a large number of landholders in a given area (say, keeping dairy cows) has the likelihood of attracting milk traders from big cities to buy milk because they have enough supply to support commercial dairy operations.

In addition, in cases where insecurity is a problem, use of vigilante groups by community members indirectly attracted more tenants seeking rental houses than before when insecurity was a problem. In such cases strategic generation/manipulation of a network of social relations among landholders and the channelling of specific items through certain central points of interaction, such as through membership to a family, *mbari* or village can affect the agency. The concept of agency also integrates the actor's individual action in collective relations (Sewell 1992 21).

Change may also occur when social agents who choose to act, produce unintended consequences (e.g. a small community projects such as an access roads opening up new areas for land conversion). A single act may result in effects that were never intended by actors, but consequences may not be large enough to affect the entire system. However, a set of individuals' actions may result in a pattern of unintended consequences, which may then produce effects large enough to influence both the livelihood system and the pattern of regularized practices. The end result, though unintended, may become routinized into the social system, thus altering the pattern of reproduction within the community in a

certain locality (Giddens 1990 301, 1984; Saunders 1989 225; Gregory 1989 197).

These observations accord with Giddens' (1984 27, 28) observation that:

Homeostatic system reproduction in human society can be regarded as involving the operation of causal loops, in which a range of unintended consequences of action feed back to reconstitute 'information filtering' whereby strategically placed actors seek reflexively to regulate the overall conditions of system reproduction either to keep things as they are or to change them.

2.5 TOWARDS A CONCEPTUAL SYNTHESIS

From the foregoing theoretical review, it is clear that land use conversions are being influenced by three sets of conditions that are interrelated and have evolved over time. These include (i) macro conditions and interactions such as political and economic conditions, agricultural produce markets, corruption, SAPs, national regulations and policies, (ii) micro/local conditions and interactions such as local political affairs, local government regulations, corruption, neighbours, customs, off-farm jobs, pollution, land prices, historical aspects (colonial past), infrastructure and (iii) landholding/ farm/household conditions that influence land use decisions such as values, family labour, clan membership, lifecycle elements, and locational aspects of the land, among others. The three sets of conditions overlap as they are not mutually exclusive (Cark 2008 11).

Each landholder²² has a set of relations that extend across place and scale or both. The context in which landholders are positioned affects their response or adjustment mechanisms (Bathelt 2006 225). There are also influences on landholders which emanate from their local communities or local interactions such as social networks, clans, neighbours etc. In this case the locally-based relations have a key role in influencing landholders' decisions which lead to land conversions and may also affect the way they respond to the resultant changes.

Landholders are not universally impacted by the macro, micro and landholding conditions, but at the same time they do not have the ability to act entirely outside these forces. Their actions represent countervailing systems that evolve both in resistance to these forces and also as a way to take advantage of local

²²I acknowledge the presence of diverse actors but I chose to give landholders more prominence than other actors because the decision to convert land (or not) ultimately depends on them. However, because landholders do not live in isolation, where necessary I have made references and links to other actors.

opportunities. Their actions however reproduce the macro and micro structures. Their actions result in a variety of responses, due to agency (Clark 2008 13).

Agency (as the ability to act) shows that landholders may act differently and this is the reason why we do not have a homogenous rural-urban fringe landscape (Clark 2008). Agency defined as the ability to change the context also means that context affects the amount of agency. In Figure 2.3 (adapted from Clark 2008), there is a portion of household/landholder that is overlapped by local/micro and macro contexts and a portion that is not. The portion of landholder that is not overlapped (and therefore not constrained by the context) represents agency or the proactive strategies that result in adaptations or responses (see Figure 2.3). The portion of the landholder that is within the overlapping context is a part of landholder that is reactive to the context within which he/she operates. The amount of agency thus depends on the level of landholder's subsumption into micro and macro conditions. Therefore, responses by landholders in the rural-urban fringe can be a reaction and or a realized intention or a combination of the two (Clark 2008 13). Their individual responses manifest specific actor-structure relations and are specific expressions of agency.

The amount of agency changes over time or among landholders. Agency enables landholders to move away from the norm if conditions call for change (see Section 2.4 of this Chapter). These deviations lead to a variety of responses, one of which is land conversion. The responses and land conversion consequences are then fed back into all the three components, that is, micro, macro and landholding. The effects of each of the three components vary over time and space. Variations in these components affect the level of agency and responses among landholders in the rural-urban fringe. This is because agency is mediated through relationships among landholders, and micro and macro conditions. A focus on the agency thus allowed this study to explore why landholders have different responses in what may seem to be similar structural circumstances. This perspective lead to an approach Evans (2008) called a modified political economic approach. This approach emphasises the importance of State policies (or lack of policies), social, environmental, cultural and economic conditions in constraining actions of landholders (and other actors), whilst offering scope to acknowledge that actors usually retain a modicum of choice in their actions under such conditions (Evans 2008 217).

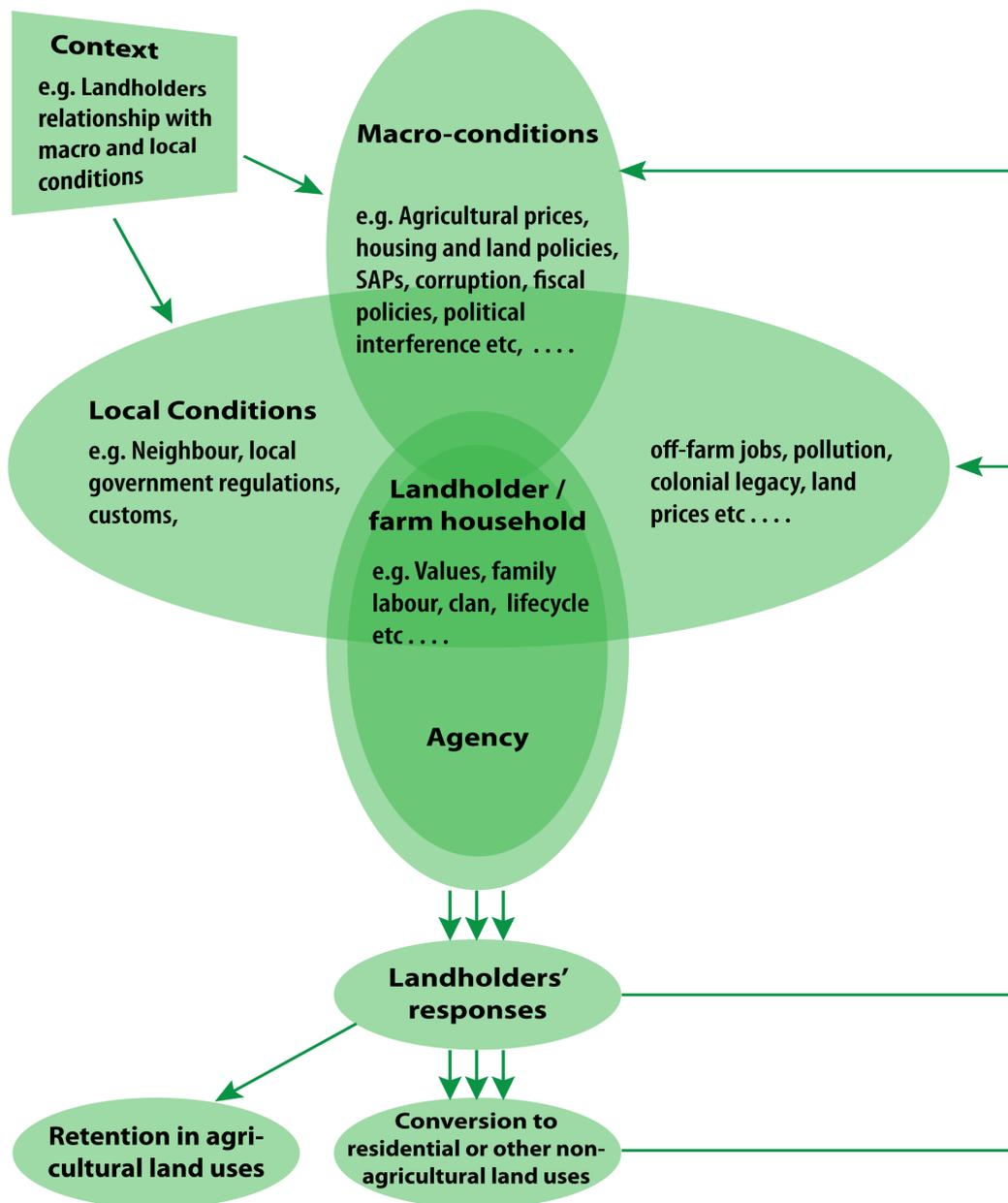


Figure 2. 3: Showing a structuration process in land use conversions. Source: (Adapted from Clark 2008 17).

2.6 CONCLUDING REMARKS

This chapter notes that there is no single way to define or characterise a rural-urban fringe. This is because there are no definite boundaries administratively, either regionally or locally, and thus rural-urban fringe is an abstraction of reality. Definition or characterisation should therefore be specific to some condition of interest relating to pertinent issues or for specific purposes, with the criteria used made explicit.

In an attempt to characterise a rural-urban fringe, spatial-oriented theoretical perspectives were considered. However spatial-oriented theories were judged inadequate with respect to providing explanation of rural-urban fringe phenomena such as social, economic and cultural aspects that influence land use. In addressing this gap, an alternative theorisation that included neo-classical economics and political economy approaches were explored for insights, "... through a broader lens of social theory" (Pennock 2004 5). These approaches were however, also limited in accounting for the role of agency and contingency²³ in the rural-urban fringe land development. The actor and agency conceptualization, which provided an ontological framework for understanding the role of agency in land development, was therefore adopted. The issue of bridging the gap between structure and agency at the empirical level was also addressed. The notion of bracketing from the theory of structuration was adopted as an analytical bridge to the divide between structure and agency.

The thesis argues that there is no a single dominant theory or paradigm of urban growth and development that can also offer a cogent explanation of rural-urban fringe phenomena. In this study a multiple conceptual framework was thus adopted from different literature sources on land, housing, economic, urban, among others. The aim was to derive partial insights on different aspects of a rural-urban fringe. The adoption of a multiple conceptual approach provided insights into mechanisms of a rural-urban fringe land uses from different theoretical perspectives, with each emphasizing different but related aspects.

The theoretical approaches in this chapter were meant to aid in the conceptualisation of different aspects of the rural-urban fringe land developments, designing the research methodology and in the analyses of field experiences, rather than to prove the theories themselves.

²³The principle of contingency states that one event does not necessarily cause another particular event. Therefore identical pre-conditions for human action do not have the same consequences at any place and time. This provides an epistemological basis for a context-specific conceptualisation of intentions and consequences of human action. At the same time, it is recognised that future actions and development are fundamentally open-ended (Bathelt and Gluckler 2003 127).

CHAPTER 3:

RESEARCH PROCESS

3.0 INTRODUCTION

This chapter explains my research journey,²⁴ the epistemological influences on the design, and the techniques used in gathering information for this thesis. Since this is an explanatory/exploratory study, my research design was inductive and qualitative data collection was appropriate.

This research is based on an inductive, in-depth, qualitative approach that was designed to produce contextualized data through a case study. This data allowed for a comprehensive understanding of a place (the rural-urban fringe), and processes and perceptions associated with it. As such, the data obtained may not be used to make empirical/broad generalizations, and may not even apply in all situations even within the same City's fringe areas. This notwithstanding, my research provides new evidence and insights on the land use developments in the rural-urban fringe. My approach is inspired by Flyvbjerg (2001 76), who in reference to the case study method, commented that,

...generalization is only one of the many ways by which people create and accumulate knowledge. That knowledge cannot be formally generalized does not mean that it cannot enter into the collective process of knowledge accumulation in a given field or society.

The research did not follow a linear path²⁵, thus the presentation in this chapter is meant to illustrate the conceptual aspects and not chronological progression of my research activities.

During the early stages of my research process, both in Kenya and at the University of Waikato, I concentrated on reviewing the literature on urbanisation in general, and specifically on rural-urban fringes. This review guided me in the selection and identification of key themes for my research. The recursive review

²⁴ The aspects on my personal history are given in Chapter 1.

²⁵ According to Flyvbjerg (2001 84), case studies often contain a substantial elements of narrative which typically approach the complexities and contradictions of real life. And that such narrative may be difficult or impossible to summarize in a neat scientific formulae.

process continued throughout my research project. Critical reading²⁶ of secondary data in the form of policy documents, plans, grey literature, newspapers²⁷ and blogs, speeches by key policy and decision makers, as well as various governmental and non-governmental websites, was also done. This served to expose me to the broad contexts in which urban growth in the fringes is taking place. Through critical analysis, I was able to picture and articulate issues and perceptions held by various actors in urban/rural-urban fringe development. Theoretical reviews were also done to assist in the development of a conceptual framework, and to situate the specific empirical findings/data (field work data) within a broader scholarly and historical framework.

An ethnographic approach and other primary data collection methods provided narratives which enlightened me on day-to-day aspects of my informants in relation to land use in the Nairobi fringe. The fieldwork encounters and experiences allowed me to hear many voices which, in turn, I present in this thesis. Multiple field visits and interviews provided me with a feedback mechanism to test and link themes, ideas and issues as they emerged from field encounters. I also incorporated focus groups' discussions, personal narratives, in-depth interviews, participants'/communicative observations, photographs, autobiography and document analyses for the purpose of addressing my research aims.

The use of an ethnographic approach in this research was strengthened by the incorporation of my autobiography as part of the methodological component in line with ideas from Burnier (2006), Thompson (2001), Moss (2001; 1995) and Ley and Mountz (2001). I did not conduct the field work (field work was conducted between November 2007- June 2008, March- May 2009 and October- November 2009) as a passive by-stander, instead I drew extensively from my motivations and experiences in rural-urban fringes' issues in approaching some puzzling encounters (Thompson 2006 18; 2001).

²⁶This was in line with the process of discourse analysis which involves collection of sentences, figures or images referred to as "texts". This is done to delimit an object of analysis. Therefore a text becomes a tissue or a piece of meaning that is symbolically significant to the researcher (Parker and Network 1999 4; Potter and Wetherell 1987 6).

²⁷Newspapers provided me with an opportunity to understand the current national discourses on issues that directly or indirectly related to my study area and topic. I took daily news and blogs as reflecting the relevance of different aspects and issues within the public domain. Such issues and aspects are included in this thesis in the form of excerpts which support discussions and comments from the informants.

The purpose of using multiple methods was not only to enrich my data (as a result of complexities of rural-urban fringes) but also to unpack various social, cultural, economic and political aspects influencing land use changes in the Nairobi fringe. I needed to explore the ‘common sense’²⁸ meanings (Gimenez 2004) of some of the activities leading to land use conversion. The approach used in this research derived mainly from the work of critical social geographers (Duncan and Ley 1993; Bryman 1992; Haraway 1988). The adoption of such an approach enabled me to distil local aspects and perceptions concerning land use issues. The TCK was chosen as a case study within the broad Nairobi Fringe (the reasons behind the choice of the TCK are given in Chapter 1, 2, 4 and 8).

My thesis maintains that social reality is diverse and complex and as such the thesis aims at presenting a ‘partial truth’ of such reality. Qualitative methodology as used in this research was thus appropriate in exploring the ‘why’ question pertaining to land use conversions in the Nairobi fringe. In the following section, I present the arguments for the choice of qualitative methods in my study.

3.1 QUALITATIVE RESEARCH METHODOLOGY

The evolution of research methodologies in social sciences have been influenced by ontological (what can be known and the nature of reality) and epistemological (the relationship between observer and the reality observed, and the conceptualisation of what constitutes ‘valid’ knowledge, or a particular kind of knowledge) aspects, as is evidenced in a number of reported methodologies. These range from positivistic and naturalistic, to the ones recognizing knowledge as partial, socially situated and socially mediated, and in which the position and standpoint of the researcher has significance in all stages of a research project (Denzin and Lincoln 2007 4; Sandercock 1995 85).

²⁸The common sense approach to knowledge acquisition holds that “some of the most crucial properties of the world are invisible only to the clever. The world is a various place and much is to be gained by confronting that grand actuality rather than wishing it away in a haze of faceless generalities and false comforts” (Halfacree 1993 32).

The choice of my methodological approach was influenced by postcolonial²⁹ (Sharp 2009; Blunt and McEwan 2002; Schwarz and Ray 2000) and critical³⁰ social perspectives, in particular, recognition of knowledge as being situated and partial (Loomba 1998 19; Haraway 1988). Specifically, the major influence was from Marshall and Rossman (1989 11), who describe qualitative research as a process of designing research that entails entering into the everyday life of the social setting, where informants' perspectives are valued in their own worlds and attempts are made to discover those perspectives. Therefore I did not set out to search for a universal truth but to uncover perceptions, aspirations and opinions from multiple sources/voices (Thompson 2000 230; Sandercock 1995 86) to provide one of many possible accounts/explanations concerning land use conversions in the Nairobi fringe.

The approach allowed me to go beyond empirical descriptions and penetrate the appearances of social life to unearth normalised but often unequal relations and hegemonic interests in land ownership and use. As stated by Madge *et al.*, (1997 92), qualitative approaches “offer interpretations of causal processes that have wide conceptual relevance.” Additionally, face-to-face methods common in qualitative methodologies allow the researcher to draw on empathy and to validate informants' knowledge and experiences. I therefore realised (in the process of my research) that other than providing data for this research, using a qualitative approach served as an emancipatory tool for improving society through creating understanding about issues affecting it or part of it, through various discussions with informants during fieldwork (Thompson 2006 35, 2001 158; Blunt and McEwan 2002 1-6; Flyvbjerg 2001 72-73).

An inquiry of this kind is thus seen as an interactive process between the researcher and the informants. It is primarily descriptive and relies on people's words as the primary data. However, I did not take qualitative research as simply quantitative research without numbers (Bryman 1992, 1989 168). I took it as a

²⁹The term postcolonial is used in reference to a set of perspectives or strategies aimed at hearing or recovering the experiences of those who were in the past and/or still colonized. Postcolonial perspectives thus aim at articulating and contextualizing the poisonous hangover of colonialism in both conceptual and practical ways, in balancing and globalizing the exchange of ideas in progressive geographic thought (Myers 2006 290, 291).

³⁰“Critical” is used here to refer to approaches that are self-consciously aware of prevailing social relations and conditions and that are concerned with demonstrating how this societal context influences the distribution of social power and human welfare (Chouinard 1996 402).

methodology that can stand on its own and which allows the researcher to get into underlying aspects on different issues being studied. Bryman (1989) reported several strengths of using a qualitative approach: First, it allows for the adoption of an insider's stance to the study issues and settings. After multiple visits to the sites where I was conducting my research, I started to have the feeling of an insider. I started to share in the concern of the informants (though to a limited extent). I started to commune in some of the local discourses. In short, qualitative methods with an emphasis on multiple field visits and in-depth interviews allowed me to have some insider perspective to land use problems and issues (Elwood and Martin 2000 652).

Secondly, a qualitative approach creates a strong sense of contextualization of research issues and data. Meeting informants in their life setting allowed me to see 'things' in their natural settings. For example, during interviews with local government officials, I managed to observe ways in which they were dealing with members of the public who came to their offices in need of various services. Also while meeting informants in their villages I was able to observe how various issues are manifested or are affecting them in their respective localities. In this regard I had a first-hand experience of some of the issues and I better understood how different views and perceptions held by informants came to vary from one place to another. This added richness to the data I got from such settings.

Thirdly, a qualitative research methodology emphasizes the process more than the outcome. The way research is conducted is crucial for the outcome of that research. The focus on the process rather than the outcome is what gives legitimacy to qualitative research. Rather than following blueprints on how field work is done or should be done, I thought deeply about the circumstances and situations at hand. However I ensured that I documented the prevailing circumstances during various interview encounters and how these circumstances had the likelihood of influencing/affecting the responses I was getting from my informants.

Fourthly, a qualitative approach allows for the adoption of the unstructured approach where the researcher had little prior practical and/or theoretical orientation and no presupposed hypotheses. Though I had a rough idea of my study setting and themes, my ideas were still formative and my theoretical

orientation/conceptualization was still rudimentary. This is due to inadequate past studies done on my research topic and particularly on that specific area of the Nairobi fringe. The chosen approach allowed me to develop concepts and themes during the research process. These concepts and themes were incrementally developed as I advanced day by day in the field. This was further strengthened by adoption of multiple interviews and field visits.

Fifthly, a qualitative approach allows for the generation and consideration of a variety of data sources such as field notes, photographs, newspapers, interview transcripts and documents. This, as has already been explained, was made possible by my adoption of various processes of triangulation (see section 3.2 on this chapter). This allowed me to make connections and cross-validate various issues and cases as they unfolded in the field.

Another case for the use qualitative approach is its ability to obtain and retain close proximity to the phenomenon under study. I tried to emphasize data authorizing³¹ with the informants rather than data collection. I made the informants feel part and parcel of the study rather than adapting a client-master/client-server stance. At times however, I expressed empathy on some of the issues affecting the informants, sometimes feeling like I should adopt the status of an agent of change which social researchers sometimes are. All the same, due to the ethical requirements/considerations in my study I tried to suppress emotions and activism aspects of my life during the entire research process.

In qualitative research, the researcher is the instrument. The validity and authenticity of the qualitative research approach thus needs to be examined. Validity here is used to mean truthfulness in research activities. Validity in qualitative methods, hinges largely on the skill, competence and rigor of the person doing the fieldwork. Authenticity and validity entail giving an honest and balanced account of events and phenomena from the perspective of those who

³¹During my field work, I valued “my informants capacity to teach me about their reality, I also believed in my capacity to break into that reality, reflect on it, make it my own, and ultimately share my lived experiences” (Swanson-Kauffman 1986 in Thompson 2001 163) as a researcher and rural-urban fringe resident. I took into account the ability of the informant to explain his/her activities as well as my ability to understand and translate those explanations. This accords with Giddens that the discursive consciousness is the level at which humans express their thoughts, emotions and reasons for action.

experience it everyday (Neuman 2000 171). This search for validity has led to a range of innovations in research methodology (Thompson 2006; Neuman 2000). Qualitative research methodologies have adopted diverse approaches such as reflexivity, multiple voicing and verbatim representations. Reflexivity entails a researcher historically, culturally and personally situating himself/herself within their research and letting their informants and audience know it. In doing so, subjectivity is accommodated in trying to explain and justify truth. With respect to embracing multiple voices, I made attempts to relativize the voices in this research by incorporating multiple voices. A mixed methodology allowed me to use different methods to gather data so as to look at research issues from different angles (Denzin and Lincoln 2007 4).

Within the practice of qualitative research certain metaphors have been used to describe qualitative researchers. Denzin and Lincoln (2007 5-6) described the researchers "... as a *bricoleur*³², as a maker of quilts, or as in film making, a person who assembles images into montages", among others. A researcher is further portrayed as one drawing materials from many elements and in different forms using different methods and paradigms in an iterative and interpretive process to construct a representation of a complex social situation. Adoption of a *bricoleur* standpoint allowed me to keep my research options open (although the open-approach was more applicable during initial stages of the field work) and thus gave me more chances not only to discover a few isolated facts but also some more profound 'truths.' At the beginning, my adoption of different sources and perspectives, seemed to blur, but as I continued with my study these diverse genres began to "interbreed" into a storyline. As a *bricoleur*, I was also able to make on the spot decisions and to employ a range of strategies, techniques and methods to obtain empirical material.

As will be explained later, the metaphor of a *bricoleur* became handy during my fieldwork for this research. The realities on the ground defied the anticipated research protocol/processes and focus. This was because issues under study

³²"There are many kinds of *bricoleurs*, that is, interpretive, narrative, theoretical, political, and methodological. The interpretive *bricoleur* produces a bricolage- that is, a pieced-together set of representations that is fitted to the specifics of a complex situation. The solution (bricolage) which is the result of the *bricoleur's* method is an emergent construction that changes and takes new forms as the *bricoleur* adds different tools, methods, and techniques of representation and interpretation to the puzzle" (Denzin and Lincoln 2007 5).

were not as clear-cut as originally imagined and also due to other issues (violent conflicts after a disputed Kenya presidential election) that emerged and which warranted a shift in the original fieldwork plan.

According to Zahra and Ryan (2005 15, 16) adopting a *bricoleur* approach in research requires that one should move from one method to another depending on the nature of research encounters. I tried different techniques in developing different lines of enquiry, identifying the informants or organisations to approach and further refining ways of conducting the fieldwork and getting information. This approach is advantageous for research on issues such as land use phenomena in the rural-urban fringe, due to their complex nature. Furthermore, it enables the researcher to remain open to drawing upon new research methodologies if new and unexpected scenarios arise.

3.2 RESEARCH METHODS³³

In addition to managing the relational aspects of my field work, there were other aspects I would call 'technical,' which I considered in ensuring that I was able to capture different aspects of land use in the Nairobi fringe. I used various dimensions of triangulation³⁴ to capture and interrogate issues and concerns arising during my field work. The purpose of adopting triangulation was the realisation that any individual technique/method as a representation of social phenomena and constructs may not adequately capture the diversity and richness issues being studied (Sandercock 1995 85; Fielding and Fielding 1986). In safeguarding against such shortcoming I used triangulation to achieve convergence of validity of different concerns and content.

Using multiple methods enabled me to gain insights and understanding into particular issues within diverse and complex social settings. Different sources of data complemented each other in unravelling different facets of the study. It offered me an opportunity to improve the validity and reliability of data. Adoption of multiple methods thus allowed for triangulation of information that helped in

³³Method is used here to refer to the process or technical means of collecting data.

³⁴Triangulation is the process of drawing on different sources or perspectives (Limb and Dwyer 2001 45; Taylor and Bogdan 1998 80).

clarifying meaning³⁵ and to verify information obtained thereby adding robustness to the data (Brannen 1992 14).

Although it was not the aim of this research to compare various case study sites, contextual consideration of information obtained was taken seriously and thus the adoption of triangulation was not meant just for comparison but to enrich the data. This allowed me to avoid what Silverman (1985 20) called the trap of 'ironies' in data collection, that arises when a particular piece of information can only make sense in a particular context and not in another. I was also conscious of the trap of eclecticism³⁶ which is highly manifested in triangulation. Furthermore, being cautious with the application of a triangulation method helped me not to treat every piece of information I collected as objective (which straightforward mirrors the 'real world'), thus ending up piling research findings in an additive way (Brannen 1992 14). The advantage of using triangulation is that when different features of an experience are looked at using an appropriate combination of methods, one can make connections within particular cases and issues.

According to Scheyvens and Nowak (2003 105), there is a need for one to keep a field diary, a personal account of experiences and emotions so that one can keep on reflecting on the research process. I kept a fieldwork journal which enabled me to keep reflecting on issues as they were played out before, during and after every field work encounter. This process allowed me to make sense of the information and responses I was receiving and also taking note of the surrounding circumstances of the respondents.

3.2.1 Interviews

According to Jones (1985 138), interviewing is a social interaction between two people in which the researcher/interviewer initiates and varyingly controls the communication exchanges with the informant for the purpose of obtaining information relevant to emerging or stated research themes. The researcher guides the interview via recollections and order of thoughts.

³⁵The use of the word 'meaning' is based on double hermeneutic stand-point whereby a researcher interprets other peoples' interpretations of life (Giddens 1984 284).

³⁶Eclecticism refers to a situation where "data are treated as objective phenomena which unproblematically reflect the 'real' world, [and] researchers ...tend to pile up research findings in an additive ways (Brannen 1992 14).

There are a range of research interviews such as survey, structured, semi-structured, unstructured, in-depth and life story. This research investigation used in-depth, unstructured and semi-structured face-to-face interviews but also included some aspects of personal and life stories.

There were no planned sequences of questions during interviews. My initial objective was to let issues surface after raising some initial broad themes or questions. This allowed me to get more insights to refine my research themes and to focus my study. Interviews were managed through probing questions, paraphrasing and summarising issues as they arose. The unstructured interviews were relaxed, explorative and collaborative but they could not be classified as in-depth interviews that delved into the emotional realms. They were fluid in nature and followed my thinking processes.

Mugenda and Mugenda (1999) argued that, although interviews, especially unstructured³⁷, have potential for getting into the richer aspects of the phenomenon, they are not purely objective ways for collect information. They should however be continuously transformed to fit the context of the research and themes³⁸ as they emerge during field encounters (Thompson 2001 157). Unstructured interviews were thus communicative events in which I engaged with informants in active exchange of information through various communicative channels (face to face and at times through telephone conversations) and codes (nodding, silence, fidgeting, facial expression, among others).

In common with Madge *et al.*, (1997 92), observation and face-to-face interaction with informants also allowed me to draw on their empathy and to validate the knowledge and experiences encountered previously and in the interview. I was thus sensitive to different modes of communication and I took all necessary precautions to capture, interpret and make sense of various meanings and symbols as reflected by different informants. Lack of sensitivity and failure to recognize the crucial aspects of interviews could render what L.C. Briggs (1986

³⁷Semi-structured interviews are a “form of interviewing that has some degree of predetermined order but still ensures flexibility in the way issues are addressed by the informant” (Dunn 2005 80).

³⁸In this study, participants had latitude in the use of their agency in the research process as they could chose to interpret and respond to my questions in the manner they felt was most appropriate.

xiii-xiv) referred to as 'communicative blunders,' leading to an imposition of one's ideas and words on informants. When an interview is taken as a form of symbolic interaction between and among subjective agents, the validity of the data obtained is able to reflect deep understanding of agents' rationale and points of view as pertains to different issues. Interviewing thus becomes a process of emphatic understanding among social actors and activities which cannot be captured or validated by the use of statistical packages or formulae (Long 1992 5).

I conducted my in-depth interviews with key informants. This approach was consistent with Chambers (1994) who identified key informants as crucial for constructing social reality through 'local experts.' Chambers further noted that it is the responsibility of the researcher to establish who are the 'local experts' and seek them out. In line with Limb and Dwyer (2001 6), in-depth interviews with key informants were used to get accounts of their experiences and the meanings they ascribe to them. Issues arising were then clarified in other forums such as focus group discussions, follow-up interviews and exercises.

With most of the interviewees I undertook multiple interview sessions for the following reasons: Firstly, I wanted to explore issues in-depth, with the knowledge that there was a likelihood of shift occurring among informants, on what they had said before, after levels of trust, confidence and familiarity with my research had been established over time. Secondly, it provided me with an avenue for follow-ups to clarify issues and discrepancies (resulting from previous interviews) that needed further explanation. On average, two interviews were conducted with almost every key informant. During the first round of interviews I gained an initial understanding of informants' positionalities and the types of issues they were experiencing in their day to day life in relation to land use conversion. This allowed me to continuously focus my study. With all key informants: government officials, local government officers, community members and leaders, I used semi-structured interviews and in most cases questions ended up being open-ended. This desire to achieve flexibility depending on the informant's situation or surroundings is also advocated by Thompson (2006 20, 2001 157).

During interviews I was conscious of the power relations between the researcher and informants and how these affect the access to information I got from

informants. During interviews, the fluid aspect of my positionality allowed me to negotiate through different circumstances with different informants (see more information in Section 3.5 of this chapter on unforeseen circumstances). Depending on circumstances and informants, I invoked different positionalities to balance the power in the interview, particularly when interviewing the central and local government officials. During interviews with these informants I realized they had a tendency to introduce some 'catch words/terms' (for example 'community participation', 'planning', 'sustainable development', 'environmental conservation') in our discussions. Somehow I imagined, these were meant to divert attention from specific issues affecting their areas of jurisdiction or at best to portray knowledge and eloquence on different issues affecting their areas of jurisdiction. As such, the information and data I obtained from these officers was interpreted depending on the context, being cautious about how and why such information was given. Therefore power relations and other situational aspects become significant in my field work and afterward when analysing the data.

Glesne and Peshkin (2005 93-100) suggested some attributes necessary for a qualitative researcher's field work. As I explain in Section 3.5.2 of this Chapter, circumstances that unfolded during my field work called for decisiveness and lots of flexibility. Glesne and Peshkin's suggestions firstly provided me with valuable lessons in field work manoeuvring especially in conditions of uncertainty and unexpected situations that require a researcher to be anticipatory and prepared. In situations as fluid as my field work setting, on the spot decision-making was crucial rather than relying on laid down procedures as provided for in research methods manuals. Advance preparation was necessary to address any unforeseen circumstances in case they occurred. Thus contingency strategies to cope with situations as they arose were necessary and allowed for an anticipatory rather than reactive approach to information gathering.

Secondly, the researcher should be alert to make use of possible opportunities to establish rapport through mutual trust and interest. Qualitative research is built on an approach that allows the researcher to get in-depth information based on 'thick description' of the phenomena. This requires alertness on the side of the researcher so that he or she utilizes any opportunity available to access the informants and build rapport with them. A researcher also needs to develop public relations skills and be able to nurture the rapport once established.

Thirdly, a researcher needs to adopt a role of a naive but attentive learner. Though one should not adopt a complete *tabula rasa* stance, elitism during field work will only push potential informants away from the research. By showing interest in learning from my informants, I gave them a feeling that I was really interested in what they were saying, and I was not just there to fulfil some requirements for a higher university degree. Such an attitude thus attracted their interests.

Fourthly, a researcher should possess analytical communication skills. Though one should adopt a learner's stance, one should not be a passive sponge. The researcher should try to analyze and interrogate relationships, salient meanings and explanations as they emerge during the interviews. This allowed for the generation of new themes and concepts in this research.

Fifthly, the researcher should not be dominant but not submissive either when trying to negotiate various aspects power and control as portrayed by informants during interviews.

Sixthly, a researcher needs to be non-reactive, non-directive and should at different times be therapeutic when touching on some aspects of lives. When eventualities (such as informant withdrawing from the research due to life commitments) happened, I tried to let my informants have their way and promised to visit them some other time. At times some issues required empathy. For instance, after arranging for one of the interviews, a neighbour to the informant had a sick child who was to be taken to the hospital. As a researcher with a car, and with a need to build rapport with the villagers, I had no choice but to take the child to the hospital, which meant that I did not conduct any interview on that day. Those were some of the issues that may have been seen to be delaying the research but they were crucial in building rapport and trust.

Lastly, though a researcher should not appear as an investigator throwing questions to a person being interviewed, some investigation skills were necessary, especially on issues (which from my planning background) 'seemed not right', but from informants' points of view were 'truth.' Patiently I probed to know the reason behind some of their assertions, without seeming to intrude or question my informants' intelligence.

In-depth interviews were also complemented with informal interviews, personal stories and encounters, which were necessary in building and maintaining trust and networks. The information from these informal encounters was used in comparing my ideas with the ideas of others. These were mainly during conferences, normal daily interactions, workshops where I met researchers, academicians and members of the general public. Through these informal encounters, new perspectives and standpoints related to my study emerged. This enabled me to validate some of the responses I got from various informants and to get cursory knowledge of some aspects which otherwise could have taken a lot of time and resources to access.

Selection of key informants for in-depth interviews

At the start of my field work I was guided by de Vries (1992 47-84) who gave various considerations which are pertinent to a successful field work research. These considerations were not rules in the real sense but throughout my field work they served as a guide. First, these encompassed issues of negotiating access into the life world of my research participants or informants (see Table 3.1 for the list of informants). This was a bit tricky given that the central theme of my research revolved around land, which is a most controversial and hotly contested aspect of life in Kenya (see Newspaper excerpt 3.1). According to the Report of the Commission of the Enquiry into the Illegal/ Irregular Allocation of Public Land;

... land retains a focal point in Kenya's history. It was the basis upon which the struggle for independence was waged. It has traditionally dictated the pulse of nationhood. It continues to command a pivotal position in the country's social, economic, political and legal relations (Government of Kenya 2004a xvii).

As such 'getting in' to interview the respondents called for a lot of sensitivity and caution: Failure to be sensitive and cautious had the potential to generate bad feelings and subsequent backlash to my field work. To avoid this backlash I took time to explain to my informants what my research entailed and the purpose of my study. I tried all means to assure them that my research was purely academic and was not meant to adjudicate over land grievances that had beset many landholders for a long time.

Informants were not selected through random sampling, they were referred via snowballing. I had also done some 'homework', during the initial days of my field work, to establish the individuals who serve as opinion leaders and shapers

within the community in the study area. This information about opinion leaders and shapers was obtained from public officers working in the area, who I first reported to after acquiring the research permit. I made some informal contacts with individuals whom I had known before the study began but were still living in the study area. I was thus referred to the “gatekeepers” of various study sites/areas (these sites/areas were chosen after reconnaissance visits. I chose them as critical cases to answer my research questions) and through their contacts I gained acceptance from members of those respective villages. Figure 3.1 indicates areas where I conducted interviews with community members. However, to avoid bias, after the first days of introduction I tried to disentangle from such “gatekeepers.” All the same I found it hard to completely avoid them as I had to keep referring to their names whenever I met new people from whom I needed to get information. Such reference was framed in the following manner: “I have talked to so and so [gatekeeper] and they are aware of what I am doing in this area.” This introductory statement kept coming up in my frequent encounters with new people who could recognise ‘a stranger’ within their locality.

DAILY NATION

Land was a factor in post-poll

By PETER NG'ETICH
Posted Saturday, August 9 2008 at 21:15

After the Waki Commission wound up its hearings in the North Rift on Thursday last week, it emerged that land issues fueled post-election violence in the area.

A Kalenjin elder told the commission that although the violence was sparked by last year's presidential election results, land was its underlying cause.

Mzee John Kiplagat Koech, 73, said various commissions set up before independence and after have never wanted to address the land issue, which was the root cause of violence in the Rift Valley. He said the violence would keep recurring if the issue remained unresolved.

Testifying before Mr Justice Philip Waki and commissioners Gavin McFadyed and Pascal Kambale, Mzee Koech said that although people vented their anger on neighbours over the polls, it later turned out that land was the real cause of the violence.

Mr Billy Ruto of EMO society, an organisation which champions peace, told the commission that historical land injustices in Rift Valley province should be addressed in order for the violence to stop recurring every five years. “After independence, Rift Valley province residents have always believed, land distribution was not done well,” he said.

Mr Ruto said the Kalenjin and the Kikuyu communities had always been at logger heads due to land distribution issues.

Newspaper excerpt 3. 1: Commentaries on land issues in Kenya. Source: (Daily Nation 9th August 2008).

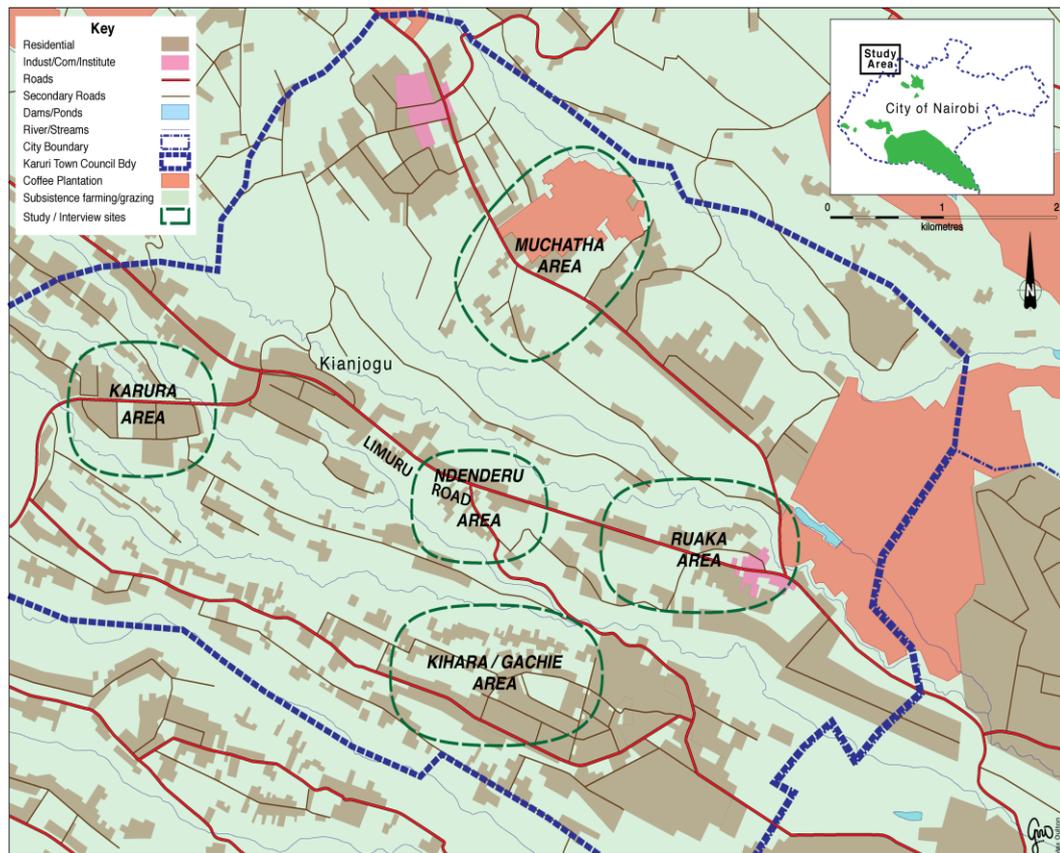


Figure 3. 1: Sites/areas where interviews and observations were made.

I would, however, say that opportunism also played a key role during my field work. I had to make on-the-spot decisions when I was confronted by some issues or opportunity for interview. I was influenced by Bresnen's (1988: 47) argument that most methods used in getting data, in some cases, rely upon some degree of slyness, artfulness, opportunism and perseverance on the part of the researcher. Although I tried to be open as possible about the true purpose of my study, I never wasted an opportunity, even if the situation was not initially set for the interview. For example, I attended a friend's party which was meant as the preparation for his wedding. I met several people from the area with whom I informally discussed several aspects of my research. Since these people were both born and still residing in the area, I had a good opportunity to get much information in a relaxed atmosphere. From these people I selected some for further interviews in the following days.

Secondly, I considered aspects of social relationships between myself and research informants as equally important for 'getting on' with the research process. I made it my goal to allow research participants to understand in detail the goals and aim of my field work. In doing so, I developed some sense of

feeling of trustworthy to the informants. I tried not to portray any characteristics of elitism. However, I tried to show a sincere curiosity to my informants by showing interest in their issues and the locality. I did this by showing that I had a prior understanding of their area such as knowing various names of villages, natural features (e.g Rivers) and various locations. This showed my informants that I was 'one of them' and that I had them 'in my heart' (in the words of some of the informants). I also exercised my interpersonal skills and 'good' public relations in all circumstances. Challenges were high especially where interviews took place at the residence of informants. Here, food or drinks were offered. It could not have been practical to accept food or drinks in every residence I visited, on the basis of my capacity. What I did was to politely appreciate the offer and use the opportunity to state and promise that I will take something next time thus getting myself an opportunity for further interviews or to get clarification on issues that were not well captured in the previous interviews. I also promised to share my preliminary findings with informants, which I did where the time and situations allowed.

Thirdly, I considered the matter of exiting or withdrawal from the interview site. I had to devise a strategy to withdraw from the interview set up without jeopardising chances of my return to the informants for further interviews. Cotterill (1992: 599) advises that "...close friends do not usually arrive with a tape-recorder, listen carefully and sympathetically to what you have to say and then disappear." In my case therefore, I tried not to appear "extractive" in my approach and thus exploitative during my field work. I tried to promote a feeling 'we are together all the time.' This was to be useful even after the field work (that is, during transcription, data sorting and analysis), in that I kept in touch with my participants through telephone in cases where some issues needed further clarification.

Personal relations, trust building and informal networks were used in the selection and confirmation of informants rather than formal consent forms. Once trust and confidence were established, each participant had his/her unique way of participating. In this way, I interacted with them as individuals who deserved respect and not as 'homogenised' groups or categories. In entering the field, therefore, I used a more personalized approach through reference and informal networks that I had earlier established while in Kenya. I was further guided by the research protocols stipulated in the Kenyan government Research Authorisation

Permit and The University of Waikato Social Sciences Research Ethics Guidelines. These protocols required me not to harm the informants, or perpetuate extractive research practices.

Rather than sending letters or making phone calls to book an interview (as the University of Waikato Social Sciences research ethics guidelines recommends), I tried to establish more face-to-face contacts and rapport with informants. Since I wanted in-depth contacts with my informants, I chose to concentrate on a few informants (see Flyvbjerg 2001 79) who I believed, from first encounters and reference, held essential information and had a good recollection of local history on land use in the Nairobi fringe. This afforded me more time to establish rapport and thus build interest in my informants beyond the mere one-off extraction of data through a questionnaire. Where appropriate I reciprocated my informants' gestures by also participating in their social activities (such as weddings and other community gatherings), where I also got opportunities for informal discussions and participant observations (Elwood and Martin 2000 653). I attempted to avoid causing much discomfort to my informants or to disregard/undermine them in any way. This meant being restricted to their selection of interview time and place, and of relatively few informants.

I assured my informants that their confidentiality would be protected and their names or any other description that could lead to their identification in my thesis would not be included. Many informants had no problem having their names included in my thesis. However, some of the information provided by some of them incriminated others within their locality (especially among community members) or departments (especially with officers in central or local government). Information and views critical of others were also given against community members and their leaders by officers in central or local government, and vice versa. In ensuring consistency I adopted a coding system (see Table 3.1) for all interview responses even those which were deemed mild. All codes as given below identify a group the informants represented or belonged to.

Community members were interviewed in their homes while government, NGO and local authority officers, local leaders, planning practitioner/academicians and real estate/land dealers were interviewed in their offices. Multiple visits to the informants helped in maintaining our relationships beyond the initial contact. These I presumed made the informants feel involved and that their contributions

to my study had the likelihood of being used for some good purposes, and that their usefulness had not expired once they had given the initial information. This approach enabled me to build long lasting connections even while I was away from my field area and back at University of Waikato.

Table 3. 1: List of informants and codes used to identify them in this thesis

Code	Informants	Number	Code used in Thesis
CG	Central government officials	5	CG1- CG5
LG	Local government officials	6	LG1- LG6
CL	Community leaders	3	CL1- CL3
CM	Community members (indigenous and newcomers)	13	CM1- CM13
RAP	Researchers/academicians/Private planning practitioners	4	RAP1- RAP4
NG	NGO	1	NG
RE	Real estate/land dealer	1	RE

All the time I tried my best to let the informants understand my position and intent at the initiation of every contact, and I also let them know that they were not under strict obligation to continue participating in my interviews.

Language used during interviews

There are two national languages in Kenya i.e. Kiswahili and English. However the official language is English³⁹. English is used in teaching at all levels of education. Government documents are in English. Many newspapers are also printed English. Key informant interviews with central and local government officers were conducted in English. Interviews with community members and local leader were both in Kiswahili and Kikuyu (the local language). I speak all three languages used in interviews, however, I realised that fluency in language does not necessarily make one an insider or knowledgeable in local practices, particularly in terms of understanding subtle nuances or multiple meanings at work in various contexts, especially given the time constraints associated with fieldwork.

³⁹The use of English as an official language is an aspect of colonial legacy that post-colonial Kenya inherited at independence. Commenting on the adoption of colonial languages after independence, Olaniyan (2000 276) observes that "...colonial languages still remain the languages of Governments and commerce in most countries, a situation that alienates the state and its formal sectors from the majority of the population who are not literate in such languages."

3.2.2 Participant observation

Participant observation⁴⁰ can be defined as a method that involves "...living and working within a community, in an effort to understand people's everyday lived experiences" (Dowler 2001 153). It therefore requires some form of immersion into the social or life world of informants. This immersion, as already mentioned, allowed me to hear, see and experience some realities in the same manner that informants do (Marshall and Rossman 1989). For example, I was able to see and note frustrations that officers experience in their day to day activities while on duty and also conflicts and tensions that residents undergo in their pursuit of daily life.

The level of participation in my observations was not be clearly defined since even during interviews I was also making some observations. However, multiple visits allowed me to establish familiarity with informants and their social settings. The level of participation notwithstanding, during formal and informal encounters, I tried to systematically observe and record my observations. My participation was guided by the variations as identified by Kearns (2005 110), whereby researchers may be full participant observers, partial observers, and complete onlookers as outsiders.

Mugenda and Mugenda (1999), however, cautioned that several issues might arise from participant observation: First, it is unethical to observe people and record their conversations without seeking their permission; Secondly, the researcher's/observer's presence influences 'the way of doing things' of the researched, and; thirdly there is an issue of interference with an otherwise unproblematic setting and unsuspecting citizens during the researcher's observations. In considering ethical concerns and respect for my informants I took careful precautions by being open to them and letting them know that I was a researcher. However, at times I played the role of a partial observer by being an onlooker with an 'interest'.

Participant observation allows for subjectivity in observation and as such every observation made is unique in its own way. It was through observation and

⁴⁰Observations serve three purposes in research: Counting; complementing existing evidence and contextualizing (Kearns 2005 105). Counting played a minimal role during my field work; therefore the purpose of my observations was to complement other sources of evidence and contextualizing the data.

reflection that I was able to unify the fragmented data gathered from other sources. Furthermore, since participant observation defies any predetermined guidelines on how to conduct research, I depended less on the strict application of rules but on judgement and decision on my part (Kearns 2005 109). This method was particularly important to my study for several reasons, especially during the period Kenya experienced violence. At times I became a partial observer while visiting some of the research areas though on missions unrelated to this study but ended up observing issues that later became part of my research data.

3.2.3 Focus Group Discussions (FGDs)

Focus group discussion involves a small group of people discussing a topic or issues defined by a researcher (Cameron 2005 84), who also moderates and structures the discussion (Bedford and Burgess 2001 121). While this technique was initially used primarily as a data-gathering tool by those in marketing research (Bedford and Burgess 2001 121), over the years, it has been employed in applied research in social sciences (Cameron 2005 87).

In using this technique I sought to obtain knowledge on land use changes in the rural-urban fringe, based on informants' experiences and perceptions. The strength of this technique was that it places individuals in a group context. In groups I was able to note various streams of conversation developing in the same way as in commonplace social settings and this allowed informants to explore different points of view, to formulate and reconsider their own ideas and understandings (Cameron 2005 86; Longhurst 2003 120; Bedford and Burgess 2001 123). During FGD session I watched informants agreeing, differing, misunderstanding and trying to persuade each other until they could come to a consensus or to a complete disagreement. This gave me room to access a multiplicity of meanings that different informants attributed to places, relationships, processes and events, as they were being expressed and negotiated, and thereby providing important insights into the practice of knowledge production (Cameron 2005 86).

Further, the dialogic characteristic of the FGD enabled me to access multiple and transpersonal understandings that characterize social behaviour (Bedford and Burgess 2001 123). With time I also observed that during discussions informants too were simultaneously gaining insights and understanding of their environment,

the Nairobi fringe. Dynamism and energy, which characterised our discussions, triggered a chain of surprise responses and comments, and this afforded me 'synergistic' benefits not available in other research techniques. I achieved those benefits by allowing informants to exercise freedom of choice with regard to the direction of the discussion, leaving my role to moderation, facilitation, promotion, and ultimately focusing discussion on topics or issues (Cameron 2005 94). Getting informants together for such a discussion was a nightmare⁴¹ but when opportunities arose for FGDs, they were exciting, enjoyable, and productive exercises in terms of the information I obtained.

3.2.4 Document analysis

The beginning of my PhD studies was marked by an extensive review of literature. Given the interdisciplinary nature of my research, I read literature on urban studies, geography, sociology, economics, political science and planning among others. I adopted a critical style of literature review due to my understanding that language is both practical and embedded within social practice. Therefore I 'unpacked' the texts to examine their underlying meanings and purposes (Mugenda and Mugenda 1999).

According to Oka and Shaw (2000), documents as a source of information can be categorized into: i) Primary versus secondary sources, whereby primary sources are those with direct relationship to the research topic while secondary sources are those with indirect relationship. This study made use of both sources; ii) Public versus private documents, whereby public documents are those documents that are easily accessible to members of the public. Private documents are exclusively accessible to internal members of the institutions or any other authorized persons. I reviewed both public and private documents in my research. In accessing private documents, I had to seek permission and also build goodwill and trust among personnel in various organisations.

⁴¹I conducted two FGDs, which happened through chance, whereby in one instance I came upon on a divisional planning team after their monthly briefing meeting. I tried to book an appointment with each department head but, one of them prompted me to interview them then. I hurriedly, organised my thought process and I explained my research interests. The sitting arrangement was conducive and I was in a position where I could guide the discussion. They were 10 departmental heads and our discussion lasted for one hour. The second FGD took place at a local councillor's office when the village elder came, then followed by an assistant chief. Initially the councillor had requested them to excuse us to complete our discussion but I explained that their presence was also desirable. The councillor explained what my mission was and after a brief elaboration from my side, the discussion proceeded.

Existing written materials such as newspapers, academic books, plans and policy documents were examined with my research questions in mind. Analysis of documents allows a researcher to deal with mute evidence that endures physical limitation and therefore can be separated across time and space and from its author and user (Jones 1985). This attribute was advantageous in that most documents contained data previously collected for a purpose other than my research and consequently served as a means to check for biases in my 'field' data collection process (although my bias in selection and interpretation cannot also be ruled out). The method was relatively non-reactive and unobtrusive (Neuman 2005). It also allowed me to contextualise my research themes and to get a snapshot of the planning and policy aspects of Kenya's urban and land development. I was able to get hold of historical records of events and policy frameworks in Kenya, including, colonial and independence land policies and Acts of Parliament, among others.

Documented sources of information were also advantageous in that they are relatively inexpensive, though some costs were incurred in purchasing some important documents and in photocopying. I obtained documents from the national libraries, institutional libraries or from government departments. Specifically, Kenya National Archives Library, Kenyatta University Library, University of Nairobi Library, University of Waikato Library, Kiambu District Planning Office, TCK and Ministry of Local Government Urban Development departmental library were the main sources of the documents.

Documents included texts such as magazines, leaflets, newspapers, speeches, reports, plans, audio and books relevant to my research. I reviewed and analysed different local and central government records, policy and procedure manuals, publications, photographs, maps and press releases.

Analyses of documentation have the strength of being stable and exact, and have broad coverage in terms of time and settings. However, I encountered problems with retrieval, especially while trying to access some private documents such as applications and approvals for land use changes. I did the initial analysis of documents at institutions' premises or libraries or I made requests to be allowed to photocopy and then did the analysis afterwards. This analysis involved reading through documents and extracting and recording all information related to my research questions in the form of quotations and summaries.

3.3 ANALYSIS OF DATA

Critical analytical approaches were applied with a view to challenging the 'taken-for-granted' perspectives that mostly underlie accepted land use practices in the Nairobi fringe. According to Taylor and Bogdan (1998 141), in qualitative research, data collection and analysis go hand in hand, whereby throughout the research process, researchers are constantly theorising and trying to make sense of their data. In the same way, in this study, the analysis became a continuous process all through the review of literature, during and after field work, till this thesis was completed. Although academic research traditions guided my analysis, I tried to give credit to my informants by making their voices heard. In the process of my analysis I did not rush to conclusions based on any statement or encounter, but I accepted that all knowledge is partial (Thompson 2000 230) and it remains open to further interpretation. I tried to develop a discussion where themes and phenomena are interwoven.

My field work was meant to gain lived experiences of the actors in the Nairobi fringe. Triangulation was necessary in weaving together the fraying web of these subjective realities of different actors. I started off by capturing broad themes as they emerged through issues being repeatedly mentioned by informants (Lofland and Lofland 1995 95). As the research process progressed I began to refine various themes to make connections with secondary data sources (Taylor and Bogdan 1998 141).

As more information from the field became available and I was progressively focusing on a widening array of different matters, I began to thematize some issues and drawing some partial conclusions, in line with Miles and Huberman (1994 245-287). I applied 'a funnel approach' to field data analysis, whereby I approached issues in a broad way then become more and more specific and focused as my field work advanced (Silverman 2000 145). Time and again, I sought to establish common themes and inferences in the literature and in my field data.

Common themes and phrases become clearer from the repetition of some issues from texts and also verbatim. During field observations and from the interview data, the degree to which informants emphasised some issues and the frequency under which terms, topics and issues kept on recurring pointed to the importance

they attached to them, encouraging me to further pursue them (Miles and Huberman 1994 57, 246). In some cases especially when informants were discussing issues that were affecting their lives negatively or positively, the level of emotional or excitement exhibited by informants, pointed to the seriousness of the issue and (when repeated by several informants) I took the initiative to follow up that issue. In some cases I was surprised when an informant would raise an issue that seemed to contradict what others had been telling me or data from different sources. In this case I tried to identify the source of contradictions by noting the setting of the interview to reflect on the contextual aspects behind what was being said. This allowed me to establish sources of contradiction and to interpret meanings, rationales and purpose for a particular usage of words and phrases (Miles and Huberman 1994 270-271).

Due to Interview the interpretive nature of my research I analyzed the field information in terms of disclosed and undisclosed contents of what informants were saying. I did this by grouping major themes as they had emerged from the field under various headings. Miles and Huberman (1994 91) identified data display⁴² as one way of analysis where links and connections of various themes were made to allow the weaving of a coherent storyline⁴³ from different sources. This was a subjective exercise. Drawing links and connections was necessary in identifying gaps in the data which then prompted me to further research and readings. I therefore treated the analysis as a continuous process throughout my thesis project (Taylor and Bogdan 1998 141-143).

Data display allowed me to start making tentative summaries of my field data and also some partial conclusions which gave me the patterns and regularity in understanding issues according to my research questions (Miles and Huberman 1994 91). This process continued as I made multiple visits to my informants and while doing further readings⁴⁴. New ways of 'questioning' were sought with a purpose of getting into 'depth' on a variety of issues.

⁴²According to Miles and Huberman (1994 11) data display is "an organized, compressed assembly of information that permits conclusion drawing and action."

⁴³In this way writing thus becomes a form for discourse analysis, whereby the researcher is involved in translation, either in describing the image in writing or in the transcription of the spoken word into writing to permit analysis (Parker and Network 1999; Fairclough 1992).

⁴⁴Multiple visits and readings were further complemented at the three conferences (two in Kenya and one in New Zealand) where I presented my research findings and got some valuable comments and feedbacks.

From the beginning, it was not the intention of this research to collect data which was amenable to coding (Miles and Huberman 1994 55-69) or comparison but rather to explore in-depth issues of land use conversions from individualized accounts of everyday experience and practice and relate this to broader literature and other secondary sources on the issue.

For every encounter with participants or field experience I made it my practice to write a summary of issues raised while noting various prevailing circumstances. This was coupled with my personal reflection on various emerging issues and which in most cases formed new lines of probe/enquiry and readings (Taylor and Bogdan 1998 142).

I attempted at the beginning to record interviews and I managed to record five of them. However, after observing and noting the way the introduction of the device (voice recorder) was affecting the responses from informants, I stopped (see Section 3.5.0 in this chapter).

The materials used in data analysis included interview transcripts, literature review, field notes and reflections. Transcriptions were done for the five interviews recorded, and they were also used during the analysis alongside numerous documents which were in the form of notes and summaries recorded during verbal and non-verbal field experiences and encounters.

3.4 REFLECTIONS ON THE FIELD WORK PROCESS

This section is meant to highlight the challenges, struggles and complexity I encountered and reflected on during my field work. I realized it is essential to expose personal difficulties I encountered in research as well as “debunking the mythology that scholarly inquiry is free from doubt, personal despair and chaos” (Thompson 2001 153). Thompson continued to say that “adopting [such] a reflexive stance as central to our practice, we build up an enormously valuable collective resource upon which novice and experienced researchers can draw.”

3.4.1 Research ethics requirements

Accessing Government officers was not a problem since I had a Kenyan government research permit. However, before interviews and other encounters during fieldwork, I took time to explain to my informants about the University of Waikato research ethics requirements. It was unusual for most people whom I

contacted to be requested to give a written consent for participation in research. Many thought it was awkward, and they commented in the form of “If I do not want to talk to you I could have said so at the beginning.”

The signing of consent forms was met with resistance by the officers at both local and central government levels. I tried persuading them of the need to have a written consent but I realized that this was creating antagonism, despite the assurance on confidentiality that I gave them. I interpreted this to mean that officers did not want any paper track of their participation in case problems were to arise later from the output of my research and therefore they wanted their participation to remain anonymous with no written contract.

Initial contacts with local leaders (councillor and assistant chief) revealed that most land is held under (neo) customary ownership and as such ownership⁴⁵ was not officially registered with the government’s Land Office. This revelation together with the information that there are considerable numbers of semi-literate landholders, alerted me to the idea that signing a consent form could probably have been seen as signing away their parcels of land ‘the same way their great-grandparents’ did when they put their *kirore*⁴⁶ (thumb-prints) on documents the contents of which they didn’t know.

In this case I relied on their goodwill and I continuously kept on building rapport with them, and this allowed me to enrol the participation of several officers and community members. Most officers were willing to participate in the research after establishing enough trust that my research was not meant to pass judgment on their performance or intellectual capabilities. A clause/statement indicating that the informant/participant can withdraw from interview/participation any time they wished was also not well received by many. It was thought of as an insult to some especially those whose participation was gained through an informal introduction/reference by a friend or another officer.

⁴⁵This meant that the community member had no legal document to prove ownership of the land. Also, as a result of this awareness I have tried throughout my research not to refer to the community members as ‘landowners’ and instead I refer to them as landholder. I did not wish my thesis to be seen as determining who owns what and who doesn’t.

⁴⁶People who cannot read and write use their thumb-print in place of signature. In these areas stories are still fresh on how the colonial pioneering groups tricked community leaders to put thumb-prints on documents which came to be interpreted later as their willingness to cede away their land to the Crown (see chapter 4 for clarification issues of land seizure during the establishment of the settler colony in Kenya).

In accessing informants from community members (landholders, residents and leaders), personal reference played a key role. In two of the five villages from which I chose informants, an introduction by the assistant chief provided a good opportunity for accessing community members. However, after first encounters, I tried to cast off 'the shadow' of the assistant chief as I did not want the villagers to mistake my research to be part of government projects. This worked in some instances but the image of the first introduction did not fade away as most villagers continued to regard me as 'the young man who was brought by the headman'⁴⁷. The effect of this on the information given cannot be discounted but attempts were made to cross check the information from other forums such as focus group discussions.

Despite the goodwill and trust I was afforded by community members, I treated them with a lot of respect while knowing they had other more pressing needs of life that they needed to fulfil. This solidified our rapport, which I have maintained even now the field work is over.

3.4.2 Post election/polls violence in Kenya

I embarked on my field work at the beginning of November 2007. The purpose of beginning my research at this time was to allow me to obtain a research permit⁴⁸, gather government documents, make contacts and have preliminary interviews with central and local government officers before the Christmas holiday break. Timing was important too, because of the impending civic, parliamentary and presidential elections. I needed these documents to get information on the area so that I could start focusing my research issues and to select a case study. However even at this time of document gathering and preliminary introductions with officers, I was able to meet community members and leaders (though informally) for discussions about my research and to obtain the support I needed from them.

⁴⁷This local name used to refer to an assistant chief, and has a root in colonial description of a village leader. Post independent Kenyan government scrapped that post though there are still elders who took that role. The assistant chief referred to here has responsibility of a wider area constituted of many villages.

⁴⁸Today I doubt if I would have been given the research permit to study on land issues especially now that the government is still resettling people and trying to build peace among different communities.

After the Christmas holiday there were the national elections of 27th December 2007. The campaign period was violent and ethnicity formed the basis of election propaganda. After the elections there was a dispute about the winner of the presidential election. This I attributed to the ethnically charged campaigns that incited ethnic groups against each other. Violence broke out in many parts of the country and most targeted were the ethnic groups who were thought to have voted for the candidate who was declared a winner in the presidential election. Due to its multi-ethnic composition, Nairobi City was affected by the violence, mainly in low-income neighbourhoods but it also affected many activities in the City and its surroundings. My study area was located some 15 kilometres from the City centre and the effects of the violence were immediately felt. A majority of the people from the study area, as will be explained later in this thesis, had bought land in the Rift Valley Province⁴⁹ and had some relatives living there. The migrants living in Rift Valley were evicted en-masse from their villages, their properties destroyed and a good number lost their lives.

Before the outbreak of the violence I had scheduled interviews for mid-January and February 2008, with officers in both central and local governments. I had also made contacts with community members and leaders concerning my intention to conduct interviews in their areas. When violence broke I had to cancel all interviews scheduled for January and February 2008 indefinitely. It was not possible to continue with the field work since insecurity⁵⁰ especially in peri-urban areas was on the rise; movements were limited due to shortages of fuel, and fear of attacks by criminals was widespread. Therefore I concentrated on reviewing the documents I had gathered before the Christmas break.

When violence subsided at the beginning of February 2008, life slowly returned to normal. However, many parts of the country were not accessible without a police escort and this affected many government officers in my study area, who were yet to return to their work stations from homes (it is a Kenya tradition for people to travel to their rural homes where they were born during major holidays such as Christmas). Even those who had returned were yet to report for work especially if they were from an 'enemy' ethnic group, other than the majority

⁴⁹This was one of the provinces where many people were killed and displaced from their farms on the grounds that they were considered outsiders who had voted for the 'wrong' presidential candidate.

⁵⁰This is also as consequence of urbanisation of the fringe without corresponding infrastructure and therefore it worsened during the post poll violence.

ethnic group living in the study area. Where officers had returned to their work stations, ethnically driven feelings and behaviours were evident, especially while I was conducting a FGD with a divisional planning team. Officers from the majority local ethnic group were insistent on using their local vernacular language during the FGD. This I could sense was making officers from other ethnic groups uncomfortable but unable to complain given the situation the country had gone through. This disturbed the flow of discussions as ethnic contests of superiority were sometimes evident in the articulation of some national issues.

3.4.3 Use of technology

In my initial interviews I tried to record all the conversations with permission from the people being interviewed. Before and after the violence I noticed that central and local government officers were uncomfortable about being recorded. I also sensed a lack of interest in my research. In some instances interviews become like question-answer sessions against my desired free discussions. I decided not to use the recorder when I realized it was affecting the responses I was getting from informants.

In the recent past, information obtained through undercover recording had been used to implicate some government officers in unethical work practices. On the side of the community members, most settings could not allow recording of the interviews. For example, many interviews were done while I was being shown around compounds and the surroundings. I also never wanted to make it too formal to prevent informants from opening up on some of the issues; I wanted them to feel that 'I was one of them'. I was able to record five interviews: Two with central government officers, two focus group discussions and one with a community leader.

3.4.4 Positionality⁵¹

Other than being a University of Waikato (UoW) student, I am, and have been an assistant lecturer at Kenyatta University (KU) since 2003. The KU attachment kept on popping up during my field work due to my previous interaction I have had with officers from both central and local government, and with some community members. During my field work I found it hard for these informants to see me as a student doing research for a higher degree at UoW and not as a KU

⁵¹This is further explained in the section detailing my autobiography in Chapter 1.

staff member doing some consultancy for Non-Governmental Organisations (NGO) or for the local government. This image could not be overcome however much I tried. For most of them I was a KU staff member, and they introduced and regarded me as such.

I found myself negotiating these positions and in some instances silencing part of it depending on circumstances. For instance, to the central and local government officers I became more of KU than UoW. This allowed me to enact the previous relations my KU department had with central and local government departments, especially on urban planning. In doing so I was able to obtain documents (especially to make photocopies outside offices), which I think could not have been possible without such KU affiliation. KU affiliation provided an element of trust and probably some future imagined reciprocal gestures from the institution. To the community members I became more of UoW than of KU. This was meant to even the power balance and not to appear to community members as though I am part of the government bureaucracy known to go to villages only when enforcing 'unfavourable' regulations (e.g. Public Health Officers). However in all instances (both at officials' and community members' levels) I tried to make my position clear during and before ending the interview.

3.4.5 Research versus development

Many people, especially the community members, could not differentiate the purpose of my research from NGOs or government development efforts. I imagined they were thinking that there would be immediate 'development' benefits by participating in my research. This was manifested in the frustration clearly portrayed by some neighbours of the initial informants to whom I was introduced by the assistant chief. They seemed to envy those who were chosen for interviews, probably due to the perception that they were to be the initial beneficiaries of 'development.' I tried to explain to the people I came across that the purpose of my research was for academic purposes only. In this case, I discovered that silencing my KU affiliation and maintaining that I was a student doing a higher degree at UoW would serve the purpose of removing the 'development' tag. However, I let them know that my findings may form a basis for any organisation interested in addressing some of the problems they were encountering at that time.



New city: Govt to relocate families

Published on 13/08/2008

By Isaac Ongiri

A new blueprint detailing re-planning of an expanded Nairobi metropolis is likely to draw sharp resistance as it involves mass re-location in affected districts.

The proposed mega metropolis will affect people in four provinces — Nairobi, Rift Valley, Central and Eastern, with more than 15 million residents of Nairobi, Kajiado, Machakos and the larger Kiambu districts. International tenders for the proposed super city have already been advertised in the international media.

Metropolitan Minister Mutula Kilonzo said: "We have advertised tenders for highly qualified physical planners to come and help draw a modern plan for the city of Nairobi."

Permanent Secretary Philip Sika confirmed to The Standard that the ambitious plan could cause a major relocation of people and businesses from the city centre.

"Yes, the new plan could have some effects on business and human migration to various cluster areas," said Sika.

Newspaper excerpt 3. 2: Commentaries on some of the opinions on the proposed NMDA. Source: (The Standard 13th August 2008).

3.4.6 Proposed Nairobi Metropolitan Development Authority (NMDA)

Just before the beginning of my field work, government proposed the establishment of NMDA (see Newspaper excerpt 3.2; Government of Kenya 2006, 2008). During my field work, after violence subsided and a coalition government formed, a full Ministry was established to deal with Nairobi Metropolitan Development. Most people including central and local government officers therefore thought that there was a link in my research to the proposed NMDA which I kept hiding from them. I tried to explain that my research is unrelated to the government proposal but I did let them know that I will present a copy of my thesis to the NMDA once my research is complete. In some instances the government proposal worked to benefit my field work as it was a current topic in under discussion and more so because the theme and area (the rural-urban fringe) of my research had no corresponding local name to describe it.

3.4.7 Interview fatigue

Nairobi hosts many of the regional, national and international organisations, and also has a significant number of universities and research organisations, more

than any other part of Kenya. Due to its proximity to the City, and with the combined rural and urban aspects, I was made to understand during my field work that the Nairobi fringe has been a target for many researchers piloting their research instruments. Most people were 'tired of this questioning' and have got used to researchers whose missions and organisations they don't understand. Multiple visits assured most informants that I had a keen interest in them and their area. One of the officers at local government once asked "are you still interested in us? I thought you got all that you needed and which we gave you." This was in reference to the multiple visits I made to their offices for interviews with the Town Clerk, against one-off survey interviews they had been subjected to by previous researchers.

3.4.8 Questionnaire

My research design did not have a survey as one of its methodological components and, therefore, I didn't have a 'proper' questionnaire. I realized that most people who have had encounters with researchers before are used to question-answer interactions and have had no previous experience with research based on in-depth multiple visit interviews/interactions. At first people, especially the central and local government officers were uncertain of how the interview would proceed since they are used to researchers distributing questionnaires which they later pick up after the officers have filled them in. However, I realized that most informants appreciated that they were also contributing to the direction of interviews by introducing new dimensions which I followed keenly (see Thompson 2001 158).

This 'questionnaire syndrome' was also evident with academics and other researchers who I interviewed. They kept on asking me "to bring the questionnaire and we will fill it in for you." I explained to all that my research was based on qualitative design and sought to get into in-depth understandings of issues on land use change in the Nairobi fringe. All the same, being a budding qualitative researcher, I almost started doubting my approach and even thought of developing questionnaires to conduct a survey (see Thompson 2001 159). However, given the situation resulting from post-election⁵² violence and land

⁵²It has been variously debated among Kenyans and from my personal reflections that the election dispute was just a trigger to long-standing latent grievances on land allocation and alienation among different ethnic groups (see Chapter 4 and 8).

issues being one of the underlying causes of the violence, it was impossible for any meaningful survey using questionnaires and I abandoned the thought.

3.5 CONCLUDING REMARKS

The choice of an inductive approach at the beginning of my study was not meant to be prescriptive about the strategies, methods and empirical materials that were obtained and/or used in this research. The idea was to enter into the research field, observe and be open to a variety of methodologies as new and unexpected scenarios unfold during the research process. Due to the reiterative nature of my research and the need to remain open to alternative methodologies, I made it a point to first understand the various land use aspects available before embarking on 'actual' research work. However, it can be argued that since I already had an initial "lived experience" in the Nairobi fringe, then the methodological choice was straight-forward. This was not the case as the study progressed. New perspectives were emerging as the process continued and thus it was necessary to adopt a recursive method.

Land and land use issues are complex, diverse and political. This led to the realisation that no single research methodology as a representation of social phenomena and constructs can adequately capture the diversity and richness of issues under investigation or provide all the answers to the research question. In safeguarding against such shortcomings a multi-methodological approach was adopted to facilitate the research process.

CHAPTER 4:

THE HISTORY OF LAND OWNERSHIP AND THE LEGAL FRAMEWORK

4.0 INTRODUCTION

This chapter provides a foundation for understanding various social, legal, economic and political aspects that impinge on land and land use management in Kenya. In line with the structuration conceptualisation adopted, it provides an 'archaeology' of land ownership and land use problems, which indicates that these problems are historically and culturally contingent. The background provided is required to understand national level conditions that have impacts on land use activities and decisions on the Nairobi fringe. The chapter presents a brief historical review of land ownership and land use to build an understanding of how historical aspects relate to customary land use and how the superimposition by English land laws during the colonial period affected (and continues to affect) land use and its management.

This chapter also describes the legislative framework that guides land ownership, planning and use in Kenya. I have focused on the legislation that has relevance to land ownership and land use in the Nairobi fringe. A further review of legal aspects on land and land resource use planning is offered in order to examine how a sectoral approach to policy formulations and enforcement has affected planning. Included in the review are statutes that address land tenure, land use legislation, environmental legislation, forestry legislation, water laws, the Public Health Act, the Constitution of Kenya, planning legislation, and the Local Government Act. In addition, this chapter also looks at the enforcement aspects of land use planning laws.

4.1 LAND OWNERSHIP AND MANAGEMENT

According to Olima (1997 320), land was a central tool of social and economic control for the colonial government. Such was the imprint of the colonial government that, at independence, the Kenyan government continued with a slightly modified land use management regime of the colonial government. This adoption of colonial land governance resulted in land ownership which was highly

skewed in terms of distribution and closely linked to political power, wealth, and social status. Consequently, in building an understanding of land ownership and land use, it is useful to focus on the political economy of land use and access to land (Field-Juma 1996 19-21).

Musyoka (2006 237) explained that the land tenure⁵³ system currently in place in Kenya is a dual one, combining aspects of English land laws and African customary laws. This system evolved as a result of Kenya's colonial history whereby a settlers' economy was superimposed on the then long established tribal customary land tenure and management systems. I believe that the settlers' economy in Kenya was guided or was underpinned by the colonial government's modernisation approach. This was a programme aimed at transforming the colony into a 'modern state' using 'Western' (occidental) planning and legal templates, while disregarding other legal forms and knowledge systems such as indigenous knowledge systems (see Chapter 13.2).

To delve into the history of Kenya's land laws and use, Musyoka's (2006 237) three phases categorisation, that is, pre-colonial, colonial and post-colonial, is useful. In the pre-colonial period, she argues that land use was guided and controlled by customary laws and procedures which were dominant among different ethnic communities. In this phase, most land was owned by an entire community while individual community members only had user-rights to land. These user-rights were subsidiary to joint communal rights. The user rights' system was based on individuals' land needs which were determined by community leaders. Community leaders had powers to make decisions on who could use the land and for what. This system was not however uniform among all Kenyan ethnic communities; it varied from one ethnic community to the other depending on cultural, geographical, political, and socio-economic circumstances (Odhiambo and Nyangito 2002 6-7). Hence, a pre-colonial customary land tenure system existed everywhere but applications depended on local context.

4.1.1 Land management initiatives in colonial Kenya

The second phase of Musyoka's (2006 237) development was the colonial period. Syagga (2006 294) noted that towards the end of the nineteenth century,

⁵³Following Rutten (1997 73), the term 'land tenure' is used to define how individuals gain access to, and acquire use rights over, land, either temporarily or permanently.

when the colonisation of Africa was effectively resolved in the Berlin Conference of 1884, Kenya became a British Protectorate. It then became a Colony in 1920. One of the goals of colonisation was to generate economic benefits to the colonising country. This was made possible by the establishment of sectors that could generate economic returns such as mining and farming. For this to be possible land was needed, but that land was however already 'occupied' by different ethnic groups. This necessitated the adoption of several methods to gain access to this land including violence, trickery and in some cases mutual agreement (Elkins 2005 4; Nabudere 1997 213).

Since there were no national land laws, settlement by White settlers took place in haphazard ways that had little or no regard for pre-colonial land tenure systems. There was a need to create some order among the White settlers. Legislation under the name 'East African Order in Council of 1897' was introduced by the Imperial British East Africa Protectorate Company (IBEAC), which was administering Kenya at that time (Odhiambo and Nyangito 2002 7). This was the beginning of the process of modernisation based on Weber's 'purposive rationality', which was aimed at replacing African's traditional forms of authority and belief systems (Nabudere 1997 205). The Order allowed settlers to be granted certificates of land ownership for a term of 21 years which were renewable for a similar period upon expiry. In an attempt to avoid land use conflicts, the Ordinance also forbade the settler occupation of land that was under usual cultivation by native tribes (Okoth-Ogendo and Kosura 1995).

However, Odhiambo and Nyangito (2002 7, 8) argued that clauses forbidding settlers' occupation of land cultivated by natives and the limiting of the lease periods to 21 years, led to the Order being perceived by the settlers as an impediment to long term agricultural investment. As a result of such perceptions, settlers began to lobby for the nullification of natives' rights to land ownership by suggesting that all land in Kenya should be put under the legal authority of the Crown. The lobbying resulted in the proclamation of the 1901 Order in Council which was intended to enable settlers to acquire freehold title or long leases in the Protectorate.

Syagga (2006 295) observed that through the 1901 Order in Council all 'unoccupied' land (i.e. land being empty did not mean it was without owners) in the protectorate was proclaimed to be Crown land. Syagga continued to note

that, in 1908 the Crown Land Bill was enacted to give the Governor of the Colony the power to reserve, sell, and lease or dispose land in the Protectorate.

As settlers got a foothold in the local economy, amendments to the Crown Land Bill were pushed through in 1915 and this led to a redefinition of Crown land to include all lands occupied by native tribes. The Ordinance changed the leasing period from 21 years to 99 years for town plots and 999 years for rural agricultural land (Elkins 2005 11). The Ordinance thus permitted settlers to change short leases to long-term leases. Perhaps the most insidious aspect of the Ordinance was that it delineated the native reserves to which native tribes were confined; natives were not to own land outside these reserves (Overton 1990 63-64). As this happened, Kenya had changed from being a Protectorate to a Colony. I believe that the consequence of this change was that most aspects of the English Common laws were adopted into the Colony's legal framework, notwithstanding the existence of tribal legal systems.

Among the laws adopted from English Common law was the English Property Law. According to Kanyinga (2000 39), this law was needed to govern land ownership and use. Nabudere (1997 213) argued that adopting the property law affected land ownership by native tribes in several ways: First, the law vested land ownership in individuals rather than in the community, a structure which differed from the customary land tenure system. Secondly, the law brought a wave of settlers into communal grazing, cultivation and forest land, formerly used by native tribes (Odhiambo and Nyangito 2002 7). Okoth-Ogendo (2007 10) added that to strengthen activities involving property transfers, leases, mortgage and covenant activities, the colonial government also incorporated the Transfer of Property Act of India. This was further enhanced by the enacting of the Registration of Titles Ordinance in 1920 to secure land tenure of the settling proprietors, which enabled the issuing of Title Deeds (Ochieng' 2007 15; Odhiambo and Nyangito 2002 7). The law that gave the security of tenure was necessary to support a cash crop economy which was meant to produce raw materials for metropolitan industries. Cash crops grown at that time were sisal, coffee and wattle trees (which take time to establish and require high initial capital investment).

Despite securing land tenure by issue of Title Deeds to landholders, Ochieng' (2007 15) argued it was still costly to undertake agriculture in the colony. This

was due to huge capital required for the establishment of cash crop production and in addition, the production required extensive labour which was unavailable from the natives who were engaged in peasant subsistence economy. Furthermore there were fears of competition from the natives who had the advantage of family labour at their disposal. And therefore to gain a competitive advantage over the native peasants, the settlers lobbied the colonial government to control the factors of production (such as land and labour) and the markets (domestic and international) for their products in their favour (Ochieng' 2007 15). Ochieng' continues to note that in response to the settler's lobby the colonial government came up with a number of restrictions that touched on the natives which prohibited their cultivation of cash crops such as tea and coffee. This was also followed by the acceleration of seizure of highly productive land that belonged to natives and institutionalized the use of force on the natives to work as labourers on settlers' farms through the introduction of hut and poll taxes (Ochieng' 2007 15; Elkins 2005 15-17; Nabudere 1997 214). The introduction of taxes was to force peasants in subsistence economy to seek paid employment to get money to pay taxes.

The establishment of native reserves and the alienation of land from native tribes led to massive relocation of natives from their original land to the reserves (Syagga 2006 296; Elkins 2005 23; Field-Juma 1996 19). Alienation and the subsequent eviction of natives from communal land lead to increased prevalence landlessness, decline in the quality of agricultural land due to "...fragmentation, overstocking and soil erosion, and the disintegration of social and cultural institutions in the reserves" (Odhiambo and Nyangito 2002 8).

Natives responded to these changes by expressing grievances to the Colonial Government. In response to the grievances, the Colonial Government established the Carter Land Commission in 1933. The commission was tasked to investigate land grievances, assess native's land needs, determine the nature and extent of land claims by natives, and define the status of the White Highlands. The outcome of the Carter Land Commission was the enactment of the Native Land Ordinance in 1938, which led to the release of additional land for cultivation by natives (Government of Kenya 2004b 15). It is worth clarifying here that English Law governed ownership and access to land in areas controlled by the White settlers while customary law continued to govern the land ownership and access in native reserves.

Despite this legislative change, Syagga (2006 297) noted that the problems associated with land persisted, especially in areas with significant population density such as Central Kenya. It was at this time that local areas such as Central Kenya started to revolt against the Colonial Government through a guerrilla movement known as Mau Mau (1952-56), with land as a core organising theme. Ochieng' (2008 66-67; 2007 16) added that the Mau Mau rebellion was waged not only over the alienation of native land but also over the right of natives to participate in commercial agriculture. The increase in rebellion led to the establishment of the Royal Land Commission on East Africa whose chairman was Lord Swynnerton (Government of Kenya 1954). The output of this Commission was a 1954 report which was variously referred to as Swynnerton Plan (Kanyinga 2000 43).

The aim of the Swynnerton Plan was principally to initiate land reforms in the native reserves. In order to implement the land reform programme, the Land Consolidation Act of 1959 was enacted (Elkins 2005 125-7). In this programme, land adjudication as the first step was meant to ascertain individual or group rights to the parcel/s of land within a given area. This was followed by land consolidation which involved the merging of fragmented parcels of land into single units. Finally, the consolidated land units were registered and a title deed issued (Ochieng' 2007 16; Nyamu-Musembi 2006 8; Odhiambo and Nyangito 2002 8). It was assumed that individual land ownership would encourage native farmers to invest their labour and resources in improving agricultural production capacity of their land⁵⁴ (Odhiambo and Nyangito 2002 8; Juma 1996 1). Furthermore, it was assumed that farmers could use Title Deeds to secure credit for agricultural development (Odhiambo and Nyangito 2002 9). The author of the Plan also envisaged that increased land productivity in native reserves would reduce the clamour for land redistribution especially in the White Highlands.

It may seem that the Swynnerton Plan thus had political and economic objectives of ensuring political stability by creating a class of native farmers whose success would lead to both the loyalty and support for the status quo and also absorb the

⁵⁴According to Rutten (1997 73) this property rights paradigm is based on neo-classical economic theories, which argues that traditional African land-tenure systems induce inefficient allocation of resources, because property rights are not clearly defined, costs and rewards are not internalised, and contracts are not legal or enforceable. In addition the theory holds that individualisation of land tenure will increase the landholder's security of tenure thus increasing levels investment on land.

landless Africans as wage labourers in their farms (Ochieng' 2007 16; Field-Juma 1996 19; Fox 1991 112). According to Okoth-Ogendo (2007 18) abundant labour was also expected to result from displacement of people from regularised land and exit from agriculture through an active land market.

The land reforms were however not without problems that led to grievances related to land alienation, land registration and subsequent landlessness. The problem was most obviously experienced in Central Kenya (Syagga 2006 298) especially in Kiambu where landlessness was chronic (see Chapter 8 for more details). Even though the new (land) tenure laws stipulated legal rights to land, "...individual proprietor traditional rights of access and inheritance continued to determine the (native) farmers' freedom of disposition" (Odhiambo and Nyangito 2002 9) in many ethnic communities where the reforms were implemented (an issue that will be revisited in the case study discussion on emergence of neo-customary modes of land transfer).

Even though the Swynnerton Plan period lasted only five years (1954-1959), Ochieng' (2008 66) argued that later governments (including the independence government) carried on the policies and principles that were contained in the Plan. This was particularly so in regard to the Plan's notion of private property rights on land, and the principle of extending the control of the State on the market and land production process. I believe that the spirit of Swynnerton Plan still influences the current policies of land uses in the postcolonial period. My argument is derived from Syagga's (2006 300) and Kanyinga's (2000 53), assertion that the first Independence government of 1963 adopted most existing colonial land laws and policies. For example, much of the content of the Constitution of Kenya (introduced in 1963) was inherited from the colonial government. It may have been meant to protect the interests of the settlers who opted to continue farming in Kenya after the political independence (Odhiambo and Nyangito 2002 10).

4.1.2 Land management initiatives in the postcolonial Kenya

In addition to adoption of the colonial land laws, Odhiambo and Nyangito (2002 10) noted that the independence government enacted the Registered Land Act (Cap 300) to govern land in native reserves that were under customary laws. This Act, though it was meant to address land problems in the former native reserves, embodied much of the English Law. This was meant to further the objectives of

the Swynnerton Plan which was to promote individual land ownership against communal ownership. Due to limitations of individualised land ownership in the areas of pastoral and nomadic land use (where the ways of life and land ownership were predominantly communal), maintaining the status quo was necessary. To cater for the land rights of such areas, where individual land ownership was largely impossible, the Land (Group Representatives) Act (Cap 287) was enacted through the amendment of the Land Adjudication Act (Cap 284) in 1968 (five years into independence) (Odhiambo and Nyangito 2002 10).

Another aspect of land management that was inherited from colonial administration by the independence government (according to Musyoka 2006 238) was the land re-settlement programme. Among other purposes, this programme was meant to accommodate landless natives who had been displaced either during land confiscation or by the application of the land reform programme in native reserves (Odhiambo and Nyangito 2002 11). The programme also aimed at re-settling those who were squatting on the White Highlands. With funding assistance from the British government and the World Bank, the government purchased land from departing settlers at market prices on willing-buyer and willing-seller basis (Syagga 2006 299). The reclaimed land was vested in the Settlement Trust Fund, a government agency which was meant to sell 'on-sale' land to natives at a reduced price.

Kanyinga (2000 47) observed that the reclaimed land sale process was not easy for many landless people. Under the purchase terms of the Settlement Trust Fund, buyers were required to show that they were capable of repaying a compulsory land purchase and development loan, either by showing previous farming record or, proof of stable income. Most of the landless (mostly squatters and farm wage labourers) of that time could not meet these Settlement Trust Fund's requirements and were therefore not eligible for land allocation, a programme which was meant to benefit them. The result of this was that well-to-do middle class farmers, politicians, civil servants and businesspeople ended up benefiting from the programme which was initially meant for the landless (Odhiambo and Nyangito 2002 11-12). Thus the problem of landlessness continues to date, a scenario exemplified by the commentaries in the Newspaper excerpt 4.1 below.

According to Syagga (2006 301-302) and Musyoka (2006 239), the government had insufficient funds to buy land from departing settlers. To address the problem the government, through the *Sessional Paper No. 5 of 1965*, emphasised the need for co-operative self-help efforts, a form of African Socialism embedded in the *Harambee*⁵⁵ slogan. People were therefore encouraged to pool their resources and organise the collective purchase of land from departing settlers. Land buying companies and farming co-operatives were established and through them many landless were able to buy land (Odhiambo and Nyangito 2002 11). I will revisit this issue later on especially as it relates to the sale of land in the Nairobi fringe in favour of large parcels elsewhere.

DAILY NATION

EDITORIALS

Landlessness is a ticking time-tomb

Publication Date: 7/10/2007

Land is a very emotive issue in Kenya. Not only is it blamed for starting inter-tribal conflict on many occasions, it is also the cause of domestic and family feuds that keep our judicial system ever so busy.

Land that was alienated by the white settlers for their exclusive use was the main reason why our fathers and forefathers took to the forests and fought hard against colonialism.

There were many other reasons, of course, including subjugation, enslavement and systematic denial of human rights, but by far the stolen land was the catalyst for the Mau Mau and other uprisings.

More than four decades after independence, the reasons for these revolts have not gone away. In fact, only the identities and skin-colour of the landlords have changed, and this country continues with the shame of harbouring squatters long after the issue should have been sorted out.

Newspaper excerpt 4. 1: Commentaries on land problems. Source: (Daily Nation 7th October 2007).

Land problems have never been resolved, as Syagga (2006 304) argued, since the independence government efforts to address land problems have been reflected in all National Development Plans. Government efforts on land reform were meant to promote rapid growth in agricultural productivity and employment,

⁵⁵*Harambee* literally in Swahili language means "all pull together." This has its basis on egalitarian practices which are customary to many ethnic communities of Kenya. However, it has been adopted as community self-help initiatives e.g. fundraising for community development projects/activities. *Harambee* may be informal affairs that last for few hours whereby invitations are made by word of mouth, or formal, multi-day events that are advertised in newspapers (Fox 1988 323).

promote the Kenyanisation of agriculture, encourage better conservation of existing land and natural resources and, bring new land into production. As part of its land use policies the government implemented several new measures, including encouraging the intensive use of land among small-scale farmers, through an agricultural extension department. I believe this was mostly driven by the realisation that the intentions of the Swynnerton Plan of creating a class of native farmers and pool of labourers could not be achieved because people were still reluctant to sell their small parcels of land in favour of employment. Also experiences from the colonial farm labour may have prompted people to cling to individual economic autonomy rather than working for others.

For example, in the 1978/83 Development Plan (Government of Kenya 1978) the government stated that the small farm family land unit would be the main instrument for farm management and rural development. Emphasis on the small farm family land unit was derived from evidence that on the whole, small farms produced more per 0.4 hectare, utilise land more fully, employ labour-intensive methods of production, and are a source of both subsistence and cash crops.

Family farms as the focus for agricultural development have three implications that underlie more detailed government policies. First, the family owns its land. Second, the family manages its land. Third, the family works on its land. Ownership of large holdings of land that were suitable for small farming was thus to be discouraged (a shift from Swynnerton Plan). The Government also announced its commitment to discourage absentee landlordism, landlord-tenant systems of farming, and the holding of idle land for speculative purposes. To achieve this end, the Government considered the introduction of tax on idle land as this was denying the country opportunity to make full use of land resources. The policies that the Government intended to introduce for the management of land resources were to prevent such malpractice as land hoarding for speculative purposes (which are common especially in areas with urbanisation potential). And also the policies were meant to firmly establish the small farm as a principal decision-making unit in agricultural development (which I believe was meant to make up for joblessness amidst dwindling investment in the industrial sector).

Establishing ownership of land in compact family farm units has been the main purpose of Kenya's ongoing land adjudication and registration programs. Once registered, land can form a basis for obtaining credit, a source of funds if it is

sold, and an object for subdivision among heirs. The first was encouraged by the government; while the other two were to be carefully controlled if the family farm system was to flourish. With the implementation of land adjudication and registration, Syagga (2006 304-306) observed that the volume of land transactions among smallholders increased (land sale especially in the form of small portions). At the same time incidences of concentration in land ownership among farmers who were better-off economically (through purchase) increased (Odhiambo and Nyangito 2002 10) which I think was an intended consequence of the Swynnerton Plan.

During the 1989-1993 National Development Plan period (Government of Kenya 1989a) the government once more committed itself to establishing a National Land Commission to consider all policy issues related to land. Detailed recommendations were made by the Commission which aimed at ensuring that envisaged land policies, land laws and regulations met the country's future development needs. The government stated that in order to develop a suitable framework to manage land effectively, it was going to set up an Independent Land Use Commission to review questions related to land and advise on optimal land use patterns for present and future generations in various agro-ecological zones. This has not happened, although land policy has since been drafted and adopted by the Parliament.

In the 1994-1996 National Development Plan (Government of Kenya 1994a), the government noted that accurate and up-to date database information on land is lacking. Also lacking are large-scale urban maps on the basis of which planners, policy makers and investors can make informed investment decisions (The issue of lack of information will be revisited during the case study discussion especially Chapter 10).

In the 2002-2008 National Development Plan (Government of Kenya 2002a), the government noted that landlessness remained a national problem and more so its resultant squatter settlements. Also, the issue of conflict among different departments dealing with land is seen as contributing to decay and inefficiency, especially in urban areas (an issue which I followed up during the case study discussion). The major aims of the government during the plan period is to settle the landless, prepare a land use policy, review land rates for urban properties,

enforce the Physical Planning Act, and improve land information systems. Little had been done by the time of this study and the Plan period has already expired.

4.2 LAND TENURE SYSTEMS IN KENYA

In this section I look at the various modes of land ownership that exist in Kenya. At the outset, it is worth stating that the adoption of the colonial land ownership regime at independence and the subsequent piece-meal and reactive ways that land laws have been amended or introduced have led to legal overlaps and ambiguities. These notwithstanding, over the years, such legislation have given rise to three land tenure systems namely, private, customary and public tenure (Government of Kenya 2004b 18; Odhiambo and Nyangito 2002 26; Ogolla and Mugabe 1996 96).

Private tenure

Kanyinga (2000 39) argued that the private tenure system is a product of the colonial regime of English Law. The private tenure system allows an individual or corporate entity exclusive rights and "...title to a specified estate in land" (Odhiambo and Nyangito 2002 26). The private tenure system "...includes all freehold and leasehold land held by individuals, companies, co-operative societies, religious organizations, public bodies, and legal bodies" (Odhiambo and Nyangito 2002 27).

Private land status may result from several initiatives: Acquisition of public land by the private entity through "...alienation under the Government's Land Act, the Trust Land Act or adjudication of trust land (under the Land Adjudication Act); determination of claims under the Land Titles Act, .." (Odhiambo and Nyangito 2002 27) or sale of land by the Settlement Fund Trustees. Although the land holders in this tenure system are at liberty to use their land in a manner they consider suitable under the land use laws (Odhiambo and Nyangito 2002 27), there is no absolute land use freedom. Laws of nuisance under the Public Health Act and Environmental Management and Coordination Act EMCA can impose conditions on land use deemed injurious to the public (Yahya 2002). The law that supports this form of land ownership is embodied in the Registered Land Act (Cap 300) (Mumma 2005 7; Government of Kenya 2004b 19).

As will be explained later on, the private land tenure system is the most prevalent tenure system in the study area. However, with time, neo-customary elements of

land ownership are beginning to become evident in the area, where formal laws operate alongside customary practices of land transfer. This is in the form of the use of family land by family members who do not have individual title to the land but enjoy user rights through kinship or familial association with original land title holders. From personal experience in my home area which has an almost similar socio-cultural set up as the case study area, the land my family is currently holding is registered under the name of my grandfather who died in 1978.

Customary tenure

Customary tenure is a form of land ownership system found mainly in areas where the process of the adjudication, consolidation and registration is yet to take place (Mumma 2005 7-8; Odhiambo and Nyangito 2002 27; Ogolla and Mugabe 1996 97). Under this tenure system, land is held by a clan, an ethnic group or the whole community. Every community member's right of access to land depends on their needs and position within that community (Odhiambo and Nyangito 2002 27). Access to land and its resources is thus determined by the individual or group membership to social units of production which includes a family or a community (Yahya 2002; Odhiambo and Nyangito 2002 27). The political authority of the units or community (such as elders, head of the clan, or head of the family) is entrusted with the rights to control use and access of land (Odhiambo and Nyangito 2002 27; Ogolla and Mugabe 1996 97).

Public tenure

Odhiambo and Nyangito (2002 27) and Ogolla and Mugabe (1996 104) indicates that public tenure land defines government forests, national parks and reserves, open water bodies, townships and other urban centres as well as other gazetted and non-gazetted public/government lands. These categories of land are administered under the Government Lands Act (Cap 280). In relation to public lands, the government is deemed to be a private landowner. The land under this system is reserved by the government for public purpose, but it can be privatised through allocation to an individual or corporate entity (Odhiambo and Nyangito 2002 27). The allocation is done through a Presidential grant which can confers freehold or leasehold title to the land to an individual or corporate body (Kameri-Mbote 2006 45; Yahya 2002).

4.3 LEGAL FRAMEWORK FOR LAND OWNERSHIP AND USE

Kenya has various laws that directly or indirectly touch on land management, but it lacks a comprehensive land policy. Land management in Kenya have been addressed in reactive and piece-meal ways and therefore there are numerous laws that address land and land resources albeit with duplication and conflicts (Wamukoya *et al.*, 2000). These laws target various aspects of land use, such as land exploitation, land control, land use planning, and land conservation (Government of Kenya 2004b 23; Odhiambo and Nyangito 2002 12). A brief overview of these Acts and how they have influenced land use in Kenya is given below. These Acts are offered in a thematic sequence rather than in time sequence.

The Agriculture Act of 1967 (Cap 318)

Odhiambo and Nyangito (2002 18) and Dewees (1995) notes that, the Agriculture Act (Cap 318) is aimed at promoting and maintaining stable agriculture, promote the development of land for agricultural, and to promote soil conservation. They further indicate that the Act essentially spelt out the Minister's statutory powers in regard to the achievement of the set objectives. And that there are a numerous agencies (such as, District, Provincial and Central Agricultural Committees) earmarked to assist the Minister of Agriculture in performing his/her stipulated tasks.

Odhiambo and Nyangito (2002 19) argued that "the Agriculture Act is one of the most authoritative..." among land use legislation in Kenya. However, they see its breadth as perhaps being its major weakness; for example, "[t]he Act makes provision (see Box 4.1) for regulating the planting of cash crops such as coffee and tea (and that) [t]hese crops can neither be planted nor [uprooted] without a permit" from agricultural officers⁵⁶. These provisions have failed to work, under various circumstances such as in the Nairobi fringe where competing needs for land defy such restrictions or make non-compliance attractive given the minimal penalties written into the law. I believe the Act is a colonial relic, as it is based on the tenets of the police power, that "commands and controls" (Odhiambo and Nyangito 2002 19). I argue that it was meant to make it hard for native peasant

⁵⁶This observation is in line with my personal experience on my father's land where I was involved during the process of applying for permit from the agricultural office to plant tea.

farmers to venture into cash-crop farming. However, following independence, government promotion of the peasant economy found it appropriate to retain such command and control to safeguard cash-crop farming on small-scale farming units as a source of self-employment. In general, the command and control approach has served as a major disincentive for the efficient use of land for agricultural production in the face of other competing land uses, as there is no room for public negotiation and participation in implementation of the Act's various provisions. This issue of land conversions from coffee farming to residential purposes will be further explored in the case study chapters.

Box 4. 1: Provisions of the Agriculture Act of 1967 (Cap 318). Source: (Odhiambo and Nyangito 2002 18-19).

Under the Act the Minister and the sub-organs of the Ministry, have authority and powers to undertake the following tasks on land use:

- Ensure production of food crops by declaring essential food crops or scheduled crops as special crops, and enforcing the production of such crops;
- enable new settlements and provide rules that govern such settlement, including outlining the crops to be grown, the number and type of livestock to be kept, and the agricultural production procedure;
- limit activities that exploit land and damage the environment. Under this prerogative, the Ministry, through and in consultation with its various offices, can demarcate land for preservation under a land preservation order;
- order land development and alter land development procedures in consultation with other boards;
- make rules for preservation, utilisation and development of agricultural land including the control of erection of buildings;
- limit the size of land available to farm workers housing and use, and empower local authorities to make by-laws for the same purposes, and;
- dispossess owners of land if they violate land preservation orders, crop delivery specifications and land development orders.

The Land Control Act of 1963 (Cap 302)

The aim of the Land Control Act (Cap 302) of 1963 is to control agricultural land transactions (Odhiambo and Nyangito 2002 19; Government of Kenya 1963a). Specifically, Section 5 of the Act calls for the establishment of Land Control Boards with the responsibility of controlling all land transactions. The Act gives these boards the power to either permit the transfer of agricultural land or refuse such transfers. Furthermore, Section 6 of the Act controls the transactions in agricultural land by declaring null and void any land transaction that take place without the consent of the Board (Odhiambo and Nyangito 2002 19).

When making decisions on whether to grant or refuse consent to proposed transactions in agricultural land, various considerations guide the Land Board.

These include: "... the impact of the land transfer to the economy of the control area; the intended use of the transferred land; and the nationality of the person receiving the land" (Odhiambo and Nyangito 2002 20). The authors further argued that these provisions were meant to assist in realising the stated [legislative] objective of enhancing productivity of agricultural land by ensuring that land is used economically and it is conserved for future production, given the scarcity of arable land in Kenya.

Among the drawbacks of this Act is that it does not specify the minimum land subdivision size for agricultural use. Failure to specify the minimum size has made the Act ineffective in controlling subdivision of agricultural land areas such as the Nairobi fringe where land subdivision is done for residential purposes but under the guise of agricultural use. Another drawback is the discretionary power that the Land Control Board enjoys in deciding whether to approve or reject a land subdivision application, a situation likely to breed corruption. These drawbacks will be revisited later, in the discussion of the influences of land use conversion in the case study area.

The Environmental Management and Co-ordination Act (EMCA) of 1999

Kenya was without a comprehensive legislative framework for environmental regulation for a long time. The legislation governing the environment was thus confined to the common law and a number of statutes regulating sectors such as water, health, forestry, agriculture and industry (Wamukoya *et al.*, 2000). The EMCA became operational on 14 January 2000. Through the EMCA Act, two administrative bodies, the National Environment Council (NEC) and the National Environment Management Authority (NEMA) have been established. The role of the NEC is to formulate policies, set national goals and promote cooperation among different stakeholders. NEMA is tasked to supervise and coordinate all matters touching on the environment and to implement the provisions of the Act (Odhiambo and Nyangito 2002 21; Government of Kenya 2000a).

NEMA is still laying an institutional framework⁵⁷ in many areas of the country and its impacts are yet to be fully felt or seen. Other than its evolving operational

⁵⁷During my field work, there was no District Environmental Officer in the District of the case study area, however, the District Forest Officer had the responsibility in an acting capacity.

status, NEMA also conflicts with other sectoral agencies of the government whose mandates were left intact even after its enactment. These include Public Health, Lands and Physical Planning departments. Conflicts are also emanating from other line ministries such as the Ministry of Agriculture through the Agricultural Act, where the power to demarcate land for conservation still remains. My research shows that environmental concerns in land use and management is a critical concern in conversion of farm to non-farm land uses. Therefore, even if EMCA is to be fully implemented in areas with heterogeneous land uses (such as rural-urban fringes), it is not likely to change environmental problems induced residential land uses.

Forestry legislation

Although the Forest Act of 2005 (Government of Kenya 2005a) has been enacted, the institutionalisation of the Act is still taking place. Thus its effectiveness is yet to be felt in halting further forest land conversion in areas such as the Nairobi fringe. The Nairobi fringe has substantial forest cover (e.g. Ngong' and Karura forests). In the case study area, sections of Karura forest have been excised to pave the way to residential development.

Conservation, management and utilization of forests and forest resources in Kenya is also governed by other Acts such as the Plant Protection Act (Cap 324), the Timber Act (Cap 386), the Water Act (Cap 372), the Wildlife Act (Cap 376), and the Local Government Act (Cap 265) among others. This further adds to the puzzle of conflicting and overlapping institutions in land management.

Water laws

The management of water resources in Kenya is governed by the Water Act 2002 (Government of Kenya 2002b) which was enacted following *Sessional Paper No.1 of 1999* (Mireri 2006 116). Formulation of *Sessional Paper No. 1 of 1999 on National Policy on Water Resources Management and Development* was a long term strategy aimed at integrating water resources management with other land use activities. Furthermore the strategy aimed at giving the Minister concerned the power to declare a water catchment a protected area, thus regulating or prohibiting activities that do not promote water conservation goals (Mumma 2005 3).

Human settlements can have adverse effects on water resources not only within their vicinity but also in far downstream areas. Land use conversions in the Nairobi fringe were identified (during field work) as causing water pollution through the release of untreated domestic liquid waste into water bodies. The Water Act, in conjunction with the Public Health Act, provide laws that can be applied to address the issues of surface water pollution by residential settlements in areas such as the Nairobi fringe.

Public Health Act of 1972

In Kenya, before building plans are approved they have to go through the Public Health Department at the district level. The Public Health Act gives public health officers the discretionary powers to approve or reject building plans. These powers are based on health issues, such as those based on quality and sanitary conditions of the buildings. The main emphases of the Act as it relates to land use are good sanitation for ensuring a healthy environment, the setting of engineering standards for sewerage reticulation and access to buildings. The Act is further strengthened by other statutory provisions such as Local Authorities' by-laws and Building Codes (Government of Kenya 1986a 115-128).

The Act has in many cases complemented physical planning and local authority officers in addressing land use development that they deem illegal (but where their respective laws are weak) through application of the nuisance stipulations of the Act. The implementation is, however, hampered by weak coordination among departments and inadequate workforce for the enforcement.

The Chief's Authority Act of 1924 (Cap 128)

The Chief's Authority Act was first introduced in the 1920s as the colonial administration sought to develop a framework of local government. This Act has extensive policing powers particularly on land use and management within chief's areas of jurisdiction. The Act confers on the chief the power to order regulations on particular uses of land. The Act, for example, gives chief the power to order people to plant specified crops on their land, if a particular area is suffering from or is threatened with shortage of foodstuffs (Odhiambo and Nyangito 2002 22; Field-Juma 1996 24). Also, the Act also gives the chief powers to prohibit grazing in land that is being rehabilitated or have fodder crops (Odhiambo and Nyangito 2002 22; Field-Juma 1996 24).

The Act, though unpopular with the majority of the people may (if applied well) address some of the land use problems being experienced in the Nairobi fringe. For example, the Act may prohibit the conversion of agricultural land for residential purposes. From interviews and personal experiences, I gathered that most of the family land sale/transfers have to first pass through the chief's office before a sale or transfer is done. Therefore, chief can play a significant role in addressing land problems as a result of conversion. However, their official role is to ascertain that the land in question has no dispute associated with it. People see the chief's authorisation as a sign of confirmation of the official land transfer which is not well aligned with the purpose of the chief's mandate on land, to regulate land use

Constitution of Kenya⁵⁸

Protection of ownership rights to properties is enshrined in Kenya's Constitution. Sections 75 and 84 guarantee the protection against dispossession of private property. Odhiambo and Nyangito (2002 13) note that the "...compulsory acquisition of land for public interest embodied in Section 75, 117 and 118 of the constitution" requires that such acquisition may operate if: (i) it can be justified to be of public interest and that public interests will be promoted; (ii) the benefits arising from the acquisition far exceed hardships or inconveniences to the owner(s) of the land to be acquired; (iii) land owner(s) are compensated promptly and in full.

Of particular relevance to this thesis is Section 71 of the Constitution that deals with the right to life and to a clean and healthy environment. In the Nairobi fringe, the cleanliness and health aspects of the environment are being compromised by residential developments that are occurring without corresponding provision of social and sanitary infrastructure; the result of which is release of domestic waste into water bodies and open spaces. With goodwill and commitment by the government officers concerned, these provisions in the Constitution can be applied in dealing with land uses that are contributing to environmental pollution.

⁵⁸This thesis acknowledges that, as from 27th August 2010, Kenya has a new constitution but this thesis was written and submitted when the old constitution (of 12th December 1963) was operational.

4.4 LAND USE PLANNING LAWS

This section focuses on the laws that specifically relate to land use planning. In elaborating how these laws work and relate to the Nairobi fringe, I will give a brief introduction on the evolution of land use planning practices.

I should begin by emphasizing that, although the Physical Planning Act was enacted in 1996 and came into force in 1998; its full institutionalisation is still taking place. Therefore, to lay the foundation of land use planning in Kenya and how it relates to land use today, it is appropriate that I elaborate on both the Town Planning Ordinance of 1931 (Cap 134), and the Land Planning Act (Cap 303) of 1968. Further, many land subdivisions took place under these two former Acts, although residential developments on these subdivisions are taking place only now or they are yet to occur.

As already mentioned, the East Africa Protectorate 1903 Ordinance was the first land use statute in Kenya. This was followed by the Land Use Proclamation of 1911. This coincided with the Simpson Committee Report of 1911-1912 that gave local authorities powers to make by-laws that were to be approved by the Governor in Council. It was this Committee that also recommended zoning of Nairobi City on the basis of racial segregation (Wekwete 1995 14).

The enactment of the Town Planning Ordinance in 1919 guided planning activities until 1931 when it was replaced by the Town Planning Act (Cap 134). The Town Planning Act was solely in use for urban land use planning until 1961 when the Development and Use of Land (Planning) Regulations were enacted. The Development and Use of Land (Planning) Regulations became the Land Planning Act (Cap 303) in 1968. The Town Planning Act of 1931 remained in use, thus making both Acts run parallel in management of land use in Kenya (Wekwete 1995 14). This remained in force until 1996 when both Acts were repealed and merged into the existing Physical Planning Act of 1996.

The Town Planning Act of 1931 (Cap 134)

Control of the development and preparation of Township Plans by the Government Town Planning Department were undertaken under sections 23 and 24 of the Town Planning Ordinance. Section 23 addressed the issues pertaining

to the preparation of Town Planning Schemes (Development Plans) outside Municipalities and Townships (Government of Kenya 1931).

The Act had some specifications which were relevant to land use control in rural-urban fringes: First, the Act sought to control land use in all areas within a distance of five miles of the boundaries of municipalities, townships and former towns. The Nairobi fringe falls within this radius and hence when this Act was in use, land use management was considered under special planning considerations. Second, the Act had provisions on controlling all land use activities that were situated within 400 feet of the roads specified in the schedule. Field observation during my fieldwork revealed that most residential development is taking place along arterial roads and therefore, the Act would have been historically effective in guiding such development.

Section 12(1), gives the central government powers to refer a case to the local authority in case of areas where no Interim Planning Authority existed. These powers were necessary in cases where: First, the agricultural land to be subdivided exceeds 8 hectares. This was applicable to large land subdivision schemes within the Nairobi fringe. Second, the agricultural land will result into plots of less than 8 hectares (Njoroge 2008). This provision was applicable to areas when large coffee farms were being subdivided into small plots for residential purposes.

Third, in cases of application to subdivide agricultural land within three miles of an adjacent municipality, the involvement of the adjacent municipality was to be sought. Most land use changes to residential purposes in the study area also fall within the three miles radius and the provision could be applied in ensuring the involvement of the Nairobi City Council and other local authorities neighbouring the TCK. This was due to the recognition that such land uses will affect the neighbouring municipalities by (for example) putting more pressures on the available services and infrastructure.

Fourth, the Act allowed the involvement of whatever other governmental authority the central government may see fit. Since most rural-urban fringes cut across political and administrative boundaries, this provision was necessary in enhancing coordination and collaboration in managing cross-boundary matters such as environmental pollution resulting from residential land use development.

The Land Planning Act of 1968 (Cap 303)

This legislation resulted from the formalisation of the Development and Use of Land (Planning) Regulations 1961 into a statute. The Act was aimed at the preparation of Development Plans, appointment of Planning Authorities and the control of development (Government of Kenya 1968). Part 11 of the Act empowers local authorities to take control of land use in areas where planning schemes have been prepared and gazetted. Some of the major plans prepared under this framework included the Nairobi Metropolitan Growth Strategy (NMGS) of 1973 and the Human Settlement Strategy (HSS) (Anyamba 2005 2).

The Minister responsible for Physical Planning was the key authority in the Land Planning Act. Through the Commissioner of Land's Office and the Physical Planning Department, the Minister was responsible for the preparation of Town Plans, Area Plans, Subdivision Plans and Use Plans for the un-alienated government land. The approval, enforcement and compliance with plan were ensured by the Commissioner of Lands. With the enactment of Physical Planning Act 1996, these tasks are now under the domain of the Director of Physical Planning.

Physical Planning Act of 1996 (Cap 286)

The Physical Planning Act 1996 aims at guiding the preparation and implementation of Physical Development Plans (Government of Kenya 1996). This Act came into being after the repeal of the Land Planning Act and the Town Planning Act. In main the Act is aimed at the physical planning of land, regulating land use and ensuring that specific requirements are met before the use and development of land is approved. It underpinned the establishment of Interim Planning Authorities to which land development plans must be submitted for approvals before land developments begin (Odhiambo and Nyangito 2002 20).

According to Physical Planning Act (Cap 286) Section 5, the preparation and formulation of Development Plans occur under the mandate of the Director of Physical Planning (see Box 4.2). In controlling and guiding land use development in Municipal areas and other urban areas, Section 29 of the same Act gives the following power to the local authorities:

- To prohibit or control the use and development of land and buildings in the interests of proper and orderly development of its area;

- to control or prohibit the subdivision of land or existing plots into small areas; and,
- to formulate by-laws to regulate zoning in respect of use and density of development.

Box 4. 2: Roles of Director of Physical Planning as outlined in the Physical Planning Act. Source: (Government of Kenya 1996).

- Be responsible for the preparation of all Regional and Local Physical Development Plans;
- from time to time initiate, undertake or direct studies and research on matters concerning physical planning;
- advise the Commissioner of Lands and local authorities on matters concerning alienation of land under the Government Lands Act and the Trust Land Act respectively;
- advise the Commissioner of Lands and local authorities on the most appropriate use of land including land management such as change of user, extension of user, extension of leases, sub-division of land and amalgamation of land; and,
- require local authorities to ensure the proper execution of Physical Development Control and Preservation Orders.

Further local authority powers are spelt out in Section 30 of the Act. These powers allow them to charge fines and demolish illegal structures to ensure compliance with approved plans within their jurisdictions.

Although the Physical Planning Act was meant to guide land use planning in Kenya, it has mainly focused on the "...planning in urban centres and the development of facilities such as roads, buildings and factories" (Odhiambo and Nyangito 2002 21). This explains why it has had minimal impact in the Nairobi fringe, which is largely classified as agricultural and not urban.

Local Government Act of 1963 (Cap 265)

The Local Government Act has its origins in the period immediately prior to independence when the then Governor of Kenya published the Local Government Regulations in April 1963. The Local Government Act repealed the Township Ordinances (Cap. 133) and the Municipalities Ordinances (Cap. 136). At independence, Kenyan laws ceased to be Ordinances by virtue of Kenya becoming a sovereign State, and all ordinances became Acts. Consequently, the Kenya Local Government Ordinance became the Local Government Act of 1963. Local authorities were created under the Local Government Act. The colonial foundation of the Local Government Act may be the source of its weaknesses.

The Local Government Act (Cap 265), Section 166 requires every Municipal Council, County Council or Town Council, to control development and use of land, and to ensure orderly land use development in their areas (Odhiambo and Nyangito 2002 22). The Local Government Act empowers local authorities to implement Physical Development Plans and to control developments in area of their jurisdiction (Government of Kenya 1963b). As discussed above, however, the preparation of Physical Development Plans is vested on the Director of Physical Planning who is based in the Ministry of Lands and Settlement.

Under the Act, Section 162, empowers local authorities to control the subdivision of a new parcel of land or existing plots until approval is granted (see Box 4.3). Where such subdivisions require a change of use (for example, from agriculture to residential or industrial land uses) they should be registered on a lease basis. Lease agreements give conditions to be fulfilled and failure to meet conditions can cause lease permission to be revoked. The objectives of controlling subdivisions as outlined in the Physical Planning Handbook (Government of Kenya 2002c 78) are:

- Ensuring that resultant plots are accessible;
- ensuring that proposed population density is in accordance with available services such as water, sewers, roads, and drainage;
- ensuring that there are planned and coordinated developments; and,
- ensuring that proposed use (s) is/are compatible with surrounding use(s).

Box 4. 3: Criteria for assess a subdivision proposal for approval. Source: (Government of Kenya 2002c 78).

The Physical Planning Handbook also gives various planning considerations that can form the basis of determining whether subdivision proposals should be approved or not, and include:

- Proposed use of subplots is in compliance with provision of an existing development plan or zoning regulations for the proposed subplots for the area;
- proposed subplots have adequate access;
- size and density of subplots are in accordance with zoning regulations for the area;
- boundaries, dimensions and acreage of subplots are clearly indicated;
- open spaces and social infrastructure are adequately provided;
- proposed subplots are compatible with adjacent development;
- favourable impact on the environment and level use of existing facilities such as roads, water and sewage disposal;
- minor access roads of 9 meters reserve width provided should not be more than 100 meters long or serve utmost 20 plots; and,
- provision of 6 meters greenbelts along ring roads and bypasses.

Although the above objectives are meant to ensure orderly land use developments, they are rarely applied. This is due to the lengthy process in acquiring approvals on subdivision application from local authorities. The Act also gives too much power to the Minister for Local Government and denies local authorities the necessary autonomy. In the absence of autonomy, it is not possible for best practice and experience to develop.

4.5 ENFORCEMENT OF LAND LAWS

The foregoing review of the legal frameworks governing land use, tenure and resources indicates that there are many Acts of Parliament that relate to land and land resources. This section examines ways in which various laws on land ownership and use are enforced.

Odhiambo and Nyangito (2002 22) argue that the enforcement of land laws is as important as laws themselves. Enforcement is done at different levels by different governmental agencies. Among the key agents in land use control enforcement are the Executive; Land Boards; the Judiciary; and, Councils of Elders.

The Executive

According to Odhiambo and Nyangito (2002 23), the powers of the executive⁵⁹ in relation to land use are extensive. These powers allow the President to nullify, exempt individuals or corporate entities from statutory payments of stamp duty or other fees, and also to order certain transactions in regard to any parcel of land. In the current government structure the Prime Minister has constitutionally entrenched supervisory power on all Ministries. The Minister for Land and the Minister for Agriculture have powers to enforce conditions on land use clearly "...stipulated in the Agriculture Act (Cap 318) and the Land Control Act (Cap 302)" (Odhiambo and Nyangito 2002 23).

The Minister for Agriculture is given an open hand by both Acts to determine spatial jurisdiction of a particular land for agricultural purposes and thus can control land use in any given area. For example, when agricultural land ownership is in dispute, the Minister for Agriculture has powers of determining the ownership. The Minister can also apply the Land Control Act to any area or

⁵⁹In relation to land, 'Executive' includes the President, (and currently the Prime Minister), and Ministers of Agriculture, Local Government and Lands.

situation at his/her discretion (Odhiambo and Nyangito 2002 23). These powers by the Executive, which is headed by politicians, have on different occasions interfered with enforcement of land use laws. Land use issues are long-term whereas political tenureship is limited to electoral terms. Politicians sometimes overlook the planning regulations that guide land use and end up making decisions that are short-term or are tied to their terms in office. The Executive, as will be explained later on, have in different occasions interfered with planning operations by giving 'orders from above' in favour of their cronies or supporters. Whereas their actions are within land use laws, they have however interfered with orderly implementation of planning regulations in different areas of the country and more so where such regulations put limits on the whims of landholders as in the Nairobi fringe.

Boards and tribunals

Odhiambo and Nyangito (2002 23, 24) indicated that land laws in Kenya are governed and enforced by boards and tribunals. At the national level, the Agricultural Appeals Tribunal acts as the final arbitrator of all forms of land disputes. The Agricultural Appeals Tribunal arbitrates land ownership conflicts if the directives by the Minister for Agriculture are contested. They also noted that tribunal also "...arbitrates conflicts (regarding) Ministerial directives on land preservation and land development order." Other lower level boards with subordinate arbitration powers on land "...are the District Land Control Boards, the Provincial Land Control Appeals Board and the Central Land Control Appeals Board."

In ratifying land transactions, the powers of Land Control Boards are superior to those of the Judiciary (Odhiambo and Nyangito 2002 24). (Odhiambo and Nyangito further indicated that the hierarchical powers of control of land transactions start with the Minister for Agriculture at the lower end and with the Central Land Board at the top. In between, there are the District Land Board and the Provincial Land Board. In addition, there are other broad categories of boards which deal with land issues such as the various Regional Agricultural Boards which play a statutory and advisory role to the Minister for Agriculture, the Land Boards, and the Agricultural Land Tribunal.

Land boards, as will be discussed later, have seriously impeded planning in the Nairobi fringe where land, although recognised as agricultural, is primed for

residential purposes. The board members (in connivance with residential land developers) have been approving land subdivisions under the guise of doing so for agricultural purposes. The powers of Land Boards, which do not include the physical planning Office, have undermined the powers of this office to control land development in different areas.

The Judiciary and the Elders Courts

Odhiambo and Nyangito (2002 24) observe that, “[t]he judicial system in Kenya plays an important role in the enforcement of land laws”. Judicial system, particularly the ordinary Courts of Law, presided all disputes concerning land ownership before the 1981 the Magistrates’ Jurisdiction (Amendment) Act. The amendment gave Councils’ of Elders the powers to resolve land disputes outside the formal magistrate courts. These powers of the Council of Elders entail hearing and determining cases about land ownership, land subdivision, determination of land boundaries claims, rights to occupy or work on land, and trespass cases (Odhiambo and Nyangito 2002 24; Bhalla 1996 63).

Odhiambo and Nyangito (2002 24-25) explain that the Elder’s Courts are supposed to file the records with the Resident Magistrate’s Court once a decision on land disputes is made. And that “...the Resident Magistrate’s Court has powers to accept decisions of the elders without any alteration and enter the judgement in favour of the person who is judged by the record to have won the case..” Also, the court has power to instruct the Elder’s Court to reconsider a case or modify or correct a record filed by the elders. In addition, the court may also set aside the record of elders and require the case to be re-considered by a new panel or afresh (Odhiambo and Nyangito 2002 25; Bhalla 1996 63). In this case therefore, the Resident Magistrate’s Court still maintains considerable powers in land disputes. If a concerned party or parties dissatisfied with the Resident Magistrate’s ruling, they can appeal to a higher court. Following the Magistrates’ Jurisdiction (Amendment) Act, however, there lacks the possibility of appeal if decision by the Elder’s Court is accepted by the Resident Magistrate’s Court and a decree have been issued. There are however exception where the decree is considered to be in inconsistency with the decision of the elders (Odhiambo and Nyangito 2002 25).

The original aim of establishing the Elders’ Courts was to solve many of the problems (such as the high volume of legal cases) and disputes concerning land.

Therefore this objective has not been achieved as there are still several land and “...land-related litigations in High Courts despite an elaborate and innovative system of settling land disputes through Elders’ Courts” (Odhiambo and Nyangito 2002 25). There are a number of reasons for the continued increase in land related litigations despite the establishment of Elders’ Courts, in that these Courts do not have powers to adjudicate disputes concerning touching on land that is already registered (much if not all land in the Nairobi fringe is registered). There is also a lack of clarity on the mandate of the Elders’ Courts in the law, corruption, and the general public lacks knowledge of the functions and mandates of these courts thus rendering them ineffective (Odhiambo and Nyangito 2002 25).

Due to failures of the Elder’s Court system in Kenya and the slow pace in adjudicating cases in High Courts, there has been delay in land related litigations. This has left huge tracts of land idle as the litigants wait for resolution of disputes (Odhiambo and Nyangito 2002 25). These hold-up in litigation has also affected long-term investment in land and therefore have profound implications on land use development (among the implications of this failure are instances in the case study areas where the land markets have turned to neo-customary and informal ways of conducting transaction as will explained later on). Furthermore, even if the Courts are to be enhanced and cases expedited, most people in Kenya would not take advantage of the legal system to enforce land rights. This is because to gain access to the legal system through the Courts one needs to be knowledgeable of his/her legal rights and also to have the resources to pursue these rights through appropriate legal channels. Most people, however, lack this capacity and this limits their access to the legal system (Odhiambo and Nyangito 2002 25-26).

4.6 CONCLUDING REMARKS

Looking at a brief history of land issues in Kenya one begins to understand a genealogy of land ownership and use problems in Kenya. The chapter notes that over the course of colonial and postcolonial land management history, a dual system of land legislation has evolved, whereby both Customary and English Common laws guided land ownership and use. It further indicates that the independence government did little to harmonise this dual system, and instead while trying to placate the dispossessed natives, ended up formulating laws which were reactive rather than pro-active to land concerns. In addition the chapter observes that over time land legal process has given rise to three land

tenure systems which have varying effects on land management regimes and use.

The chapter also reveals that Kenya has many laws dealing with land and land use planning. It thus follows that land use planning problems are not so much about the absence of laws or the lack of policy or legal framework. The institutions vested with the authority for land use planning, however, have inadequate capacity to enforce land laws and to formulate and implement land policies in a coordinated manner. Therefore land use problems have persisted despite the existence of a variety of land laws in Kenya. The chapter has thus far pointed out that land and land use problems are historically contingent. The observations outline matters of interest for further examination in the case study in order to understand how different actors with interest in land are operating amidst such legal ambiguities and conflicts.

CHAPTER 5:

CHANGING ECONOMIC CIRCUMSTANCES AND LAND USE IN KENYA

5.0 INTRODUCTION

This Chapter provides an overview of Kenya's economic position with the aim of bringing the contemporary circumstances into perspective. The main aim is to show how changing economic circumstances have affected performance of the government in terms of governance, services and infrastructure delivery. Furthermore, the overview shows how changing economic circumstances have affected different aspects of people's livelihoods. The overview is meant to set the stage for understanding the general national conditions under which people in the Nairobi fringe structure their livelihood and land use decisions.

5.1 KENYA'S ECONOMY

Commenting on Kenya's economy, Ochieng' (2007 20) observed that many institutions were designed by the colonial government to guide economic development. However, Mwega and Ndung'u (2002 25,6) argued that these institutions were based on social and economic policies that leaned heavily in favour of the British colonial interests, and that these interests mainly managed the country as a source of raw materials for metropolitan industries and as a market for their products. This scenario led to gross impoverisation of the country, most particularly in the last decade of colonial rule (1953-1963). For example, in the period between 1960-64 period, the growth in both physical capital and education per worker was "... -2.9 percent and -0.03 percent respectively" (Ochieng' 2007 21). Although the effects of the Second World War and the previous policies that discouraged native Africans' investments in the economy could not be discounted, private sector investment was also low (Ibid).

According to Ochieng' (2008 68), the Independence government wanted to reverse the negative trend. One of the ways to do this was to expand the productive sector to include the majority of the native population who were hitherto excluded. This was done through an 'Africanization policy' that was spelt out in *Sessional Paper No 10 of 1965*. In commerce, this policy was to be

achieved by emphasising the transfer of petty trade activities to native Kenyans. To do this, the government came up with the Kenya National Trading Corporation (KNTC) in March, 1995. The primary role of KNTC was to transfer petty commerce from non-natives to native Kenyans (Ochieng' 2007 20).

Furthermore, Ochieng' (2008 68, 2007 19) explained that, under this model, there was an expansion of the government's involvement in direct productive activities by establishing additional State-Owned Enterprises (SOEs) and encouraging "... public-private enterprises in agriculture, manufacturing, banking and trade." To tighten its grip on the economy, the government further introduced regulatory mechanisms whose aims were to control "...domestic prices, interest rates, foreign exchange, exports and imports..." Policies, particularly those related to agriculture, were geared towards equitable income distribution, employment and self-sufficiency for the majority of the population. In this pursuit, policies providing "...subsidies and guaranteed prices to farmers, price controls and inter-district or regional controls on the movement of cereals through state-owned marketing boards... and market-based pricing for cash crops.." (Ochieng' 2008 68) were implemented. Further policies to protect the emergent industries such as tariffs, import quotas, licenses and price controls on final products were also instituted (Ochieng' 2007 19).

Ochieng' (2008 67, 2007 19-20) continued to explain that, in order to enhance the capacity of the domestic economy to produce consumer goods using locally available resources, government introduced import-substitution policies that encouraged public-private partnerships. "...[G]overnment also introduced interest rate and foreign exchange controls, work permits for foreigners and regulations on domestic and foreign loans" (Ochieng' 2007 20). However to guarantee against nationalisation of private properties, Parliament passed the Foreign Investment Protection Act. This was a signal to investors that *Sessional Paper No 10 of 1965* was not a socialist-focused initiative as many opponents had claimed (Ochieng' 2007 20). That is, the initiative was not about distributing wealth, but for creating more wealth by involving the majority of the population through a variety of mechanisms.

In the first decade of *Sessional Paper No 10 of 1965* there were noticeable improvements. For example, between 1965 and 1975 "...the average physical capital and education growth rate per worker grew at 1.22 percent and 1.33

percent respectively” (Ochieng’ 2007 21). In addition, “[t]he total private sector investment increased from 16.05 percent in 1960-64 to 18.31 percent in 1969-74 and to 19.26 percent in 1970-74” (Ochieng’ 2007 21). Ochieng’ (2007 22) observed that this growth was experienced until the early 1980s, and that it was exceptional due to its relative lack of biases towards urban areas and the key role that smallholder farmers had in commercial agriculture. He further observed that, the economy grew at an average “...rate of 5 percent between 1963 and 1970 and at 8 percent from 1970 to 1980.” And that the agricultural and manufacturing sectors grew at an average rate of 5 percent and 10 percent respectively in the 1965-80 period.

Ochieng’ (2007 23) argued that economic growth predicated on protective measures against competition “...gave rise to an over-regulated, over-concentrated and uncompetitive industrial structure.” He continues to give an example whereby by the early 1980s the government had interests in 250 commercial enterprises which represented a tenth of GDP and thereby contributing to 28 percent in trade deficit with no contribution to the economic growth. He also notes that, the commercial model of SOEs stifled private investment and further constrained investment efficiency⁶⁰. This resulted in falling “...investment efficiency by 70 percent by the 1980s.” As a result of muzzling private investments, the Kenyan industrial structure and the economy in general, could not cope with the collapse of the East African Community in 1977 (which also affected East Africa Railways, East African Airlines and many other public sector organisations co-owned by the three East African countries) and the subsequent shocks and reforms (pushed by the IMF and World Bank) from the 1980s onwards (Ochieng’ 2007 23).

Ochieng’ (2007 24) continued to argue that many of the policies resulting from *Sessional Paper No 10 of 1965* could not be sustained for the long term. However, they were necessary in the short term for the sake of affirmative economic support to the majority of the native population, “...given the country’s historical contingencies and colonial past.” And that by the late 1970s, it was apparent that fundamental changes were needed to the country’s economic

⁶⁰ According to Hodgson *et al.*, (2000) investment efficiency is “...a function of the risk, return and total cost of an investment management structure, subject to the fiduciary and other constraints within which investors must operate.”

policy, particularly in regard to many intervention measures brought about by *Sessional Paper No. 10 of 1965*.

5.1.1 IMF and World Bank *laissez-faire* economic development policies

Sclar *et al.*, (2007 11)⁶¹ observed that with the fall of communism there was a shift in policy among the Western development support partners to Africa and other developing countries. They added that this shift also influenced the activities of the International Financial Institutions such as the World Bank and the International Monetary Fund, who proposed *laissez-faire* economic development policies in such countries. And therefore, lending policies were affected and further structural adjustment policies were advocated. They argued that such policies had a major impact on countries dependent on aid and loans for budgetary support such as Kenya. Sclar *et al.*, (2007 11) further indicated that these policies were based on four organising elements, which include:

...the promotion of the privatization and deregulation of public services and public utilities; enacting enforceable legal protections for the autonomy of private property owners; the enforcement of tight fiscal policy intended to constrain governmental social spending through tight control on taxes and expenditures aimed at creating a fiscal surplus; and, as a matter of macroeconomic policy, according primacy to anti-inflationary monetary policy, to maintain price stability and the value of foreign investments.

Ochieng' (2007 25) noted that Kenya received "...both the first structural adjustment funding from the World Bank and the first Enhanced Structural Adjustment facility from the IMF in 1980." And that due to the economic foundations that the country inherited from its colonial government, many of the SAPs recommendations have been already experienced by the Kenya government. In fact, due to problems encountered in the implementation of some aspects of the *Sessional Paper No 10 of 1965*, the government economic and financial advisors were already calling for structural economic reforms even before the country's commitment to the implementation of SAPs in 1980 (Ochieng' 2007 25). Ochieng' further adds that one indication of such economic reforms before SAPs was that during the first few years of the Moi presidency (1978-82), the government reviewed virtually all its economic policies. Some of

⁶¹ This reference is from a publication with an embargo against its quotations and citations however, the authorisation for its inclusion in this document was obtained from the authors through the main author Professor Elliott Sclar (email: sclar@ei.columbia.edu) on 4th September 2010

the recommendations that came from these reviews were incorporated in the National Development Plan (1978-83) and *Sessional Papers No 4 of 1980* and *No 4 of 1982* that were aimed at amending the Fourth Development Plan during the oil shock of the 1970s. Ochieng' argues that, the realisation that Kenya was already thinking of structural adjustment programmes even before the Bretton Woods institutions rolled out their programs could have intrigued many when later on the country became and remained opposed to SAPs.

According to Ochieng' (2007 26), there are various explanations that attempted to account for differences in economic performance of Kenya of the early decades (1960s-70s) and the" later ones (1980s-90s). Most of these explanations are based on attempts to contrast the Kenyatta and Moi presidencies (1963-78 and 1978-2002 respectively). Ochieng' further argues that "...whereas Kenyatta prioritized economic growth, stability and building the political legitimacy of the independence government, Moi placed a greater emphasis on (re)distribution..." of national economic resources. In doing so he further argues that Moi discarded liberal or market-oriented policies adopted by the Kenyatta regime and also Moi interfered with the autonomy "...and competence of the civil service and SOEs by turning them into institutions for political (and ethnic) patronage" (see also Kanyinga 2000 52). This argument is grounded on the knowledge nature of Kenyan Politics which is based patron-client relationship. Ochieng' also argues that while Kenyatta hailed from the Central Province⁶², where export crops such as coffee and tea are grown, Moi hailed from the Rift Valley Province where grains (maize and wheat) are produced. And therefore, Moi "...shifted national agricultural policy to favour grain production as part of his redistribution policy, whilst increasingly taxing the export crops' sector..." to sustain the civil service and SOEs. (The effects of such policy shifts on land use are revisited in the case study discussion in Chapter 10).

Although Kenya may have been familiar with liberal economic policies, it was constrained by the country's social formations (where the majority of the people practiced peasantry) and its semi-competitive political system (that ensured relatively regular competitive elections, in situations where a section of the political opposition openly professed socialist views) and historically contingent factors (the fact that Kenya was a settler colony and that colonial rule had

⁶²The study area is located in this province.

alienated the natives from ownership and management of the economy) (Ochieng' 2007 27). These factors led to increased polarisation and inequalities among people and regions. This partly explains the level of resistance that the government put up towards adoption of "...SAPs in general, and adjustment measures in the agricultural sector in particular" (Ochieng' 2007 28). Agriculture supported the dominant peasant economy in Kenya, and therefore it embodied most of the protective policy initiatives of *Sessional Paper No 10 of 1965* (such as price controls, subsidies, marketing support, SOEs and public-private-peasant firm cooperatives). It follows that, one would have expected the proponents of SAPs, with their "...policies of deregulation, privatization and liberalization to face stiff resistance [...] in this sector" (Ochieng' 2007 28).

Although there was stiff public opposition to the SAPs measures, the government introduced the measures through highly political amendments to the National Development Plan (1978-83) in the form of *Sessional Paper No 4 of 1981 on National Food Policy* (Ochieng' 2007 28-29). The government however formally introduced SAPs through *Sessional Paper No 1 of 1986 on Economic Management for Renewed Growth* (Government of Kenya 1986b). This led to "...the liberalization of markets for agricultural inputs and outputs, privatization of SOEs, and 'cost sharing' or the introduction of user fees in education and health" (Ochieng' 2007 29). Further structural adjustment measures were also introduced craftily at different points in time from 1980 onwards in guise of policies such as "...Poverty Reduction Strategy Papers (2000-2002) or Economic Recovery Strategy for Wealth and Employment Creation (2003-2007)..." (Ochieng' 2007 29).

5.1.2 Effects of SAPs policies

The introduction of SAPs programmes shook the foundations created by *Sessional Paper No 10 of 1965*, in that by the end of the 1990s many of the proposed adjustment measures had been put in place (Foeken and Owuor 2008 1978; Linehan 2007 24; Ochieng' 2007 29) The foreign exchange regime and external trade were liberalized through the removal of trade restrictions and tariff reductions (Ochieng' 2007 29). Ochieng' further indicates that by 1995 nearly all domestic price controls had been removed and the cost sharing in health and education had been introduced. At this time also, civil service reform measures saw "50, 000 mainly low wage employees retrenched from the civil service

between 1993 and 1998 [.] and by 1991, 207 out of 240 state-owned enterprises had been earmarked for privatization” (Ochieng’ 2007 29; also see Chapter 10).

Although SAPs were well intentioned they resulted in a lack of investment by the government in public service provision in many urban areas and contributed to the degradation of infrastructure and existing institutional capacity (as we will see in Chapter 10). The policies significantly affected the viability and effectiveness of social and political institutions. This period “... (1980s-1990s) also coincided with a number of external and internal shocks to the economy such as major droughts, an attempted military coup in 1982, unstable political situations and donor relations...” (Ochieng’ 2007 30). Thus the declining economic performance cannot be solely attributed to the impacts of SAPs (Ibid). Nonetheless, economic performance in the 1980s and 1990s experienced stagnation, for example, the growth rate in agricultural sector “...fell from 5 percent in the 1970s to less than 1 percent in the 1990s whilst industrial sector output fell from 11 percent in the 1970s to 2 percent in the 1990s” (Ochieng’ 2007 30).

Rono (2002 87) observed that there was also decrease in value of the Kenya shilling, the rise in interest rates, the reduction of government expenditure and investment in key sectors, inadequate wage increases and the decrease in government subsidies at all level. The SAPs thus led to increase of the gap between the poor and the rich and also the income gap between the urban the rural population (Ibid). The government could not provide most of the services and infrastructural needs of the people: New roads were not built nor were repairs done on old ones; the government did not construct new buildings such as schools and dispensaries; employment of new civil servants was limited including security officers (Rono 2002 94; as we will see in Chapters 10, 11 and 12). This led to a number of problems such as insecurity, delay in service provision which in turn resulted in corruption or non-adherence with the State’s laws and mushrooming of community-led projects and initiatives including private security arrangements, contributing money to construct new schools or dispensaries among others (Rono 2002 97). Although, the spirit of *Harambee* (self-help) already existed, these initiatives resulted partly from the realisation by the people that government was not providing for their services and infrastructure (see Chapter 12).

Although there were brief intervals of recovery and economic growth (1985-90 and 1994-96), Ochieng' (2007 30, 31) observed that the envisaged positive results of SAPs over 20 years in Kenya were marginal as they failed to create an environment for an economic growth as experienced under *Sessional Paper No 10 of 1965* (1960s-70s).

Rono (2002 86) noted that among the most important objectives of SAPs was to reduce the budget deficit. The repayment of the domestic debt put a huge burden on the budget, for example, interest paid on foreign and domestic debt took away 23 per cent of the total budget in 1995/96 (Rono 2002 86). Rono further indicated that the domestic debt and the high interest rates had wide-scale negative effects on the economy. In addition he indicated that the debts exacerbated the government deficit and shifted its development expenditure to the repayment of loans. This also reduced the private investment and the supply of funds available for loans, further increasing the interest rates on loans and mortgages (Rono 2002 87). There was also a general scaling back of government expenditure especially on public servants' wages, salaries, administration, economic and social services (Ibid; also see Chapter 10 for further discussion).

Mbogua and Chana (1996 59) commented that resulting low wages and salaries coupled with an increase in workload as a result of non-employment of new staff in the civil service became a major cause of corruption⁶³. Poor remuneration for staff compared to private sector job opportunities (these options were also few due to economic decline), led to corrupt practices to supplement their income from contract 'kickbacks' and also requests for "*toa kitu kidogo (TKK)*" to expedite customer services. Mbogua and Chana continued to describe corruption as the "cancer" at the local and national government levels (see Chapter 10 and 11). Mbogua and Chana's observations were a reflection on the efforts by the government to try to stamp out corruption by establishing the Kenya Anti-Corruption Authority in 1997 (which later on was declared unconstitutional through a Court ruling and was disbanded). The effort to address corruption did not stop as the government enacted Anti-Corruption and Economic Crimes Act of 2003 that led to the establishment of Kenya Anti-Corruption Commission (KACA)

⁶³ For more discussion on corruption in Kenya see Wrong

in the same year. To further rein in corruption, especially by public officers, in the same year, the Public Ethics Act of 2003 was also enacted.

The consequences of a new financial order led to an increase in poverty and the destruction of the environment, which in turn generated social apartheid, encouraged ethnic strife and undermined the rights of women. In addition, earnings from local production were reduced as local products were subjected to serious competition from imported goods. This further reduced the price of agricultural goods against the rising costs of farm inputs (we will see that these feature underpinned some the actions of local people as reported in Chapter 10) (Rono 2002 86, 87).

In addition (Rono 2002 89) indicated that independent Kenya relied heavily on the agricultural sector as the primary for economic growth, employment and foreign exchange generation. This sector is also a major source of revenue for the government; and in excess of 80 per cent of the country's population living in the rural areas rely on agriculture for food and income. Therefore, the decline in agriculture as a result of removal of import control and removal of subsidies has adversely affected both the public and private sectors.

5.2 CONCLUDING REMARKS

This chapter indicates that Kenya's economy has undergone a rough transition from colonial to independent status. The changing economic landscape has in part affected how people (the majority of whom rely on land for agriculture) structure their livelihood. Changing economic circumstances have also affected performance of the government in terms of governance, services and infrastructure delivery. The scaling down of the government has made those engaged in land based activities to learn new social and economic strategies and be adaptive to the prevailing circumstances. Therefore the observations in this chapter lay a foundation upon which the general understanding Kenya's economic circumstance (specifically as it influences land use in Nairobi fringe) is based.

CHAPTER 6:

URBAN HOUSING AND LAND USE IN KENYA

6.0 INTRODUCTION

From personal experience, field work and my reading of the literature on Nairobi and surrounding areas, it is clear that most of the land use conversions in the Nairobi fringe are for residential purposes. A review of the relationship between housing and land use therefore became inevitable. The review is meant to bring to light factors that influence housing and how they relate to land use conversions in the Nairobi fringe. In addition, different ways to access land for urban housing purposes and how these ways influence land use are examined.

6.1 URBAN HOUSING

Commenting on housing in Kenya, Kamau (2005 12, 13) argued that conventional production of urban residential housing can be categorised into two distinct approaches, which includes the "provider" and the "enabling" approaches. The approach based on the "provider," as the word suggests, entails provision of residential housing for the public, by the government or a public agency. He continues to describe how approaches based on "enabling," on the other hand, involve the initiative of supporting the private sector in the production of houses. Enabling policies provide a framework for housing development by the private sector. They may also include the state installation of services and transport networks in particular places with the aim of influencing the actions of the private sector to build houses for residential purposes.

Although Kenya does not have an explicit policy on urbanisation and urban housing, (during this study, a housing policy was adopted and is now being drafted into law), Kamau (2005 37) explained that there have been implicit urban housing development policy initiatives such as those in the late 1950s and early 1960s, popularly referred to as mass public housing. At that time government emphasized construction of public housing estates through a system of centralized planning control and large-scale master plans. Urban development policies at this time were however restrictive and were based on racial segregation (K'Akumu and Olima 2007 87). The approach to native Africans'

urban housing was based on a strategy of the removal or clearance of slums and squatter settlements. These discriminatory and oppressive housing policy initiatives were retained for some time after independence and the institutions that were responsible for housing development were also retained.

6.1.1 Housing during colonial period

Anyamba (2005 1, 2) observed that during the colonial consolidation period between 1906 and 1926, Nairobi was being colonized as an alien state, based on the interests of the White settler population. The Master Plans that guided its growth only took into consideration the interests of European residents. Asian labourers/coolies and traders and natives were largely ignored in these plans. However, natives were most affected in that they could not own a freehold property in the City, even when they could afford to. As a result of the discriminatory skewed urban space allocation, only 8 percent of the City's residential land was reserved for the native residents. At this time, European-owned plots totalled 1092.6 hectares of land, while Asians had 121.4 hectares of land for residential purposes. Natives did not have any land except nominal official housing and a few women who owned houses at Pangani village under Usufruct provisions of the existing English Law.

The exclusionary and discriminatory practices were also reproduced through zoning policies that supported a pattern of racial segregation and social stratification. The 1948 Master Plan that led to the Nairobi boundaries extension, to cover 84 km² further facilitated land use zoning which was based on racial segregation (thus based on the discriminatory and exclusionary practices). After independence, the same 'apartheid' policies (although at this time based more on economic leanings than skin colour) were continued as is demonstrated in the 1973 Nairobi Metropolitan Growth Strategy (Anyamba 2005 2).

6.1.2 Housing in post-independence period

Mbogua and Chana (1996 89) argued that, as a result of the exclusionary and discriminatory policies and practices, even after independence, only few natives held land within Nairobi City. As population increased after the 1963 relaxation of restriction of movement by natives to the City, the skewed land ownership meant that more space was needed for housing, and this land was not available in economic and ownership terms. In addition, the independence government could not afford to provide additional houses for these people, due to budgetary

constraint of its early days in office. Furthermore due to the sudden rise in population with little or no corresponding investment in infrastructure and services, the capacity of existing infrastructure and services was overstretched within the existing housing areas.

Mbogua and Chana (1996 89) further argued that the inability of the formal planning system to provide adequate housing resulted in the growth of spontaneous settlements. The government at this time was responding to that kind of settlement by frequent evictions and demolitions to control the informal settlements, without providing long-term solutions for the housing problem (Memon 1982 157). Probably, because of the failure of the eviction and demolition strategy, the government had to seek a more realistic and pragmatic approach by adopting the assisted self-help housing (Kamau 2005 40). Enforcement of urban housing standards was relatively relaxed and the government started to assist low income groups to build and improve their own houses. Informal settlements played a major role in absorbing the new urban migrants. The new immigrants being from impoverished rural areas, meant that even if public rental housing was available they could not afford house rents (see Chapter 10). However, the informal settlements where a majority of these immigrants found accommodation, existed outside conventional planning regulations (K'Akumu and Olima 2007 92; Kamau 2005 39; Mittulah 2003 10; Also see Newspaper excerpt 6.2 below).

The government approach got a boost in support from the World Bank which was keen to promote the Aided Self-Help Housing Scheme as a new approach to Kenya's urban development to accommodate the rapidly changing housing realities after independence (Kamau 2005 40). This approach was implemented through various strategies, such as the Site and Services Schemes and the Slum Upgrading Programs. Site and Services Schemes aimed at making access to land/plots with basic services such as water, sanitation, roads, surface drainage and street lighting, easy for the majority of self-house builders. It was expected that plot beneficiaries will "...develop housing using permanent materials and in accordance with the provided land use plans over an extended period of time through individual or self-help efforts" (Kamau 2005 40).

According to Kamau (2005 40-41), the strategy did not work as planned, however, as shortly after its introduction land speculation occurred in response

to a rapid rise land prices. The rise in demand for serviced plots attracted middle and high-income people who bought the plots from the poor beneficiaries thus negating the original purpose of the strategy (which was meant to develop capacity of individuals to adopt systemic change). There were other identified problems with this strategy, such as poor cost recovery and the lack of follow-up and ongoing maintenance which caused most of the sites and services schemes to literally turn into slums. The outcome negated the very purpose for which the reforms were meant to serve, so that the housing problem still persists (Huchzermeyer 2008 27; Mbogua and Chana 1996 89).



The trouble with urbanisation

Published on 31/07/2008

By Ferdinand Mwangela

Samuel Ng'ang'a is a taxi driver in Nairobi. Every single day, he spends too much time searching for parking which costs him a lot of money in fuel and time. He is not alone. Traffic congestion in Nairobi is only one of the myriad problems facing Nairobi residents and those of other major towns. So grave is this problem that the Ministry of Nairobi Metropolitan Development itemised the development of infrastructure in its Nairobi Metro 2030 vision paper.

Ng'ang'a (and every other Nairobiian) blames the incessant traffic congestion on poor planning. "The people who planned this city did not plan for its future," he said.

Urbanisation is a phenomenon that is fast becoming a key element in the lives of people the world over. It is a thorny issue for many African countries struggling to sustain agriculture-based economies in the face of overwhelming migration by the youth from rural areas to the urban centres. Consequently, urban towns have grown up too rapidly to accommodate the multitudes flocking into them and the result has been and overwhelming pressure on the scarce resources, overcrowding, congestion, declining standards of living and crime.

Newspaper excerpt 6. 1: Showing problems associated with post-independence Nairobi City. Source: (The Standard 31st July 2008).

The failure occurs because the regulation of land for building is directly related to ownership of land as well as the infrastructure and access to funding for development (Huchzermeyer 2008 26, 28). Kamau (2005 18) added that the existence of a large number of regulations concerning land use planning, zoning and subdivision has also largely contributed to inadequate housing, more so due

to poor enforcement of these regulations. Stringent regulations based on outdated Master Plans contribute to non-conformance with most planning procedures as they are obsolete and fail to address current housing needs for the majority of urban dwellers. This is so in the knowledge that the regularization of land for building is also, most of the time, related to the ownership status of the land, the provision of infrastructure and the possibility of financing for residential development on such land. Therefore, to own a house, land availability is a prerequisite. Availability of regularized land then is the first step in meeting the challenges of residential housing provision (Kamau 2005 17).

In terms of meeting housing goals, Kamau (2005 25, 26) argued that the Banking Act and the Building Regulations Act also present constraints to prospective house owners. The bank lending conditions are based on borrower income and land tenure, and the application of these conditions severely limit the number of people who can build homes using bank loans. He added that mortgage finance companies and building societies only lend against formally registered properties. Thus the evidence of clear and legal land title to a house (that is also built as per the building code) is required before mortgage application is approved. He notes that this option is unavailable to many people who are employed in the informal sector or with income that cannot support mortgage repayments (see Chapter 10 case study commentaries housing). Furthermore, the laws also prohibit banks and building societies from financing the purchase of a plot of land that has no structure plan.

In the face of the inability of the formal sector to provide housing and the existence of several constraints to that end, Kamau (2005 18) observed that various strategies were adopted by both the public and the government, an attempt by both parties to accommodate informal housing initiatives. These include a 'do nothing' policy and special subdivision approvals. The 'do nothing' strategy entails a situation where the government is aware that there is a housing problem but chooses not to intervene due to factors related to budgetary constraints. As Pacione (2005 534) indicated "some urban authorities [may] adopt a policy of inaction in hope that migrants [to the urban areas], whom they consider to be the cause of the problem, will return to their rural origins." In some cases, invasions and occupation of land, by members of the public, for construction of residential units has also occurred which indicate the futility of the rural containment approach.

Kamau (2005 24) argued that it is unlikely that sufficient housing of adequate quality can be made available to absorb new population growth, because land is not available. This is due to the shortage of serviced land compounded by high prices for land due to monopolistic land ownership patterns and land speculation. He observed that in order to ease access to land for residential building, the government came up with Special Subdivision Schemes. The Special Subdivision Schemes/Programmes allow some latitude in relation to subdivision plan approvals. Thus, although constituting part of a land-use planning tool, they are to some extent extra-legal in that they overlook most of the planning regulations. These are mostly applicable on areas still zoned as agricultural and they are more advisory than restrictive in their focus.

With respect to the importance of land in the housing debate, Musyoka (2006 236) argued that although most land subdivisions are not formal in terms of planning requirements, they are not illegal because property rights are not violated. Through localised mechanisms of land subdivision, ownership transfer processes are guaranteed to the plot owner. The localised mechanism for land transfer has relaxed the process of land ownership relative to what would have been allowed in a more formalised land subdivision scheme. Transactions in such situations therefore are not controlled and registered by the government authorities. This implies that houses are built without permits and housing quality (as well as the provision of infrastructure) is often below the Planning Standards. There are advantages in this situation, however; the subdivision plots are affordable to low income groups. This is in line with Payne's (1989 2) argument that:

It is their ability to cut corners-and –costs which has helped the ...subdividers to expand their operations and to provide plots which are more appropriate, affordable and easily available than any other housing option.

Making a general comment on such extra-legal subdivisions, which is relevant to this study, Berner (2001 10) observed that in most cases, land which is subject to extra-legal subdivisions is often in zones meant for other purposes such as agriculture, recreational etc. He further indicated that the land for extra-legal subdivisions is usually located in the rural-urban fringe where it is not too remote, because unlike middle-class suburbanites, the prospective buyers do not have cars and can ill afford high transportation costs in terms of money and time (with

reference to the case study in this thesis, transportation costs for residents of the rural-urban fringe is an issue that will be explored see Chapter 10).

Although, the system of extra-legal land subdivision has met the short term objectives of providing land for housing development in Kenya, its proponents did not foresee the long term implications in relation to land ownership, loss of farmland, urban sprawl and infrastructure financing (see Chapter 11).

6.2 ACCESS TO LAND FOR URBAN HOUSING

Access to land for urban housing is either through formal or informal means. Formal or official ways of land allocation involve allocation of publicly owned land or sale of privately owned land to public agencies, individuals or groups. Formal means of land allocation are governed by regulations concerning tenure, title registration, agricultural land conversion to urban uses, land subdivision and land use and construction. Informal land allocation occurs when private entities transfer parcels of land to another individual or groups without reference to government regulations or involvement of the government in the transactions (Musyoka 2006 235-236).

6.2.1 Allocation of public land

Access to publicly owned land for urban housing depends on the supply of plots, allocation procedures and eligibility. Allocation of this land "...is done either by the President or the Commissioner of Lands" (Musyoka 2006 243). She notes that the Kenya's Constitution allows the President to set aside "...and allocate government land directly to individuals, groups, institutions and corporate entities" (c.f. Government of Kenya 1991).

The Commissioner of Lands, who is the custodian of all government and trust lands, can "...allocate such land for various uses as provided for in Physical Development Plans" (Musyoka 2006 243). The law requires that the Commissioner advertise in the Kenya Gazette all the government land that is available for allocation. However, in the absence of the advertised government land, people can also apply to be allocated land by "...the chairperson of a Provincial or District Plot Allocation Committee, (which is) a committee of civil servants responsible for land-related decision making" (Musyoka 2006 243). Musyoka adds that the applicants for the allocation of plots on publicly owned

land pay a fee of Kshs 1,000, which is non-refundable to unsuccessful applicants but which forms part of a land payment deposit for successful one.

The local authority in the area where the allocated public land falls have a responsibility of providing infrastructure but the capital costs transferred to the land beneficiaries (Musyoka 2006 243). Until 1993, the infrastructural costs were indicated in the plot allotment letters. Due to lack of infrastructural provision and complaints because of this no-provision, the inclusion of the costs in the allotment letters was dropped. However the statement on the allotment letter requiring the beneficiaries to pay these costs on demand when the local authority provides the services is usually included in the allotment letters. 20 per cent of the market value of the plots is paid by the successful applicants pay as stamp premium and the rest of the 80 percent is paid in the form of annual land rent during the entire lease period (Musyoka 2006 243, 245).

The process of obtaining publicly owned land or housing is long, opaque, expensive, and therefore, not an option for ordinary Kenyans. The process is opaque due to limited publicity on the land available for allocation. Even where publicity is done, the Part Development Plans (subdivision layouts) are usually not in formats understandable to ordinary Kenyans. In addition, few Kenyans have access to daily newspapers where those advertisements are placed. Even if one buys the newspapers the advertisements are placed on obscure pages with other classified advertisements and will require keen attention to notice them, and even to understand the legal jargon used. Furthermore, I should make a point that the access to land in Kenya is often associated with access to political power, thus awareness of the availability of land for sale through *Kenya Gazette* notice and application for the same does not suffice. Other considerations such as patronage (through kinship, nepotism, ethnicity, political party affiliations, among others) play a crucial role in public land allocation (Musyoka 2006 245).

6.2.2 Sale of privately-owned land for conversion to urban housing

Due to the complexities of the allocation process for the public-owned land for urban housing, private actors have come to fill the gap in land supply. These private actors "...are individuals, corporate entities or groups" (Musyoka 2006 245). Where land to be subdivided is in agricultural use, it is subject to an additional set of requirements under Land Control Act 1963 (see Chapter 4). Besides the procedures (see Box 6.1) which subdivision application must

undergo, applicants must pay fees at each of the stage as well as a professional fee to surveyors and planners.

It is a requirement by local authorities that before an approval of a subdivision of privately owned land, the infrastructure should be provided by the owner. The local authority takes responsibility for the infrastructure after the land is developed. In most cases however, the infrastructure is not provided at the land subdivision approvals stage due to costs involved, and these costs are usually left to the plot buyers (Musyoka 2006 247).

Box 6. 1: Requirements during a land subdivision application. Source: (Musyoka 2006 247).

- Copy of the title deed or certificate of lease presented as proof of ownership;
- Four copies of the proposed subdivision plan;
- A public purpose plot of 4 per cent of any land being subdivided with an area of acre (0.89 hectare) or more set aside;
- A rate clearance certificate provided;
- A sketch site plan from Department of Physical Planning duly signed and stamp.

In most situations in Kenya, a large farm is subdivided formally and then small parcels of land subdivided into plots and "...sold to individuals, groups or corporate entities" (Musyoka 2006 247). These subsequent subdivisions of land into building plots may or may not satisfy legally recognised procedures. This is partly because formal subdivision procedures takes long, are costly and not well understood by many Kenyans. These and other limitations discourage many land sellers and buyers from adhering to the set procedures. The land subdivision activities and subsequent plot layout are done by hired surveyors and engineers from the formal or informal sector (see Chapter 11). Therefore subdivisions are characterized by planned layouts but lack of basic trunk services such as roads and sewerage. This is different from the case study where most land is owned by smallholder farmers who make individual decisions on when to sell the land and what amount to sell. In such areas, there are no well organised building layouts. There are however, a few instances where land subdivisions are well organised in grid layouts such as those resulting from subdivision of large farms (Musyoka 2006 247).

6.3 CONCLUDING REMARKS

This chapter indicates that housing problems in Kenya have their origins in the colonial period where discriminatory policies (which were racially-based) led to the skewed housing provision. Further, the chapter indicates that the independence government has operated for a long time without an explicit policy on housing (a housing policy has since been formulated but it is not yet operational). In situations of policy vacuum coupled with limited financial capacity of the government to provide formal public housing, people have turned to 'informal' solutions to housing problems. In addition, limited availability of public land (where government can dictate terms to those allocated such land) has affected the state's effectiveness in the management of housing land uses. The housing problem is worsened by the cumbersome and costly procedures of formal housing land acquisition, which discourage many people in need of housing to follow that route. These observations formed the basis for later enquiry in this study.

CHAPTER 7:

THE POLITICS OF LOCAL GOVERNMENT IN KENYA

7.0 INTRODUCTION

Although I explored some aspects of local authorities, albeit in passing, in the discussion on Local Government Act and Physical Planning Act in chapter 4, there is a need to elaborate further on the structure and operations of local government in Kenya. This is necessary for at least two purposes. First, in situating the study area within the structure of local government in Kenya, the chapter provides a scaled view of governance, and sets up an evaluation of where the issues of land management in Nairobi fringe are located. Second, the review introduces issues of politics and their influence in the running of local authorities. Further, I examine the various attempts by the government to strengthen local authorities by distributing its functions and service delivery through decentralisation policies.

7.1 LOCAL AUTHORITIES

According to Koti (2000 13-14), local authorities in Kenya form a part of an “...elaborate system of public administration.” They are established under the Local Government Act of 1963. The Local Authorities have a delegated responsibility from the central government to administer local areas under their jurisdiction, and to implement government’s policies. As such, central government influences the activities of local authorities in order to bring them in line with its policies, whenever changes occur. Local authorities are coordinated and supervised by the Ministry of Local Government.

The formalisation of local authority governance in Kenya “...can be traced back to 1895 when the British government took over the management of the...” (Koti 2000 14-15). IBEA Protectorate Company. This formalisation was implemented in the form of a policy based on racial segregation, one set of instruments catering for native tribes’ affairs and the other for White settlers. In 1924, the Local Native Councils were established in areas settled by natives and were primarily rural in

nature. They later became the African District Councils in 1950. Koti (2000 14) further notes that the Native Councils were meant to:

...establish control over the African population; establish a ready pool of cheap Native labour force for the colonial government and the White settler farming population; facilitate tax collection (probably the most important function); and, confine the African population to rural areas.

White settler local authorities were both rural and urban in character, with significant autonomy in decision-making, provision of services, generation of revenues and use of resource. They also had better representation within government than Councils occupied by Natives, which were predominantly rural (Koti 2000 15).

Koti (2000 15) argued that "...although the local government system was based on separate development for different races, local participation in decision-making was effective in the respective areas through elected councils." This two-tier local authority system remained in force until 1964 when Kenya became independent, after which it was abolished through the enactment of the Local Government Act. Under the Local Government Act, four types of local authorities (see Box 7.1) were established with exception of Nairobi which was put under governance of a City Council which was slightly more independent and autonomous than the others.

Box 7. 1: Types of local authorities in Kenya. Source: (Koti 2000 19-20).

- *City Council.* There is only one legally recognised city (Nairobi).
- *Municipal Councils.* These are headed by Mayors and are established in large urban areas and provide a broad range of services;
- *Town councils.* These govern relatively smaller towns but perform more or less the same service provision roles as municipal councils;
- *County Councils.* These, in almost all cases, are geographically identical with the districts which are the administrative sub-divisions of the central government. Their service area includes all of the land area of a district not under the jurisdiction of a municipal or town council; and,
- *Urban Councils.* These are established over emerging urban centres being prepared for transition to town councils, and ultimately municipal councils. They often provide basic services but they do not have full fiscal independence. They are legally under the jurisdiction of county councils.

Local authorities are governed by elected councils and managed by appointed administrative officers. Their functions include but are not limited to: Provision of education, public health, sewerage, water, housing, sanitation, solid waste

management, roads, market facilities, control of environmental standards, industry and commerce, land use, plants and animals, leisure facilities; and other social amenities. They derive their authority from several sources: The Local Government Act; the Kenya's Constitution; and, other Acts of Parliament, Ministerial Orders, and By-laws (Koti 2000 21).

7.2 Politics and local authorities

Kenya is a unitary republic with a presidential system of government. There are three main organs of government: The executive (which includes the president and the cabinet); the legislature (or the parliament) and the judiciary (the law courts).

Kenya is divided into eight provinces, each of which is headed by a Provincial Commissioner (PC). The provinces are further divided into districts, headed by the District Commissioners (DCs). The PCs and DCs are appointed by the president to assist him in the administration of the country. The districts are further divided into divisions headed by District Officers (DOs). Finally, the divisions are divided into locations headed by Chiefs, and sub-locations headed by Assistant Chiefs. The officers in these administrative units are the representatives of the executive arm of the government (see Figure 7.1).

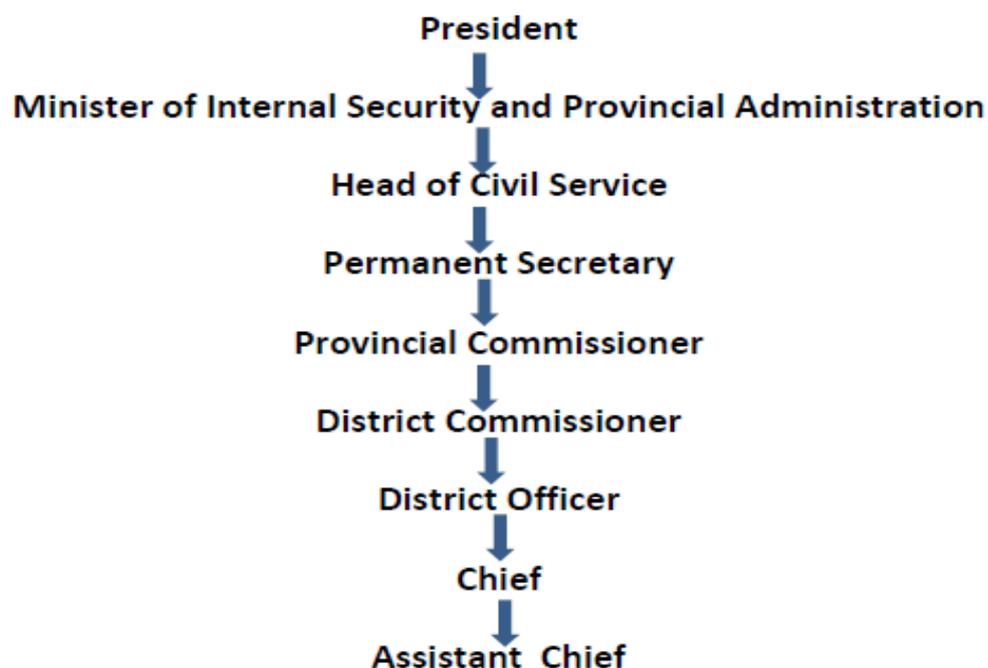


Figure 7. 1: Hierarchical structure of the Provincial administration of the Kenya Government.

Normally the President appoints ministers from the members of parliament of the ruling party to head various government ministries (this is currently not the case; there is a transitional government after post polls violence in 2008, where the then 'opposition' joined the government and they shared cabinet posts equally), while members of parliament from other parties become the opposition. The presidential, parliamentary and local government elections are held simultaneously after every 5 years.

Kenya got independence from Great Britain in 1963 with Jomo Kenyatta becoming the first President in 1964. Ochieng' (2007 18) explained that "unlike many African countries, Kenya was a settler colony and the settlers and foreign capital dominated ownership and management of the country's major economic sectors ... during the colonial period." Ochieng' continue to observe that, although political independence was necessary, it was not sufficient to address the problems resulting from colonial administration. Essentially, what was required in the context of government was a system that redistributed resources in a manner that benefited most of the residents of the country. To achieve this objective, the Kenya government, in the year 1965 came up with such a system in form of "...a policy paper known as *Sessional Paper No. 10 of 1965 on African Socialism and Its Application to Planning in Kenya*" (Ochieng' 2007 18). This Policy Paper provided a 'mixed economy' model, a modified form of a capitalist economy incorporating market-driven production policies and state controlled production policies.

According to Ochieng' (2007 18-19), *Sessional Paper No. 10 of 1965* emphasized the private enterprise promotion and 'mutual social responsibility', which meant committing the postcolonial government to a path of development where both the state and the market would have a major roles in economic development. He further observes that criticisms from the 'radical wing' of the then ruling party (KANU) that *Sessional Paper No. 10 1965* embodied neither African nor socialist ideologies, the Kenyatta government held that the notion of class conflict as advanced by Marxist would have been relevant in Europe and not in Africa where "...'mutual social responsibility' and a 'strong sense of fairness' were central to traditional African democracy and would prevent individuals from using economic power to their advantage" (Ochieng' 2007 19).

To achieve the full goals of ownership and management rights for the natives, (Ochieng' 2008 68) explained that "...*Sessional Paper No. 10 of 1965* gave rise to 'Africanization policy' in commerce and the civil service..." in order to consolidate national sovereignty. The policy also affected the civil service where job positions previously occupied by non-natives were given to the natives. The However, the Africanization policy did not bring the desired changes as it was just the replacement of people of one race with another, and it perfected the politics of patron-client using the ideology of ethnic competition which had been used by the British (colonial government) before as a divide and rule scheme in governing the country (Ochieng' 2007 20).

As mentioned earlier, as Kenya was a unitary state, this led to the concentration of decision-making authority on the central government and more so in the president. Mwangi (2002 80) observed that, as a result of the Kikuyu community's (the first president's ethnic group) initial contacts with British missionaries and colonists who alienated them from their land, they became the main beneficiaries of education and employment in the formal sector during the colonial period. They thus became kinds of automatic candidates for appointments to public sector jobs. Ochieng' (2007 23) further argues that, first, many policies of the *Sessional Paper No. 10 of 1965* benefited much the Kenyatta's native region and ethnic community. This is because (in part) at independence they had a better socio-economic infrastructure. Secondly, he adds that, activities which were embodied in Africanization policies and flexible economic policy-making (immediately after independence) opened up rent-seeking opportunities among the political elites of all ethnic and racial groups.

In trying to further consolidate the power of the presidency, Kanyinga (2000 49) argued that, Kenya was in 1969 declared a *de facto* single-party state, which led to greater control of public programmes that were highly centralized in Nairobi. At this time also, through Legal Notice No. 36 of 1969, the provisions of key services such as education, health and roads were transferred from local authority to central government. The same notice also abolished the Graduated Personal Tax (GPT). The abolition of GPT in 1969 weakened local authorities as this was a major source of income for many of them. The government made no additional grants to local authorities to offset the negative effects of the removal of this major source of income, and thus the abolition of GPT left most local authorities in a greatly weakened position (Koti 2000 17; Mbogua and Chana 1996 27), and

potentially foreshadowed the inevitability of co-option of governance by local communities.

Even within such a constrained system of governance, where there were no multi-parties, Mwangi (2002 80) noted that civic, parliamentary and presidential elections were conducted every five years. After Kenyatta's death in 1978, his successor, Daniel Arap Moi, took over the presidency with a promise to follow in the footsteps of Jomo Kenyatta and popularized the slogan of *Nyayo* (literally meaning footsteps). An unsuccessful military coup attempt against the Moi government in 1982 led to a hurried constitutional amendment in 1982 making Kenya a *de jure* single-party state. Further amendments were made to the constitution in 1988 giving the President powers to remove members of the Public Service Commission, the Judicial Service Commission and the law courts.

Further, Mwangi (2002 84) observed that the government's desire for political control for the sake of national unity under a single political party was extended to local authorities. This led to amendments to Local Government Act (Local Government (Amendment) Act No. 11 of 1984) that transferred the power of appointing Town Clerks, Treasurers and several senior officers to the Public Service Commission. In addition to the transfer of the appointing role from the local authorities to Public Service Commission, the Minister for Local Government could also transfer any such officers without prior consultations with the local authorities concerned. In this case, the officers became answerable to the Minister of Local Government and owed no allegiance to the elected officials in the local authorities where they served. However it can be argued that such transfer of appointment to a Public Service Commission was necessary in order to cushion the officers from continuous harassment by the Councillors and thus affording them some security of job tenure to allow them to work professionally.

According to Mwangi (2002 81), even under the Moi regime, national elections continued to be held every five years, but there was greater political party control over the selection of candidates than in the Kenyatta era. To further consolidate political party control over the election process, the secret ballot system was replaced in the 1988 election by a *Mlolongo* system (system of voting through queuing). Later, due to pressure and public outcry, the government decided to abandon the queue voting system and also to restore the independence of the Judiciary. Internal pressure for the re-introduction of multiparty politics received

strong support from donor and international development partners, who suspended most budgetary support to the Kenya government. This was happening at a time when the negative effects of SAPs⁶⁴ on the economy were beginning to become manifest in forms of reduced income from agriculture, lack of investment in social and technical infrastructure, unemployment and retrenchment of public sector employees.

Due to budgetary constraints and political pressure on KANU (the then ruling and the only registered party) government, the drive to restore democracy became unstoppable. Parliament amended the constitution to allow for the formation of multiple political parties in early December 1991. This led to the first multiparty elections on 29 December 1992. President Moi retained the presidency with 37% of the votes cast (Fox 1996 607). This was partly because the opposition was split into three major and several minor parties essentially based along ethnic lines (Ibid 607), and also due to government control of the media and its easier access to public coffers to finance its election campaigns. Moi also maintained the control of Parliament with 112 seats to 88 (100 elected plus 12 nominated by the president). Again, in the second multiparty election in December 1997, Moi was re-elected and gained only a narrow majority of parliamentary seats (Mwangi 2002 82).

Of interest to this thesis is that in the previous national elections during the single party regime, the governing party (KANU) controlled all urban wards (and their Councillors) and constituencies (and their Members of Parliament). However during the two multi-party elections the opposition parties won most of the parliamentary and local authorities' seats in the major urban areas, including Nairobi. Political differences emerged between the central government and the newly elected opposition councillors. The Minister for Local Government would issue unfavourable directives to the opposition controlled councils to curtail the powers of the elected mayors. Instead of working with the elected councillors in opposition controlled councils, the government chose to ignore them and worked

⁶⁴Under the insistence of IMF and World Bank, large numbers of countries adopted market-oriented economic and institutional reforms in the early 1980s. Particular targeted of the restructuring were public provisions of basic services so as them in line with the advocated for market-oriented approach. This taunted as a way of increasing efficiency and reducing cost by reducing the role of the state as a developer and therefore essentially forever changing the organisational relations of the state and local governments (Cheru 2005 5-6).

with the appointed officials such as the Town Clerk and City Treasurer (Wanjohi 2003; Southall and Wood 1996).

Mbogua and Chana (1996 78) argued that tensions between the Executive and local authorities also affected the way resources were allocated to various local authorities. The President (and sometimes Minister of Local Government) made unilateral decisions on some of these councils (such as sacking the elected councillors and interfering in their operation in pursuit of political goals). One example is when the elected Nairobi City Council was abolished for almost a decade (1983-1992) and in its place a presidential-headed commission was appointed (Linehan 2007 26). This is possible as, legally, the Minister for Local Government has the power to nominate (or sack) some councillors, up to one third of the total number of councillors in any local authority. Originally the purpose of these nomination slots was to bring in professional expertise into local authorities and also to cater for special interest groups. However, nominations are usually made to reward political parties' supporters who fail to get elected at the general election.

7.3 Decentralized planning and local authorities

Through some aspects of the 'indirect rule' of British colonial policy, the colonial administration allowed some degree of local autonomy in all areas. However, as Fox (1988 319) noted, immediately after independence, the political power struggles led to Kenya becoming a *de facto* one-party state in 1969, in a bid to silence emerging opposition politics. This resulted in the administration becoming highly centralized in Nairobi. Development planning became one of the casualties because all plans had to come from the top down through the powerful line Ministries such as Agriculture, Water, Local Government, Lands and Settlement. These Ministries determined development needs and objectives from Nairobi and these were then passed on to the local levels for implementation. The Ministries had (even today) officers down through the administrative hierarchy at provincial and district levels. These officers were responsible for implementation at sub-district scale in the divisions, locations and sub-locations respectively (see Figure 7.1).

Fox (1988 320) continues to explain that the

Wananchi (the people) were formally represented in two ways: through their elected Members of Parliament (MP) and their

County or Urban councillors. MP's powers were fairly tightly constrained in the National Assembly through a number of unorthodox methods.

The unorthodox methods included the fear of being branded a *Msaliti* (sell out) to the then underground opposition movements, if one became critical of the government programmes. Fox (1988) further observes that, by 1971 the County Councils (which cover most of the rural Kenya) had lost most of their revenue and functions to the line Ministries' departments. He continues to note that there was also an upsurge of informal routes by *Wananchi* for accessing development support from the central government. The informal methods of accessing development include people sending political delegations to the President to plead their loyalty to the then ruling party while presenting development proposals for consideration. In addition the initiation of local development projects through *Harambee* (self-help) initiatives had become rampant to an extent of almost obscuring formal development procedures and initiatives (see Chapter 12).

According to Barkan and Chege (1989 440-441), at independence the government was set for the establishment of decentralised planning as was indicated in the first national development plan (1966-70). The plan recommended that the district be the basic unit of planning. This led to the emergence of the Special Rural Development Programme⁶⁵ which lasted for 10 years from 1967. This initiative remained at the level of intention only until President Moi came to power in 1978. He persisted with decentralisation and put more efforts towards a decentralisation programme (Mwangi 2002 83). Moi's intentions and outcomes have been variously debated in Chapter 5. Moi advocated:

[t]he strategy, which makes districts the centres for planning, implementation and management of rural development, has several positive dimensions... First, the people will be directly involved in the identification, design, implementation and management of projects and programmes. This will make development to be more consistent with the needs and aspirations of *wananchi* (*citizens*). Secondly, the decision-making structure will centre on the districts themselves. This will minimise the delays that often characterised centralised decision-making systems. Thirdly, and most fundamentally, the allocation of resources will be shared more equitably, by being directed to

⁶⁵This had its background from Lipton's 'Urban bias' (Lipton 1977) ideas that informed the anti-urban bias development strategies adopted in many African, some of which persist today. These strategies led to neglect of many problems of urban areas, such as those related to squatter settlements or slums (Lee-Smith and Stren 1991 23-36).

the areas of most need (Daniel Arap Moi, 6 March 1985 in Barkan and Chege 1989 431).

The District Focus for Rural Development (DFRD) strategy was born out of this initiative. The DFRD strategy operates through the District Development Committees (DDCs) where project proposals that came from the communities through the locational and divisional development committees were received and prioritized for funding. The DDCs are chaired by District Commissioners and comprise the Departmental Heads of line Ministries in the district, the local Member of Parliament, Mayors, Chairmen and Clerks of the local authorities and Parastatals' heads. All the development projects of the local authorities, especially the Local Area Development Plans, were subject to the DDCs' decisions (Fox 1988 321).

As Barkan and Chege (1989 432) observed, the attempt to decentralise continued to be a centre-piece of President Moi's domestic policy, and it brought some significant changes in the structure of the political and administrative system. However, it has been pointed out that the policies and strategies laid down in the various documents and policy statements were not implemented and that the outcomes have demonstrated a more centralised and controlling, rather than a decentralised and democratic planning strategy as originally envisaged. Despite the shortcomings, Mwangi (2002 84) argued that some promising results in terms of organisational changes, trained manpower, district planning and budgetary procedures were identifiable. Another drawback with this strategy was that, although the 'district' encompasses both urban and rural areas the focus in this strategy was more on rural than urban areas. The DFRD Strategy led to de-concentration of control rather than decentralization of decision making and planning activities. Currently, the government is pursuing a decentralisation policy version similar to DFRD but also covering urban areas in a form of a Constituency Development Fund (CDF).

7.4 CONCLUDING REMARKS

The chapter points to various changes that local governance has undergone in Kenya. It has highlighted various structures and mandates under which local authorities operate. However, despite the elaborate network of local authority structure, the chapter indicates that little has changed in many of their areas of operation. Although local authorities are mandated to enforce land use planning laws in their jurisdiction, they lack a capacity to do so. They are poorly funded

and have a limited revenue base since the abolition of GPT. There is great interference from the Executive arm of the government, which has seen some of the local authorities' decisions by-passed or ignored. Furthermore, attempts to decentralise government operations has been hampered by suspicion from the central government about the likelihood of losing its central control/legitimacy to local authorities. It is against this background and understanding that the case study research (based in the Town Council of Karuri) was conducted.

CHAPTER 8:

CASE STUDY AREA

8.0 INTRODUCTION

Against the broad contextual information provided in the previous chapters, the thesis now turns to a particular place (TCK). This chapter introduces the study area, that is, the site of the case study. The chapter focuses increasingly on the local history and character of the study area with the intention being to provide a platform for the remaining chapters of this thesis. The chapter is largely descriptive, with points that form the basis of subsequent analyses merely 'flagged' in the text. The chapter begins with a broad overview of the study area from a national level. The overview includes physical location, climatic and demographic conditions of the area.

The chapter then moves to document the nature of the study area by exploring the way in which socio-economic activities have become and are embedded in the physical environment. This text provides the necessary foundation for understanding the general conditions under which landholders carry out their land use activities in the study area. Most of the information presented (particularly on physical and socio-economic conditions) is derived from government documents which are based on macro level reports at a higher level than the case study area. This is because most information on planning and land use activities in Kenya is prepared at the District level, the basis of planning in Kenya for some time.

Government planning documentation is generally presented in the form of five year District Development Plans. Although these plans cover the whole District, they are usually limited in their focus on specific local areas (such as local councils) where they provide an aggregate description of issues for the whole district. Where possible, government reports are complemented by reference to documents that contain more specific information.

The third section of the chapter provides a brief local history of land ownership and land uses that are relevant to the study area. The description of this key dimension of the contemporary geography of the Kiambu District is critical to

understanding various aspects of contemporary development of the study area. Perhaps the most significant issues are the nature and distribution of land ownership in the pre-colonial period, the transformations in ownership and land-use that were engineered by the colonial administration and the impact of these on the contemporary geography of this part of the Nairobi fringe.

8.1 SITUATING THE CASE STUDY IN THE KENYAN CONTEXT

Kenya is located on the East coast of Africa, and shares borders with Somalia to the East, Uganda to the West, Tanzania to the South, Ethiopia to the North and Sudan to the Northwest (see Figure 8.1 below). The country covers an area of approximately 587,000 km²: Of which 11,000 km² are water and 576,000 km² land mass. Only about 20% of land mass is of high and medium agricultural potential, largely because this land receives adequate and reliable rainfall. The rest is arid and semi-arid lands, mainly used for wildlife conservation, ranching and pastoralism (Njoroge 2008; Kinyua 2004).

Physiographically, the Kenyan landscape is varied, from coastal plains to significant mountains, with large parts of the country within the East African Rift Valley. Altitudes range from sea level to 5,199 metres above sea level at Mount Kenya. The study area in the Nairobi fringe is located in the central hill region at an elevation of around 1600 metres. The climate is equally variable, from the humid temperatures of the coast, through the often cold and wet regions of Aberdares, Cherengani, Mount Elgon to the freezing temperatures of Mount Kenya. In most parts of the country there are two rainfall patterns: The long-rains season from March to May and the short-rains season from October to December. The rainfall seasons greatly influence agricultural activities.

The country's high and medium potential agricultural land is limited to some 20 percent of its territory as noted above. This land has a 'distorted' land ownership structure, which is a legacy of the colonial period, during which high-potential arable and good pasture land was reserved for white settlers (Elkins 2005 14). No significant changes in land ownership structure have been made in the post-independence period. By the late 1970s some 2.4 percent of Kenyan holdings accounted for some 32 percent of Kenya's total arable land. Land is the main asset in agricultural production and a source of livelihood to most Kenyans, and so limited availability of productive land is a major constraint to both agricultural production and economic stability for many people.



Figure 8. 1: Location of Nairobi in the African context.

The national economy is primarily agro-based. According to Kenya's Ministry of Agriculture, 90 per cent of the 21 million of Kenyan people living in rural areas derive their livelihood directly from land. To these people, land resources are the major means of livelihood and land resources determine the level of prosperity and the ability to fulfil social obligations. Land also confers social status and political power to the majority of Kenyans (Syagga 2006 308; Okoth-Ogendo and Kosura 1995) in the case study area.

Administratively, the country is divided into eight provinces (see Figure 8.2 below), which are further subdivided into districts. Nairobi, the capital city, is considered a separate province and is not subdivided into districts, unlike the other provinces. The Kiambu District in Central Province is the area in which the case study is located (TCK).

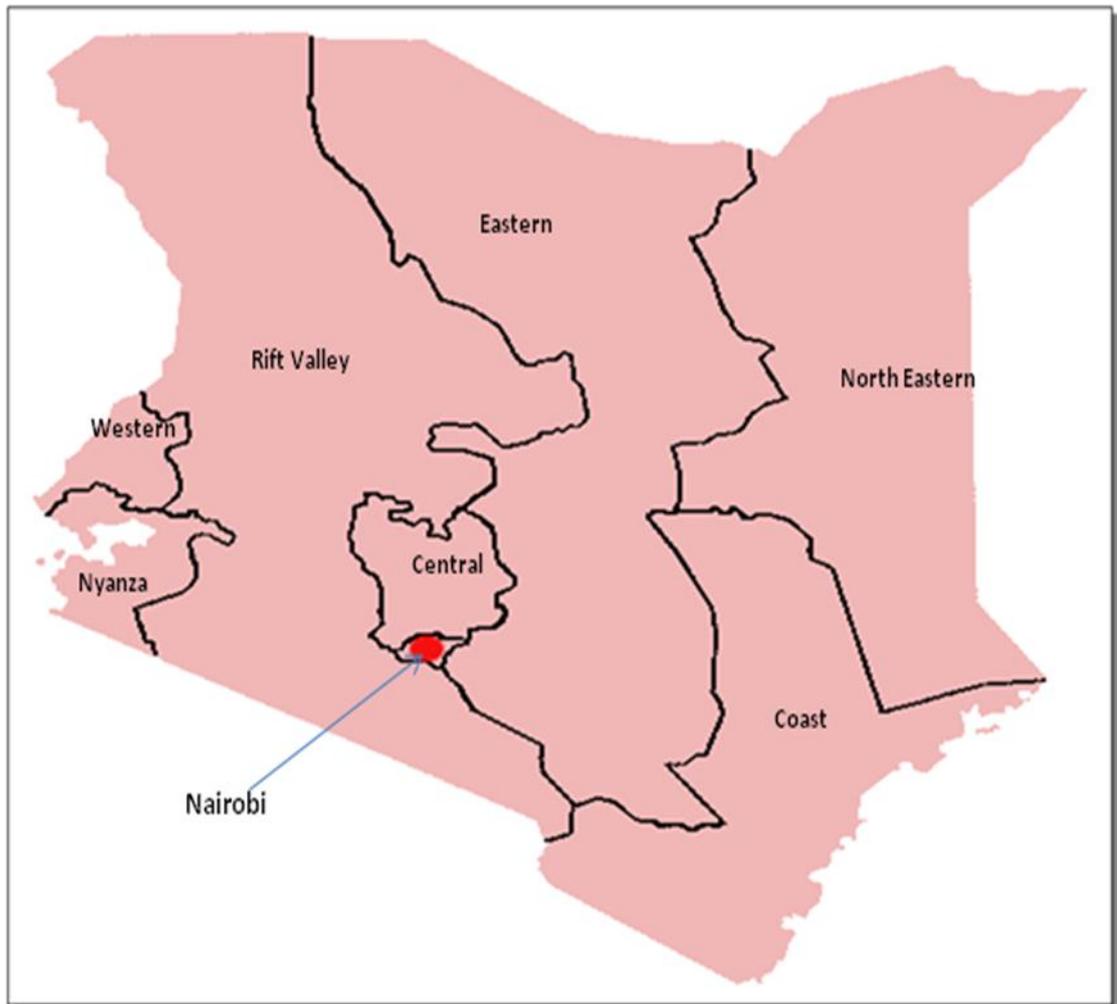


Figure 8. 2: Location of Nairobi in Kenya, also indicating other provinces.

In the 1999 Census Kenya's population was estimated at 28.7 million, with the number projected to rise to 36 million by 2009⁶⁶ (Census year). Population density increased from less than 10 persons per square kilometre (on average) in 1948 to 49 persons per square kilometre in 2002. However the distribution is highly variable with 80% of the population living on the 20% medium-to-high potential agricultural (arable) land. Population distribution in Kenya is influenced by a number of factors: Physical, historical patterns of economic development, and policies related to land distribution and settlement (Government of Kenya 2003). As part of the rural-urban fringe, Kiambu District has relatively high population densities, and a significant population (Njoroge 2008).

⁶⁶Results of the 2009 census had not been released at the time of submission of this thesis.

At one time urbanization in Kenya and Africa in general was attributed to colonization. This view stemmed from the assumption that native Africans did not have the political sophistication and the organizational ability to build towns; as they lived in isolated rural settlements before colonialization (Hull 1976). Living in urban areas was thought to have come about as a consequence of colonial inspiration. In contrast, long before the arrival of a significant number of new settlers in the 19th Century colonial expansion out of Europe, urbanisation was however taking place (Obudho and R. A. Obudho 1994 50; Chandler 1994a 3-14, 1994b 15-32), for example in Kenya's coastal region (e.g. Mombasa) (Stock 1995 193; Obudho 1994 200).

The arrival of Europeans, however, did give rise to the establishment of ports, administrative headquarters, transportation networks and mining facilities throughout sub-Saharan Africa. All these functions created favourable trading and living conditions for the surrounding areas and thus acted as magnets for surrounding populations. This led to the movement of members of the native population to these centres (Obudho and R. A. Obudho 1994 51; Christopher and Tarver 1994 36-40). Some of these centres grew to become capitals and major towns for various countries including Nairobi in Kenya. The original colonial function of Nairobi (in 1899) was as a staging post for the development of the colonial railway system linking the port of Mombasa to the inland terminus at Kampala in Uganda. In 1905 Nairobi became the capital and the transformation of the surrounding fertile lands began.

To generate revenue for administrative purposes, colonial governments introduced head and hut taxes. Given that the predominant economy before colonisation was subsistence based, individuals (especially men) had to seek paid employment. They were to be either employed in plantations, or move to urban areas to seek employment, in order to raise enough money to meet the tax requirements (Obudho 1997).

Although hut and poll tax policies tended to force individuals to work in urban centres, such migration was not made easy. Significant laws such as strict building codes and methods of direct control⁶⁷, which required natives to obtain

⁶⁷These were "apartheid-like controls on the rights of indigenous populations to live and work in urban areas" (Satterthwaite 2008 237).

permits before visiting or living in urban centres, discouraged them from living in urban areas. These laws were enforced by police, chiefs, European settlers and African 'loyalists' associated with the colonial administration (Mireri 2006 110; Elkins 2005 63; Obudho 1997).

After independence (in 1963), the government under majority rule removed the rule requiring indigenous Kenyans to acquire a permit to visit urban areas. In the period between 1963 and 1979 Kenya registered high rates of urban growth (see Figure 8.3 and Table 8.1 below). In 1962, for example, there were 34 settlements registered as urban centres compared to 91 in 1979. Urban growth in this period was largely attributed to rural–urban migration. This was due to income differentials between rural and urban areas as well as increased likelihood of obtaining formal sector employment in urban areas (Government of Kenya 2003, 2001, 1996b, 1979a and 1969; Rakodi 1997). Furthermore the investment policies of the government were biased towards urban areas which served as pull factors for migrants in search of better facilities and services located there (Lipton 1977 298-9). Degradation of the environment, coupled with increased agricultural density as a result of population growth in rural areas (especially in former native reserves) put pressure on land for cultivation. These pressures became so strong in most rural areas that land owners could no longer afford to subdivide the land to accommodate additional farmers. New lands were needed for cultivation but such land was generally not available. It is not surprising to find that excess farm labour migrated to urban centres to look for employment opportunities (Rakodi 1997).

Urban population changes during this post-colonial era were also the result of natural increases (Obudho 1997; Obudho and R.A. Obudho 1994 53). Mortality rates fell as a result of improved access to medical facilities. This fall is associated with an increase in life expectancy rates. Fertility and birth rates also continued to be high throughout this period because medical facilities, scientific techniques as well as expert personnel were located in urban centres (Lipton 1977 266-7).

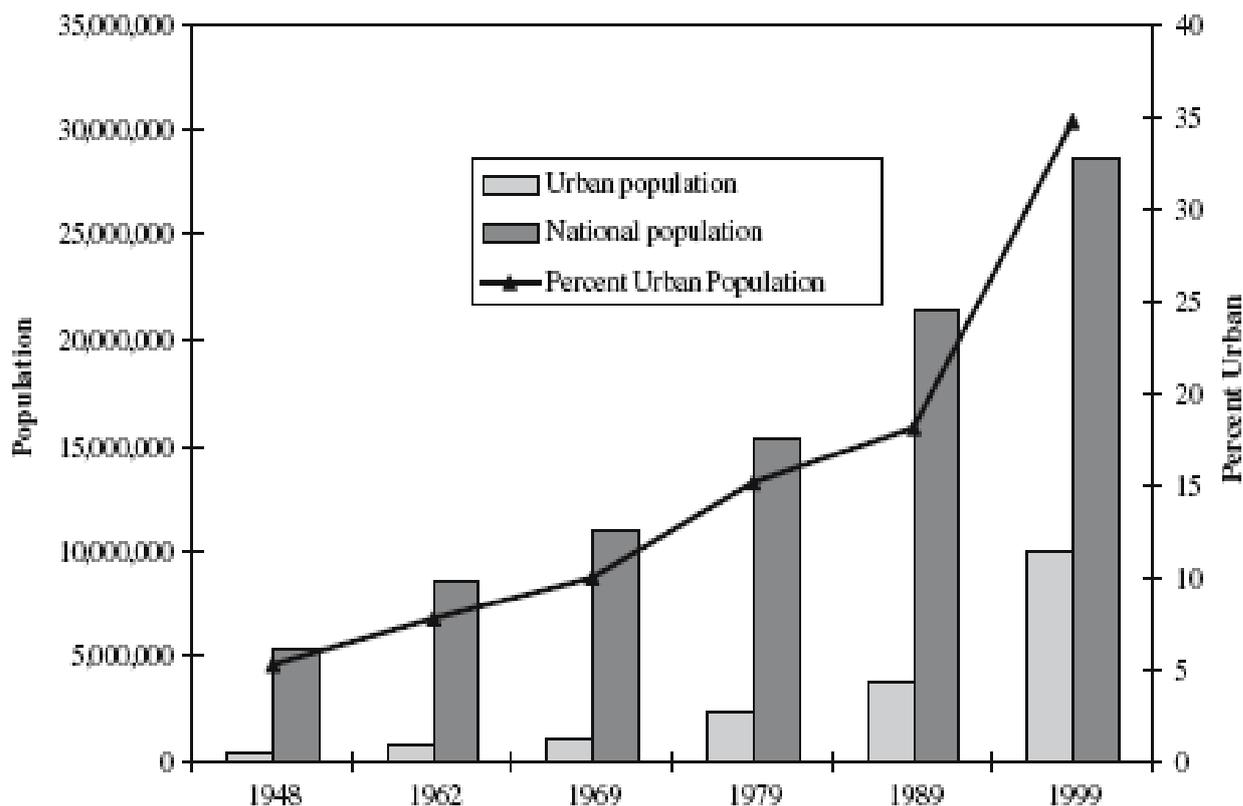


Figure 8. 3: Showing urban population growth against National population growth between 1948 and 1999. Source: (Otiso 2005 122).

According to the 1989/1999 National Population Census (Government of Kenya 2001), the country registered a very high rate of urbanisation during the decade. The number of urban centres rose from 139 to 276, a significant change when compared to earlier periods that registered relatively modest changes. This growth was skewed towards larger settlements rather than smaller urban centres with populations of less than 10,000 people. The three largest urban centres (Nairobi City, Mombasa and Kisumu municipalities) accounted for about 40% of Kenya's total urban population (Njoroge 2008; Mireri 2006 109).

The focus on urban development in the post-colonial period is understandable and relatively easy to document, but, for the purpose of this study, these numbers provide only a backdrop to my research. The discussion of 'urban growth' focuses on the 'big picture' rather than on the transformation of lives in the dynamic areas that surround major settlements. In the post-colonial era, changes in Kiambu District (situated in the rural-urban fringe of Nairobi) are both distinctive and dramatic, as illustrated in the following chapters.

Table 8. 1: Growth of a selection of Kenya's urban centres, 1969-1999. Source: (Government of Kenya 2001, 1996b, 1979a and 1969).

Urban Centre	1969	1979	1989	1999
Nairobi	509,286	827,775	1,324,570	2,143,254
Mombasa	383,452	341,148	461,753	665,018
Kisumu	32,431	152,643	192,733	322,734
Nakuru	47,151	92,851	163,927	231,262
Eldoret	18,196	50,503	111,882	197,449
Kangundo	1,540	-	10,880	179,952
Naivasha	6,920	-	34,519	158,678
Machakos	6,312	84,320	116,293	143,274
Meru	4,475	72,049	94,947	126,427
Karatina	2,436	-	5,554	126,337
Malindi	10,757	-	34,047	118,428
Kitui	3,071	-	9,305	106,873
Thika	18,387	41,324	57,603	106,707
Nyeri	10,004	35,753	91,258	101,238
Kericho	10,144	-	48,511	93,213
Kitale	11,573	-	56,218	86,282
Kakamega	6,244	32,025	58,862	74,115
Bungoma	4,401	-	26,805	73,048
Kisii	6,080	29,661	44,149	65,235

Urbanisation in Kenya is thus characterised by a primate urban system that is centred on Nairobi. For example, Nairobi City accounted for 51, 36, 34 and 28 per cent of the urban population in 1969, 1979, 1989 and 1999. Urban primacy is said to exist when a country's largest city is at least twice as large as the combined population of the second and third largest cities (Otiso 2005 120). According to Obudho (1997) Nairobi's primacy has been sustained by the economies of agglomeration that its enterprises enjoy, despite decades of government attempts to disperse it by offering firms incentives to locate their operations in smaller cities.

Turning to Nairobi City which provides context for the rural-urban fringe (the focus of this thesis), it is worth noting that the City of Nairobi started as a railway camp in 1898. This was meant to support the construction of railways from Mombasa to Kampala by the British Government (Mbogua and Chana 1996 46). It thereafter became a centre of communication, administration, and commerce for the colonial government (Syagga *et al.*, 2001). Over the years the City has grown significantly to its current night population of approximately 3 million from a mere 350,000 in 1963. The inter-censal growth rates of Nairobi have been 7.2% for

1962/1969 (Memon 1976 1), 4.7% for 1979/1989 and 4.8% for 1989/1999 periods, which are very high compared to the overall national urban growth rate of 2.9%-3.4% over the same inter-censal periods (Mireri 2006 111).

In the past, the growth of Nairobi City was mainly due to rural-urban migration, but natural growth has also become an important factor (Moshia 2001 28; see Newspaper excerpt 8.1). It is worth noting that Nairobi's population during the day is much higher than at night, largely as a consequence of developments in the urban fringe. During the day, Nairobi City serves as a service and employment centre for the neighbouring administrative districts of Thika, Kiambu, Murang'a, Kajiado and Machakos. These surrounding areas have become residential centres or dormitories for many of the people working in the City. This has posed a major challenge for planning in Nairobi City; planners need to work with extra-resident (often commuter) populations especially when (in the case of Nairobi City) the day time population considerably exceeds the population within the administrative boundaries of the City (Njoroge 2008; Mundia and Aniya 2005; Karuga 1993).

The EastAfrican

July 2-8, 2007

No going back to the land as city lights attract Kenyans

By CATHERINE RIUNGU
Special Correspondent

Until recently, the bulk of the world's population lived primarily in the rural areas.

But the world is about to leave its rural past behind and enter a new era, says a new report issued by the United Nations Population Fund (UNFPA).

Within the next six months for the first time in history, more than half of the world's six billion people will be living in urban centres, says the report, titled *State of World Population 2007*. By the time Kenya becomes an industrialised nation (which the nation's planners project will happen by 2030), the number of urban dwellers in the world will have shot up to five billion.

Within the same period, the world's rural population will decrease by some 28 million between 2005 and 2030, leaving future population growth to be concentrated in towns and cities, according to the UN agency. This is expected to give rise to a new urban tribe with few, if any ties with the countryside.

Contrary to popular belief, the growth of urbanisation is not a result of rural-urban migration, it is a phenomenon in its own right. Most urban growth now stems from natural increase — more births than deaths — rather than migration.

This explains why attempts to stop urbanisation, like Kenya's "Turudi mashambani" (let's go back to the farm) clarion call of the 1960s and 1970s, were such dismal failures. Indeed, it was around the same time that massive rural-urban migration took place.

The growth of Nairobi has been so fast and sudden, that the challenges associated with rapid urbanisation have overwhelmed the bodies charged with service provision.

Newspaper excerpt 8. 1: A commentary on population growth in the Nairobi City.
Source: (The East African 2-8 July 2007).

Map 8.3 below shows the extent of Nairobi City from around 1900 to 1963. The boundary of Nairobi was extended in 1927 to cover 30 square miles (77 km²) as a result of the rapid growth of the urban centre both in terms of population and infrastructure. From 1928 to 1963 this boundary remained the same with only minor additions taking place (see Figure 8.4). In 1964, the boundary of Nairobi City was extended to cover an area of approximately 266 square miles (686 km²). There have not been any boundary changes since then (Syagga *et al.*, 2001; Obudho 1997). However, as already indicated, urban land uses have spilled into neighbouring districts such as the Kiambu District which is the focus of this study. Within the Kiambu district, the Town Council of Karuri is a locus of much of the research reported in the remainder of this thesis.

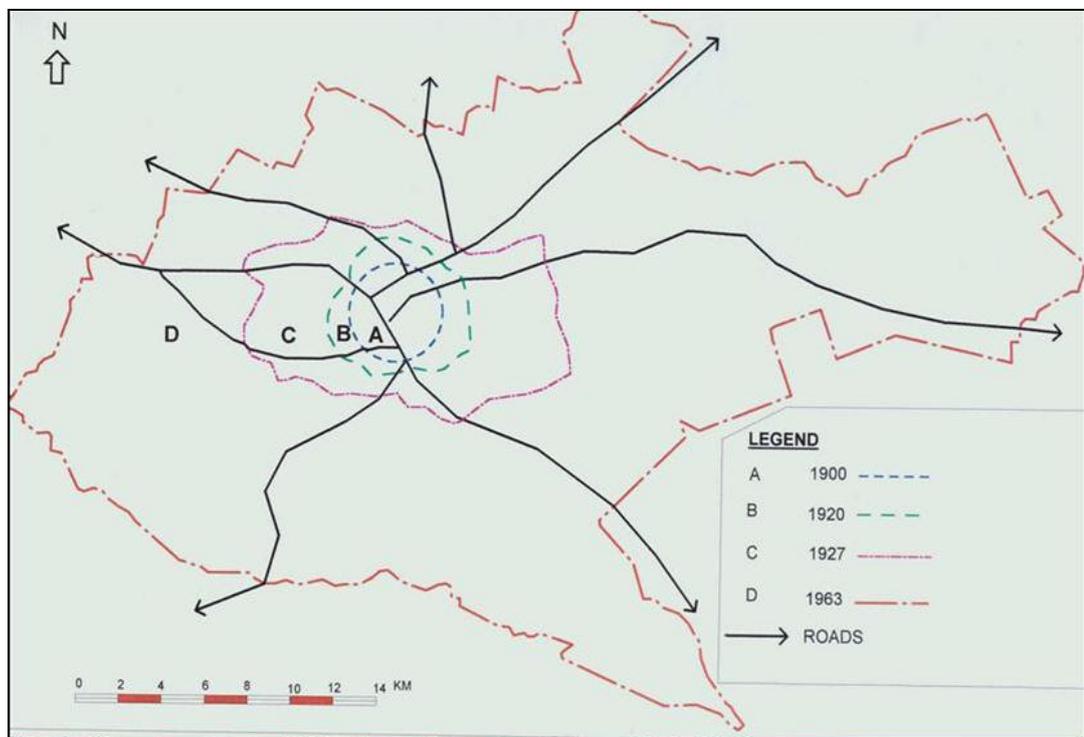


Figure 8. 4: Changes in the boundaries of Nairobi City between 1900 and 1963.
Source: (Obudho 1997).

8.2 NARROWING THE FOCUS TO THE CASE STUDY AREA

This section of the chapter introduces the TCK (case study area) within Kiambu District. It describes the physical and socio-economic character of the area. As noted above, most of the information, particularly on physical and socio-economic characteristics, is derived from government documents that are based more on the macro-level (District scale) than the local area of study in the Town Council of

Karuri. This notwithstanding, the district level information provides a useful oversight for understanding the different areas of a particular District.

Physical location, administrative and demographic aspects of Kiambu District⁶⁸

According to the Kiambu District Strategic Plan 2005-2010 (Government of Kenya 2005b 3), Kiambu District⁶⁹ is one of the seven districts of the Central Province (as shown on Figure 8.2, Central Province is one of the 8 administrative provinces of Kenya). The district covers an area of 1,323.9 sq km². It borders Nairobi City and Kajiado District to the South, Nakuru District to the West, Nyandarua District to the northwest and Thika to the East. The District lies between latitudes 0°75' and 1° 20' South of Equator and longitudes 36° 54' and 36° 85' East.

Table 8. 2: Administrative divisions, population size and population densities of Kiambu District. Source: (Government of Kenya 2005b 3).

Division	Area (sq. km²)	Pop. Size	Population Density
Kiambu Municipality	99.4	71,925	724
Kiambaa	91.1	116,127	1,275
Limuru	155.5	89,870	578
Ndeiya	125.2	23,708	189
Githunguri	175.2	136,554	779
Lari	441.1	111,302	252
Kikuyu	236.4	194,521	823
Total	1,323.9	744,010	562

The District is split into seven divisions namely Kiambaa, Limuru, Ndeiya, Githunguri, Kikuyu, Lari and Kiambu Municipality (Table 8.2 shows the various administrative divisions, their population and population densities), 37 locations and 120 sub-locations. The sub-location is the lowest, formal administrative unit (See Chapter 7 and Photographs 9.2 a, b and c) (Njoroge 2008). According to key informants and administrative officials, each sub-location may consist of one to four villages with informal boundaries, all villages working together as a community. Village boundaries are defined using a variety of criteria, including topographical features. It is possible for village boundaries to cross administrative boundaries (Makokha *et al.*, 2001 4). Secondary data, listing villages or

⁶⁸This section is largely derived from Kiambu District Strategic Plan 2005-2010 (Government of Kenya 2005b).

⁶⁹Information from newspaper sources indicate that the Kiambu District has been further split into several districts but at the time of the field work the district was one.

describing their boundaries is not generally available in Kenya. Social-cultural factors were found to be more important in defining the boundaries of the villages. Communities regarded themselves as belonging to one of these villages, with various community activities being organized and functioning at this level.

In addition, the report indicated that the largest division is Lari with an area of 44.1 km², although a large portion of this division is covered by forest. The smallest division is Kiambaa (case study located here) with an area of 91.1km².

The government report also noted that the District is densely populated except for the semi-arid areas of Ndeiya Division and Karai Locations of the Kikuyu Division. The Kiambaa division of Kiambu District (the location of the case study area) is the smallest division and has the highest population density of 1,375 persons per km² whereas Ndeiya Division has only 204 persons per km². Because of the high population density in most parts of the district, land has been fragmented into small pieces resulting in a decline in productivity. The high population growth rate has serious effects on social and economic development. This is manifested in increased unemployment, a high dependency ratio, an increased demand for health services, and increased demand for agricultural land. There is also a need for more fuel and forest products, evidence of over-crowding in educational facilities, more demand for better housing and high levels in poverty (see Chapters 10 and 11).

Topography

Kiambu District is divided into 4 broad topographical regions (Government of Kenya 1997 5; see Table 8.3). The case study area falls between the lower highland and upper midland regions (see Figure 8.5). Altitudes range from 1,400 m in the southeast to 2,400 m in the North. Rainfall in this area is bimodal with the two peaks in April/May and October/November (Gitau *et al.*, 2009 15; Njoroge 2008; Makokha *et al.*, 2001 4). Average rainfall is 1,100 mm per year.

Table 8. 3: Showing topographical zones. Source: (Government of Kenya 1997 5).

Zone	Physical characteristics	Area covered
Upper Highland	Highly dissected ranges	Parts of Githunguri, Lari and Kikuyu
Lower highland	Medium spaced parallel ridges	Part of Kiambaa
Upper Midland	Wide spaced parallel ridges	Kiambaa, Githunguri, Kikuyu and Limuru
Lower midland	Generally level with fewer ranges	Eastern part of Githunguri, and southern part of Kikuyu

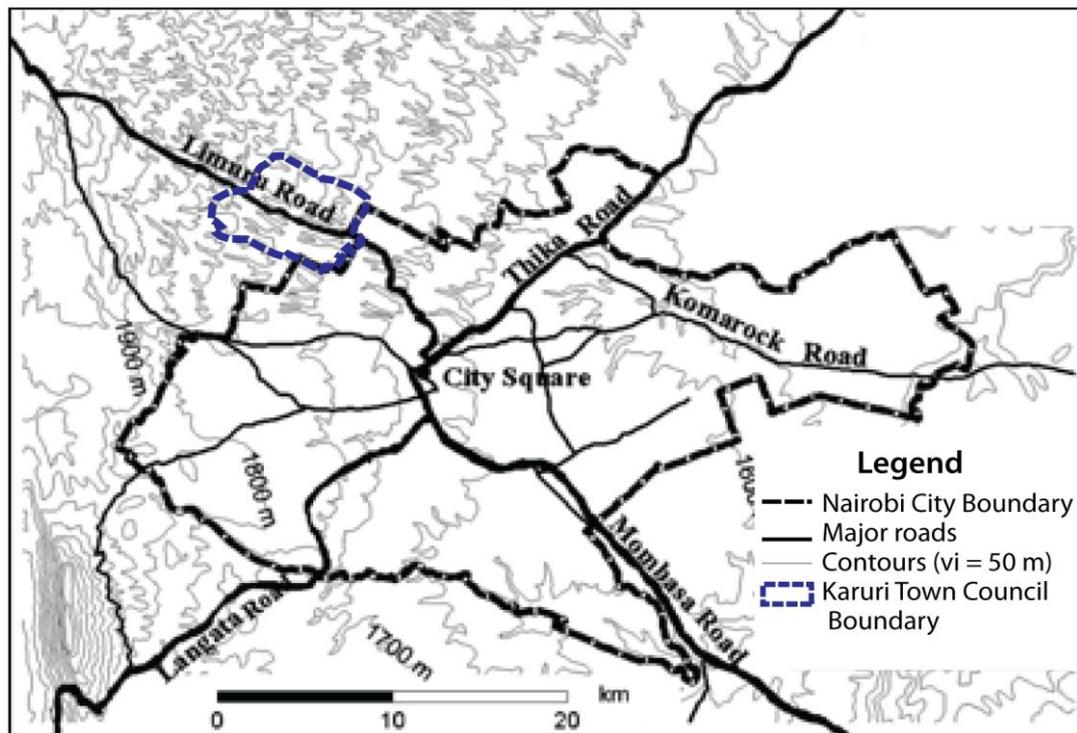


Figure 8. 5: Showing the study area in the context of Nairobi City. The map also indicates topography and major roads. Source: (Modified from Mundia and Aniya 2006 98).

Climate

Makokha *et al.*, (2001 4) indicated that the District usually experiences moderate temperatures: Maximum mean annual temperatures range between 22°C and 26°C in the months of January and February, with minimum mean annual temperatures ranging from 10°C to 14°C in the months of June and July. They however note that temperatures and humidity are modified by altitude and there are therefore slight variations within the district.

Soils

Wide variations in altitude, rainfall and temperature between the highland and lowland areas combined with differences in the underlying geology give rise to a variety of soil types in the district (Government of Kenya 1989b 5). Government of Kenya (1984 2) indicated that soils within the district are highly fertile and well drained ranging from deep grey/red to dark brown friable clay. In addition, about 75 percent of the soils are red soils, which is ideal for farming. The remaining 20 percent is clay which is not suitable for farming. Ridge tops are covered with red friable clays while the lower, flatter and poorly drained areas have yellow to brown or yellow to red friable clays of acidic humic top soils (see Figure 8.6).

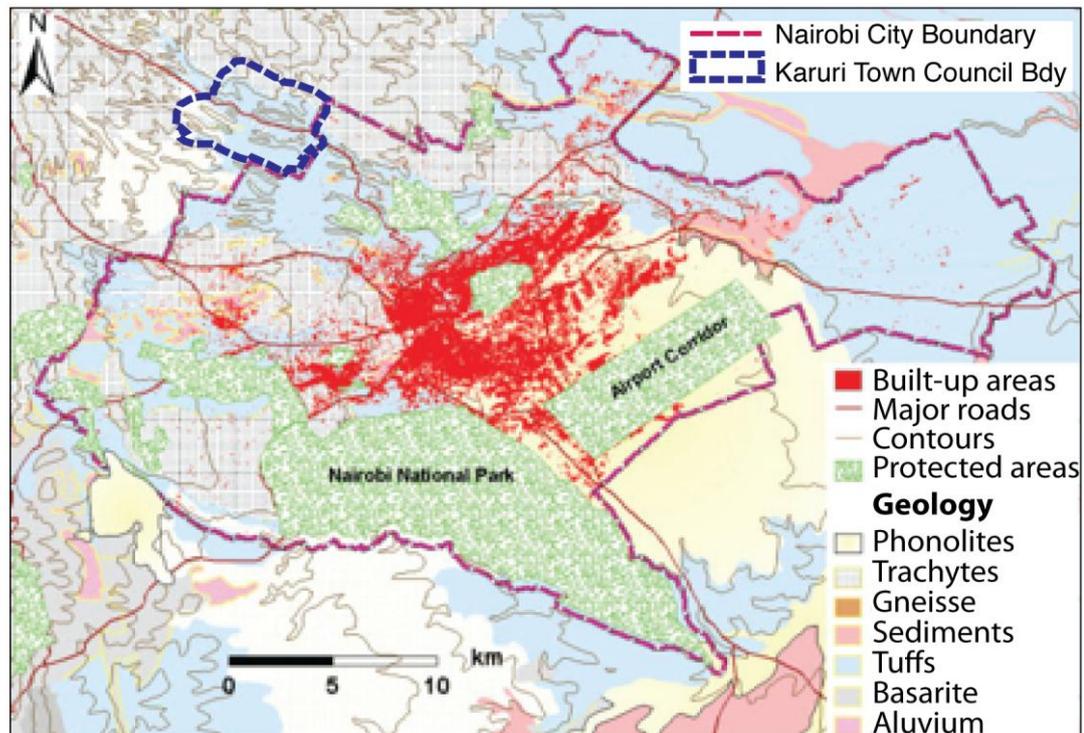


Figure 8. 6: Showing land uses, geology and topography. Source: (Modified from Mundia and Aniya 2006 104).

Water drainage and catchments areas

Government of Kenya (1997 19, 1989b 3) noted that the Kiambu District is within a natural water catchment areas of the Aberdare ranges and the Kikuyu escarpment. There are both surface and sub-surface water sources in the form of numerous streams and ground water. Government of Kenya (1997 19) however indicated that although the area has a number of permanent streams, 55 percent of the local population do not have access to clean water. This population depends on raw water from rivers and shallow wells, most of which are polluted due to agricultural activities (use of fertilisers, pesticides and acaricides) and from residential solid wastes and waste water (see Chapter 10 and 11).

8.3 SOCIO-ECONOMIC CHARACTERISTICS OF THE AREA

It has been estimated that 25.08% of the district's population is poor (Njoroge 2008; Government of Kenya 2005b 7), suggesting that nearly 200,000 poor people live in the Kiambu District. There are a total of 189,706 households with an average household size of 4 persons, of which 31,681 are female headed. According to this report, various factors indicate incidences of poverty in the Kiambu District. One of the indicators is access to education and adequacy of

educational facilities. Poverty is attributed to the school dropout rate of which is averaged at 30%. However, high dropout rates are also attributed to the child labour in the tea and coffee plantations (see Box 10. 1). The age group affected by poverty is 15-64 years. This is the age bracket of those who are supposed to be active in the labour force but are often unemployed or underemployed. The report indicates that there were about 35,641 people who are unemployed.

Makokha *et al.*, (2001 4) indicated that agriculture is the main source of employment and income in the District (although my field work revealed that this may not always be the case in all places, including the case study area). The combination of good soils, suitable climate, well-developed infrastructure and the proximity to the country's main market, Nairobi City, makes the Kiambu District the most intensively farmed region in the country. Vegetable cultivation and dairy production (through zero-grazing) are the most widely practiced farming activities because of the small farm sizes and the high demand for the produce in the City (Gitau *et al.*, 2009 15). Official reports (Government of Kenya 1997 20-22) indicated that the main food crops grown are maize, beans and Irish potatoes. The report indicated that although agricultural production levels of the District are high, of late the district has become a net importer of food from other districts. The major cash crops are coffee, tea, pyrethrum, horticulture and floriculture. These are grown on small and large scale. The average farm-size in the District is 1.1 ha per household of an average of 4.8 people (Gitau *et al.*, 2009 15).

In the Kiambaa division (where the TCK lies), landholdings for small scale farming were identified as early as 1984 as being too small to be economically viable for farming as a sole source of income for many households (Government of Kenya 1984 7). Income from farming was further deemed by the report to be below subsistence level. The size of the plots ranged (in 1989) from one sixteenth to one eighth of a hectare, the consequence of which is a *quasi-urban* settlement with no economic base (Government of Kenya 1989b 33). The consequence of this scenario is too many people living and working on uneconomic units of land, with a direct contribution to unemployment and underemployment. Full time employment is only available during the peak season when manual employment in adjacent large-scale coffee and tea farms is available (see Chapter 10).

Government of Kenya (1997 20-27) noted that coffee in the area is grown under small scale (cooperative sector) and large scale (the estate sector) farming systems. The coffee industry has, however, been faced with low international payments for the product. As a result, farmers have for some time been neglecting this crop to invest in other more rewarding agricultural enterprises such as dairy farming (see Photographs 8.1 a, b) and horticulture.



Photographs 8. 1 a, b: Signpost indicating the location of a milk collection centre and a person transporting milk to one of the collection centres. Source: (Thuo 2008).

The dairy sub-sector has been promoted by the presence of a ready market within the study area and in Nairobi City. Due to small plot sizes, most farmers practice dairy farming under intensive zero grazing. Livestock are integrated with crop farming activities under which crop by-products are used as fodder while manure from livestock is used as fertilizer. The cattle are permanently housed

(zero-grazing) and hand-fed on fodder crops, crop residues, grass and other material collected off-farm. Commercial feeds are also used (see Chapter 10 for further elaboration).

Government of Kenya (1997 28) indicated that there are some fishing activities going on, mainly in rivers and dams, and swamps though not on a commercial basis. In addition, forestry and agro-forestry activities are practiced on most of the smallholder farms. The value of these activities lies in fuel production along with soil and water conservation. Most of the trees grown are fruit trees and other fuel and timber trees such as *Grevillea* spp. The area is not endowed with many mineral resources. The only notable mining of economic significance is natural stone (see Photograph 8.2) which is important in building and construction.



Photograph 8. 2: Lorry collecting building stone from one of the quarries. Source: (Thuo 2008).

Household incomes in the area are hard to quantify; generally household incomes include money from farm activities and other sources such as income from family members employed elsewhere. There are also cases where families are engaged part-time in farming, trade and other businesses in local market centres (Government of Kenya 1997 31). Official reports on Kiambu District (Government of Kenya 1989b 33) indicated that labour in smallholder farms is mainly provided by family members. Family members in a number of cases are under-employed, mainly because of the seasonal nature of rain-fed agriculture and most earn only subsistence income from their small farm holdings (see Chapter 10 and 11 for further elaboration of labour aspects). However, there are a good number of people employed at Nairobi City and other parts of the country.

Education

Government of Kenya (2005b 6) indicated that Kiambu District has 316 primary schools and an enrolment rate of 89.7% for boys and 89% for girls. School dropout at the primary level is reported to be at 30%. In 1999, the primary school population (6-13 years) was about 142,669 with the number increasing to about 161,890 in 2004.

The report also indicated that, the district has 113 secondary schools with an enrolment rate of 46.4% and 53.3% for boys and girls respectively. The dropout rate at secondary school level is estimated to be at 25%. In the year 2002, the population of secondary school aged persons was 73,094 and further estimated at 85,310 by 2008.

The report observed that, the high cost of education and the limited number of secondary schools are the major cause of school drop outs and, boys are most affected. For instance, from about 35,508 boys within the secondary school going age, only about 16379 were enrolled in secondary schools (Government of Kenya 2005b 6). This can be partly explained by access to manual work within the District and in the neighbouring Nairobi City (see Chapter 10 and 11 for more elaboration on the link between land conversions and education).

Health

According to Government of Kenya (2005b 8), by the year 2001, there were over 250 health facilities spread across District. The doctor/population ratio then was about 1:25,000, with an average distance to a health facility of 5 kilometres. The most prevalent diseases are malaria, respiratory tract infections and intestinal worms.

The report further HIV/AIDS⁷⁰ is a major health problem in the District and prevalence rate is estimated 34% on average. HIV/AIDS is high in coffee and tea zones of the district partly due to seasonal labour availability for unmarried people and unaccompanied spouses working as labourers during the peak period. Other factors identified as causing the spread of HIV are “unsafe sexual behaviour, drug abuse especially consumption of illicit brews, high levels of peer

⁷⁰This is a health condition that result from the Human Immunodeficiency Virus (HIV), causing poor immunity in the body and thus susceptible to a host of other diseases and infections.

pressure (to engage in sex) and ignorance of facts, and family breakdowns.” The bed occupancy of hospital patient with HIV/AIDS related illnesses is estimated at 60% (Government of Kenya 2005b 8).

The government report further noted that the age group of between 25-34 years have the highest number of those infected with HIV/AIDS, with the highest percentage being females with young children. The deaths of the mothers are resulting in the increase in the number of orphans in the District and loss of family incomes which are often diverted towards addressing HIV/AIDS related complications (Government of Kenya 2005b 8). Health aspects and their relevance to the activities of the community are explored Chapter 10 and 11.

8.4 BRIEF LOCAL HISTORY ON LAND AND LAND USE ISSUES

The final substantive section of this chapter provides a brief local history of land ownership and land uses in the Kiambu District. Chapter 4 provided an overview of land tenure and use; this section relates the generic discussion to the case study area. This historical description is critical, as it bridges the understanding of past aspects of land that continue to influence its use and ownership in the field study area today.

According to Overton (1988 109), Kiambu District is an area of transition “... [i]n an environmental sense (because) it lies between the cool, fertile, densely populated and (formerly thickly) forested Kikuyu uplands and the lower warmer grassland to the [S]outh and [E]ast” of the country. The major ethnic group in the District are the Gikuyu people, also referred to in an Anglicized name, as Kikuyu. He further indicates that before the 1900, the Kiambu area also “...marked a fluid boundary between the pastoralist Maasai and the predominantly agriculturalist Kikuyu.” The Kikuyu community recorded a continuous gradual territorial expansion before the initial arrival of the British settlers more than 100 years ago (Overton 1988 111; Maas 1986 12). The Kikuyu were cultivators, unlike their neighbours who were more nomadic with a hunter/gathering way of life. Because of their sedentary nature, increases in the Kikuyu population were inevitable and this forced young men to leave their ancestral lands and to settle in the then yet uninhabited or thinly-populated regions (Elkins 2005 12-4; Maas 1986 12).

Land in this area was owned by the *mbari* (clan or sub-clan), whose members are able to trace their descent through the male line some known ancestor

(Mackenzie 1996 66; Memon 1982 149). The *mbari* would usually split when its members occupying a particular territory became too large (Maas 1986 12). Overton (1988 115) observed that:

[t]hose who broke away were usually *ahoi*⁷¹ (tenants-at-will in the traditional sense). They were common near the frontier, clearing land and hoping to acquire land in their own right, and they provided the impetus for much of the southward movement of Kikuyu in the nineteenth century ...being forced to leave their *mbari* because of land shortage.

Mackenzie (1996 64), Overton (1988 112), Maas (1986 13) and Morgan (1967 58) indicated that the Kikuyus in the Kiambu District, either purchased their land (*githaka*) from the original inhabitants, the Maasai/Dorobo, or they acquired user rights by being the first to clear the land in the area. Over a considerable period of time (from the 16th century until the end of the 19th century) Kikuyu were able to acquire land from the neighbouring ethnic communities, through purchase or tactical sequestering through gradual extension into uncultivated land. The progressive arrival of the British at the end of the 19th Century put an end to this territorial expansion (Elkins 2005 14; Maas 1986 12).

Overton (1988 111) observed that the Kiambu area became a target for land appropriation by the British settlers due to the land's favourable soil and climatic conditions along with its closeness to Nairobi City and the railway connection to Mombasa. He further indicated that:

The region also came to be transitional for settlers; it abutted onto Nairobi, the only urban area of note, and it separated the large alienated lands to the north-east and north-west. For settlers, too, land here was much sought after as the fertile soils and mild, humid climate were to prove ideal for coffee and other plantation crops (Overton 1988 111).

Maas (1986 12-13) indicated that the British settlers occupied most of the existing Kikuyu land in Kiambu and by 1926 the colonial government ruled that the Kikuyu were only entitled to settle in the then already created native reserves. This happened even though the Kikuyu had already been deprived of all opportunities of expanding their territory to the neighbouring areas. And that these restraints on territorial expansion and land appropriation by the Colonial government, coupled with population-growth, made land a scarce commodity among the Kikuyu.

⁷¹ For more information on *ahoi* see Lonsdale (1988) and Kenyatta (1979).

Maas (1986 12) argued that the shortage of land led to an increasingly stratified community among the Kikuyu in Kiambu. It gave rise to landowners and *ahoi* (landless) groups. *Ahoi* were among those who decided to leave their land-scarce *mbari* (usually the young men) to settle among the *mbari* with large parcels of uncultivated land (Overton 1988 115). Once in the new areas their main task was to help prepare the land for farming through clearance of the bushes and to defend it against rivals and (in return for these services) they obtained user rights to the land of the accommodating *mbari*. Their children would often stay on the land of the accommodating *mbari* and retained the user rights to the land. There are times when (due to land scarcity and the limited possibilities of acquiring land elsewhere) members who had user rights on land would stop observing the user rights governing their tenancy and seek to permanently occupy the land. In these cases conflicts would ensue and usually the colonial government ruled in favour of the landowner thereby contributing to the continued increase of landless Kikuyu (Maas 1986 13).

Maas (1986 13) noted that the British rulers also "...created a new class of landowners by appointing chiefs and village headmen." These people were responsible for maintaining order among their fellow ethnic members, collecting taxes on behalf of the colonial government and ensuring a constant supply of labour to the settlers' farms. These new native chiefs and village headmen took advantage of their positions and interpreted the customary regulations touching on land ownership in their own favour. In addition, because of their contacts with the colonial settlers, they were first to have chances of sending their children to missionary schools (Maas 1986 14). This enabled them to consolidate their position in that once their sons and daughters acquired formal education they were appointed to positions in schools and in the government administration which gave them an enduring advantage over the rest of the Kikuyu masses (Elkins 2005 19; Maas 1986 14). This history is significant and its influence over land distribution continues to be important in contemporary times.

Maas (1986 14) further observed that the Kikuyu leaders were aware that their land acquisition behaviour was being supported by the colonial government which favoured large-scale farming over small-holding systems that were in use by Kikuyu over extensive areas. The colonial government believed that large-scale farming would increase land productivity and also create sufficient employment for the landless peasants and small farmers. Therefore, government

agencies encouraged the 'new' class of Kikuyu leaders to continue appropriating land from their fellow ethnic members. This led to new conflicts between the different classes of those with land and the landless (Maas 1986 14).

According to Maas (1986 14), Memon (1982 148-149) and Morgan (1967 59) land acquisition among Kikuyu (either through buying or confiscation) was done in a haphazard way and led to the fragmentation of land ownership with land owners having different parcels at different locations. The dispersed rural settlement pattern with widespread homesteads presented a problem for control of the Kiambu area during the Mau Mau rebellion (see Chapter 4). Therefore, the colonial government sought to restructure these traditional settlements into linear village patterns to enhance the policing of native settlements. This was made possible by the declaration of Emergency Law in 1952, especially in Kikuyu land areas where an uprising against the colonial settler government in Kenya was at its strongest. Local people in the Kikuyu 'country' were forced to pull down their former dwellings and relocate hastily to emergency villages. These villages were laid out in a linear fashion or in blocks. This change produced a landscape very different from the earlier dispersed and haphazard settlement, for reasons of defence, control and to safeguard the loyal members of the tribe.

Maas (1986 14) and Memon (1982 150) further noted that although enforced relocation to emergency villages was a short-term measure, with the intention of allowing return after the Mau Mau rebellion, these actions did not come about. Emergency villages became fore-runners of an even more comprehensive land reform programme conceived in the mid-1950s (see Chapter 4). This programme had a far reaching implication on traditional Kikuyu settlements. The colonial government, in 1957, initiated a programme of land consolidation and registration in the Kiambu area. "All land fragments worked by a man and his wife or wives under customary tribal law were ascertained and measured," and combined into single, larger surveyed plots, and registered in the name of a single owner (usually a man) or under the names of all of his sons⁷² (Maas 1986 14). Each land owner had to give up part of his land for communal usage with part of this land earmarked for market or commercial centres (see Chapter 11 on the decline of these centres).

⁷² The same process of land consolidation and registration was also witnessed from my home district. Thus, i am familiar with process through the narration by my parent.

Even after land consolidation and registration most the emergency villages remained. In the study area such villages include Kihara, Ruaka, Karura, Muchatha, Kianjogu and Ndenderu, among other villages (see Figure 3.1). The villages were quasi-urban from their inception (with the purpose as mentioned above) that they provided only a 0.101 hectare of land for an extended family and so there was no space for cultivation or livestock keeping.

8.5 CONCLUDING REMARKS

This chapter builds on the broad contextual detail introduced in Chapter 4, 5, 6 and 7. It locates and explains some of issues in the study area that will be explored in the following chapters. The significant factors are many. First among them is the location of the study area in close proximity to the major urban centre of Kenya. The Town Council of Karuri within the Kiambu District is a useful example of land in the rural-urban fringe of Nairobi, and this is indicated in the participation of local people in the urban economy of Nairobi City.

The nature of the biophysical environment has also been documented; the Kiambu area is favoured generally by good agricultural conditions, and this has driven the demand for land historically and the more recent pressure on land has led to fragmentation and a movement away from agricultural practices developed under the settler economy.

The growth in population is a feature of the case study area. Most of the local urban areas have grown tenfold in size since the end of colonial rule in 1963. Migration has been the most significant driver of this growth, although rates of natural increase have also been significant.

The chapter also provides the context for the analysis of the behaviour of individual action. The study area described in this chapter therefore provides a useful locus for discussion in subsequent chapters.

CHAPTER 9:

ROLE OF ACTORS IN LAND USE

9.0 INTRODUCTION

Chapter 2 of this thesis discusses the literature relevant to my research project and it provides the basis for the methodology I chose to adopt and report in chapter 3. Chapters 4 to 7 report on the contextual issues that are relevant to my project which include the historical, economic, governance and geographical matters. Chapter 8 documents the characteristics of the case study area in which I chose to explore the key questions framed earlier in my study. Having built such a foundation this chapter seeks to identify actors and describe their various roles (as far as they are separable) in land use. Although the actors are presented as independent during the discussions, their roles intersect and thus separate treatment of each actor is only aimed at enhancing clarity. As with Chapter 8, this chapter also seeks to introduce issues that will be further explored in the subsequent chapters of this thesis.

The chapter begins by building a case for 'who' are the actor/s in land use. I found it necessary to focus on the roles of the actors in relation to land use to help answer the question 'why land use conversions are taking place in the Nairobi fringe?' rather than focusing on detailed characteristics and relationships of the actors themselves. This was informed by an initial cliché that no single 'act' can be attributed solely to a single actor and that in most cases actors are involved in more than one 'act' of land use. Therefore this chapter focuses on actors based on their roles rather than 'acts' on land use.

9.1 ACTORS AND LAND USE

If a question is posed about what is land, several definitions will emerge. This is because land has always meant different things to different actors. For instance, to the farmers and pastoralists land is property to be owned and a source of livelihood, thus access to land and controlling it are key concerns. The real estate dealers consider land as a marketable commodity from which to make profits through market speculation mechanisms. The public (general citizens), politicians and administrators view land as a sovereign entity whose boundaries reflect a

social, cultural and political identity. To development agencies land provides goods and services required for people's welfare and prosperity. Conservationists define land as a fragile ecological entity which results from mutual relationships of living and non-living things on the Earth's surface. These perspectives on land lead to a variety of perceptions that often translate into different and competing interests in land (Mycoo 2006 134; Gough and Yankson 2006 196, 2000; Douglas 2006 18; Mwichabe 1996).

Looking at land issues in the rural-urban fringe, Malaque and Yokohari (2007 192) observed that because rural-urban fringe areas are an interface or transitional space, they often endure pressure from the processes of rapid urban growth and development. The fringe areas are thus contested grounds. These contests usually produce diverse but conflicting and competing meanings that relate to land resources in the rural-urban fringe spaces and their use by different people. Different actors have different interpretations depending on their relation to these spaces.

In identifying different actors in relation to land use, Bryant and Bailey (1997 35) adopted an actors' approach. Using this approach, they identified various actors in land use who include the government, grassroots people (such as farmers, fishermen, hunter-gatherers etc.), business people, multilateral institutions and environmental organisations. I found this approach useful in the identification of actors presented in this chapter.

In the TCK case study area, there were farmers (both smallholders and large-landholders) and other local non-farming actors who have links to land other than farming. Such individuals were members of residential communities, labourers, real estate agents, artisans etc. Also there were some squatter farmers, and some people who fished in large farm dams. There were no hunters or gatherers in the usual sense but the waste pickers at waste dumping grounds may be so characterized. In terms of institutional 'actors', the presence of the NGOs was evidenced by various projects such as water projects and schools supported by religious organizations. The government presence was visible from a number of institutions and activities it sponsors. There were also government officers at different levels in the District (see Photographs 9.2 a, b and c). There were business actors in the area, the majority of whom were running small-scale businesses such as shops and kiosks. Most of these actors performed several

roles in relation to land and thus it was hard to clearly assign an absolute category to any of them. For example, a farmer would also be a business person, a worker in Nairobi, a waste picker or a government officer. As already mentioned, I found it appropriate to focus on roles played by actors in relation to land rather than their acts.

The distinction made by Bentinck (2000) and Bryant and Bailey (1997), about private and institutional actors (actors are taken here to mean human and institutional actors) was useful in explaining the role of various actors in relation to land. As Bentinck (2000 74) argues a clear separation is not possible. For example, informal and unplanned land conversions may be initiated by private actors in connivance with government officers. The remaining part of this chapter thus describes the roles of private and institutional actors in land and land use in the case study area (also see Chapter 11). However, their roles, mandates and scope are mostly overlapping and sometimes conflicting.

9.1.1 PRIVATE (NON-INSTITUTIONAL) ACTORS

The private sector actors include farmers (who are either indigenous or newcomers), residents (indigenous or newcomers), real estate agents or middlemen, developers, business people, among others. Their roles and relationships are described below.

Farmers

Farming actors include large scale farmers⁷³, smallholder farmers/peasants and squatter farmers. These actors utilize land for agricultural purposes. A good number of them however are not solely dependent on agriculture but have multiple interests within their localities which are not entirely agricultural. This is partly attributed to the availability of jobs in the nearby City or availability of new job options within their area. The availability of multiple income sources was found to be affecting the farming actors' long term interest on land for farming.

Large scale farmers hold more than two hectares (see Chapter 8) of land and are mostly growing coffee on their land or their land is in disuse or being used by squatter farmers. However, I found out that, in the case study area, smallholder

⁷³The definition of a large-scale farmer here is quite subjective. This is due to the size of the land in the study area where anyone holding 2 hectares or more may be considered a large scale landholder.

farmers/peasants are the majority, mostly owning less than 2.02 hectares of land, in some cases as little as 0.1 hectare (see also Chapter 8). The smallholder farmers mostly engage in subsistence crop cultivation such as maize, beans and bananas among others. A sizeable number of smallholders are also practicing dairy farming through zero grazing. During the field work untended coffee bushes/plants were still visible in many of the farms both on large and small scale holdings, while in other cases some farmers have constructed semi-permanent *mabati* house on their land for rental purpose. I found out that many of those who live in these rented *mabati* houses are labourers working in the construction sector, in remaining coffee estates or in the nearby high income neighbourhoods within Nairobi City.

Squatter farmers are engaged in farming but do not own the land they cultivate. These are either actors who have migrated to the area as new tenants and have taken on farming, or former labourers of collapsed or abandoned coffee estates. The difference between these actors and the farmers who lease plots of land for cultivation is that they don't pay land rent for the utilization of land on which they plant their crops. In some cases they cultivate on road reserves. These actors are cultivating fast growing crops such as Kale (popularly known locally as *sukuma wiki*), spinach, and other short-term crops for subsistence and/or sale at the local markets or for markets in Nairobi City. This group of cultivators also include those growing tree and flower seedlings along river banks, for sale to either Nairobi City or local residents.

I did not consider leasees of the land and squatter farmers as playing any major role in land conversion from agricultural to residential uses. However, I could not discount the effects/likely effects of land conversions on these farmers as they lose a source of livelihood while they are not well prepared for urban employment. In the short-term, they may benefit from large farm conversions because most of new land/plot owners do not develop residential houses immediately. These farmers thus get free land on which to grow crops for sale or subsistence before construction begins, a period which may at times take years. I gathered that some areas that are currently under cultivation are already subdivided land for residential purposes and the cultivation observed was being done by squatter or lease farmers (see Chapter 10 and 11 for further discussions).

Residents

These actors are not engaged in farming. It is however hard to make such generalizations when we consider what farming entails broadly. This is because even within the City, a majority of the people grow food or keep some livestock in their compounds, in what Foeken and Owuor (2008 1979) and Memon and Lee Smith (1993 25) referred to as 'urban agriculture'. However, in this study, I have taken residents to mean those actors whose major source of livelihood is not through farming. They include: The indigenous (long time) residents of these areas, the landless group (house tenants) and the newcomer settlers (occupying their self-built houses). The residents, as already mentioned, may play other roles on land but their major attachment (for the purpose of the later discussions in this study) to their localities is the residential space that they occupy.

The indigenous (long time) residents are those, who after successive subdivision of family land among the kinsfolk are left with small units of land, that are only suitable for residential housing purposes with no room for any economically viable farming. Most of these actors are working in Nairobi City, within the Nairobi fringe or in other areas of Kenya and the world. Other than being edged out from farming by family land subdivisions, some of these people have also converted the main portion of their land to residential uses. The residential houses are for either self-occupation or for rental purposes. Land subdivisions have left these actors with small units of land which are not sufficient for agricultural uses in economic terms.

The newcomers and tenants to the area, I discovered, are usually the immigrants from other areas outside the fringe. They are either tenants living in rented semi-permanent *mabati* houses (see Photograph 11.3) within farm lands or residents in modern apartments that are now being built in the area (see Photograph 9.1 below). Others are occupying their own self-built residential houses on pieces of land they have purchased in the area. Some of the newcomers or settlers work for government or for other agencies either within or outside the Nairobi fringe, while others work or do business within and outside the fringe.

Real estate agents or middlemen

I now understand that real estate agents or land transaction middlemen are not an exclusive group of actors, as they also include actors who play other roles but at the same time act as real estate agents/dealers. Actors in this category buy land from farmers, subdivide and put it on sale. In other cases they act as brokers, they just identify a willing land seller and then connect/look for a buyer. They usually take a commission from the successful land sale but in some cases, I was informed, they take the role of a land seller (having agreed on the price at which the actual seller is prepared to sell) and dictate the new prices to the buyers. If this happens, they may end up selling a plot or a piece of land for more than twice the price agreed upon with the owner, with the owner getting only the initially agreed upon amount. I was made to understand that their practice is usually fraught with secrecy and language of threats which creates fear among the sellers so that no one will dare break the agreement to hand over the excess money paid by the buyer once transactions are complete.



Photograph 9. 1: Modern apartments being built in the TCK area. Source: (Thu 2008).

On the basis of my fieldwork, I understood that real estate agents at times also act as speculators⁷⁴ where they buy out the gullible landholders and wait for the land to appreciate in price. They have an overview of the land market and usually have links beyond the locality, often with government agents, and are aware when and where government policies and programmes concerning various areas

⁷⁴For the purposes of this study, land market speculation means the purchase or holding of land in the expectation of its rise in value and eventual sale for profit.

are to be implemented (e.g. NMDA). I came to understand that they had long started buying land from farmers, even before the intentions to create NMDA in the year 2008 (Government of Kenya 2008, 2006) were made public. At times, they also play the role of housing agents and collect rents from the rental apartments that are being erected in the area on behalf of the absentee commercial residential developers.

Land developers

I discovered that the land developers are actors who buy land/plots and constructing houses for rental purposes but do not intend to stay in the area once they have constructed the flats/apartments. However, there are also actors within the indigenous group who played roles of land developers by buying land in their local areas and construct houses for rental purposes.

Since most land subdivisions are not registered, I was informed that no legal documents are issued. The land transactions rely on elders witnessing the agreements between the seller and the buyer. In most cases signing of an agreement is done in the presence of the chief where some fee is paid, though not a legal fee. Besides getting assurance from the witnessing of the transaction by elders and the chief, the land buyers put beacons around their plots and sometimes put foundation stones for their intended houses as proof that the land is already sold and therefore avoid double selling of the same plot by the owners or middlemen. Some instances of double selling were reported in the area.

Business Actors (formal and informal businesses)

The business actors provide services such as selling hardware and/or other goods in their store, they offer services such as provision of private schools and clinics or private security among others. I was informed that the activities of these actors were most predominantly found in designated commercial centres. With land conversions (especially along major roads) these commercial centres have become 'ghost centres' as most of the business activities are spread in areas outside these centres.

Among the business actors, there are those offering technical services to the residents. For example, I was informed that some technical persons are involved in informal land subdivision by offering surveying services, for which they are paid. Some of these actors are retired government personnel or those still

working for the government (such as land surveyors) but moonlighting as private agents. They usually fill the gap that the government workers ought to be doing in their official duties or time, but due to the informality of land developments, landholders do not seek 'official' survey services from government agencies in land subdivisions.

In the field study area, I observed a number of actors engaged in various business activities and a work related activities such as: Farm labouring, maize milling, shoe repair and leather works, bicycle, watch and electronic repair, laundry, barbers, salon, photography, butchery, hotels, potters, painting, art & sign writing, video shows, pool games, quarrying, motor vehicle mechanics, battery charging, electrical and welding works, carpentry, baking, tailoring, tinsmith, and waste picking.

Non Governmental bodies

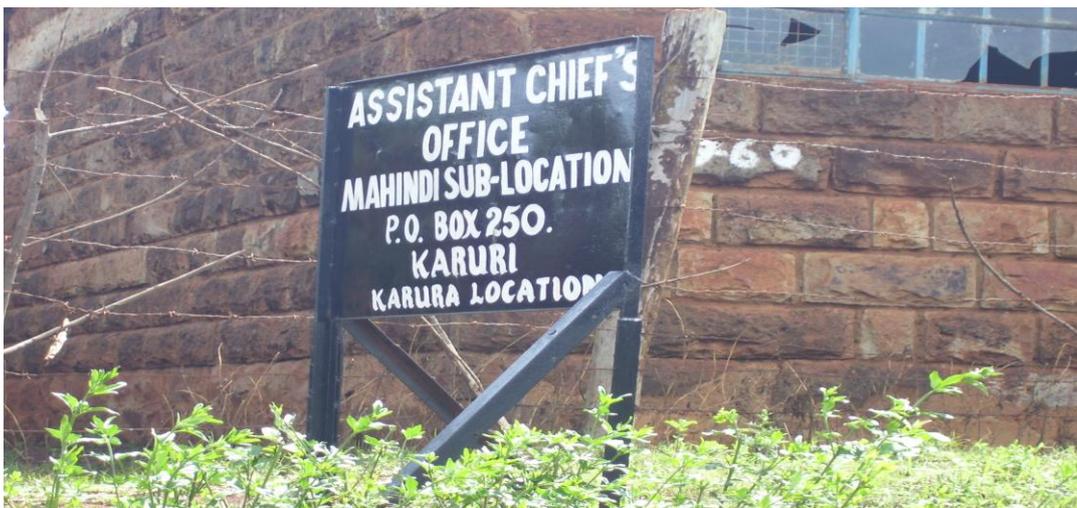
These bodies include religious organisations and environmental organisations. They provide services such as water, health services and schools and complement the role of the government and the local authority. Among the NGOs I observed was Life Water International which provides borehole water service to people. A number of church schools and health facilities were also observed during field work.

9.1.2 KEY INSTITUTIONAL ACTORS

The key institutions involved in land use planning are: Central Government, the Town Council of Karuri and local communities' organisations.

Central government

The focus here is on the distributed actors operating within central government departments (see Photographs 9.2 a, b and c). They include line ministry departments. The role of these departments will not however be elaborated in-depth because this detail is given in the section on the legal framework (Chapter 4 and also discussion on their roles in Chapters 7 and 8). These departments serve a variety of functions and roles in land use planning and they include the Department of Physical Planning under the Ministry of Lands. As shown in Chapter 4, the department is represented at Provincial and District levels. The Department of Physical Planning works closely with the local authorities in matters of Physical Planning in their areas of jurisdiction.



Photographs 9. 2 a, b and c: Signs that indicate the presence of government actors in the study area. Source: (Thujo 2009).

The Central Bureau of Statistics (CBS) provides data and information on demographic and other aspects of population. In land use planning, information is important in determining the provision of various services such as education, health, water, among others. I also obtained most of the materials used for Chapter 8 from this department.

Technically, the Department of Physical Planning falls under the Ministry of Lands but at the district level they work as separate departments. The Ministry plays a key role in land administration and provides information on land tenure, values, land uses, existing encumbrances on land, topographic, cadastral and aerial maps which show the physical features of the area. This information assists in identifying the size of land holdings and type of ownership, the trend of land uses, and the topography of the area. This information is crucial in the preparation of land use plans for various areas.

The Ministry of Public Works and Roads through the Roads Department provides information on existing road network, type and condition of roads. During subdivisions, provision of spaces for road construction is recommended. Thus, the role of this Ministry is to provide crucial information that is necessary in planning for road infrastructure and also maintenance of major roads (state roads).

The Ministry of Water and Irrigation is the custodian of all surface and underground water resources. It keeps records on the surface water showing level changes over time, water quality and quantity. Underground water monitoring is done by showing the quality, quantity (yield), and the location of the boreholes, wells and springs. This information is very important when dealing with the impact of human settlement on water resources. It also reveals the available supply of water for various uses for different areas. Furthermore all major water projects are licensed by this Ministry. It is worth noting here that borehole water is the main source of water for most areas of the Nairobi fringe and thus this Ministry acts in a crucial role in the rural-urban fringe development.

The Ministry of Environment and Natural Resources is mandated under Kenyan laws to conserve and manage natural resources for sustainable development. Major resources under this Ministry include water, forestry, and conservation of

biological diversity. Management is carried out through NEMA (National Environmental Management Authority) under the Environmental Management and Co-ordination Act (EMCA). The role of NEMA is to exercise general supervision and coordination over all matters relating to the environment; and be the principal adviser to the Government in the implementation of all policies relating to the environment. EMCA is crucial in land use planning because any major development should undergo an impact assessment before it can proceed to implementation. However, as will be discussed in the subsequent chapters, the Act is rarely applied in land development in the rural-urban fringe.

The Ministry of Agriculture provides information on the climatic conditions of the area, the type of crops commonly grown, the yields, and income earned from the produce. It also shows the employment level in the agriculture sector. The Ministry advises on recommended land sizes for farming, which has an influence on land use planning and subsequent sub-division. There are however conflicts between this ministry and the Department of Physical Planning and Lands when it comes to conservation of Agricultural lands.

There are other central government ministries that have roles in the Nairobi fringe that include education, office of the president (provincial administration), judiciary, health, police, and telecommunications. These state actors determine the level of services required.

Town Council of Karuri

Local authorities in Kenya are corporate bodies established by the Act of Parliament (Local Government Act Cap 265). The Act mandates them to plan and control development activities and enforces planning regulations, by-laws and building codes. They are also supposed to provide services to various land uses and collect levies from various land use activities (as in the case of this study of TCK- See Photograph 9.3).

The organizational structure of TCK consists of two arms, the political, and the executive or technical arm. The political arm is headed by the chairperson who is an elected or a nominated councillor. Under the chairperson there is the vice-chairperson also a councillor. The chairperson is the head of the full council which is the final policy making committee of the council. The Town Clerk (who is deputized by the Deputy Town Clerk) is appointed by the Public Service

Commission heads the executive or technical arm on a full time basis. The Town Clerk is the chief executive and administrative officer of the local authority and has the general responsibility of coordinating the work of the council, advising the council on all matters and making correspondences on behalf of the council. The TCK also has various departments. Town planning is a sub-section of the Building and Works Department which also deals with garage and workshop, road and other public works, and surveying. There is no professional planner in TCK and they rely on the District Physical Planner who also covers other local authorities (see Chapter 8) within the district.



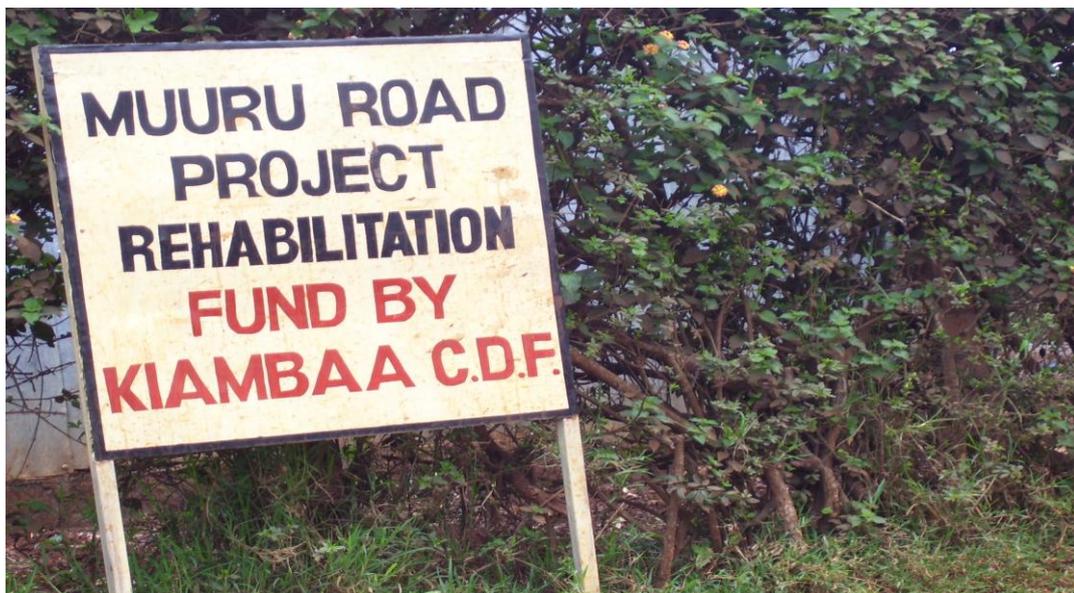
Photograph 9. 3: Signpost to the Town Council of Karuri. Source: (Thuo 2009).

Local community groups

There are various local community groups and committees within the study area. These groups/committees act in various roles such as coordination of security activities, mobilization of actors to undertake community projects, arbitration, savings and credit groups, and a host of other social and cultural roles (see Chapter 12). They constitute the voluntary sector, sometimes receiving grants or part payment for services delivered. As local actors these groups/committees in most cases fill gaps in the services and infrastructure delivery where central and local governments' provisions are inadequate or ineffective. The group/committees consist of village leaders and elders who also act as witnesses of the land transactions in cases where land subdivision is done without the Lands Office. In this case, they establish the transactions, the size of the plot being sold and the prices paid for it and they also confirm the boundaries on site

during the transaction processes. Therefore, they are vital in enhancing the security of tenure of the new landholder.

From my interviews and observations it was clear that community participation in planning or development control is now playing a key developmental role especially in areas where effective central/local government control and presence is wanting. With the introduction of the decentralized government project planning and implementation through the Constituency Development Fund (CDF) (see Photograph 9.4) the role/impact of community involvement in project planning is visible in many areas of TCK. I came across different community based projects funded under CDF such as roads or water projects. I was informed (and also learned from my life experience) that proposals for various projects usually originate from the community and are forwarded to the CDF committee for consideration and funding if supported.



Photograph 9. 4: Signpost showing a new player (CDF) in infrastructural development in the area. Source: (Thuo 2008).

From various field observations of CDF sponsored projects, I can speculate that the CDF programme is bringing out the spirit of community planning. However, the long term success of CDF cannot be predicted with certainty given the relatively short period since it was introduced. Nevertheless, it can become a good starting point for empowering communities to take charge of their local development in areas such as TCK, where population increase as a result of rapid urbanization exceeds the current capacity of the Council to plan, implement and monitor land use development activities.

9.2 CONCLUDING REMARKS

This chapter describes the key actors and their roles in land use in the Nairobi fringe as far as they are separable. However, due to the interrelatedness and complexity of land use issues such as those relating to planning and land development, their separation can only be in theoretical as field and lived experience revealed that many individuals play multiple roles within short time frames. It is therefore the reason why the roles of the actors rather than their 'acts' in land use have been considered.

In land use conversions, both non-institutional and institutional actors play important roles. The role of central government and TCK, as will be seen in the following chapters, has become minimal in land transactions due to widespread use by the actors of informal (customary) procedures. This use of customary institutions like village committees in land transactions is also gaining support in other sectors of the Nairobi fringe such as infrastructural development and security organisation (see Chapter 12). The power and control of these local institutions in setting local development agendas is also gaining recognition with the initiation of CDF, where local community committees have become vital in identification and prioritization of development projects. Therefore, the following section of the thesis is based on the realisation that the effectiveness of central and local government actors, in the Nairobi fringe, is weak and hence there has been the proliferation of private and (neo) customary institutions to fill the gap. This has worked in some aspects but their success in land development is debatable, a subject that the next chapters attempt to explore.

CHAPTER 10:

CONDITIONS AND DRIVERS INFLUENCING LAND USE CHANGE

10.0 INTRODUCTION

This chapter identifies and examines various conditions and drivers that influence land use and thus land use change in the TCK case study area of the Nairobi fringe. The chapter captures voices from different people located both within and outside the fringe. It also links verbal comments with non-verbal sources such as reports, photographs and other literature. Instead of treating information from these sources as independent, attempts in multiloguing this information, were made, in order to identify, describe and examine the factors in relation to land use in the Nairobi fringe.

The chapter is based on the assertion that, to understand why land use conversion is taking place in the Nairobi fringe, it is necessary to focus not just on economic pressures on the land market, but also on the social, cultural, political and environmental changes that the proximity to the City and 'new' land uses are bringing to an area like TCK (which is 'supposedly' agricultural).

The chapter also recognises that land use change in an urbanising context such as in the Nairobi fringe can be understood at different scales. The scales are related to site or situational aspects. According to Bentinck (2000 96), "site refers to the physical and cultural characteristics, and attributes of a place..." while situation refers to "...the external relations of a locale." Bentinck (2000 96) continued to observe that in the rural-urban fringe, "a change in situation usually precedes a change in the site," for example, she indicated that an improved "...access to a location strengthens its external relations (thus) leading to changes in its site attributes."

This chapter combines both attributes of land use conversion that are as a result of site and situational changes, while appreciating that it is hard to draw a line between what comes first or what leads to what (see Figure 13.1 in Chapter 13). Furthermore, it is not easy to separate these forces and any attempt here to

classify them into various groups is inherently problematic. The interdependency of site and situation-oriented conditions and drivers of change will become clear.

10.1 Housing and land market

Most of the discussions with informants on land use conversions pointed to the lack of affordable housing and land within Nairobi City as a major cause of migration to the fringe in search of accommodation. The Nairobi City Council and the government have not, over the years, substantially invested in new public housing programmes. They have also not provided services to undeveloped land which could attract developers to construct decent housing.

Apart from the failure by the government and Nairobi City Council (NCC) to provide housing for the public and also in provision of serviced land for housing development, the scarcity and increase in land prices of the market have further created obstacles to housing production⁷⁵. As already mentioned in this thesis, land ownership within the City is fuzzy, and most land is either occupied illegally or it is being hoarded by private bodies/individuals who are not willing to release it for development to private residential developers. The prices of the land available on the market are unaffordable for many residential house developers, and even where houses are built for sale, the cost of buying such houses is relatively high. Rents for such houses or apartments are also high, as the investors seek to recover their costs.

In relation to land issues in Nairobi City, Hirst and Lamba (1994) indicated that land problems can be traced to the colonial period where land for African housing constituted less than 20 percent of the serviced land. The land ownership/tenure system did not change even after independence, and most land is either still under the ownership of the colonial land owners or has passed to independent investors/institutions holding it for speculation (Mbogua and Chana 1996 46). This has therefore left many people working in Nairobi City to rely either on housing in informal settlements (informal in the sense that settlements are lacking state approved planning standards but within the City) or housing in peripheral areas such as in the rural- urban fringe. Similar observations on land issues in

⁷⁵ This indicates a classical example where neoclassical and political economy perspectives in Chapter 2 intersect to provide explanation on land use phenomena in Nairobi fringe.

Nairobi City and the surrounding areas came from one of the informants who said that:

The colonial land ownership within the City contributed to this scenario [land scarcity for housing] as few individuals and institutions owned huge tracks of land within the City. After independence these tracts were bought by a few elites, mostly for speculation purposes [and] this locked development land from the majority of native Kenyans who had to squat on flood plains or deferred land within City boundaries [and] those who wanted decent homes had to move⁷⁶ out of the City boundaries or buy houses within the City through mortgages [an option only available to a few people] (CG#1).

From the foregoing observations it is clear that land shortages are not absolute but the shortage can be termed as an artificial scarcity due to the unavailability and unaffordability of land for residential use. This is confirmed by Mundia and Aniya (2006; 2005), who indicated that there is widespread residential land development sprawl within Nairobi City boundaries.

The impact of land shortage as a result of hoarding for speculative purposes has become a concern for the coalition government. The shortage has denied most people a space to construct either residential or commercial buildings. It is noted that this hoarding of land for speculation is making land within the City unrealistically expensive which has the potential to scare away investors who need land to invest in commercial, industrial or residential purposes. The shortage is clearly indicated by the Prime Minister of the coalition government (Newspaper excerpt 10.1).

⁷⁶ A classical case of the power of agency exercised by the actors when situation calls for adjustment.

Saturday August 16, 2008

High cost of land worries Raila

The high cost of land is inhibitive for investors in the country, Prime Minister Raila Odinga has said.

The PM, who on Tuesday led a round-table discussion between the private sector and the Government, said this could jeopardise Kenya's plans.

"Can we succeed if an investor has to contend with an acre of land costing a quarter billion shillings? The investor, who could very well be a Kenyan, might decide to venture into one of our neighbouring countries," said Mr Odinga.

.. On the issue of land, Mr Odinga, said that, for instance, the piece of land between the Grand Regency Hotel and the General Post Office in Nairobi, had been sold for Sh1.4 billion.

He wondered what investment could give a rate of return high enough to recover the cost of the land.

The PM attributed the high costs to speculators who hold onto their plots, anticipating making a kill.

Newspaper excerpt 10. 1: A section of the local newspaper expressing Prime minister's opinion on the cost of land. Source: (Saturday Nation 16th August 2008).

As a consequence of the wholesale adoption of the colonial land ownership system⁷⁷, land ownership in Nairobi City, especially where original leases have lapsed, is not clear. This has led people, especially politicians, to appropriate those chunks of land and redistribute to themselves and/ or their supporters. According to Huchzermeyer (2008 21), the allocation is usually done with connivance of corrupt Nairobi City Council officials. People with connections to officials in the NCC are allocated plots whose leases have lapsed then sell the plots to members of the public. Those allocated plots are issued with allotment letters which have no strong legal basis, and thus this leads to high incidences of a plot being allocated to different people at one particular time. Awareness of these irregularities has "given rise to criminal activities where some people are selling non-existing property with the sole intention to steal money from members of the public" (RE#). This has further complicated land markets within the City and many people have sad stories of losing their lifelong savings in dubious land deals (see Newspaper excerpt 10.2). Extra caution and extensive consultation, which is time consuming and expensive, is required when one needs to buy a plot within the City. An informant observed that:

In the City, you need to know 'mwenyeji' (this is someone who has been living there for a long time) who can tell you where to get the

⁷⁷ This is a postcolonial phenomenon in most urban areas in former colonised countries where minimal changes were effected in land and planning laws.

real owner of the plot on sale... Even these 'wenyenji' [plural of mwenyeji] need to be trustworthy and not 'brokers' (intermediaries)... These days even your own friend can get you into problems. [And] even when you do the search⁷⁸ at the Ministry of Lands Office, the officers there work together with criminals and you will end up losing your money (CM#2).

In the Nairobi fringe, especially in the TCK, most of the land is owned by *Mbari* and before land is transferred, clan members (who are usually members of the family) have to be involved⁷⁹ (see Chapter 8). In buying a plot "trust among individuals or reference from a trusted person plays a major role ... [I]t is interpersonal rather than involvement of official bureaucracies⁸⁰" that people rely on (CG#4; also see Box 10.1). In the Nairobi fringe, therefore, since ownership of the land is easy to establish, most people will have no worries about losing their money while buying land. Furthermore, through the interpersonal nature of land transactions, some leeway is available whereby the land buyer can make the payment for land/plot through instalments. One of those who have already bought plots and built a residential house indicated that "It is better here because people know who the owner of the land is" (CM#3), than in the City where ownership of land is often contested. The comment is also supported by Kombe and Kreibich's (2001 4) observation, in regard to land transactions in Tanzania, that:

The legitimacy of a land occupier or buyer to own and use land is ... guaranteed through social recognition, which refers mainly to the acknowledgement of the individuals' right to land by other residents in the area, particularly adjoining landowners, local leaders, relatives or friends.

Box 10. 1: Aspects of land related costs in Nairobi City. Source: (Malhotra 2002 9).

To purchase and subdivide a plot of land within the Nairobi City limits, the purchaser has to:

- 1) Pay for the land plus all of the associated fees including stamp duties and legal fees;
- 2) pay for the land to be surveyed, marked, and appraised by government agents; and

If the land is un-serviced, the owner also has to install all services to meet the building codes and get approval from various government agencies and offices, because the government is not able to cover the cost of installing services.

⁷⁸This is usually done to get certification of the ownership of the land/plot, either from the local council or from Ministry of Lands, before buying the land.

⁷⁹There were cited cases where heads of household (especially men in whose name Land Title Deeds are usually registered) sell the land without consulting other family members.

⁸⁰ An instance where subaltern aspects are re-enacted when formal systems fails to serve the actors.

We also need to consider the middle and low-income segments of the population who cannot afford to buy houses in the City or do not wish to move to slum areas. For these people, the Nairobi fringe has become the only option. Here they can buy a piece of land to construct a residential house (see Newspaper excerpt 10.3). This observation was supported by a comment from an informant that:

The City legacy inherited from the colonial administration encouraged a multi-spatial household where man used to work in town while the rest his family remained in rural homes...The second generation of Kenyan urban dwellers are choosing to stay together in urban areas... This has led to majority of the families wanting to have bigger houses close to the city. This option is not available within the City (RAP#1).

The lapsing of leases for some land parcels and the confused nature of the legal framework of land ownership has created an avenue for Nairobi City Council officials to solicit bribes from developers to 'cover-up' non-compliance with building laws (this was also identified as a problem in the report by Mbogua and Chana 1996 46). This is in contrast to the Nairobi fringe according to the Newspaper excerpt 10.3 and from the comment by an informant that:

Here, land is not as expensive as in the City. In the City before you even dig a foundation, the council [NCC] will have already eaten almost all your money. ...Even if you have money, you don't know who the real owner of the plot is. ...Here, I paid slowly while I was constructing my house (CM#3).

Buyer beware, property fraudsters on the loose

Wednesday, 11th February 2009

By Harold Ayodo

An increasing number of people are painfully discovering that their dreams of owning a home are turning into nightmares, thanks to an upsurge of conmen who are transacting hundreds of fake property transfer papers. The conmen have become so smooth in their operations and their methods high-tech that it is almost impossible to discern that one is being conned until it is too late, and millions of shillings have been 'invested' and lost.

Joyce Mumbi is only one of hundreds of Kenyans and foreigners who have innocently lost their lifetime savings in fraudulent property deals.

"I paid over Sh4 million for a modern house in an up market area near the Central Business District (CBD) before reality struck," Mumbi says. "Later, I discovered I had paid for a house that had been sold to two other buyers who were also planning to occupy it."

During investigations, it emerged that the real owner of the home had charged the property as security for a loan.

"I have tried to get back my money over the past two months but the man who sold me the house is playing hide and seek. I'm now contemplating legal action," Mumbi says. She claims that an official search of the property by her agent at the land registry encouraged her to pay for it.

"Nothing at the registry indicated that the property had been charged as security to acquire a loan," Mumbi says. "The titles of the property had the name of the seller and not the other two buyers who claim to have paid for it. It is only after I read an exclusive story in *The Sunday Standard* on property fraudsters in up-market areas that I began to suspect I had been duped."

Two of Mumbi's friends have also fallen victim to a similar scam. The estate agents who introduced them to the sellers have absolved themselves from liability even though they earned commissions from the sale. "They claim that they conducted official searches on the property as required by law," Mumbi says.

Today, hundreds of prospective homeowners are walking a tight rope. Recently, Lands Minister James Orengo cautioned Kenyans that fake titles are circulating in the country. "Fake titles and other land documents are in circulation and are being held as genuine documents in our offices countrywide," he says.

Newspaper excerpt 10. 2: Showing an indication of problems associated with land ownership in the City. Source: (The Standard 11th February 2009).

While in the peri-urban area land is considered to be comparatively cheap, this is not so in absolute terms. In the City one has to fulfil different planning and building approval requirements, (see Box 10.2) unlike in the Nairobi fringe where you only need to buy a piece of land, as though it is meant for agriculture, then construct the house. Also due to the interpersonal nature of land transactions in the Nairobi fringe, some flexibility in payments is usually allowed to the buyers. It can be said that, land market failure within the City has thus become a driving force in shaping the land use decisions in the Nairobi fringe because it forces people to adopt strategies outside the formal mechanisms for obtaining and using land in the Nairobi fringe as confirmed by an informant that:

Land within the City becomes expensive since [you] have to undergo various approval stages...The approvals are fraught with corruption and hence take time. This makes it unfavourable option especially for those acquiring loans for house construction (RAP#2).

Escape from the city to the outskirts

Published on 14/08/2008

By Ferdinand Mwangela

...Despite the relatively high transport expenses, Kasera is unmoved. She says, living on the outskirts of the city is a lot more advantageous than living in the suburbs. The air is fresher and the accommodation cheaper and more spacious. For instance, rent for a regular (not palatial) three-bedroom house or apartment in the city centre and its suburbs costs between Sh20,000 – Sh60,000. A similar house in the outskirts of the city costs between Sh10,000–Sh30,000. A three-bedroom house or apartment in the city environs cost between Sh4- Sh10million. If you are buying in the outskirts, a similar house will range from Sh2-Sh6million. This is the reason why many people are opting to buy land and build their own homes, or purchase ready houses at a much better bargain than a similar house constructed near the city centre.

... Part of the attraction that the city outskirts offer to residents is the serene setting that is devoid of the irritating noise pollution. People who are more family conscious prefer to live away from the city to escape the overcrowding and the myriad temptations associated with proximity to the city.

Wafula Wasula, the public relations officer in the Ministry of Nairobi Metropolitan Development's family lives in Nakuru and he does not see them settling in the city centre any time soon.

"Life in the outskirts of the city is a lot more affordable than life in the city centre," he said. "Houses are more expensive in the suburbs than in the outskirts."

Wasula says, in the outskirts, his children have sufficient space to play and run around, and the school fees paid in the private academies are not as high as those in the city centre and its suburbs, yet the quality and level of education is just the same. In addition, security for his children's education is guaranteed. The same is true of people who own homes as they don't have to move from one house to another in search of a better environment.

Isaac Maira, the marketing manager for Tysons Ltd, agrees that the increasing desire by individuals to own their houses overlooks other discouraging factors like poor infrastructure, lack of electricity and piped water and high transport costs, among others. For these people, affordability is the main driving factor, together with fresh air and a lot of space.

Newspaper excerpt 10. 3: Local newspaper carrying an article on peoples' opinion of land within the rural-urban fringe and for other reasons such as low rents.
Source: (The Standard 14th August 2008).

Tied to the issues of lower costs and fewer bureaucratic hurdles in acquiring plots of land, the Government report indicates that the Nairobi fringe has attracted actors who work in Nairobi City due to its close proximity to the City and for other various reasons such as low house rents (Government of Kenya 2002d 22). The issues of proximity and the role of the Nairobi fringe as a dormitory for the City workers are also mentioned in the Strategic Plan for TCK which states that:

Due to proximity of the Town Council of Karuri to Nairobi City, there has been an influx of working class (people) looking for cheaper accommodation due to the improved transport network. This trend is anticipated to continue and therefore the council requires formulating strategies that will help improve the level of service delivery (TCK 2007 2).

Box 10. 2: Constraints to housing emanating from building codes and regulation in Nairobi City. Source: (Malhotra 2002 14-15).

A myriad of acts, by-laws, and codes combine to regulate the quality and construction of homes in Kenya. The articles of these legal documents set out the minimum standards for all urban structures. Whereas they are intended to protect people from dangerous constructions, these minimum standards effectively make illegal the most common form of home construction in Kenya and throughout most of the developing world—progressive building.

Kenya's building code is based on the historical English legal system, which does not consider the local reality, relying predominantly on expensive and/or imported materials and European-design standards (including roofs that can withstand minimum "snow loads"). To achieve the minimum housing standard, a house must be built out of stone and consist of at least two bedrooms, each measuring at a minimum 7 sq meters with a separate cooking area, including flue ventilation. Thus, the minimum acceptable house according to the "code" is well beyond the means of poor and, even many middle-income families. Although some households do achieve the ideal construction described in the building codes over time, they have to do so by building illegally over the course of many years.

Kenya's current building code obstructs the development of housing in two ways:

- First, it creates the risk that households will lose their home unless they build according to the code, thereby reducing their willingness to invest in more permanent structures—and ultimately, reducing the demand for housing finance.
- Second, by not allowing families to build progressively towards the desired standards, it reduces the types of constructions that potential housing lenders can finance. For example, a poor household that wants to replace its one-room, mud and stick house with a stone one would be unable to obtain a building permit because the resulting room would not meet the minimum standards, despite the positive impact on the household's quality of life and improved quality of construction. With access to housing microfinance, this household might achieve a minimum-standard home after three or four loans. However, if inappropriate, building codes are strictly enforced.

While the government has not uniformly enforced the building code laws, there are cases of houses being demolished for not being built to code. This threat further magnifies the obstacle created by inappropriate building codes.

The Nairobi fringe not only attracts those constructing residential houses for self-occupation, but also tenants who cannot afford to build houses and cannot find cheap houses to rent in Nairobi City. Lack of housing and construction land in the City and impacts of SAPs on the City residents has led to actors responding to the housing problem by using the rural-urban fringe as a place of survival. However, as they learn and adapt to the effects of SAPs, many have started to view the rural-urban fringe as zone of investment amidst reduced investment opportunities in other sectors. In the Nairobi fringe, investors in real estate have been/are constructing flats and tenements for rental purposes. This is due to the low costs of land and to the availability of tenants.

In Kenya, one of the requirements of the SAPs was that the government reduce public expenditure on its non-core functions, with housing categorized as such (Linehan 2007 24; Kamau 2005). SAPs advocated the liberalization of trade,

devaluation of the currency, minimal state interference, exports and imports control relaxations. This created a new form of capital accumulation for some members of the public, especially those tied to the then ruling party (KANU) (RAP#2). With minimal government investment in infrastructure and services, and with imported goods becoming cheap, investment in industries and export activities, for this group of people, became expensive and unrewarding. There were also few investment opportunities for the proceeds from trade liberalization in most of the business sector. Real estate investment thus became one of the few options for investment⁸¹, where the majority of investors felt it was safe given the volatile economic and political situation in the late 1980s and early 1990s.

With the problems associated with housing and land within the City, the rural-urban fringe became the preferred real estate investment site. Actors bought plots of land, with some people building immediately and others holding plots for future construction or sale. This led to land conversion or to leaving land fallow once acquired. This buying of land with the intention to develop in the future has/is likely to bring the same sprawling problems to the Nairobi fringe (see Newspaper excerpt 10.4; Photograph 10.1 and Figure 10.1) as has happened within Nairobi City. Landholders' way of making decisions (i.e. individual in nature), partly explains why there is uneven residential development in the Nairobi fringe (RAP#4). Although I will elaborate later, this individualised land use development and decision making is abetted by unenforceability of land development control on freehold tenures (which is predominant in the area). This is in contrast to what would happen in a situation of leasehold land market, whereby local governments can dictate conditions for the land development. Freehold tenure gives absolute rights to the use of land (see Chapter 4), though some restrictions based on the Public Health Act, Agriculture Act, and Land Control Act are applicable.

⁸¹ Leading to what Kombe and Kreibich (2003 4) referred to 'urbanisation in poverty.'



Photograph 10. 1: Land use conversions to residential flats. Note the incremental way of construction and agricultural activities in the foreground. Source: (Thuo 2008).



Rural Ruaka sprouts into an urban hub

Published on 21/08/2008

By Gathoni Muraya

Far from the maddening city crowds, a community rises to the cool morning breeze and sublime air. This is Ruaka, where there is no congestion and pollution reminiscent of the city's estates. Like many areas on the outskirts of Nairobi, Ruaka is rapidly gaining popularity as a residential area.



Farmers have in the recent past sold off large tracts of land to property developers keen on meeting the ever-rising demand for housing. Today, Ruaka, which only four years ago dotted vast farms of coffee plantations, has since transformed into a peri-urban setting where flats sprout off the grounds with increasing haste instead of crops.

Newspaper excerpt 10. 4: A commentary on coffee farmlands being converted into residential uses. Source: (The Standard 21st August 2008).

10.2 Physical accessibility

In the 1980s transportation was a major problem within Nairobi City and surrounding areas. This was due to State regulations that mostly favoured the NCC run Kenya Bus Company (RAP#1). However, with entry of SAPs there was a reduction in the State spending on budgetary support to the local authorities, including NCC. Most of the facilities within the NCC area were run down due to lack of repair and replacement, and these included the running of the bus company in which the council had a significant shareholding. Buses were poorly maintained, there were no additions to the fleet, travel timetables became non-operational, and buses were usually congested. Also, many of the routes especially to the peri-urban areas were withdrawn. People were late to work and took many hours on the roads. At this time people chose to stay close to their work places or where they can walk to their work stations (LG#1). The majority of the work stations were (to a major extent even today) located at the City centre and in industrial areas.

Social unrest in the early 1990s (partly because of hardships occasioned by the impact of SAPs-related policies) and the decline in popularity of the KANU government amidst increased pressure from donor countries to allow opposition parties to be registered, gave the ruling party a political option to placate the public. The president made a declaration that led to relaxation of rules governing public transport. Other players were allowed to operate public service buses and vans within the City and surroundings, and were also allowed to carry more passengers than their licensed capacity. This reduced the fares considerably and there was no need for people to continue to stay close to their workplace given that the cost of the house rent was high close to the City centre, where most of the employment opportunities are located. People moved to urban peripheries and peri-urban areas where the rents were low and those who could construct houses bought plots and started to construct residential houses (generally incrementally as shown in Photograph 10.1) (RAP#1; RAP#4).

The rural-urban fringe lies between the urban and rural areas, and therefore the connector roads and railway lines linking the City centre and its rural hinterlands pass through the area (RAP#1; also see Figure 10.1). There is an elaborate network of paved connector roads that dissect TCK, making most of its areas

accessible⁸². However the interstitial areas from the main roads are inaccessible during the rainy season due to the unpaved nature of the roads. This means that most of the land use conversions have been taking place along the main roads. The paved road network is the responsibility of central government and the TCK has a minimal role in its maintenance. This is supported by a senior council official who said that “we have good roads in this area although the roads are not ours. They belong to Ministry of Roads and Public Works and they are in charge of the repair” (LG#1).

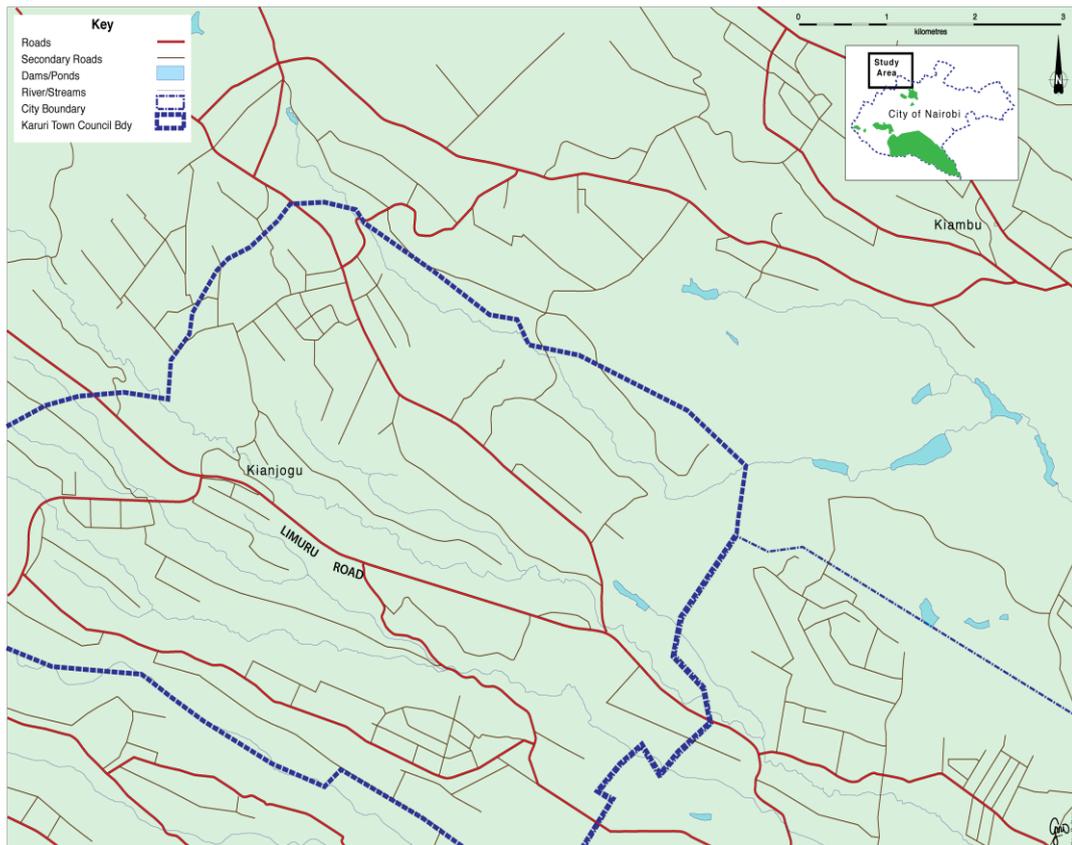


Figure 10. 1: Road network in the study areas in TCK.

The elaborate road network contributes to less traffic congestions in TCK (see Figure 10.1) as compared to the other parts of the Nairobi fringe where people take long hours on the roads. This is averred by a comment from one of the informants that:

⁸²On the issue of accessibility, Berner (2000 10) observed that “in most cases land which is subject to extra-legal subdivisions is often zoned for other purposes such as agriculture, recreational etc”. He continues to indicate that “...most of the land for extra-legal subdivisions is usually located in the rural-urban fringe where it is not too remote, because unlike the middle-class suburbanites, the prospective buyers do not have cars and can ill afford high transportation costs in terms of money and time.”

You know this place is very close to Nairobi City. There are no [traffic] jams like the one we have along Thika Road corridor. I think this is why people are moving to this place in large numbers. The demand for houses is great (CG#1).

The interior roads, under the jurisdiction of the TCK, are however not paved (see Photographs 10.2 a, b) and are sometimes impassable during rainy seasons. These are the roads linking various local villages to the main roads. Due to their poor condition public vehicles do not operate on them. However due to the high demand for land along the main roads, more and more people are now moving away from arterial roads to interior villages. This is making the council embark on road upgrading, by using gravel. Community members are also conducting some upgrading of their local access roads. This has allowed minibuses and vans to start venturing into these areas especially in the mornings and evenings when people are going to work and returning home (CM#11).



Photographs 10. 2 a, b: The condition of local access roads (NB: Roads are narrow and unpaved). Source: (Thuo 2008).

There is also an increase in private car ownership especially for new migrants from the City. The lower prices of land in the interior parts of the fringe are attracting new migrants there rather than on the main road. However, a majority of the people especially the original residents staying in these interior parts still rely on either walking or using “non-motorised transport [*boda boda*] modes” (CM#9). The cumulative effect of these diverse access factors is “further opening up the area for new urban and rural based residents” (RAP#1), and leading to further land use conversions.

10.3 Changing labour and income conditions

After the relaxation of restrictions on native Africans’ movement into Nairobi City and other urban areas at independence, many people moved to the City with the hope of getting formal jobs. The number of formal jobs in the City could not match the increasing number of job seekers (Rakodi 2005 56) and thus a good number of people took up small-scale informal sector jobs such as hawking and artisanal jobs. The population relying on this sector according to UNHCS (now UN-Habitat) (1996 90) and Memon (1982 145) stood at nearly a third of Nairobi City’s population in the 1960s and 1970s. The number has increased from that time and it is variously estimated at 60 percent of the entire employment in Nairobi City (RAP#2).

Lack of a formal job for the majority of the people means that “their earnings are not regular... [and] these uncertainties in earning make them acquire a ‘safety net’...This safety net is in the form of having self-owned accommodation” (RAP#4). The option of having self-owned accommodation, as already explained, is not available for many people within Nairobi City, and if one chooses to have a house in the City, then one has to decide on whether to: (i) become a squatter on public or private land which one does not legally own; (ii) rent or build a house in slums areas which are usually located in flood plains or deferred land development areas; (iii) risk losing money while buying a plot or become a tenant in formal housing schemes (and pay quite a substantial sum of money in the form of rent) or a tenant in informal settlements (not illegal but in terms of lack of services and other facilities due to whole or partial non-compliance with planning regulations), where rents are reasonably low (RAP#1). For most of these people, the Nairobi fringe is the preferred option given the uncertainties and the costs of buying land for housing within Nairobi City. An informant gave credence to the observation by arguing that:

People fear losing their job thus losing their capability to house themselves... Therefore, ownership of a residential dwelling through incremental construction is a way of shielding themselves from this unforeseen insecurity for those in both informal and formal employment (CG#1).

Even for those who are employed, given their awareness of previous experience from those who had earlier lost their jobs (especially during the implementation of SAPs) there is a fear of facing the future without a job and not being able to house oneself or one's family (CG#3). A mortgage is not an option for many, due to low incomes, their informal sector employment and the high cost of houses within the City. These were summarised by an informant who stated:

Mortgage schemes cover only a small segment of those in formal employment... Formal housing provided for by mortgage schemes within the City is out of reach for most of the City residents... Peri-urban residential housing thus becomes a preferred location for such people with no regular income... [where] they self-build their houses incrementally (RAP#3).

The "majority of the Kenyans [who] are not employed in the formal sector... do not have a regular source of income... [and with] mortgage schemes usually tied to regular income" (LG#4), formal housing within the City is a dream that cannot be achieved. Although some of the people in the informal sector have a higher annual aggregated income than most of those people being targeted by mortgage providers, lack of regularity in income (monthly payslips) denies them a chance to own houses within the City (CG#2). Also, due to political and economic instabilities there is usually unpredictability on the rates of interest being charged on mortgages, which at times have been so high that most people have lost their properties when they failed to pay increased premiums (NG#). These conditions make informally employed Kenyans working in Nairobi City fear venturing into mortgage schemes due to the high risk of losing their properties in case interest rates soar, and they thus take on self-built housing options mostly available in the fringe area, as illustrated by an informant that:

I sell second-hand clothes at Gikomba [informal market in Nairobi City]. Will they give me a mortgage or a house construction loan even if I earn more money than those in the offices? ... If they [banks or financial institutions] give me the mortgage, at the end they will end up selling my house when my business is bad (CM#9).

The above comment by an informant is in line with the observation by Kamau (2005 25) commenting on housing issues in Kenya:

... in addition to the dearth of institutions providing housing finance in most developing countries, the terms and conditions of the available financing sources tend to disqualify most self-builders. Even for those who have purchased land as a first step to constructing their own house, there are few housing finance options available, and those that do exist are mainly unaffordable courtesy of the high interest rates charged.

Other than problems associated with sources of finances to support housing, labour and income have also affected land use in the Nairobi fringe in a variety of ways. For instance, agriculture, especially in the Karuri area, has been seriously affected by the presence of Nairobi City as neighbour. According to a Government report on the area, there has been a shortage of labour especially during the peak period for tea and coffee which has resulted from a negative attitude toward farm work among people in favour of the City jobs. The shortage of labour has at times caused big losses to coffee, tea and dairy producers (Government of Kenya 1979b 17). This negative attitude towards farm-work in favour of urban-based jobs was further echoed by an informant who was experiencing its impact:

Nairobi City is doing agriculture a lot of disservice in this area... People no longer want to work anymore... You tend your coffee, but wait for the picking time. You have to go far to get people to come and pick.... The cost of picking increases and the pay for the produce is so bad... I think next year I will uproot all the trees... I will feel bad doing it but do I have an alternative? ... It [continuing in coffee farming] is like '*kuhura mai na ndiri*'⁸³ (grinding water using mortar and pester) (CM#1).

Interviews and discussions with various informants indicated that it is no longer feasible to continue with agricultural activities such as coffee farming due to huge 'shortage of labour especially during the peak period. In addition to the labour shortage, there has been a reduction in agricultural prices which has also made most farmers unable to afford to pay wages comparable to those paid City workers. Furthermore, the "availability of well-paying [non-farm] jobs within peri-urban areas and in the City... makes an agriculture enterprise expensive due to cost of labour and its availability" (CG#3).

⁸³This is a Kikuyu proverb implying engaging yourself in an unproductive activity or an activity whose returns are uncertain or nil.

Box 10. 3: An article linking the study area to child labour. Source: (<http://www.anppcan.org> 3rd September 2008).

African Network for the Prevention and protection against Child Abuse and Neglect
ANPPCAN

Popular Participation Towards Combating Child Labour [Kiambu District]

The phenomenon of child labour in commercial agriculture in Kenya is tied to a myriad of factors including poverty, inaccessibility and high cost of education. Historical factors such as colonialism, cultural attitudes, lack of policies and poor performance as well as low awareness on child rights. The Structural Adjustment Programme (SAP) introduced in Kenya by the World Bank and IMF and the accompanying policies of cost sharing policies in use of social services including education has become increasingly difficult for the poor to access basic services. It is therefore not surprising that a study done on child labour between 1982 and 1985 found many Kenyan children working in domestic labour. An update of the study in 1991 found some 12,000 Kenyan children working in coffee estates in **Kiambu district**. With the AIDS pandemic, the number of AIDS related orphans have magnified from 600,000 to over 1 million. These are the children who are exposed to risks of joining street life and being exploited in all sectors employing children.

Experience in the districts currently under the programme show that there is districts specific child labour in the different commercial agriculture activities in each district. Coffee and Tea is a major employer of children in **Kiambu districts**, mostly plantation farms

Accessed on 3rd September 2008 <http://www.anppcan.org>

Other than the increased cost of farm labour due to availability of urban-based jobs, there is also a mention of the labour shortage that has been occasioned by high incidences of HIV/AIDS related complications among those who are able to be engaged as labour force on farms (see Chapter 8).

The research conducted by the National Aids Control Council (NACC), indicates that the most affected age group in Karuri is between 15 and 45. This is the most active age group and it provides the required labour force (TCK 2007 3).

Poor health among able bodied is further making the labour situation worse, as those who are healthy are attracted to the City jobs, while those infected especially in their late stages of AIDS complications cannot be actively engaged in agriculture which is still manual in nature. The labour shortage has increased incidences of engaging children against the government's objective of ensuring all school age children attend school (CG#5; see Box 10.3; also see Chapter 8 commentaries from Government reports).

The availability of diverse choices of paid employment within and near the Nairobi fringe partly explains why farming, especially that which relies on non-paid farm labour, is finding it hard to survive in these areas. An informant observed that:

People wake up in the morning and head to Nairobi City... You know there [in Nairobi] you can even sell 'air'... Most are hawking but a good number of them are also employed. It is not like here. At Nairobi City one can afford to wear a suit [availability of 'clean' jobs]... I hear others are now working in America [referring to a good number of people from the case study area working in countries abroad] (CM#8).

The increase in labour demand which is associated with the closeness to the City also leads to changes in socio-economic conditions in the production sector of the Nairobi fringe. The cost of labour has increased and, in conjunction with the reduced human power, these impact heavily on agriculture as a viable enterprise for many actors with land. These changes and challenges are making farmers abandon farming in favour of residential house construction or subdividing some portions of their land for sale (CL#2).

Reduced income from farming has also influenced land use decisions in the study area where soil and climatic factors suit coffee farming. This is confirmed by the historical existence of coffee farms, though such farms are now in different states of management. A tour through TCK revealed that most of the existing large scale coffee estates are run down with most of them being significantly neglected. This is indicated by coffee bushes being overgrown by weeds or in situations where squatter farmers are planting food crops amidst coffee bushes on those farms. This is a pointer to the likelihood of coffee farming being abandoned in the near future on those farms. Furthermore, most of the smallholder farmers in deeper interior locations have long uprooted their coffee bushes and instead have planted Napier grass for feeding zero-grazed dairy cows or have constructed semi-permanent (*mabati*) rental units on their land. This is supported by a statement from the 2002-2008 District Development Plan for the area:

(t)he coffee industry has, however, been faced with serious problems of low payments in the world market. As a result, farmers are beginning to neglect the crop so as to invest in other paying enterprises like dairy farming and horticulture (Government of Kenya 2002d 38).

Further, when commenting on the situation of coffee farming, one of the leaders in the community said that "Most of these abandoned coffee estates have already been sub-divided into small plots and sold to individuals... [and] are just waiting for housing construction" (CL#2; also see Photographs 10.3). Decline in the status of farming is supported by the statement that:

Since the IMF (International Monetary Fund) brought the SAPs (Structural Adjustment Programmes) few people are willing to continue farming. It is seen to hold little prospects for high income... Those still farming know better about what I am saying (CL#1).

Low returns on coffee farming, especially on smallholders' units, were variously occasioned by fall in the global coffee prices and impacts of Structural Adjustment Policies (SAPs) on Kenya's agricultural sector since the mid-1980s. This is supported by Tacoli (2002 12) who observed that:

Under structural adjustment and economic reform, credit systems for small farmers have declined substantially. At the same time, the cost of inputs and farm implements has increased, leaving most farmers caught in a cost-price squeeze.



Photograph 10. 3: A run-down coffee farm with residential houses coming up. Source: (Thujo 2007).

The smallholder farmers' production was thus significantly undermined by implementation of SAP-related policies. The policies led to the rising cost of agricultural inputs and consumer goods, while prices for international agricultural produce stagnated or at worst fell (RAP#1). Commenting on smallholders facing similar policy situations, though in other places in Africa, Bryceson (1999 182) indicated that the resultant conditions create a high production risk to such farming due to low returns which makes it difficult for small-scale farmers to compete with large scale farmers in domestic markets and also in the international ones. With such observations, one can get a partial explanation as to why most smallholder farmers, who are the majority of farmers in the case

study area, have chosen to abandon coffee farming (CG#3). They have either diversified their income activities into non-farm activities, such as looking for employment in Nairobi City, changing to livestock keeping (targeting Nairobi City's consumers of the raw milk, after sale of milk was liberalized), building rental units or selling portions of their land (CL#2).

Tied to the reduced agricultural produce prices and as the cost of labour rises with competition and more attractive job options off-farm, is the existence of demand for land against declining returns from land from agriculture. This has encouraged land subdivisions due to the fact that sale of land in rural-urban fringe areas is always at a higher price than the return from agricultural production in the long haul (CM#10).

10.4 Policy and institutional aspects

Other than the high demand for plots which increases opportunity costs for land use, other reasons in the legal and planning system also have a role in land use conversions. Contradictions in the institutional and legal framework weaken the influence of the planning authority on land use control in the rural-urban fringe.

As already noted in chapter 4, 7 and 8, there are various institutions that operate with particular effects on land use in the Nairobi fringe. These include the Ministry of Lands, Municipal Councils, Ministry of Agriculture, and Ministry of Local Government (among others) which are all involved in land use development control. The legal instruments that are used include the Land Control Act, Local Government Act and Physical Planning Act; these empower local authorities within the fringe to control land subdivisions within their jurisdiction.

The review in the previous chapters (Chapter 4, 6 and 7) indicates that local authorities in Kenya have a variety of mechanisms with wide-ranging land use planning powers to influence land use behaviour within their areas of jurisdiction. These are embodied in land use regulations such as zoning ordinances, subdivision standards and concurrent infrastructure requirements before land development approvals. However, the effectiveness of these regulations (as it was noted) largely depends on the capacity of the local authority concerned to manage and enforce them. This concern is supported by an informant who indicated that:

Local governments in areas of the Nairobi's peri-urban areas were structured for rural based operations [and] as a result they are not equipped with the capacity to oversee land use development controls in these newly urbanizing areas (RAP#4).

As the above comment indicates, the main problem that besets local authorities is the lack of capacity to carry out their duties. The decentralised government institutions and departments also lack facilitating equipment such as vehicles and computers, which delays their work (CG#1). For example, a land development approval should in theory take 30 days but in reality, it takes not less than three months. Bureaucratic delays by the planning institutions are cited as a major cause of illegal/informal land subdivisions, for actors tired of waiting for approvals while demand for land for residential housing soars. These delays in approvals happen amidst awareness by landholders and developers that the local authorities and planning officers lack the capacity to enforce the regulations. All these make fringe areas attractive for residential development against prevailing conditions in Nairobi City. Bureaucratic inefficiency in the Nairobi fringe concurs with the comment in the report by Acioly (2007 3), for the Lincoln Institute of Land Policy, that:

...informal markets provide housing alternatives to poor, middle –class and even some high income families in many cities where sanctions on informalities are lax and /or access to land is constrained in the urban core and held privately in the fringe. The inability of the governments to anticipate, articulate and execute well-designed land and housing policy is one of the causes.

Lack of guiding mechanisms for land use planning has meant that private actors are filling the planning vacuum and depend more on the local 'power game' than on official planning codes. Land use development is thus taking place on an ad hoc basis and there is no explicit mechanism to direct how various land uses take place. Non-existence of planning guidelines in the rural-urban fringe was mentioned by an informant, (also in Chapter 4), who commented that:

The Kenyan government does not have a comprehensive policy on urbanization [and this] has made urban development occur in uncoordinated way leading to uncontrolled urban growth ...Also lacking is a policy on housing; the state has done little towards guiding the way its planning is achieved... This has led to serious shortages of decent and affordable houses within the City (RAP#1).

The failure by local authorities and the government to provide a framework for land use development in the fringe areas has helped to create a set of problems

whose solution is yet to be found, further complicating an already existing situation of induced land market failure. For example, the TCK does not have a Local Physical Development Plan and therefore has no baseline upon which plans can be evaluated or assessed as mandated by Physical Planning Act Cap 286 (LG#5). Land use developments or change-of-user are thus carried out without any reference to a planning framework (CG#1). Within this context, the acquisition and development of land tends to be mostly dictated by non-regulated market forces and are thus left to discretion of the individual developers (CG#1), whose consideration of public welfare is minimal.

There is acknowledged concern that rapid land subdivisions that are taking place within TCK, coupled with residential housing developments, require up to date information if the resulting land use conversions are to be well managed (RAP#4). This information is lacking because existing information systems, land records and revenue systems are the out-dated remnants of colonial rural land use maps and records indicating land use activities and characteristics whose relevance has been/is rapidly being lost in the area (LG#5; see Newspaper excerpt 10.5).

SATURDAY  NATION

Overhaul Lands registry, says Raila

By SAMWEL KUMBA and ZULEKHA NATHOO

Posted Thursday, August 14 2008 at 23:59

The country's land registration system needs an overhaul, Prime Minister Raila Odinga has said.

He made the announcement at the Lands Ministry yesterday after touring the offices used for record-keeping, archiving and land transactions. "I am horrified by the mess that prevails in the registry. The most crucial documents are strewn about," he said. "This is a guaranteed recipe for inefficiency, lost files and endless unsuccessful searches for documents and for toll-taking," he said.

A visit to the ministry's central registry showed piles of old documents, which detail Kenya's entire land ownership. Some were torn while others were taped together and had yellowed with time.

According to ministry officials, the most crucial records have no back-up copies and the tattered condition of crucial documents leaves room for potential manipulation and corruption. After the tour, Mr Odinga called for immediate revocation of letters of allotment issued to people who had not lived up to their agreements with the ministry.

Newspaper excerpt 10. 5: Complaints on corruption and inefficiency at the Land's offices. Source: (Saturday Nation 14th 2008).

Lack of up to date information is further complicated by a lack of coordination among the institutions dealing with land in the area, where each is pursuing a different agenda and operating a separate record system. This coupled with low manpower and professional capacity, use of manual technologies in acquisition of the land use information, and lack of machinery for the facilitation of the officers in information collection, processing and management. The features have led to delays in acquisition and updating of land information (TCK 2007 17). This is further compounded by the weak revenue base of the TCK.

Due to this lack of information on land use planning and development control, most land subdivisions are taking place without the notice of the planning authority, thus without approval. In some cases, residential developments have taken place even without the knowledge of the planning officers and TCK. This is attributed to “a problem of staff, as the number is low compared to the level of services required by the local community” (TCK 2007 17). In some cases developers with approved plans have taken advantage of inadequate enforcement and monitoring capacity to alter the plans at the implementation stage, which has resulted in encroachment of road reserves and open areas (CG#1).

The long-term Physical Development Plan which forms the foundation upon which infrastructure and other design facilities are based within any urban area may partly guide the urbanisation process in TCK. However, even if the Physical Development Plan is to be formulated, the Government report indicated that TCK does not have the capacity to control development within its area of jurisdiction. TCK not only lacks a Town Planning Department, but also it does not have a planner within its institutional establishment (Government of Kenya 2005d 25). The observations in the report are referred to by an informant who commented that:

We are a small council and thus our finances are limited. In fact we use most of our revenues to pay salaries... Our sources of revenue are few. Government is not giving us enough money to employ more people (LG#1).

Due to balance of payment problems, central government withdrew funding to all local councils from the late 1980s (these issues are more elaborated in chapter 5). However, in 1999, central government began to partly finance local councils through the Local Authority Transfer Fund (LATF) (Crane 2004 15). This fund is

also not sufficient to cover day-to-day operational activities of these local councils who have limited sources of revenue (RAP#1).

Another aspect which is related to the legal, institutional and financial constraints affecting the operations of TCK is an unprecedented increase in population. This (as noted elsewhere) is from both immigration and natural increase. A rapidly increasing population combined with limited funding and personnel, makes enforcement of planning regulations, and monitoring of development activities nearly impossible. In cases of non-compliance by developers, there is also little legal recourse for planning authorities where the guiding plans around population servicing do not exist. The only relief for enforcement of planning regulations is the Law of Nuisances which can be invoked under the provisions of the Public Health Act (RAP#3). The observations are echoed by an informant who commented that:

For instance, Town Council of Karuri with a population of more than 100,000 people has less than 10 workers with only two enforcement officers, no planner or civil engineer... Due to these limitations policing, enforcement and monitoring of land use development activities is limited or non-existing and mostly it is relaxed to allow 'harmonious working relations' with the developers (CG#1).

Due to several constraints in its operation, TCK in most cases relies on the goodwill of the developers who, in their pursuit of profit end up ignoring planning requirements, especially those related to public utilities and amenities provision for significant numbers of people. The prolonged and unsystematic development has led to inefficient land-use patterns where the later construction of infrastructure and the delivery of services amidst poorly planned developments is likely to be costly and socially and structurally inconvenient (CG#1).

Land use planning problems are further complicated by the existence of overlaps between statutory and customary land tenure systems⁸⁴. Due to the

⁸⁴Berner (2000 5) commenting on land issues in developing countries, observed that "...most functions of the state are not fully embedded in the society, and the state apparatus is widely perceived as mere instruments of a few members of society." He further indicated that, in such situations mercantilist rather than market behaviours dominates. This scenario leads to a situation where pursuit of profit is superseded by that of rent. Such systems bred nepotism and corruption by the dominant group, leading to a majority of the people feeling excluded. Those feeling excluded evade or contest the set regulations and thus makes their enforcement expensive and increase the transaction costs.

heterogeneity of the population, there are low levels of social and political cohesion among various actors in land use management. In particular the genesis of the problem originates from the fact that many parts of the Nairobi fringe, especially the local authorities, have boundaries that do not reflect social, economic and political realities of the communities living there. They also lack mechanisms to deal with tensions related to competition over the use and management of natural resources (such as water), which is becoming a potential cause of latent or open conflict.

Another constraint on the effectiveness of land use planning by TCK is that more than 75% of land within its jurisdiction is privately owned. The council does own a small percentage of public land (TCK 2007 4), but does not have adequate land to cater for the increasing needs of the rising population. Furthermore, it was noted that in TCK “most land is owned on a customary basis.... [and] in the form of a freehold which confers absolute ownership to landholders... and people feel that ‘this land I was given by my father’ ” (LG#1). In this case “the role of the planning authorities is therefore reduced to an advisory one” (CG#1). There seems to be a generally accepted notion by the planning authorities that “these are their ancestral homes and we cannot interfere with them, although many are hiding under those classifications to avoid complying with planning regulations” (LG#1). The comments on land ownership concur with Tacoli’s (2002 i) observation that “in many African nations, statutory and customary tenures coexist and often overlap, especially in peri-urban areas, where formal and informal land market transactions are increasingly important”. Another insidious aspect of customary land ownership according to one of the informants is that:

Land is progressively subdivided among sons and daughters by their parents over generations... These subdivisions are either done informally by clan elders or formally through the Ministry of Land... Since the primary purpose of these areas is agriculture, it is outside the jurisdiction domain of urban planning regulations...Most of subdivided land is usually used for construction of rental residential units especially on land along the major roads (RAP#2).

Lack of a clear land policy coupled with weak planning institutions and local authorities has also been linked to increased corruption in the management of land use conversions in the Nairobi fringe (see Chapter 4). The problem of corruption results from forces that are both internal and external to the Nairobi fringe. External forces makes people fear buying plots within Nairobi City where

vague laws on land ownership and institutional unaccountability have led many people to lose their money or be embroiled in endless battles in Courts over land ownership. Internal to the Nairobi fringe, corruption has been aided by, according to an informant, the

...existence of a large number of agencies dealing with land and land related resources... The bureaucratic system is also circumvented by freehold land tenure system, where owners have leeway concerning land use due to the absolute ownership vested in them by the law... Some officers are aware of this scenario and are thus conniving with farmers wanting to sub-divide their lot for sale as residential plots, but who don't want to apply for change of user (CG#1).

As already mentioned, much of the Nairobi fringe is still categorized as rural agricultural land, and therefore it falls under the Ministry of Agriculture and Ministry of Lands. The role of a District Physical Planner is thus reduced to giving advice to developers, under the special sub-division schemes programme provided for in the Physical Planning Act. Due to a large number of agencies dealing with land, conflicts pertaining to jurisdictional authority arise, slowing down the planning process (LG#1). These delays make those who want to implement their residential developments urgently resort to corruption (NG#). Corruption usually involves Land Board members and officials who approve agricultural land subdivisions or change-of-user. Legally, they can approve land sub-division without seeking the Physical Planner's advice and at times they work against the Physical Planner's decision or advice. The tense working relationship in the department was expressed by one of the informant who commented that:

You refuse to give approvals to a subdivision, [and] then later the Land Board will issue permission for a land to be subdivided.... What are you supposed to do in this case? The land is recognized as agricultural but you know very well subdivision is being done for sale to people to construct residential houses...Unless the Land Office stops being corrupt, we will continue to experience problems in this area. I am telling you! (CG#1).

Corruption is also identified as a problem affecting operations of the TCK, which reflects the likelihood of a similar scenario in other local authorities within the Nairobi fringe. The TCK strategic plan indicates that prevalence of "(d)ishonesty and negligence of some of the staff members adversely affect implementation of projects" (TCK 2007 18). The lack of honesty can partly be attributed to the impact of SAPs' initiatives. The SAP required tight control of public spending and thus resulted in retrenchment and reduction of wages for workers in local

authorities. These situations reduced workforce morale and also threatened efficiency and honesty as some employees took the opportunity presented by their position in local authorities to engage in corruption or rent-seeking activities to supplement their meagre income or to accumulate some funds in case they are forced into an early retrenchment (RAP#1; see Newspaper excerpt 10.6).

THE STANDARD
For Fairness and Justice.

Thursday, 13th August 2009

Help! My house has been stolen!

By Paul Ngotho

Carjackings, forged academic certificates and reports of fake titles are now common. Police routinely claim burglaries of shops in the city centre are 'normal' so we should not panic and yet one of the government's main purposes is to ensure security for all its law-abiding citizens.

Now the thieves have taken their art to a higher level. Recently, a friend called to tell me his house had just been stolen. Naturally, I assumed he meant thieves had broken into his house and stolen his possessions. I was wrong. Conmen had actually sold his house using a fake title and identity card, complete with his photograph. The Minister of Lands has admitted the existence of many fake titles and asked the public to be vigilant. So how does one protect his or her land from being stolen? Carrying out an official search at best confirms the details of the title you are holding including whether the land has been 'stolen' already. It does not, of course, tell you if any or how many fake titles of your property are in circulation. At this rate, registering a charge or a caution might help somewhat.

My guess is it is impossible to stamp out this crime in the short run. The only security marks on a title are the registrar's seal and signature. Both are fairly easy to forge. A determined crook armed with white A-3 sheets and a good old-fashioned typewriter could produce hundreds of fake titles a day. Altering the records at the lands registry is also easy since the Ministry of Lands is NOT a 'Corruption Free Zone'.

Fake Titles

Property owners have been shocked to learn that properties they have owned for decades have been secretly transferred to strangers. Spouses who have put cautions on their partner's properties and banks holding registered charges have been shocked to learn they have been sold.

There is no limit to the number of fake titles that can be prepared. The fact that you have discovered one fake title does not mean there aren't others for the same property as in some cases, there are several fake titles for the same property.

We cannot pin our hopes on the computerisation of registry records under the proposed National Land Policy. Computerising registries, which are known to contain illegal entries, will not do. Computers will not enhance the integrity of the records. Indeed, computerisation could make falsification of entries easier — literally at the click of a button by an authorised official.

Perhaps the solution lies in producing genuine titles on bank note paper with the owner's photograph properly protected by watermarks. Yet, even that offers limited protection. The only reason forgers do not bother much with our currency is because it is not worth the trouble. Since one title represents millions or hundred of thousands of shillings, then the motivation to forge these documents is extremely high.

A case in which a number of people including a lands registry official are accused of 'stealing' Prime Minister Raila Odinga's land is in court. At this rate, the Lands registries should be declared a national disaster!

The writer is a chartered valuation surveyor.

Newspaper excerpt 10. 6: Further commentaries on corruption and inefficiency at the Land's offices. Source: (The Standard 13th August 2009).

Also tied to corruption is interference with land use planning by national and local politicians. Planning officers are sometimes forced to act on advice from 'above'. A case was cited where Planning Officers had agreed with one of the local authorities to control land subdivisions of agricultural land in a particular area to a

minimum of a 0.101 hectare. They however received a call from their boss at National headquarters requiring them to withdraw the decision and approve the subdivisions as per the clients' demands (LG#1; LG#2; CG#1).

10.5 Social, family and individual circumstances

There are social, family and individual circumstances that influence land use decisions. In illustrating how these circumstances influence land use, especially in a smallholding farming system, Tacoli (2002 2) observed that household members face two types of problems and these may occur simultaneously. The first problem involves cooperation that is, individuals combining their resources (e.g. labour, capital etc.) to operate as a unit rather than individuals. The second involves a conflict, that is, where members of the unit wish to adopt different and individualised strategies and resources are withdrawn or dissipated. Although different parties in the household are likely to choose to cooperate, the final outcome or the distribution of the product of such cooperation is determined by the relative bargaining power of each member. Cooperation is vital for smallholders' farming households to function. This cooperation may be in the form of unpaid family labour. The power to make decisions about control over assets is often in the hands of older members in the households.

Tacoli (2002 2) further went on to identify four factors that affect members' capacity to bargain for their role and participation in household day to day activities: First, it depends on the well-being of each individual in the household to stand on his/her own in case cooperation breaks-down or fall-back options (such as available accommodation and income within their locality but outside the confines of the household are available). Secondly, she argued that it depends on the extent to which members of the household align their well-being with that of the other members and their preparedness to subordinate their wellbeing to that of others in order to achieve the collective goals of the household. Thirdly, she indicates that it depends on the perception of the household members on their contributions and individual significance to the household's wellbeing; and lastly, Tacoli suggested that it depends on the ability of some members to exercise coercion over the others within the household either through the threat of violence or social pressure.

With respect to the comments above, I noted tension between the young and old members of households, in most cases parents and their children. This tension is manifested by young actors refusing to participate in non-paid farm labour in the guise that it is dirty. However, their resistance position is strengthened by the availability of paid work within their localities and in the City. As one of the informants put it:

You can't tell 'vijana' (young people) to go to 'shamba' (farm) and cultivate... They will just laugh at you... Who wants to get dirty? But it is because they know that they are likely to get a better job in Nairobi City or a well-paying construction work in this area (CM#1).

Availability of non-farm employment in the City and within the locality (see Photograph 10.4) seems to improve individual household members' assertiveness and thus encourages those members with the least decision-making power (usually women and younger men) to move out of unpaid family farm labour to look for paid labour elsewhere. This is especially so if "there is intra-household tensions over farming decision-making and control over resources" (Tacoli 2002 iii).



Photograph 10. 4: An example of young actors working on a construction site. Source: (Thuo 2008).

Social and cultural influences from the City and also from new migrants into these areas are further creating inter-generational differences and tensions. Younger men and women are aligning themselves with an urban lifestyle and new urban-oriented residents in their midst. The new interaction is enabling the young

members of the indigenous population to identify opportunities within and outside their locality. This has also enabled them to better respond to possible long-term trends and patterns of land use activity in their midst and in the surrounding areas. This may be in direct contrast with the norms of their parents or elderly members of the community who favour traditional ways of doing things. However, even the elder members of the community are now appreciating that change is inevitable in their areas and are trying to find ways to explain the unfolding phenomenon. One informant reported that:

Most people here have gone to school... It will be foolish to expect them to remain in villages and farm... Who wants to waste his or her education? Tell me... Do you educate your son or daughter only for them to come back and do farming? (CM#1).

Prejudice against farming by the young members of the community is further reinforced by the Kenyan system of education that views farming as a career for those who fail in schools (RAP#1). This negative attitude is severely affecting agriculture in the Nairobi fringe because there are various income options for non-farm employment within and without the locality (CG#3). An informant commented that:

The younger generation view agriculture as backward and even farmers belittle themselves especially in the face of immigrants who either have a formal job or well-paying businesses in the City (CL#1).

As already noted, the shunning of farm work by the younger generation has denied smallholder farming households the necessary unpaid labour and has thus increased farming operating costs even for commercial farms in the area. This coupled with the high cost of farm inputs and unavailability of affordable farm labour has made farming uneconomic for most farmers. However, change in attitude notwithstanding, most older actors who still hold farmland are not keen to sell their land. They take it as a sacrilege that someone can sell inherited land (CG#4). This explains why there are still patches of agricultural land even in the more residentially dense villages. In some families where land has been sold the family usually leaves a portion of land unsold, especially the locations of graveyards.

From the interviews, I gathered that landlessness has been an issue for a long time, even before independence (also see chapter 4), and this explains why a majority of people in the Rift Valley province bought land and thus became

victims of post-election violence. These people had sold their small parcels of land in the Nairobi fringe (given that land prices in the fringe has been high compared to other rural settings) and invested their money in buying bigger land portions in other areas.

According to Development Plan 1979/83, the average landholding for smallholder families within the study area was 1.2 hectares. The Plan had indicated that this was below the minimum economic size for agricultural purposes, even though these holdings located in either high or medium potential zones (Government of Kenya 1979b 14). This observation in the Development Plan three decade ago is a pointer to the current high pressure on land especially now that the demand for land (for residential purposes by Nairobi City's residents and also through natural population increase in the area) has increased. The Development Plan also seems to indicate the likelihood of an *in situ* urbanisation of these areas, whereby members of the families either working within the fringe or in Nairobi City or elsewhere continue to live on their ancestral land but no longer derive substantial part of their living from this land. Each family member building a residential house will produce a situation where "land is fragmented into small uneconomical farm sizes thus affecting productivity in the agricultural sector" (Government of Kenya 2002d 23).

The succession of land ownership through children is echoed in sentiments such as, "we were seven in my generation of the family, five brothers and two sisters. My father had 2.02 hectares of land. Our sisters got 0.4 hectare to subdivide between them and we had the remaining 1.6 hectares to subdivide among us brothers" (CM#8). This is because "ancestral land is continually bequeathed to children who then sub-divide it among themselves...and the trend continues until we don't know when" (CL#1). The following comment describes similar circumstances:

Here, unlike other areas, young men don't rent houses in Nairobi. They build houses in their parents' compounds ... They work in Nairobi or in estate farms and then come back home in the evening ... Others are just working around as Manambas [these are touts manning bus stops and earn their living through money extortion from public service transport operators] (CL#2).

Due to the proximity to Nairobi City and with its associated social change influences in the Nairobi fringe, I came to understand that women are included in the land allocation process. There are a large number of single mothers with

formal and informal jobs in Nairobi City and within the fringe, but still staying within their parents' homestead. Their proportion of inheritance, I was informed, is however, relatively smaller compared to that of their male siblings.

According to Development Plan 1979/83, internal and external cultural, economic and social forces have led to large farms being sub-divided into smaller holdings among family members who also further subdivide them into smaller units for their children or for sale (Government of Kenya 1979b 14). The same position is echoed by an informant who noted that:

Agriculture as has been the practice here [coffee growing] needs a sizeable amount of land. However, people are dividing land into tiny parcels where growing coffee is not economically viable...this makes traditional agriculture not good for many people and the only option is either to sell their pieces of land or construct rental residential units (CM#10).

Various reasons are cited as to why actors subdivide their parcels of land. Among the factors mentioned are: Speculation by community members with the hope to cash in on high prices of land due to shortages of building lots within the City (NG#). This is manifested by farmers sub-dividing their lots then putting them on sale. Since the market is not open, the majority of the people who buy the plots are locals or land dealers who then wait for land values to appreciate. When the prices appreciate they use informal networks or newspaper advertisements to sell their plots to outsiders. An informant indicated that:

Some farmers with 'big' parcels of land want to make a profit from the high demand for land for residential construction by sub-dividing land into small piece of plots... [and] people with money are buying those plots with intention to later sell at profit... Most of the open land you see around is already sub-divided and bought...It is just waiting to be sold to the new buyers from Nairobi City (CL#3).

Other than having individual landholders subdividing their land and putting it on sale, there are also land buying/selling companies who approach people with big farms with the intention to buy the land. Once an agreement is made and land transactions are complete, the land is sub-divided and then offered for sale. These are the sub-divisions that usually seek approval from the Physical Planning Office due to their size, which can be hard to conceal under agricultural purpose sub-divisions (CG#1). This mode of residential land transfer does not contribute to the large number of building plots for sale in the case study area. However, elsewhere in the Nairobi fringe they contribute significantly to buying

and selling of residential plots (LG#2; LG#3). Even the few large run down coffee estates in the TCK are already sub-divided into plots, awaiting construction of residential houses. As one informant said, “If you go to the planning office at the District Headquarters you will see all these applications for change-of-use have been approved” (LG#5).

There are land sub-divisions also occurring in common land such as those owned through co-operative societies. Most of these are coffee farms owned by groups. Due to the economic problems associated with coffee farming and the awareness of the demand for land in the area over time, individuals within the groups wanting autonomy in land ownership, for future sale, are pressuring for their subdivision to acquire independent individual titles (CG#3).

Related to the desire for individual land titles is also the change of use from agriculture to residential or institutional uses. Once individuals get their parcels of land registered under their names, they either sell or apply for change-of-user. Most of the applications for change of use are for residential purposes but there are also a good number for institutional purposes, e.g. for private schools or religious buildings construction (CG#1). Once the change-of-user is approved, subdivision of the land takes place and agriculture is replaced. The frenzy to change the use has been motivated by the information that Nairobi City boundaries are likely to be changed under NMDA and zoning policies and regulations are likely to be put in place. The changes-of-user are concentrated along the main roads. The increased frequency of change-of-user was mentioned by an informant who stated that:

Last year (2007) we had many applications for change of use. I don't know what is happening there [at Ruaka] but people are uprooting coffee like in no other time before. We wish they are making better use of the money they are getting [from the sale of land] (CG#1).

The change-of-user leading to land subdivision has led to a rush for residential plots, thus increasing the demand for land, with more and more people being expected to continue migrating to the council area (TCK 2007 4). There will thus be a continuous process of further land sub-divisions and further conversions of agricultural land to residential purposes.

10.6 Environmental conflicts/ change

The pursuit of exchange values ...does not necessarily result in the maximisation of use values for others. Indeed, the simultaneous push for goals is inherently contradictory and a continuing source of tensions, conflict, and irrational settlements (Logan and Molotch 2007 2).

To echo the observations by Logan and Molotch, the study noted that many of the problems related to the environment in the Nairobi fringe are a result of externalities which are the consequences of one party's action or decision on another party's well-being. Externalities are incurred without any negotiation or agreement on compensation. Natural systems do not respect the boundaries of private property (Wawire and Thuo 2007 106). Activities of one property owner can affect the ability of the natural environment to function effectively. Once these happen the consequences are felt both by the one causing the problem (but not always) and those who are not (McGranahan *et al.*, 2004 10).

The notion of externality is crucial to understand environmental problems in the Nairobi fringe and the way they are affecting land uses. As one of the informants noted:

...urban related land uses are impacting negatively on agriculture... For example, flooding due to run-off from paved/built-up areas has a great impact on agriculture along the river valley... Contractors are also discarding building wastes after construction which leads to drying up of dams due to siltation (CG#2).

The issue of flooding due to blockage of water channels by building wastes has become problematic for farmers who chose to continue farming especially in areas that are already dense with residential houses. In such areas, farmers, especially those practicing small-scale irrigation of horticulture crops along river valleys, are complaining of increased incidences of flooding which never used to happen before (CM#9). This is attributed to siltation from construction sites whose soils are being washed to the river channels and dams during rainfall. Other than continued siltation, densification of some of these areas and extension of the road network is reducing the surface area for storm water infiltration into the ground. This has increased the volume of storm water which is degrading farms through gulley erosion (CG#2).

Other than problems coming from disposal of building waste materials, continued increase in residential housing construction has led to an increase in waste from households. As an informant indicated,

...pests such as rats and mice... due to increased population densities are destroying crops and other stored grains... Solid wastes and household wastes such as polythene bags affect our livestock once they eat them and are also breeding grounds for pests (CM#1).

Pests are becoming a menace to crops on the farms and also in the granaries/stores. The problem in solid waste management is further worsened by the lack of a waste collection system from residential areas. Solid waste is either burnt or thrown in open spaces or dumped along the roads (see Photographs 10.5 a, b and Newspaper excerpt 10.7). In the case study area I also found that waste from neighbouring estates within Nairobi City is being dumped in some private farms by contracted small-scale waste handlers. Field visits revealed that polythene bags are becoming a major issue. During a windy day polythene bags are visibly flying all over the area. Apart from clogging the storm water and waste water drainage channels and thus causing flooding, they are becoming a problem to farmers once ingested by their livestock. Death of livestock has been reported by some farmers (CM#4).



Local authorities warned over poor garbage disposal

Published on 15/08/2008

By Bancy Wangui

District Environmental Officers in Central Province have been directed to seek legal redress against 18 local authorities that have not applied for sanitary land field licences.

Issuing the directive, the Central Provincial Environmental officer Wachira Bore, said the local authorities had failed to comply with the laid down procedures by the Government.

Bore has also petitioned the Provincial Local Government Officer to intervene and have clerks of the civic bodies apply for the licences.

He said the licences would enable authorities to be allocated dumping sites.

He said lack of licences had led to accumulation of garbage in towns and illegal disposal of waste.

Bore said the clerks had failed to comply with waste management regulation as stipulated by the Environment Management and Coordination Act of 1999.

"We have issued warning letters to the clerks to apply for the license that is worth Sh5,000 but they have ignored, this has led to accumulation of dirt in towns and it is now a health hazard," said Bore.

Newspaper excerpt 10. 7: An article on waste disposal touching on the area of study. Source: (The Standard 15th August 2008).



Photographs 10.5 a, b: Solid waste disposal on the roadsides along Gachie-Ndenderu road. Source: (Thuo 2007).

Most of the villages in the case study area have no sewerage system, nor does the whole of TCK. Actors rely on pit latrines or septic tanks. Because of the decreasing size of plots, continued use of pit latrines is becoming an issue. In many residential houses/plots there is little space to dig a new pit latrine, once the existing one fills up. So the option has been to hire some people operating as small-scale waste management groups, to manually empty pit latrines (CG#5).

There is no system to handle the waste emptied from filled up pit latrines and it is either disposed of in open ground especially in abandoned farms or on river channels. As already mentioned, most of the water used in this area is either drawn from shallow wells, private/community boreholes or from the rivers. The mode of human waste disposal is endangering such water sources, and also

making irrigation of horticultural farming unsafe due to the risk of faecal contamination thus further jeopardizing the position of agriculture as land use in the area.

Another problem is where actors have started to argue over livestock keeping. Some people are complaining about the foul smell and flies from the livestock stables. This is mostly in areas with more dense residential settlement as in Ruaka, Ndenderu, Karura, Gachie, Kihara and Muchatha areas (see Map 3.1). There is also some concern about the use of pesticides and acaricides in spraying of animals and crops respectively. Complaints are based on the fear of contracting respiratory diseases. An informant gave credence to this by commenting that:

There is also conflict among those still practicing agriculture especially keeping livestock, due to foul smell and flies from the stables and also smell from spraying of crops with pesticides and other chemicals... (CG#5).

These emerging conflicts between residential communities and farmers will have an impact on future land use and thus agriculture. This can be summarized in the words of one of the agriculture officers who (during a focus group discussion) said that, “here we need to think of another job... agriculture and livestock keeping will not survive. We better ask for transfer to other areas or else we will lose our jobs soon”.

10.7 CONCLUDING REMARKS

This chapter was dedicated to identifying, describing and examining the conditions and driving forces that influence land use in the Nairobi fringe using TCK as a case study. The chapter noted that different processes influencing land use are interwoven in a way that the singular treatment of each influence can only hold for the purpose of clarity in discussion and not in actual terms. For example, some of the influences of the land use changes at the micro-level are not necessarily local but are a product of wider social, cultural, political and economic conditions that directly or indirectly affect the way land use operates in the area. Attempts were made to link the findings to the wider processes that play a role in influencing land use activities in the Nairobi fringe. Landholders' actions and perceptions were not taken as given but attempts were made to frame them within the wider structural forces at different levels.

The genesis of land and housing problems within the City can be traced to pre-colonial and colonial period. After independence, the government adopted the colonial land legal system which was based on the English Common Law with some attempts to incorporate customary laws (see Chapter 4). This created a dual system of land legislation. Having different sets of laws dealing with the same land has created confusion and overlaps in its management. In addition, the institutions vested with the authority for land use planning have inadequate capacity to enforce the land laws. Developers, given the obstacles in obtaining land in the City, are exploiting the legal confusion and institutional weakness to access land for residential development in the Nairobi fringe. The confusion has also created room for corruption and other non-civil behaviour amongst government officers dealing with land.

At independence, Kenya saw an upsurge of urban population due to relaxed rural-urban migration policies (see Chapter 8). The migrants came to look for jobs in an already formal job-scarce environment. This created a need for more houses to accommodate people whose economic situation was not stable. The Nairobi City Council could not cope and therefore there was inadequate public housing. This was coupled with the inefficiency of the land and housing market which have resulted in lack of transparency in land transactions within the City and a consequent focus on developing land in the rural-urban fringe such as at TCK.

In general, as is identified in Chapter 5, Kenya's economic situation has gone through turbulent moments which have in part affected how people (the majority whom rely on land for agriculture) have structured their livelihood. Changing economic circumstances have also affected performance of the government in terms of governance, services and infrastructure delivery. Both individual and governmental situations have created conditions that greatly influence land use in the Nairobi fringe. There are also influences coming from the implementation of SAPs and other neoliberal policies. These policies saw the liberalisation of export and import markets and reduced government investment in physical and social infrastructure. This affected farming due to increased costs of inputs against the reduction in income from agricultural produce. There was also reduced investment in housing within the City by the government.

Much of the Nairobi fringe is accessible by roads that traverse to the countryside. This coupled with cheap bus fares has made the fringe a preferred place for actors seeking self-built or rental houses. Proximity to the City has also affected labour and income aspects of the fringe. Steady City jobs against seasonal farm work have made many actors change their income focus from farming to urban jobs. There is also a negative attitude towards farming as a source of income and livelihood especially by young actors (see also Chapter 8). The negative attitude to farming gets an additional boost from breakdown in traditional familial and societal ties that held the farming households in the fringe. Other than shortages of labour as result of attitude and better income available to young actors in the City, shortage of farm labour has also been worsened by the high incidences of HIV/AIDS, where able bodied actors are not able to optimally contribute their labour in the agricultural sector (which is still labour intensive) due to illness.

As the Nairobi fringe continues to be converted from agricultural to residential purposes, continued farming for the remaining farmers is being jeopardized. This is partially a result of pollution from household wastes which include solid and liquid wastes (an issue also identified in Chapter 8). There is also a problem of flooding and soil erosion due to reduced ground infiltration of surface water and also from siltation of rivers and dams from wastes from building sites. Soil erosion together with excess pressure on land as a result of intensive farming due to land shortage, is affecting farming in the area by reducing land productivity.

It is worth repeating again that it is not easy to separate the forces that influence land use in the Nairobi fringe. The attempt made to classify various factors and conditions into six sections of this chapter does not in any way show that they are working/can work independently of each other. They however interact in a contingent and recursive manner in conversion in influencing various decisions on land use.

CHAPTER 11:

CONSEQUENCES OF LAND USE CONVERSIONS

11.0 INTRODUCTION

This chapter looks at consequences⁸⁵ of land use conversions as a result of conditions and drivers identified in Chapter 10. Changes in land use have wide-ranging consequences on the environment and people's livelihoods. These consequences are most manifest in areas of rapid land use conversions such as the rural-urban fringe. The rural-urban fringe experiences direct and indirect impacts from the urban core, due to its proximate location compared to other areas of the country. The impacts are in the form of challenges and opportunities which those living in the fringe experience while meeting their life needs and accommodating the effects of land use conversions.

This chapter identifies, describes and examines both the positive and negative consequences of land use conversion on the Nairobi fringe. I emphasise however that these consequences are interrelated and thus it is difficult to assign any single consequence in an independent category. Singular classification is therefore solely meant to aid in the structuring of the discussion and is not an indication of separate status. Also, in addition, the interconnectedness of the drivers and the consequences of land conversion (as indicated in Figure 13.1 on Chapter 13) also made their separation into two chapters a bit difficult. However, due to the necessity to discuss and describe what drives land use change and what the consequences of the resultant changes are, presentation of the drivers and the consequences into two chapters was hard to avoid. In the light of the comments on the interconnectedness of the drivers and consequences of land conversion, there is a need to be alert that there are inevitable overlaps between the material of Chapter 10 and this chapter. The overlaps however indicate the contingency and recursive nature of land use issues in the Nairobi fringe.

⁸⁵ The term 'consequence' is used here with the understanding that, in this study, consequences also form part of the influences of land use change (and thus also form part of the cyclical process of change) rather than just reflecting the terminal outcome/results of land conversions.

11.1 Changing labour and market conditions

Rapid land use conversion from agriculture to residential use has attracted significant population migration to the Nairobi fringe. The new population with income links to the City has brought new income opportunities for actors who originally had to contend with either working on their *shambas* (farms) as farmers or labourers, or seeking paid job opportunities in Nairobi City. With increased numbers of newcomers, who are urban-based in terms of their employment, the villagers gained an opportunity to start small-scale businesses, such as shops and groceries, to cater for the needs of the newcomers. There are also opportunities in the busy construction sector within the area as new houses are being constructed.

One of the informants commented that “until recently, the only options available for our people were farm work and ‘*Jua Kali*’ [informal sector] jobs in the City.... Now new jobs are right in our midst.... Our people now are engaged in construction work, shoe repair, sale of groceries, and other service-oriented jobs” (CL#3). This indicates that there is an increase in new income opportunities for the local people. This resonates with the TCK Strategic Plan, that:

The informal sector, commonly referred to as *Jua Kali* is a very crucial and strategic base for industrial development in Karuri. *Jua Kali* sector accounts for an approximate total of 5000-6000 job opportunities (TCK 2007 5).

The role of newcomers in bringing in new opportunities is further reinforced by comments such as, “these new urban based dwellers are more moneyed than we are but it is to our advantage.... Our lives are improving because of them being in our midst” (CM#1). Having more money implies that they have a higher purchasing power than the indigenous residents and farmers. This has improved the sources of income for the indigenous groups to compensate for reduced prices of agricultural production.

Due to closeness to the City and interaction with different groups of people; those actors in the rural-urban fringe are usually more exposed to the outside ‘world’ than the actors in more rural environments (RAP#2). This means that these people are likely to be aware of the availability of formal and informal jobs either in their midst or in areas outside their localities. This, as already mentioned, results from the reduced importance of agriculture and from an educational

curriculum that prioritizes 'white collar' jobs after training. This is supported by an informant who during a focus group discussion commented that:

Agriculture, for a long time, has been associated with lack of formal education The appearance of new sources of employment (urban related jobs such as repair and other service provision activities) offers a new opportunity for a more 'decent' job (CG#).

Jobs other than agricultural ones are held in high esteem. This probably can be explained by the experience most family members have had with non-paid farm work especially in family coffee farms (see related observations in Chapter 8). The traditional smallholder farming system in the area has been family-oriented with low returns from the sale of farm produce, and usually characterized with the expectation by the parents for young men and women to contribute unpaid labour with little participation in decision-making and, in some cases especially for young women, limited access to land through inheritance. An informant added support to this observation by commenting that:

The increase in non-farm job opportunities and social awakening of the young men and women through interaction with newcomers in the TCK, have enabled the people who were previously relying on farm income to easily access 'decent income'. This decent income has however, negatively affected farming and more specifically smallholder farming due to labour shortages given that they also have to deal with the other consequences of land use conversions (CM#7).

Other than having a new source of income through employment, smallholder farmers have also got in their midst a ready market for their farm produce due to the increased number of non-farming residents. The smallholder farmers are now growing fast maturing crops such as spinach, tomatoes, *sukuma wiki* (kale) which have a ready market among the non-farming residents, as indicated by an informant that:

We are growing spinach and kale for the local market and for Nairobi City.... No one will be foolish enough to continue growing coffee which you have to wait for so long to be paid... Even if it is promptly paid, where is the land to grow coffee? You see, we cannot continue to grow coffee here (CM#8).

The new mode of farming (growing of fast maturing crops) can be supported on a small piece of land, which is now common in the area after successive subdivisions of land by many of the families in the area. However with the problem of access to clean water and increased soil and water pollution, it remains to be seen how this farming enterprise will fare in the near future. There

is also a widespread surface water scarcity in the area as evidenced by a predominant use of boreholes as the main source of domestic water. The fast growing crops require large amounts of water for their healthy growth, the quality and quantity of which is diminishing.

Another factor that is likely to militate against this new mode of farming in the fringe is that, as the population increases, pressure for conversion of more farmland for residential purposes will also increase. This denies farmers an opportunity to increase agricultural production by buying additional parcels of land in their locality. The observations accord with Tacoli's (2002 ii) comments that:

[d]emand from urban consumers for high value horticultural produce can stimulate production by small farmers, but, at the same time, the expansion of urban centres often involves competition over the use of essential natural resources such as land and water.

There is also a new dimension of farming that has benefited from the ready local market, that is, dairy cattle keeping through a zero grazing system. According to the livestock officer (during a focus group discussion) "... people are now practicing zero grazing...a small plot of land [can be used to] keep 10 cows." With the liberalization of the sale of dairy products in Kenya during the early 1990s, farmers sell raw milk direct from the farm to the consumer, and many people consequently have utilized this avenue to switch their agricultural production from coffee farming to dairy farming. Most of the feed for their livestock are bought from the shops in form of concentrates or bran. Farmers are also going to the City to buy by-products from breweries and crop stalks from food markets. However, the livestock production system is being endangered by increasing pressure from residential land uses, and more so by the uncollected solid waste in the form of polythene bags. Other than problems associated with the solid waste from households, there are also conflicts with the non-farming residents who complain of the foul smells from the cowsheds. As the number of these residents increases in excess of the smallholder farmers, they are likely to influence decision making against livestock keeping in most of the fringe areas thus jeopardizing the continuity of this promising enterprise.

The benefits of new income opportunities is not without a challenge in that there has been an increase in the costs of living due to the influx of a new group of

people who have brought competition for the locally available goods and services.

11.2 Land sale and land conversion

Land in the rural-urban fringe is relatively expensive when compared with prices for the same quality of land in a more rural setting (Maconachie and Binns 2006 163). This is advantageous for landholders in that they are able to sell their portions of land in the fringe and buy bigger ones in more distant rural areas. This is happening to a good number of landholders in the Nairobi fringe who have sold either their whole parcel of land or some portions of it and bought some land in the Rift Valley province (CG#4). Even before starting my field work my basic knowledge of Kenyan geography had alerted me due to the similarity of names in the TCK study area and some of the villages in the Rift Valley. Knowing that the indigenous population of the Rift Valley province were not Kikuyus, I guessed that these village names were imported. During the post-election violence this was clearly confirmed when a whole village was razed and 35 people who had sought refuge in a local church were burned to death. The name of this village was Kiambaa, similar to the name of the administrative division within which the case study area is located. The impact of this post-election incident is likely to influence the sale of land by those thinking of buying a bigger portion in other tribally sensitive areas, given that most of those evicted from the Rift Valley province had sold their entire parcels of ancestral land and are still living in 'Internally Displaced People' (IDP) camps, established after the violence. Those who had left some small parcel of land in the study area have since returned to their original villages.

Other than selling their highly prized land in the rural-urban fringe to buy cheaper and bigger parcels in the more distant rural areas, some of landholders are selling portions of their land and using the proceeds to construct rental residential houses in the remaining portions. However, this group is the minority and from different information sources it was evident that most of those who sell their land are attracted to the prospect of getting more money from the sale of land than agriculture itself can guarantee them in their entire farming life. For example a 0.101 hectare at Ruaka area (see Figure 3.1) was on sale for nearly Kenya

Shillings (Kshs) 5 million and more than Kshs 6 Millions was the asking price⁸⁶ for the plots fronting the main road (during the field work period). The land price has become the envy of the far flung interior villages, as reflected by a comment by one of the smallholder farmers who said that “in Ruaka [one of the rapidly urbanizing areas in TCK] land has become like gold... People are selling their land like a hot cake. ... They are having a lot of cash” (CM#8). These sentiments show that although negative land use conversion consequences are being felt by many people in the area, the direct beneficial aspects, in the form of high prices for land, are experienced by only a few, especially those with land near the paved roads. The same sentiments (reflecting an even more unstable position in regard to continued survival of agriculture, as an economic enterprise) were expressed by one of the agricultural officers in the area, who during a focus group discussion, commented that it is hard to “get 6 Millions (in reference to Kenya Shillings) from a 0.101 hectare of land even if one is to cultivate it for your entire lifespan.”

In cases where farmers are not prepared to re-invest the money, they end up misusing it and some of them are now destitute with no home or any source of income. The Ruaka area, one of my study sites, was rife with stories of such people who have sold their land and never invested the land sale proceeds. A comment by one of the government officers, and which led me to select Ruaka as one of my study sites, was that, “other people are not culturally, socially and economically prepared to re-invest the land sale proceeds and thus they end up using all their money on drinking and other ‘things’” (CG#1). In this environment the economic survival of farming in TCK is clearly threatened.

11.3 Changing social, cultural and lifestyle structures

It is worth beginning this section by observing that personal impacts of social or cultural changes are always subjective. There is no one precise way to measure them. To understand them fully requires one to conduct long-term ethnographic field work. However, in this study the use of qualitative research methodology helped to capture the lived reality of individuals as it relates to those changes through the ‘shadows’ (McDonald 2005 456).

⁸⁶ In a rural setting a 0.4 hectare of comparable land will be priced at Kshs 800, 000 or below.

As the newcomers join the various communities of the Nairobi fringe as residents, they do so as individuals or with minimal involvement of indigenous groups (probably, only the land sellers). These actors are mainly from Nairobi City, though there was also mention of a few incidences of actors shifting from rural or other rural-urban fringe areas to the case study area. Their main attachment to the area is the residential service they get from the land as a place of residence. They still maintain their urban contacts and have little or no social and communal attachment with the indigenous groups in the TCK area. As one of the informants mentioned:

More and more people are coming to stay in this area, either as home owners or tenants.... These people owe no allegiance to existing communal or social norms as practiced by our people [the indigenous residents].... For instance, they do not participate in communal activities such as burials, clan gatherings or social investment activities (CL#2).

The newcomers have their jobs elsewhere and so they rarely depend on the villages to meet their day to day income needs. They rarely participate in community activities (CM#1). These activities are necessary for the area's residents to access communal support within the community but the newcomers are not part of it. This can be explained by their coming to the area from other areas where they had already established such networks. Another reason which may have made the case study unique (where newcomers don't join local social groups) is that unlike in other rural-urban fringes (where people buy a large piece of land either as cooperative or the land is bought by a dealer or a company who then subdivides and sells to all new members) the case study area is made up of smallholder settlement villages which existed long before the colonial time or at independence. Therefore, indigenous residents and farmers have kinship ties through the clan or families and most land (though registered with title deed) still undergoes some (neo-) customary procedures before transfer. As such, land ownership can be traced from one great-grandparent all the way to the current holder/occupant (CM#1).

To most indigenous residents and farmers, the newcomers don't constitute part of their community. However, as land continues to be converted for residential purposes the newcomers may be the majority in the near future. But as for now, comments such as that below (in reference to newcomers) will persist:

...they just watch people gather.... Few are coming to our church on Sunday [while] many go to the City to worship on Sundays...

We are hoping they will soon join us. But they are rich and don't need us... The problem is that some of us are slowly taking in the ways of these 'foreigners (CM#8).

Additionally, as a result of the new interactions and availability of non-farm employment, attachment to land which has been the major source of livelihood for many households is waning especially among the young people. For a long time, inherited land among the Kikuyu community (who are native to the study area, Kenyatta 1979) was held dearly and could not be traded in the market. It could, however, be exchanged among close relatives. Land was "seen as a sacred thing, [and was] passed from one generation to the next..." (RAP#2). With increased demand for land, this belief is fast losing meaning when smallholder farmers are approached with large cash offers in exchange for pieces of land that are declining in terms of agricultural productivity day after day due to problems associated with land conversions. Land now, especially to the young actors, is becoming a commodity which can be traded in the market, and it is not uncommon to see 'land for sale' signs in most areas, an observation that is echoed by comments such as

[m]ost people were uncomfortable selling pieces of their ancestral land... They believed that selling it will bring a curse unto them... Others are now 'cheating' ancestors by buying other parcels of land in other areas where land is relatively cheap (CM#3).

To the older generation, this is a cause for sorrow. Most have sentimental attachment to their inherited pieces of land so that one of them said, during the interview, that "over my dead body! I cannot sell the bones of my father (in reference to the father's grave on the piece of land) to an outsider. His spirit will haunt me all the way to my grave" (CM#1). This is a common belief among many people who are still holding their small pieces of family land, which explains why there are "patchy residential land use developments resulting in sprawl" (CG#1).

Anecdotally, there are stories and examples of actors who have been affected by the 'curse' after selling their family land. Among the examples are actors who sold their parcels of land and spent all their money drinking and are the now 'desperate,' and working as labourers in remaining farms or in business premises (CG#3). The existence of the 'curse' could not be ascertained but I think awareness of such belief makes some people fear selling pieces of the family land. Some ingenuity has evolved and people are selling family lands which are

small and then buying bigger parcels elsewhere (CM#9). The post-election violence where most people in the affected areas lost their life savings and investments (and a number of people also lost their life) have been variously interpreted by some members of the community within 'curse' discourses, and its effect on future sales of family land remains to be seen. However, the continued change in the "emotional and cultural attachment to land is being seen in the people who now consider it appropriate to bury their dead in public cemeteries" (CL#2).

With land conversions also comes a group of actors who are not indigenous to the area. From my own experience and from various key informant interviews, most of the newcomers are more educated and exposed than the indigenous farmers and residents. In addition to their comparative advantage in education and experiences from elsewhere, the new residents also retain previous connections with their original places of residence after they move to the rural-urban fringe. These links constitute informal networks through which life needs can be met and so the newcomers have a wider interaction space than the indigenous groups. Therefore, interaction with newcomers has been crucial in giving the indigenous actors a new sense of life and connections different from that which they had been used to. According to an informant, the interaction has

...also allowed some to build new and extended social, economic, political and cultural networks with groups of people who in most cases are better educated, economically secure and better exposed to the 'outside' world (RAP#1).

The interactions with newcomers, who are not tied to local norms and customs, are allowing the indigenous actors especially young actors and women to exercise a new form of power by aligning themselves with values of the newcomers. As already noted, most of the smallholder farming system thrives on non-paid family labour, which is accessed by the older members of the community through coercion and threats of cultural curse to the young men and women (CM#2). With the newcomers and urbanisation of their areas, young men and women can now access new opportunities for work in their midst and afford to rent a residential unit away from their parents. The idea of being ostracized is fading away as new members, who do not subscribe to the practices of the villages join them. As one of the informants put it, "Interaction with 'outsiders' has increased the awareness of local residents of the opportunities outside their surroundings" (CG#1).

Other than giving them leeway to exercise their socio-economic rights, the cosmopolitan nature of the Nairobi fringe is allowing people to transcend what Tacoli (2002 v) called “ [t]raditional divisions of labour along gender lines.” According to Tacoli these divisions of labour affect the way individuals access opportunities and also the way they respond to constraints in their midst. The new interactions are exposing them to opportunities outside their surroundings, such as jobs in the City and other urban areas in Kenya and also in countries abroad. These far flung opportunities are making it easy for these people to broaden their job options. This is more so for the young men and women who are now able to transcend the traditional division of labour and can work in jobs such as bar attendant, entertainment industries, and home-making among others, in the City or in other areas without fear of being stigmatized by the members of their community groups (CM#3). This accords with the observations made among the Mali people of West Africa, who migrate from their rural areas to work in far distant areas in order to take up jobs which if done in their immediate neighbourhood “can attract considerable social stigma, and distance is [seen as] a way to safeguard their own and their families’ reputation” (Tacoli 2002 7-8).

Within the rural-urban fringe, the emergence of newcomers in the area brought about new social relations which are not tied to local customs and social norms. According to Koskey (1997 280), most African customs and social norms are area specific and lack universal adherence, and therefore the newcomers, who are from different social and cultural backgrounds, are not bound by the constraints that their original localities exercised on their lives. Many of these customs put limitations on, or discourage, individual goal seeking activities, in favour of communal pursuits. Thus when the newcomers are away from their former cultural custodians and enforcers, most people feel relieved and choose to exercise their individual life goals at the expense of communal goals (RAP#1). This is placing moral and social bonds on families in the rural-urban fringe, who have to interact with such ‘free’ individuals in their midst, under severe strain, especially among their young children who see the new group of residents as progressive (CM#2).

There is however a problem in that, rights to livelihood necessities, especially to those still practicing farming, are mostly dependent on land resources. This is more so for the young actors before they get a foothold in non-farm work.

Breakdown of social norms and customs is also breaking family ties with very young actors choosing to leave their parents' home to be independent. Once they leave their families they are usually unable to get a foothold in the urban economy and lifestyle due to their limited skills and age, and in such cases some have ended up in the marginal or illegitimate economies and activities such as crime, drug peddling and prostitution, among other social vices.

Among the newcomers who are causing concern to both indigenous and other newcomer (owning self-built homes) residents, are tenants from the City who are attracted to the Nairobi fringe by the low house rents. Seasonal labourers who come to the area during the coffee peak employment period in the remaining neighbouring coffee farms/estates also threaten social stability. They are usually single men and women. These categories of actors are thought of as contributing to the increased incidences of venereal diseases and crime in the area (see Chapter 8), though the contributions from the City nearby cannot be underestimated. The major concern according to one of the informants is that

[t]hese areas are now hotspots.... Our young girls are getting involved with men when we go to work. These men [silence], you know [silence] are bad, I mean they are bad... They have brought City immorality to our good village. I will take my girls to a boarding school soon (CM#2).

During the field work it was hard to tell whether this was happening but the tone and intensity of the informants' voices while discussing the issue pointed to the depth of the local concern. All the same, one cannot discount the conservative rural village mentality whereby an urban lifestyle is usually associated with evil, simply because of lack of unifying 'traditional' cultural and social norms to guide actors in urban areas (RAP#4). Among the indigenous actors, a single woman working in the local pubs or staying alone in a rented unit is likely to be labelled as a prostitute by the local community. Therefore, although I listened and accepted the comments as some of the concerns of the people about changes taking place in the Nairobi fringe, my rural background and my life in a rural-urban fringe were also alerting me to consider the context of some of the comments such as

...even boys are being misused by women here.... You know these days we have unmarried women.... I am told they like young men. You know City women have money and our boys are poor. We need to think twice.... They [City women] will finish them (CM#8).

The comment above came from an indigenous farmer, who was still practicing smallholding farming in an area where neighbours have constructed some semi-permanent *mabati* houses. Some of her bitterness was understood as there were visible solid wastes strewn all over the compound and I gathered that she has had problems with her livestock ingesting the polythene bags. The occupants of the *mabati* houses were young women working in the neighbouring flower farms. The opinionated comments notwithstanding, cases of HIV/AIDS and other venereal diseases were reported to be on the increase in the area (TCK 2007 3; also see Chapter 8). The growing urban-oriented population with no ties to local norms and customs may be playing a role in the increased cases of HIV/AIDS and other venereal diseases.

The newcomers, especially tenants, are not tied to norms of the area and usually have no long term commitment to the area so they can move out with little or no notice to the housing landlords. These are the actors whose history is unknown (life history is crucial in building communal/social trust and networks) and therefore, most actors are at risk of having as a neighbour with a criminal history without their knowledge (CL#2). This is worsened by the availability of semi-permanent cheap houses which are affordable to actors who could be termed transient in the real sense of housing. These actors rent a unit/room and proceed to stay with minimal or no furniture and/ or other household goods (CM#8). These are actors who can commit a crime and escape without anyone noticing that they are moving out of the area. The worst situations are where criminals escape from the City or from other places after having committed a crime and come to hide in the rural- urban fringe when the search for them is intense in the City (CL#2; also see commentaries on Newspaper excerpt 11.1). The rural-urban fringe and peri-urban areas of the Nairobi City had at one time become synonymous with crime (RAP#2). This “spatial association” is partly due to the fact that there are no adequate police services and the newcomer tenants are not tied to the informal sanctions of the community which are rural-based and family-oriented in nature.

Cases of rape, house breaking and car-jacking are also constantly reported in the TCK area. Although it is not easy to link these crimes with the newcomers, their contribution in adding a number of ‘unknown and unaccountable’ actors to the community cannot be discounted in explanations of the problem of increasing crime. As one of the informants put it:

We used to know each other. All of us were known by names and characters.... Look, now some people we don't know about are here with us. They don't respect our culture or our families.... You cannot tell them anything. You know them not... We suspect they are responsible for the increased crime.... We never used to have house breaking, car-jacking, rape and stock theft. But now... these are the norm in our residence. Should we move away? No way, this is our ancestral land.... If it is to go, it will be them and not us (CM#1).

THE STANDARD
OUTSTANDING EVERY DAY

Columnists
Politically Kiambu is the theatre of the absurd

By Jeeh Wanjarah

Sunday March 11, 2007

It takes the violent fame of gangsters such as Bernard Matheri for forgotten places like Gachie to get their date with the media. Then, hitherto unknown busybodies called sociologists and criminologists wake up from long slumber to recite stock postulations and affected shock at the consequences of our society's "glaring inequity."

Theories, usually untested beyond the lecture room, are expounded and passed on as the findings of authentic research. They collectively express dismay at thriving squalor and abject poverty right at the cradle of the country's 'richest' constituency.

If you are a 'foreigner' guilty of straying to the area even at noon, you are a sitting duck for endless mutants of Matheris. The curse of raw poverty amid collective riches is not unique to Kabete.

By whichever score, the greater Kiambu region, is fairly prosperous. Early access to education, a go-getter collective mentality, including a fair spread of Matheri-preferred acquisition style, nearness to the city and political patronage, at least under the Jomo Kenyatta regime, have placed it ahead of the rest materially.

But that is as good as it gets. Amid the wealth is debilitating poverty. It is a dysfunctional society on many fronts. Here, you will find all the sordidness humanity is capable of. If they are not selling donkey steak to unsuspecting Nairobi butcheries, they are raping their own cucus. Crime is easily the favourite alternative career. As William ole Ntimama hatefully noted, were you to do a regional census of all our jail breakers, Kiambu will likely register inordinate representation.

How much of the inequity is traceable to bad politics is a speculative.

Newspaper excerpt 11. 1: Commentaries on crime aspects of the study area.
Source: (The Standard, 11th March 2007).

Local farmers and residents are thus faced with a dilemma because their agricultural enterprises are being negatively affected by the urban growth and their security is being compromised by increased crime (see Newspaper excerpts 11.1 and 11.2). However, when faced with new challenges that are more complex than their social structures and institutions can handle, there is usually a mixture of opinion about what to do next. The pressures of land conversion is very likely to overcome the resistance of indigenous farmers: Although they express their

opposition to the newcomers, the reality that is yet to dawn on this community is that they are being edged out by non-farm land uses.

THE STANDARD
OUTSTANDING EVERY DAY

News
Father, son shot in dawn attack

Last Updated on February 13, 2007, 12:00 am

By Allan Kisia and Cyrus Ombati

Gunmen killed a father and his son in cold blood during a daring robbery in Kikuyu, Kiambu District.



Businessman Humphrey Gichuru Karugi, 57, and his son Kiarie, 21, were shot in the head by the thugs wielding AK 47 rifles who escaped in their car during the 7am incident.

The thugs first shot Karugi as his son watched before turning the gun on him. Witnesses said the thugs had spared Kiarie, but changed their minds and returned to shoot him, killing him on the spot.

Karugi was headed for his business premise in Kikuyu town while his son was going to Kenya College of Communications Technology in the city where he went to college.

The gang had erected an illegal roadblock along the Kikuyu-Ondiri Road robbing motorists and wanted an escape car. The shooting took place metres away from the home of another businessman, Lawrence Regeru, who was shot dead in Kiserian last Sunday.

The two had earlier defied orders by the thugs to surrender their car and drove past the illegal roadblock. Witnesses said the thugs had carjacked a lorry carrying loaves of bread when they flagged down Karugi, but he sped past the lorry. The thugs then stopped another vehicle that was behind them. They bundled the two occupants into the boot before pursuing Karugi, who decided to park in a private compound and escape only to be pursued and killed.

Police officers pursue thugs who killed a father and son in a carjacking incident in Kikuyu, Kiambu District. Picture by Rebecca Nduka

"They shot the old man and walked away before the gang leader ordered that even the son be shot. I suspect the victims had noticed the thugs," said a witness.

The thugs then sped off towards Kinoo in Karugi's car. They later abandoned the vehicle.

The gang went on a robbing spree in the area and according to police, at least six vehicles were attacked even after the fatal shooting. They attacked businesses in Kiambu town before they escaped.

Newspaper excerpt 11. 2: Further commentaries on crime. Source: (The Standard, 13th February 2007).

11.4 Planning and development control

The rural-urban fringe has been described as an administrative twilight zone (Bentinck 2000 148). It is an area where there is no consistent or uniform administrative management. Challenges of rapid change from agricultural to residential land uses for an urban based population are a major contributor to the administrative hiatus: Existing institutions are not structured to handle these changes because such issues cut across different administrative boundaries. It is also a zone where government level actors clash or conflict over various responsibilities and mandates. These clashes and conflicts leave most of the

issues unaddressed or, at worst, produce conflicting land use planning decisions. According to one of my informants, land issues (and more so the resultant environmental consequences),

...cut across local authorities, but what do you see? Fragmented local and central government agencies' responsibilities.... We need some co-ordination and collaboration. Issues are too complex to be handled by existing weak local governments (CG#1).

In the TCK case, land use planning is handled by different line ministries independently. Decision-making on land use falls to various Government Departments among them Agriculture, Forestry, Lands, Physical Planning, Transportation, Office of the President and Environment. TCK has the mandate to enforce Development Plans (LG#1). Other institutions include Community Based Organisations, NGOs, and Religious Organisations (see Chapter 9). This has not made management of this rural- urban fringe any easier; conflicts have occurred among institutions that have separate goals and mandates but deal with the same issue, land (RAP#2). For example, the Ministry of Agriculture recommends a minimum subdivision of 0.2 hectare acre while TCK and the Ministry of Lands recommend a smaller size of 0.05 of a hectare (CG#1). The Physical Planning Act on one hand mandates the Director of Physical Planning (an appointee of central government) to prepare a Local Development Plan while on the other hand TCK is mandated to implement the plan. These different actors need to be considered during plan preparation, approvals, and implementation. This is not happening and has resulted in lack of legitimacy of plans produced and thus lack of wide scale acceptance by different local actors (CG#1).

Existence of problems in land use plans preparation and implementation means that most of the residential developments in the area are not authorized and, as such, their status is not known to the government and the local authority. This is supported by the informant who said that "... informal processes of land use development are the cause of all these [problems]" (CG#1). It is a "rapid urbanisation [that] does not correspond to the availability of infrastructural facilities and social amenities" (Government of Kenya 2002d 22). Rapid growth has led to an increase in population in the Nairobi fringe at a rate that even if local authorities are authorized to act, most of them have no capacity to handle (LG#3). As another informant put it, "where do we get money to cater for the expanding population? Not enough money from the government... Population is

increasing day after day. No industries...only residential houses” (CL#3). These points relate to the previous observation that most of the councils in the Nairobi fringe do not have adequate finances and revenue to provide services and infrastructure to their expanding populations (see Newspaper excerpt 11.3, also Chapter 8). As the area becomes more and more urbanized, with no development plan, the provision of good roads to cater for increased population will not be adequate and this may (in the future) require the demolition of houses to increase the road capacity, which will be unpopular but necessary (RAP#3).



Big Issue - Cover Story

A wider Nairobi?

Last Updated on July 24, 2006, 12:00 am

Extending the administrative boundaries of Nairobi to cover upcoming suburbs, writes Maore Ithula, would make easier access to government service for many



Nairobi residents wait for service at Nyayo House. Some argue that the expansion of the city's administrative boundaries would lead to more congestion in public offices.

Three years ago Aaron Moire who resides in Thika, was charged in court with robbery. Later a local magistrate's court that tried Moire found him guilty of the offence. He was handed a life sentence with hard labour. When he appealed against the sentence, Moire's case was taken to Nyeri town — the Central Province headquarters where the area High Court sits.

Now his wife Jane complains of high costs of visiting her husband in King'ong'o Prison where he is remanded pending the determination of the appeal. The jobless mother of two says the visits are financially weighing heavily on her. Before moving over to Thika, they used to live in Nairobi and they had never considered another town as their centre for government services. She wonders why the government cannot decentralise its operations so that people in need of essential services such as her husband's court appeal can be served from the nearest town — in her case, Nairobi.

Says she: "Every time I go to see my husband in jail, I spend at least Sh500 on fare alone besides other expenses. It could have been nearly 10 times cheaper and more convenient to me if he (Moire) were tried in Nairobi. I therefore pray that the government expands Nairobi's administrative boundaries so that many other government services can be brought closer to the people." Thika is only 30 kilometers from Nairobi while Nyeri is 150 kilometers further.

The Moires are part of millions of Kenyans living just outside the geo-political boundaries of the city who feel they would be better served by government from Nairobi instead of town where their estates fall. Most of these are people who have bought or built homes in the outskirts of the city, though still working in Nairobi. They find they cannot access government through the nearest and the centre they are familiar with due to the gap brought about by the administrative divisions.

Some now suggest that the jurisdiction of Nairobi be expanded to embrace the fast growing outpost estates, towns and shopping centres adjacent to East Africa's largest metropolis.

Newspaper excerpt 11. 3: Opinions on service provision in Nairobi Fringe. Source: (The Standard, 24th July 2006).

Land subdivisions are taking place without approval from the planning authorities and basic facilities for the residential settlements are not put in place before land development begins. Since these actors are not paying any taxes or revenue to the local authority, the TCK "... can barely provide water, drainage systems are

poor, [there is] only a single vehicle for solid waste disposal, and access roads are unpaved” (LG#1).

As mentioned earlier, TCK has a limited revenue base. The Strategic Plan identified this as a problem by indicating that “due to the narrow revenue base, the council is not in a position to undertake development projects that can generate more income” (TCK 2007 17). This statement is supported by one of the officials who expressed the depth of the problem by posing questions that seemed to define the problem rather than providing the solutions. He said that “these people need roads; they need schools, water and many other services. How do we get to provide for this with our limited revenue base?” (LG#1).

Due to the ‘unplanned’ nature of residential land developments, a neighbourhood concept is also lacking in housing development. These residential estates lack adequate service lines and in most of the cases have no road setbacks (CG#1; also see Photograph 11.1 b). These new developments lack facilities such as markets, sports fields, or other community centres that the residents can identify with. Instead, ribbon developments of informal roadside markets that provide groceries and other consumable products are found along major roads in the area. As these informal businesses in semi-permanent structures continue to expand alongside residential houses, land use conflicts are expected to increase.

The road networks were also not designed to cater for the vehicular traffic generated by population increase in the Nairobi fringe. The roads were initially planned to connect the surrounding small peri-urban centres to Nairobi City. Most land use activities then were farming and most areas were being served by City buses which were co-owned by the Nairobi City Council and the Stagecoach Company, known as the Kenya Bus Service. The collapse of the bus company and the continued increase in population in the area has meant that residents have had to cope with disorganised public transportation. As one of the informants put it that:

The collapse of Kenya Bus Service meant that any Tom, Dick and Harry will now provide us with transport.... These people have no heart.... They charge fares as their heads tell them... [There is] no one to tell them what to do (CM#8).



Photographs 11: 1 a, b, c: Various types of residential houses interspersed with farming activities. Source: (Thuo 2008).

As one heads toward Nairobi City from the Ruaka area, traffic congestion is now beginning to be experienced (in mornings and evenings) right through to the City centre. This is partly due to narrow roads that have not been expanded to cope with the increased traffic. Traffic jams and lack of any organized public transport between the City and the Nairobi fringe areas led to one informant to state that:

Towards the City we are spending a lot of time in traffic jams and also in the evening we have to reach home very late... The government must do something to reduce traffic jams (CM#9).

Another problem being experienced here is that of inadequate health facilities and services (see Chapter 8). This is again due to population increase without corresponding increase in such facilities (CG#5). However this shortage has led to a mushrooming of private clinics and the use of herbal medicines. One of the informants who has seen the surge in population overtaking the capacity of one of their revered local public health facility, commented that:

We are facing serious congestions in our health facilities.... I even don't bother going there.... I know I will not be treated... It will be just a waste of time. It is better I go to the private clinic at the centre [market centre] (CM#1).

This problem of congested public facilities is being replicated in most publicly run facilities such as schools (see Chapter 8 section on health and education). However, compared with other more rural areas of Kenya, although these facilities are congested they are available and accessible (CG#3). One does not need to travel long distances to get treatment because whereas one may not have the patience to queue in public health centres, private clinics are within reach.

Other than uncontrolled land subdivision resulting in residential development without services and infrastructure, these developments are scattered over the landscape in a haphazard manner, a manifestation of sprawl (Fox 1992 39; see Photographs 11.1 a, b, c and Figure 11.1).

As illustrated by Photographs 11.1 a, b, and c, in the TCK area, sprawl is evidenced through patchy residential land use development. The residential houses are scattered all over the landscape and interspersed with smallholder farming activities. A majority of the 'urban looking' residential houses are located along the main roads and are usually high-rise flats, apartments and houses (see Photograph 11.1a and 11.2). However, low density housing occurs quite close to

the main roads. In addition, semi-permanent village houses (see Photograph 11.3) are present both in the interior and along the main roads. The indigenous residents, whose land is not as good for residential subdivisions as those near the paved roads, still maintain their rural-like homes in the villages in the less accessible locations of the TCK area. All over the case study area there is no uniformity in the way houses are built in terms of design and pattern. In some places you find clusters of dense high-rise or low density housing then a separation of agricultural land which is still under cultivation.

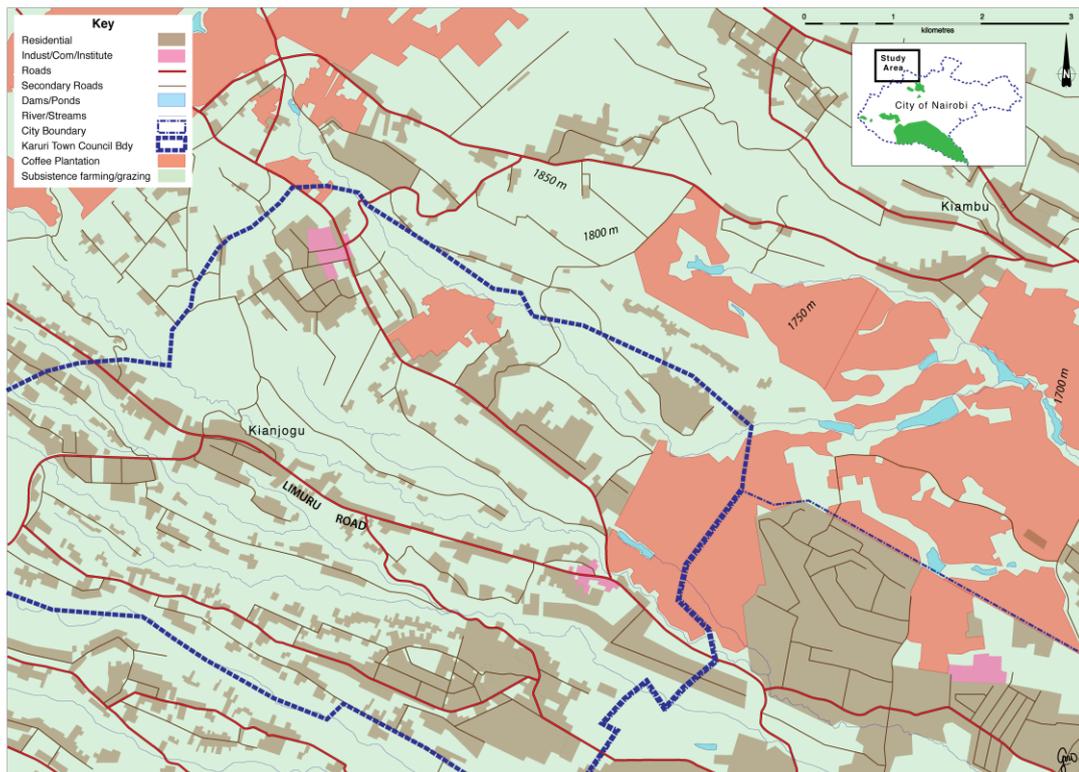


Figure 11. 1: Caption indication land development sprawl in TCK.

It is particularly expensive to provide services to dwellings scattered over wide areas, such as in TCK. The problem of providing services to a scattered dwelling was noted by one of the informants who put it that:

“These dispersed residential land developments have created a problem for the council...There is no coordinated land use planning. It is everybody for himself and no one bothers...Providing services is expensive for a small council (TCK) like us... as such things like access to some of these residential developments is a problem. Waste collection and sewerage system provisions among other amenities are a nightmare... It is a problem...a problem in providing the facilities and services to such dispersed settlements (LG#1).



Photograph 11. 2: The new type of houses being built in the Nairobi fringe. Source: Thuo 2008).



Photograph 11. 3: Semi-permanent houses in the areas. Source: (Thuo 2008).

The dispersed residential land use also causes unnecessary land consumption because uncoordinated land use will, once the area becomes densely occupied, leave agriculturally unusable fragmented open spaces, as already evident in some areas. The fragmented spaces cannot be used for agriculture due to the problems associated with waste disposal. Furthermore, these spaces may remain open with no use for a long time since new residential development will be attracted to newer areas where congestion and pollution is minimal/low (RAP#1). Sprawl in residential land development is a condition that brings with it a variety of problems.

The sprawling residential settlement is reducing land available for farming either directly through conversion or indirectly through negative consequences on agriculture such as pollution from domestic wastes. This change leaves many actors destitute, given that they are not used or prepared to participate in an urban economy (RAP#4). As already mentioned some landholders are pressured to sell their land by seeing their neighbours sell land without knowing what plans their neighbours have with regard to the proceeds from the sale. Once they sell their land, farmers “don’t know what to do with the money... They just drink or move to towns and get new women. They are not well prepared to invest their money... Some have become beggars thereafter” (CG#1).

In addition, the dispersed urban residential land uses have resulted in the decline of the functions of formally designated commercial/market centres. During land consolidation in the 1950s (see Chapter 4), there were areas which were set aside for commercial activities, which later developed into market centres (CG#4; Gaile and Ngau 1995). These centres also in some cases served as administrative centres. However, as a result of uncoordinated land subdivisions for residential purposes especially along the main roads, there has been a mushrooming of shopping and other commercial activities outside the formally designated areas (LG#1). This has led to abandonment of these urban centres, as the Photograph 11.4 depicts, with some of the commercial centres hardly having any visible activity going on. Earlier on, these centres used to serve as business centres and health clinics. With most facilities located there, actors working as government officers and teachers resided in them. An informant indicated that:

The initial design for these areas designated certain places as market centres.... People could meet there, sell their product, or share a cup of tea or a drink. Now shops and pubs are all over... They are just at your door step.... It is everybody for himself (CL#1).

Decentralization of residential and business purposes as a result of unplanned land conversions have led to economic decline of the commercial centres since few people frequent them. There is also an outward movement of the actors who used to live in these centres to residential houses in the former roadside farmlands where housing is more spacious, accessible and private. Even the indigenous farmers and residents now do not need to go to these centres since they can sell farm produce through informal market outlets now located along the

main roads and/or in some of the new commercial areas. They also buy whatever they need from the ribbon development rather than the centres. A phenomenon supported by a comment that:

The shopping centres are closing, no one goes there anymore. Why do you have to go there while everything you need you get it at your door step (CM#1).



Photograph 11. 4: One of the declining commercial centres in TCK. Source: (Thuo 2008).

It is worth noting that most of the affected commercial centres are those located in interior parts of the TCK area. The initial purpose of their location in interior parts was to stimulate uniform infrastructure development of the area, by avoiding a condition where developments occur only along the main roads (LG#1).

Due to the poor condition of access roads in the interior areas (see Photographs 10.4 a, b in Chapter 10), decentralisation of non-agricultural land use to former farmlands has come as a blessing to most businesspeople who are taking advantage to re-locate their business activities to premises along the main roads (LG#5). I also gathered in my fieldwork that, as result of population increase, police services have become inadequate. This has led to the interior commercial centres and residences becoming easy targets for violent robberies and house breaking, and therefore most residents prefer to migrate to the houses near/along the main roads where the presence of police patrols is assured. Therefore these market centres have, according to one of the government officers, become 'ghost towns' (CG#1).

Another unfortunate aspect of uncontrolled land conversions for residential purposes in the rural-urban fringe (that are not backed by corresponding public investment in social and technical infrastructure or services) is that these areas cannot attract investment in the production sector. Infrastructure plays a key role in attracting investment (Mireri 2000 11). Lack of infrastructure and services discourage many investors who would like to invest in the industrial development or any other development likely to create employment in the area. This therefore leaves land use conversions in TCK to be primarily for residential purposes. This, as an informant put it, has made the area to be a “dormitory’ for City workers” (RAP#1; see Photograph 11.5), and “the consequences are quasi-urban settlements with no economic base and therefore lacking facilities for self-supporting community” (Government of Kenya 1979b 11).

Because the Nairobi fringe is a dormitory for the City workers, they seldom participate in the development of their areas of residence. These actors work in the City and that is where their service taxes go, thus leaving the Nairobi fringe’s local authorities without adequate revenue to provide services for the residents (LG#4). With “no attempt to locate those activities attracting them to Nairobi City, so that they work in this area (the Nairobi fringe)” (CG#1), the already existing problems will persist in the area. Hence a further argument that:

Without corresponding investment on social and economic infrastructure present within the City, this area will continue to serve the City as dormitory. This means that local government will have little revenue for development while catering for large population who benefit the City (CL#3).

There is also no integration of the City workers residing in the Nairobi fringe with the activities going on in the area or with the indigenous people. As one of the informants put it “these people wake up early in the morning and head for work in the City... You only see them at night when they come back... It is like they are always on the move” (CM#7). Actors living and working in this area regard those working in Nairobi City but living in their midst as unworthy neighbours who just share their limited resources (CL#2). The City workers are further accused of contributing to the rising rents and thus making it unaffordable to the non-farming residents who work and have lived in the area for a long time but rely on rental accommodation (CM#7). A government report carrying a commentary on the area put it that the “...influx of the Nairobi City residents ...has brought about an increase in house rent and congestion” (Government of Kenya 2002d 54).

An indication of the magnitude of congestion due to encroachment by the residential land uses into the formerly expansive rural farmland cannot be described any better than by comments from one of the informants (a practicing smallholder farmer) who commented that:

you cannot relieve your bladder anywhere and anyhow now.... You are not sure that someone is not seeing you. People have become so many ... [that] whichever direction you face you are likely to see someone. It is no longer the way it was.... No grass to lie on or trees to take shelter on. It such a terrible place... (CM#1).



Photograph 11. 5: An advertisement for rental houses. Source: (Thuo 2008).

11.5 Changing land use and the environment

Although they are not as prevalent in TCK as within the City, squatter housing settlements exists, such as Kibarage slum (see Photograph 11.6), which is located in a former graveyard. I was given to understand that most of those living there are former farm workers from large coffee farms who had no other place to go once these farms were subdivided and sold, or closed. The claim was hard to verify given that the matter of the squatter settlement was sensitive, as the government was still insisting on demolishing it to reclaim the graveyard land (CL#2). Such settlement is not planned by the government and due to its illegal status (it is not only informal but illegal in terms of land ownership), the government or TCK may not provide it with services which would be akin to legitimizing the settlement. Therefore, even in the planning intentions (as contained in various TCK strategic plans and programmes) such settlements do not feature in the planning priorities. This is supported by one of the informants who stated that “you know government can only plan for what it knows... Even

though government knows about Kibarage, it is not in position to provide for it” (CG#1).



Photograph 11. 6: Kibarage slums settlement. Source: (Thuo 2008).

The Kibarage slum settlement is located along the river valley, with no sewerage system. Given its population density, one cannot rule out the effects that different kind of waste directed to the river channel will have on those relying on the water downstream. With many landholders subdividing their parcels or selling their entire farmlands, landlessness is likely to be a major problem and squatting on public land or on flood plains is likely to increase.

Regarding environmental problems elsewhere in TCK, the most obvious ones are those associated with land conversions from agricultural to non-agricultural uses. These conversions, as in other rural-urban fringes elsewhere, transform not only the immediate land that becomes urbanized but also affect much larger areas. This can be seen in “...the changes of the rural landscape and ecology that is driven by production activities that respond to urban-based demands” (Simon 2008 12). In such situations, there is increased need for goods and services such as water and other natural resources. New land developments and actors are in need of materials for construction of houses, roads and other components of the urban fabric (see Photographs 11.7 and 8.2 in Chapter 10). Solid wastes generated in the area are disposed/managed in open-air sites with little or no

provision for protecting surrounding soil and water from contamination (see Photographs 10.5 a, b in Chapter 10).



Photograph 11. 7: Soil excavation for sale. Source: (Thuong 2008).

In the TCK, there is no sewerage system or piped water. A few years ago the area had few residents, pit latrines and shallow water wells were then prevalent (see Photograph 11.8). With the area becoming more densely populated, several challenges have emerged. As one of the informants put it “... what do you make of this? Pit latrines with shallow well near them! ... That’s why we are always sick” (CM#9; also see Chapter 8 section on health). This is the common perception most actors have about conditions of their residence and the safety of their domestic water sources. The problem is made worse with the pollution of the surface water from run-off carrying sewage matter, garbage and sediment from homes and construction sites, and waste water from agro-processing industries which are mostly emptied into river channels. This is the concern that Public Health Officers have identified as needing an urgent solution. They stated that, “lack of a sewerage system is a major health risk... as for the other wastes disposal let me not comment about it. It is everywhere” (CG#5).



Photograph 11. 8: A shallow water well. Source: (Thuo 2008).

The seepage of waste into the aquifer (given that borehole water sources are predominant in the area) and also the diversion of household liquid wastes by impermeable⁸⁷ surfaces and drainage into water sources are likely to be disastrous to the residents, especially if the area continues to densify without adequate waste management systems (CG#5). Other threats to the water sources in the area include siltation, reclamation of wetlands for vegetable farming, use of fertilisers and pesticides and other chemicals which are washed into the rivers as run-offs. Pollution from municipal and agro-processing industries has also continued to undermine water supply sources. The report from the Ministry of Local Government indicated that:

The topography of Karuri is one of steep slopes and as a result the depletion of vegetation cover has left some of these slopes bare; their top-soils are hence eroded during rainy seasons. This not only lead to loss of aesthetic impression of the physical environment, but also contributes to the siltation of and ultimate blockage of drains, hence contributing to flooding in some parts/ sections of the Town Council (Government of Kenya 2005d 37).

The inadequacy of water supplies is likely to lead to water scarcity due to the population increase. In the study area the Development Plan identified that “most rivers have insufficient and polluted water” (Government of Kenya 1979b 67). The World Water Resources Institute (WWRI) (2000) report estimated water resource in Kenya at per capita per annum of 673 m³ , thus putting Kenya in the rank of

⁸⁷Urbanisation produces extended impermeable surfaces of bitumen, tarmac, tiles, and concrete, there is tendency for flood run-off to increase (Simon 2008 11; Goudie 2006 131).

“chronic water shortage state” category. The report further foresaw the fall of water supply to 235m³ per capita per annum by 2025 as the population increases. The water supply could be threatened further if the water resource base constituting among others, water catchment forests (now less than 2% of the total land mass), continues to be depleted. Degradation of water resources is also attributed to inappropriate methods that arise out of the excess pressure on land resources by the farmers due to intensive farming (RAP#2).

The increased number of households is producing considerable amounts of domestic liquid waste which includes nitrates and phosphorous from soaps and detergents. This is causing eutrophication of water bodies as evidenced by the presence of algae blooms and other vegetation on some of the local private dams. Furthermore, most of the waste from households flows into poorly constructed/maintained drainage channels or to the open areas leaving it stagnant for a long period of time (CG#5; see Photograph 8.2b and 8.3). The stagnant waste water according to Simon (2008 13) creates an environment for disease breeding insects such as mosquitoes and other organisms.

Water scarcity is also likely to cause conflicts, especially among the horticultural and river valley farmers. Tacoli (2002 iii) elsewhere identified water scarcity to be a problem in the rural-urban interface especially affecting the low income groups, the majority of whom, as in TCK case, are smallholder farmers. TCK is experiencing these problems as water resources become scarce.

Different types of solid waste are generated from residential houses. The existing TCK wastes collection arrangement caters for the commercial centres only, and as already mentioned, these centres have been overtaken in terms of activities and land conversions in areas not initially designated as commercial centres. Furthermore, TCK “has never prepared a Strategic Solid Waste Management Plan⁸⁸” (Government of Kenya 2005d 37). This means that there is no coordination in the way solid waste is managed within the Council. This is evident by the way solid waste is strewn all over the place especially on the roadsides and on the river valleys and, sometimes heaping up on vacant plots (see Photographs 10.5a and b). This waste is providing a breeding ground for diseases’ pathogens and pests which are potentially harmful to public health.

⁸⁸The observation resonates with Hardoy *et al.*, (2001 4) who noted that “environmental problems become particularly serious where there is rapid expansion in urban population and production...”

Furthermore, the waste is usually unsorted and thus constitutes all kinds of waste including clinical wastes (CG#5; CM#5).

The solid waste also contains polythene bags and plastics. These polythene wastes are blocking river channels and drainage systems. The blockages are causing flooding by the storm water when it rains (LG#5). The flooding destroys crops along the river valley and weakens foundation of some of the houses, once it erodes the top-soils, given that most of the areas are sloppy (see Map 8.4; *c.f.* Okoth 2007 299). Apart from causing flooding problems, these polythene wastes cause problems to livestock in that, farm animals sometimes ingest the polythene which block their digestive system causing death or stunted growth, thus a loss to farmers (CM#1).

Since there are no significant industrial activities in the area, air pollution is not a major problem. However, shallow pit latrines usually produce pungent smells especially during hot sunny days. Also as the area is densely settled, there is a likelihood of air pollution from the exhaust fumes from the increasing number of vehicles. There is also noise pollution from metal and wood workshops, and other repair and flour milling establishments. Given that the majority of the interior roads are not paved, problems of dust are being experienced by most of the actors and this is evident from the colouring of the roofs and also on the surrounding vegetation by the dust from the brown soils. Some reported cases of respiratory and eye problems can be attributed to soil dust especially for children (CG#5). Pungent air is also experienced from the farms keeping livestock and poultry. The smell is evident to any person passing through or visiting some parts of the area, and from residents who are complaining bitterly about it. One of the informants put it that “you cannot sleep during the day! Smell from the poultry farms is unbearable” CM#2.

Environmental problems and the resulting conflicts reflect the diverse value systems that different actors have about land in the Nairobi fringe (see Chapter 9). Most farmers, who are indigenous to the area, would prefer the area to remain and continue to be classified/considered agricultural. Conversely the homeowners and tenants, who are mostly newcomers to the area, cannot understand why farmers should not just relocate their farming to ‘rural areas’ where farming activities are prevalent. The tension can be summarized from the comments by an informant that:

Let me tell you, these people don't know, they think we are going to eat in their home... I think they came to the wrong place... They should go to Muthaiga (this is a high income residential estate within the City) where they will even not get dust on their feet. Look at them (newcomer residents), they are releasing waste water from their bathrooms to our farms and expect us to keep quiet. Our animals are become sick from drinking their shit (CM#8).

The result of diverse interests in the Nairobi fringe is a mix of farming and residential land uses. This, as already mentioned, can be attributed to the informal ways in which land subdivisions are being done and, the consequent pattern of incompatible land uses. The incompatibility of land uses is not only experienced in terms of residential and farming land uses, but also by other types of land uses, which are located in a haphazard manner (see Photograph 11.9) depending on the availability of land on sale. In one area I observed a school and a light industry located adjacent to each other notwithstanding that the noise from the industry was evident and too high for any meaningful concentration by the students. Religious buildings are also coming up alongside commercial and residential land uses. This brings noise problems especially on Sundays when some of the charismatic churches use public address systems and as if trying to outdo each other with the most powerful equipment, they blast the area with sermons and music. One of the informants in reference to the haphazard land development commented that:

Lack of effective land use control and co-ordination leads to individuals making isolated decisions... Today this one is building a cowshed, the other one is putting up a bar, another one a church, and the other a residential house.... Surely, what a mixed grill can these (land developments) be? (CG#1).



Photograph 11. 9: Haphazard land developments i.e. agricultural at the background, rental flats at mid-ground and an individual owner occupier house at the foreground. Source: (Thuo 2008).

11.6 CONCLUDING REMARKS

From the foregoing discussion in this chapter, there is clear evidence that land conversion in the Nairobi fringe is leading to social, cultural, economic and environmental transformations of this space. Although these transformations are bringing positive change to community members in TCK, not all actors are experiencing the benefits. Some members of the indigenous group have taken advantages of new opportunities in terms of networking with newcomers to access resources not present in their surroundings. Others have taken advantage of economically better-off newcomers to start businesses to cater for their service needs. There are however members of the community who are alienated from their livelihood when circumstances lead them to sell their land. This is particularly for rural-oriented landholders who sell their land to urban residents without adequate preparation on the ways to re-investing the sale proceeds. The sale of land is thus creating a new class of landless actors who either become labourers on the construction sites or on the remaining farms after selling their land. The increase in the number of the landless is likely to lead to mushrooming of squatters housing settlements on public lands.

Unplanned residential development is resulting in a housing sprawl. The sprawl is affecting the initially planned commercial centres which are now falling into disuse. The consequences of sprawling land development have been an

encroachment of residential land uses into an agricultural-oriented rural economy that is not well prepared to handle the challenges of urbanisation.

Furthermore, the residential land developments are not backed with corresponding investment in social and physical infrastructure such as roads, security, water supply, sewerage systems and other public utilities. As a result of the lack of investment in these infrastructure and services, these residential developments are generating environmental problems such as water pollution, soil erosion, waste generation and destruction of vegetation cover.

Land conversion is producing intended and unintended consequences in the Nairobi fringe. These consequences are leading to the transformation of social, cultural, environmental and economic aspects of the Nairobi fringe. Although some of the transformations are leading to improvement of livelihood for a number of actors, some transformations are insidious in that they are leading to communal and social breakdown among the indigenous group, and also affecting the environmental quality of the Nairobi fringe. These insidious effects are in turn affecting agriculture as a viable enterprise.

CHAPTER 12:

RESPONSES TO THE EFFECTS OF LAND USE CONVERSIONS

12.0 INTRODUCTION

This chapter focuses on the responses/actions of the actors within TCK and how they manoeuvre through the consequences of land use conversions. The chapter presents empirical evidence of how “subaltern” actions (Sharp 2009 115; Yeboah 2005 51; Spivak 2000 xxi, 1988 298; see Chapter 2) play a role in creating order in an otherwise chaotic situation. Yeboah (2005 51) argued that it “...is possible to locate traces and testimony of subaltern voices on sites where they inscribe themselves.” For instance, in this study, subaltern actions (as evidenced by their agency) are manifested in actors’ contribution and participation in provision of infrastructure and services within the Nairobi fringe due to the lack of formal provision by the TCK and central government. Furthermore these actions demonstrate how actors are able to manoeuvre to accommodate changes within their lived experiences.

The chapter also traces how subaltern actions themselves are contributing to the decreasing economic viability of agriculture as a source of livelihood. Using various loops, the chapter indicates that responses to changes are also unintentionally leading to land conversions through the creation of enabling conditions for new residential settlement forms. On the other hand, land conversions are also taking place in circumstances where exercise of agency by landholders to accommodate changes without necessarily selling or converting agricultural land to residential purposes is becoming severely affected by radically evolving new economic, social, cultural, and environmental pressures. These pressures are undermining local agency and capacities to respond to the changes and thus making some actors with landholdings sell their land without a clear plan on what to do with sale proceeds.

12.1 Transforming agriculture

Land conversions in the Nairobi fringe are encroaching into agricultural land thus leading to the reduction in the quantity and quality of land for farming. As already

indicated, the case study area was formerly a coffee growing zone, and for economically viable coffee growing, one needs a relatively large piece of land. Since most of the land has been sub-divided either as a consequence of *in situ* population increase or immigration leading to increased conversion of land for residential purposes, most families have been left with small plots of land for cultivation. Therefore, growing crops such as coffee is becoming uneconomic and most actors are switching to demand driven farm production (see Photographs 12.1 below). This shift has come from farmers' own initiatives or from the agricultural extension officers' advice, as indicated during a focus group discussion where an agricultural extension officer stated that "we are advising farmers to turn to high value crops that require small pieces of land.... To grow coffee, economically, one needs a sizeable piece of land."

It can be argued, therefore, that the reduction in farm sizes has not led to a reduction in the value of agriculture production, because farmers are taking advantage of the prevailing circumstances and are putting their land under high value crops such as passion fruit, tomatoes, kale, cabbage, coriander (*dhania*) and other fast growing green food crops. In addition, farmers are also practicing zero grazing of dairy cows and poultry-keeping on their parcels of land. This is enhanced by the availability of a ready market for dairy and poultry products in their midst and also in the nearby market in Nairobi City. A visit to the study area early in the morning revealed that a number of hotel businesses in Nairobi City send their pick-up vehicles to buy fresh milk from dairy farmers. There is also open hawking of raw milk by vendors using bicycles in the area. An informant commenting on change in the farming system stated that:

We now have a ready market within our surroundings... We no longer have to take our produce to the City. They (newcomers and City traders) always come to buy vegetables in our farms.... Also cows are now profitable to keep. My neighbours take all the milk I produce.... And I only have the piece of land you can see! (CM#1).

As changes in agricultural production systems are taking place, the need for large tracts of land for crop production has lessened. Coupled with shortage of labour and other land conversion problems, some farmers do not mind selling portions of their land or building rental residential units on portions of their land. Furthermore, as the Nairobi fringe becomes more urban than rural, questions arise as to what is likely to happen to farming given that agriculture is rarely recognised as part of urban land use by most of Kenya's urban planning actors

and legislation. It is likely to be a challenge and a dilemma for those actors wishing to continue practising farming as a source of livelihood.



Photographs 12. 1: Smallholder's horticulture farming (e.g. passion fruit). Source: (Thuo 2007).

When farming is affected by factors that make it uneconomic, farmers as rural actors have responded⁸⁹ in a variety of ways which include diversifying crop production, changing crops traditionally grown and looking for off-farm jobs. However hardships are encountered in the transition from traditional farming to other modes of farming or livelihood. These hardships may include lack of knowledge about new farming methods (capital and labour intensive) and lack of money for school fees, medication or other life support needs. It is at this transition period that their livelihoods are severely threatened and in response some farmers either fully subdivide their land for sale or sell some portion to meet immediate family needs.

Most farmers in the area, especially those growing coffee, were/are saddled with huge personal debt to various financial institutions and cooperative societies. With reduced coffee prices on the international market, most of the actors can/could no longer afford to service their loans, the result of which has been auctioning (by financial institutions) of some of the farms to offset loan obligations. However, most of these loans are less than the value of land or other

⁸⁹ Actors exercising agency

infrastructure thereon, and once farmers realise they cannot service the loan amounts they choose to hive-off sections of their land for sale to pay their loans. The phenomenon is made apparent from an observation by one of the informants that:

I was a coffee farmer. We used to get a lot money... All of a sudden prices became so bad, I was in debt. Then some people approached with an offer to sell a piece of land along the main road.... The offer was irresistible. With the sale, I was able to clear the loan and build some rent units myself... Further, I was able to pay school fees for my children. The income from the rent the tenants pay is more than what I used to get from coffee.... I just laugh at my neighbours who still grow that 'thing'... Others are now 'seeing the light' (CM#10).

The above statement reflects a common thread of narratives from informants on how farmers have taken the sale of land as a way of cushioning themselves and their families against the harsh reality of commercially unsustainable coffee farming. The practice is being reproduced in most parts of the area, with the first group to hive-off their land for sale to residential developers becoming the envy of those actors still holding their land for agriculture. This has created a condition of 'impermanence' for those actors who still practice farming, while others have left their land idle or under cultivation by squatter farmers.

The pressure for land conversion is at times so much that some land buyers have been exerting undue pressure on farmers to sell their land to them. Unorthodox means such as tricking farmers have been reported though it is not as common as the system of willing-seller-willing buyer (see Photograph 12.2). Most actors, as already noted, own/hold land parcels which are less than 0.4 hectare, which are not even sufficient for traditional farming. Since not all actors are able to adopt new farming techniques and modes, and with the other problems experienced in these urbanising areas, the farming taking place on their land is hardly enough for subsistence production. Because most of these actors are approached by land buyers when they least expect to sell their land, the money from the sale of the first portion (in case they do not sell the whole parcel) is usually spent in an unplanned manner, and consequently ends up in consumptive rather than enhancing productive purposes. An informant commenting on this form of land sale indicated that:

These farmers are approached by people with a lot of money.... You remember I told you that we have many people working abroad and other 'good' places? These people! Don't joke with them. Money is not a problem.... They just flash the cash and

farmers cannot overcome the temptation. The next thing, they are in Chief's office signing land transfer documents.... After that [selling their land] everyone is on their tail to benefit from the sale's proceeds. Others get an additional woman.... Within a short time money is finished and they are now beggars with no homes, families and women.... You see how bad it is? It is a serious issue here (CL#2).



Photograph 12. 2: Landholder's warning to the public against entering into sale transaction for a parcel of land in Gachie area (*Incidences of fraudsters selling other people's land without their knowledge have been reported*). Source: (Thuo 2009).

Once the first portion's sale money is finished, farmers continue to hive-off additional parcels for sale until a point is reached where they sell their whole land. This sale of land is uncoordinated among actors and thus there is no uniformity in the pattern of residential development so that some areas are fully covered by residential houses while abutting lots are still practicing farming. This, as already noted, comes with effects which constrain continuation of farming activities in some areas. When the first group of farmers resign to the sale of their land, they induce a domino effect in a community of actors. The sale of land is thus affecting actors who would not have otherwise chosen to sell their land but to continue with farming if the situation was different.

12.2 Reshaping work and income

With declining agricultural productivity and opportunities due to consequences of land use conversions and population increase, most families formerly relying on farm for food and income are turning to non-farm jobs within their locality or

elsewhere. As already mentioned in Chapter 9, it is hard to assign to a particular actor a specific single role in regard to land use and this is true of farmers too. Most farmers also do business in small-scale retail shops or are employed by the government or private sector. A good number of farmers are also working in Nairobi City and elsewhere either in the formal or informal sectors. The adoption of multiple sources of income is meant to complement the dwindling earnings from farming. In most of the homesteads, at least one of the family members is working in a non-farm job. Another source of income for some families is rental houses within their farms. An informant supports these observations by indicating that:

You cannot point at any one person who is purely in agriculture.... People are either working in Nairobi City or doing casual work such as house construction in their villages or operating kiosks.... The point I am making here is that people are doing many things to survive. Even those who claim to be farmers are just lying. Most of their income is coming from some rental houses in their land.... They just do farming to keep themselves busy (Agricultural officer, during a focus group discussion).

The participation in multiple jobs is jeopardising agricultural activities such as coffee farming or dairy farming which require intensive labour and extended on-farm presence for optimum productivity. As most actors become rooted in non-farm jobs which are well paying, and given the constraints experienced by farming, their continued involvement in agriculture as a source of income is not guaranteed. Farming thus is becoming secondary to other sources of income and it is usually practised as a back-up to provide kitchen vegetables or, as a part time activity especially during the weekends or evenings when family members are not engaged in work elsewhere. This echoes Tacoli's (2002 i-ii) observation that:

...rural non-farm employment and agricultural activities among [peri]-urban residents are an increasingly important element of livelihood strategies. Multi-activity at the household or individual level helps decrease vulnerability to shocks and stresses and stabilise incomes which may otherwise vary widely on a seasonal basis.

Expansion of residential land uses, particularly with the City population moving into the Nairobi fringe, is bringing some opportunities to the erstwhile rural population. Actors moving to the area are creating business opportunities for the indigenous residents and other actors such as former farm labourers, in that they present needs that must be met daily. These needs include services, food and

other home-related requirements. Along the major roads and even access roads, there are roadside kiosks⁹⁰ and grocery shops selling food stuffs. This is supported by the comments from one of the community members who indicated that:

With increased population one needs to be wise.... These people require food and other basic necessities. That is why we have decided to start these businesses.... They [businesses] are small but we get our daily bread from them (CM#12).

Having outlets from which actors can buy food and other basic necessities is making a formerly rural area more suitable for urban-oriented settlement than before. As noted in Chapter 11, there are designated market centres where different actors buy food stuffs and access other services. These centres are few and are usually separated by distance, thus one has to spend time either walking or using other travel means to reach them. The convenience afforded by decentralised shopping locations, coupled with availability of cheaper rental houses in the Nairobi fringe, is making the area attractive to City residential dwellers and thus increases demand for land for construction of rental residential housing units.

Urban-oriented residential land uses are introducing urban-related lifestyles such as planting of trees and flowers in the compounds. In several places I visited, actors have established trees and flower nurseries in river valleys especially along major roads. The operators of these tree and flower nurseries are targeting the local market for a large number of new residential home builders and settlers. The majority of the actors establishing flower and tree nurseries are landless and are using public riparian land reserves (especially near road bridges) for their activities. However, even landholders with parcels of land along the road but abutting rivers, are also engaging in this practice of growing flowers and tree seedlings for sale. This observation is given credence by a comment from an informant that:

My land is small but I am lucky I am close to a stream, although its water seems not clean and it is almost drying up, I can grow some tree and crop seedling for sale to other people.... I also grow flowers for sale to those people [newcomers] because I know they want to beautify their homes (CM#13).

⁹⁰Kiosk is a small scale retailing unit equivalent to 'dairy' in New Zealand but are usually operated in semi-permanent building structures.

As noted elsewhere, the flower gardens in residential homes are becoming a source of conflict between farming actors and non-farming actors. This is more so to those farming actors who are rearing free range chickens, goats and sheep, which are destroying flower gardens and orchards in residential homes while rummaging for food. These conflicts have led some non-farming actors to spray their flowers and tree seedlings with pesticides with the intention of 'teaching' farming actors a lesson: Livestock which eat the flowers and trees sprayed with chemicals after a while may die or become ill. This is making free range poultry, goats and sheep keeping hard to maintain while caging them requires additional resources to feed them, therefore making such an enterprise expensive for farming actors in the long run.

With agriculture being negatively affected by both local and non-local factors, it is becoming imperative for those actors who had traditionally relied on farming to rethink new ways of meeting their livelihood. Most farmers have tried to change their mode of farming by practicing intensive cultivation of demand value crops, a practice which I think cannot be a permanent measure given the water pollution problems in parts of the areas which are fully urbanised. Notwithstanding the temporality of the adopted measures, the TCK area has the advantage of being close to Nairobi City. Proximity brings job opportunities to the indigenous residents and farmers, who are being displaced from their farming activities by land conversions and consequential problems. In addition, residents also have easier access to information on the job opportunities elsewhere in Kenya and abroad than their counterparts in rural hinterlands. In fact, some actors remarked that some of the apartments are constructed using money remitted by other actors working abroad. The changing labour and income situation was made clear from an observation that:

Those who cannot get jobs here go to Nairobi City.... some go to other towns. You see this area is next to Nairobi, so people get to know much... Other people are [working] abroad. You understand? Because Nairobi City is here with us....people are no longer looking after their parents' *shambas*, they are thinking ahead. What do they have to inherit? Just space for a grave? Tell me? ...They have no option other than going and keep going! (CL#2).

Availability of non-farm jobs within and outside the Nairobi fringe for indigenous residents and farmers is creating a serious labour shortage especially for non-paid family farm labour. This and other related factors, as already noted, is

increasing farming overheads (especially for smallholders) thus further undermining farming as a viable commercial enterprise. The consequence of this change is the option of leaving the land to fallow, subdividing land for sale or using land for construction of rental residential housing units.

12.3 Creating new forms of cultural interaction

Family and kinship networks provide basic support for most rural-oriented actors. These networks are responsible for socialising children, caring for dependents and providing other kinds of support to actors in the concerned community. As newcomers join the indigenous farmers and residents, several consequences emerge; among them is breakdown of communal, kinship and familial ties. The intrusion by new actors not tied to local customs and norms, has weakened the cohesion among members of the formerly rural community. As a result, indigenous actors are losing ways through which rallying together for a particular communal cause had always been achieved. This is even more challenging to older members of the indigenous groups given that they are unlikely to move to Nairobi City or to other areas to look for employment like young men and women. Breakdown of family ties and loss of communal cohesion has affected initiation and management of community projects, caring for dependants such as orphans and elderly and has also increased crime and other social vices.

However, as traditional institutions are breaking down, 'new modes' of interactions are emerging among residents. This has proved to be important in promoting collective action by the various community groups and also in providing necessary support to various members of the community. As one of the indigenous residents put it:

We no longer have clan gatherings. Most people are now living on their own ... If we don't have a church I don't know to whom we could be turning to.... There (church) I have friends and we also have a neighbourhood group for our church members.... Church is all that I have in this village (CM#8).

Churches have emerged as 'new spaces' for communal get-together where members meet to support each other in times of need such as during bereavements, weddings or sickness. These are the roles that *Mbari* members primarily perform. Some family/clan members in the area have however continued to stick to their *mbari*.

There are different churches in the area and family members can join any (especially for adults) irrespective of their clan or family group. In these churches, actors organise themselves into various groups with a membership of women, youth, children or men. These groups more or less mirror customary groups among *mbari* with a major difference being their origin. Customary groups are based on kinships ties (and they are involuntary) while churches' groups are based on membership and faith. However, the current set up of church groups mirrors most of the customary organisational attributes and functions. Most of these groups meet on Sundays after services, either within church compounds or in members' homes.

Other than the religious linked groups, there are also non-faith groups such as *Kiama* (Plural, *Ciama*) for women (although there are also men in some of these groups). *Kiama* play such roles as *merry-go round*, where members meet in homes once a week either on Sunday or other designated day of the week. Here they contribute some money which is given to one of the members (usually through a ballot system) each week on a rotational basis or money is used to buy household items for each member each week. Members in these groups also assist each other in times of need such as in bereavement, sickness or any other needs identified as meeting criteria for other members to support. As in church groups, membership of these groups is not restricted to kinship ties. However, personal relations play a vital role on how members come together to start a group. Meeting in members' homes on a rotational basis is also meant to bind families of group members together.

There are also other groups which are mostly comprised of men (these are mostly married men) or youths (young men and young women). These groups are like *Ciama* in their origin and membership recruitment, with only exception that members meet in public places such as pubs and their major purpose is investment. Some of their investments include buying plots of land and/or construction of rental residential houses, investment in shares at the Nairobi Stock Exchange or any other investment members can agree on. Other than investments, members also support each other in times of need through monetary contributions or other assistance. These groups are open to a more diverse membership than *Ciama* which are mostly based on personal relations. These groups are in some cases registered, thus assuming legal entity status. Both newcomers and indigenous residential actors can be members of these

groups. The groups provide an avenue for different actors within the area to know each other, as one of the newcomers to an area commented that:

Here we don't know each other...In fact I met my immediate neighbour in Kawarau [a local pub] while we were having Peter's (pseudonym) goat eating party⁹¹.... I didn't know that he is my immediate neighbour... At least now we know each other (CM#2).

These groups are providing new spaces for actors (both newcomers and indigenous) to interact, although the level of representation (for newcomers and indigenous) varies from one group to another depending on levels of social and economic exchanges among actors. As these new spaces of interaction continue to play significant roles in the area, customary institutions are losing ground. These customary institutions are necessary in safeguarding family and communal land and its resources, even more so in areas such as TCK, where land ownership is tied to some aspects of family. With continued disintegration of communal and customary values more and more indigenous actors are losing values attached to family land and are now regarding it as a commodity that can be put on sale. This may partly explain why there are widespread land conversions but also at the same time the retention of land in farming. An indication of varied individual values is manifested by the presence of actors who are still farming within the identified constraints or are still culturally attached to land as a resource to be bequeathed to the next generation and not meant for sale under any conditions. The question is, however, whether farming activities can survive under the pressure of land conversion in the proximity.

In trying to inculcate moral and societal values of community to young men and women, the community (especially indigenous farmers and residents) have come up with 'new rites' of passage⁹². A major comment on the issue of new rites of passage came from an informant who stated that:

With declining communal and culturally bonds, families and community's values are hard hit when it comes to ways they are transmitted from one age group to the next.... What we are doing now is to organize occasions with parents in collaboration with churches where we send boys and girls, once they reach the

⁹¹ Goat-eating parties are usually organized to raise funds. Actors usually meet in a public place such as a pub where advance preparation had been made for goat(s) to be slaughtered and roasted. They feast together and then make contributions in the form of hard cash or pledges to the issue at hand. In this case, a goat eating party was meant to raise money for Peter's wedding which was a month away.

⁹² Re-enacting subaltern activities to address a current phenomenon.

age, to undergo circumcision [circumcision in the study area is mainly for boys, but girls are also made to attend teachings alongside boys but are not 'cut'], to secluded places for rites and teachings.... During the ceremonies boys and girls are taught about how to live a responsible adult life and how to approach life in a diverse cultural environment (CM#8).

In the new rites of passage, older members of the community (who are knowledgeable on community affairs and traditions) are tasked to teach young men and women about various aspects of living as adults. Activities involved usually take two weeks to conclude. Given that these activities are organised through combined efforts of various churches, this shows the increasing significance of churches in filling the gaps which are created by the loss of communal ties and traditions. During my field work I witnessed such an alternative rite of passage ceremony when it was coming to a close. I was made to understand that a majority of the initiates in that ceremony were those born of indigenous farming and residential actors. Since it was during the school holiday time, newcomers' children of the initiation age had gone to their parents' place of birth to undergo such ceremonies alongside their kinsmen and women.

The emergence of new approaches to mark rites of passage can be justified in places where social and economic pressures are transforming traditional societies. However I seriously questioned the efficacy of alternative rites of passage given that life values are learned through a socialisation process which is embedded in day-to-day life-long encounters and cannot be condensed into a two weeks "training" programme. Also, I argue that the impact of such rites is not evident as in most of villages I came across, hardly any young men or women were at home during day-times, as the majority of them were working away from home. I was also informed that most of the crimes in the area are committed by children of the indigenous residents and farmers, although sometimes in connivance with newcomers. I think the rites of passage initiatives are just making young actors aware of the new circumstances that their area is experiencing and preparing them to participate in this new environment, further undermining their attachment to land for farming.

12.4 Emerging forms of community influence

There is little evidence of the government (state) in the Nairobi fringe, somewhat a surprising fact given the size of the population and a rapid increase in numbers. We might expect the judiciary and police to have an obvious presence, but in the

absence or limited presence of such agencies there has been the evolution of neo-customary modes⁹³ of dispute resolution or alternative dispute resolution mechanisms. These mechanisms (though referred to as informal) have played a key role in maintenance of order in these areas. Even land ownership/transfers have used the same informal land market forms, to transact their businesses. As one of the informants put it:

These areas have not benefited with improved service and infrastructure.... No new police stations. No new government officers.... In such a situation we have elders whom we work with in various villages. ...In cases of petty issues we encourage them (residents) to resolve them. ...Some of these cases involve domestic quarrels, issues to do with land boundaries and waste disposal. ...If one doesn't agree with the decision of the elders then the cases are forwarded to the Chief. In most cases people go with the decision of the elders (CL#2).

Alternative mechanisms are being promoted by various governmental and non-governmental entities in the area, given that government is not capable of providing most of the services needed, partly due to the informal status of these settlements from the beginning. Land related issues form the larger part of most emerging conflicts; the conflicts include quarrels over plot boundaries, non-payment of instalments by newcomers, multiple sales of the same plot or earlier transactions being challenged by other family members, among others. Since such land deals are usually informal (from inception), it has been unofficially acceptable to let the same mechanism deal with issues arising from such transactions. However, as has been noted elsewhere (Thuo and Waswa 2006 132), informal conflict management initiatives have been found to be discriminatory in conflict resolution especially where some actors in the society such as women and other marginalised groups are involved.

Other areas where community-based initiatives are thriving include water supply provision and maintenance of access roads and bridges. One of the informants put it that:

When it comes to construction of access roads, the Council will do its best. However, due to our budgetary constraints, we are unable to meet all expectations of the people. In this regard through self-initiative, people have come together to construct road and bridges within their areas... They are also doing other things like laying water pipes from points where boreholes are

⁹³ Subaltern Knowledge being revive in circumstances where modern institutions are failing.

drilled to their houses on a communal basis...This way people have complemented our activities without which I don't know how it would have been (LG#1).

With the community taking control of their infrastructural development in the TCK area, some progress has been made to prevent chaos (in terms of lack of service and infrastructure) and to promote basic services to the community. Reinforcements have been made to the operation of these community initiatives through developing links with the government and TCK, especially with the introduction of CDF. These initiatives have been further amplified by the existence of local and foreign donor support, especially in water provision. These initiatives are allowing services and infrastructure to reach interior parts of the area and therefore making them suitable and accessible for residential settlement. In turn, this leads to more land conversion.

Informal mechanisms for service delivery in the Nairobi fringe are putting decision-making capacity into the community's domain, and therefore further minimising the role of government or its agents. This, somehow, has reduced the legitimacy of government in controlling land developments in different parts of the area, and thus the state is not involved in the initiation of such development activities. With the entrance of foreign donors (see Photographs 12.3 a, b) and civil society' activists, the implementation of government regulations and development controls becomes more and more constrained. However, although community-based initiatives are noble, it is my view that their continued effectiveness is likely to be affected especially as population densities of the Nairobi fringe increase and with the emergence of new groups of urban-oriented actors who do not subscribe to the existing social and communal norms.

From the foregoing discussion, one of the issues that comes to the fore is that land conversion from predominantly agricultural to residential uses is occurring with little or no involvement of Planning Authorities. Therefore, there is no corresponding investment in social and physical infrastructure and services by the government or TCK. This is clearly shown in relation to the personal and property security. Crime, as already discussed in Chapter 11, is occasioned by various factors, among them lack of adequate police services, scattered residential development amidst farming activities (making it easy for criminals to hide), loss of livelihood for some indigenous actors, reduced communal controls

and an increase in the number of actors in the area with unknown history, among others.



Photographs 12. 3 a, b: Donor supported community-based water projects. Source: (Thuo 2008).

Actors have not been passive to crime and the resultant effects; they have taken initiatives to address and reduce the problem. These initiatives are both at community and individual levels. At the individual level, some actors have engaged private security companies who are providing guards to their homes during the day and at night. Others have independently hired guards who have no attachment to security companies (locally referred to as *watchmen*) to guard their homes and properties.

At a collective level, actors (especially those in more clustered residential dwellings) have come together and have collectively employed security guards either from private companies or just engaging individuals to work as guards. In this case, they have agreed on the amount of money to be contributed by each home (and not household, as one home may have different forms of household arrangements) towards the payments of the guard/s. In my interviews, one informant said that “we contribute 500 Kenya Shillings (equivalent to slightly more than NZ\$⁹⁴ 10) every month to pay to security guards... You can’t gamble with your life” CM#3. The majority of actors engaging security companies or individuals to guard their properties are newcomers, with little or no involvement of indigenous actors amongst them.

In other cases, especially in the areas where the majority of the actors are indigenous, communities have organised a security roster whereby each family (emphasis here is on family and not home, a family may consist of father/mother, children and grandchildren staying in a homestead consisting of many homes), contributes one male adult on the agreed days to serve in vigilante groups. This is done at a village level and vigilante groups operate during the night. These groups are recognised and encouraged by the government in the name of community policing. However, in the not too distant past the government used to be against their formation due to their arbitrary and their extra-judicial methods of operation (CL#2). With the increase in cases of crime and with the government inability to provide enough security, vigilante groups have been allowed to operate in collaboration with the Police and Provincial Administration. The homesteads with no male adult are required to make monetary contributions to various ‘security committees’ operating in different villages. These supports are used to buy batteries for torches and in some cases to feed those who are actually doing the vigilance duties at night.

Individual and communal efforts toward ensuring security in the Nairobi fringe have scaled down crimes, with reported cases declining (CL#2). This, to some extent, has removed the tag ‘insecurity’ which had for so long accompanied any reference to the Nairobi fringe (RAP#1). The implications of these initiatives and the reduction in crime may have partly contributed to the increase in demand for residential housing in the area, as newcomers are assured of security albeit with

⁹⁴ At the time of the interview 1 NZ\$ was exchanging at Kshs 44.

their personal financial contributions towards it. The consequence of further residential development is more agricultural land being converted.

Tied to issues of social and physical infrastructure and services, is the decline/lack of corresponding public investment to reflect the rising number of actors in the area. As a result, there has been an increase in private sector alternatives, whose costs are usually higher than public sector provision, and (in the absence of clear regulation) the quality of their services is always in doubt. However, their services are widely accessible to most residential actors. This is highlighted by commentaries of one of the informants who explained that:

Population is increasing, government has not built any new hospital, no new structures in the existing health centres.... People either go to towns (market centres) or seek medical services from private clinics. It is a terrible situation.... Even if you go to government health centres, there are no medicines, queues are long and you waste a lot of time (CL#3).

A journey through most parts of the area confirms the above comments. During field work I observed private schools, and private clinics dealing with either herbal medicines or modern medicines, among other services. These services by the private sector are complementing the existing government facilities which are inadequate to cater for the increasing population. Also, existing government facilities were designed to serve rural-oriented populations, especially schools, and are thus inadequate to cater for urban-oriented actors, who have either continued to educate their children in the City schools or are now enrolling their children in private schools which perform at a level closer to the City schools. An informant indicated that

Public schools perform poorly after 'this thing' called free primary education (compulsory free primary education was introduced in the year 2004 by the Kenyan Government).... Classes are overflowing and there are no additional teachers, no new classes... It is a total mess. I am a teacher in a public school but my children cannot go to a public school.... I have taken them to a private school, though not so good but I think they are better off there (CM#1).

The other area where there has been an increase in private sector service provision is waste management. As already mentioned in Chapter 10 and 11, TCK does not have adequate capacity to handle solid waste generated by the increased residential settlements. Moreover, it does not have a Strategic Plan on waste management. This gap is, somehow, being filled by independent small-scale service providers who operate without any control from central government

or TCK. They collect solid wastes from households who are willing to have their waste collected for a fee. Some householders are unwilling to pay and just dump their household solid wastes in open spaces at night. The waste collection is done once per week and every household is issued with a polythene sack every week, when payment is also made.

Most of those dealing with solid wastes collection belong to the indigenous group and in most cases they are actors who have other occupations such as farming. Some of the solid wastes collection service providers are well organised businesses with trucks to collect the solid wastes and they have also employed some actors to do the actual solid wastes collection. However, the majority of solid waste collectors are using hand or donkey drawn carts to ferry collected wastes to illegal dumping areas. An unfortunate aspect of this solid waste management system is that some collectors dump the solid wastes on roadsides in some of the isolated parts of the area or along river valleys. There are cases where they have paid some farmers to allow them to dump solid wastes on their lands. I was able to witness one of these private solid wastes dumping sites. This mode of solid wastes disposal, as already explained, is threatening continued farming on the farm and also the surrounding farms. An informant explaining how their solid wastes are managed commented that:

We get our income from solid wastes! You see the Council is not able to collect all the solid wastes.... We collect Kshs 200 every week from each household so that we can collect solid wastes for them.... We only need to pay only 100 Kenya shillings to a farmer in Gachie to allow us dump the solid waste in his farm.... We hope the Council will not take the work [solid wastes collection] away from us (CM#5).

There is also an issue of the management of liquid wastes from septic tanks and pit latrines, where small-scale service providers do the emptying of filled facilities. Those who are more organised have trucks with sucking machines and do the emptying of liquid wastes into the City Council's sewerage system at a fee. However, a majority of the independent small-scale service providers use buckets to empty liquid wastes and then they cart away the waste in drums to open grounds or into river channels, mostly at night (see Photographs 10.5 a, b). This is affecting the quality of water for either drinking or farming.

12.5 CONCLUDING REMARKS

This chapter demonstrates that land conversion is part of a complex mix of social, environmental, cultural and economic feedback loops. Land conversion (which drives and/or is driven by a whole series of economic, cultural and social change and elements such as shift from collective kin-based behaviour to more individualistic behaviour) in the Nairobi fringe is nevertheless also shaped by adjustments which are rooted in subaltern or customary ways.

Changing social, cultural, environmental and economic circumstances as a result of land conversions and market forces has dramatically affected the Nairobi fringe. Actors are, however, not passively accepting their fate of being victims of these changes but instead have evolved a variety of local/human-level responses to enable them to live in the area. Their actions have, however, created enabling conditions for further land conversions either through making hitherto unfavourable parts of the area attractive for residential settlements or creating additional obstacles for continued agricultural activities.

The impact of the performance of these local actors illustrates how agency is exercised within existing structures (formal and informal, representing modern and traditional respectively) to address changing circumstances that internal and external conditions are creating in the area. Agency is operating within existing structures to come up with strategies to enable actors to live in the changing environment and circumstances.

Human agency should not, however, be over-romanticized. There are situations where new pressures are stronger than the capacity of the local/individual agency to cope with or adapt to changes. In such cases, actors with landholding are selling their parcels of land without an apparent plan on 'what to do next.' In such instances, affected actors and in some cases their families have become destitute and proletarians within their localities. In addition, while adaptations which result from the exercise of agency are testimony to the initiative and determination of actors involved, it is important to recognise that such strategies may be associated with heavy costs and are thus uncertain coping strategies leaving actors' lives insecure and exhausted.

CHAPTER 13:

SYNTHESIS AND REFLECTIONS

13.0 INTRODUCTION

It is worth reiterating that this research has been conducted within an explanatory/exploratory framework and therefore field commentaries and their interpretation within the conceptual approaches adopted are an invitation to further investigation into land use conversions in rural-urban fringes of cities such as Nairobi.

The final chapter of this thesis summarises the study by synthesising key findings of the research with reference to the primary research question and relating the outcome to the broad debate on the urban/rural-urban fringe in developing countries. The chapter then reflects on key issues identified throughout the research process, and on how to better understand land use and livelihoods in the rural-urban fringe. The reflection is intended to inform my commentary on planning and views on urban/rural-urban fringe scholarship. The final section of the chapter is reflexive; it reviews issues of carrying out research in complex environments and identifies areas where, with hindsight, different approaches or different allocations of time and effort would have led to a more complete analysis. On the basis of this assessment, the thesis proposes some interesting areas for new and further research in the rural-urban fringes of cities like Nairobi.

13.1 A SUMMARY AND CONCLUSION OF KEY FINDINGS

The purpose of this thesis is to answer the question: *Why is agricultural land use being edged out by non-agricultural uses?* On the surface it may seem obvious and straightforward that the initial purpose of the study was to identify various causes of land use conversions in the Nairobi fringe. However, as this thesis indicates, different aspects of land and land use interact in a contingent and recursive manner in the conversion of agricultural land to non-agricultural uses (see Figure 13.1). The figure further indicates that many of the influences on land use change at the micro-level are not necessarily local but are a product of wider social, cultural, political and economic conditions that challenge the economic viability of agricultural enterprises.

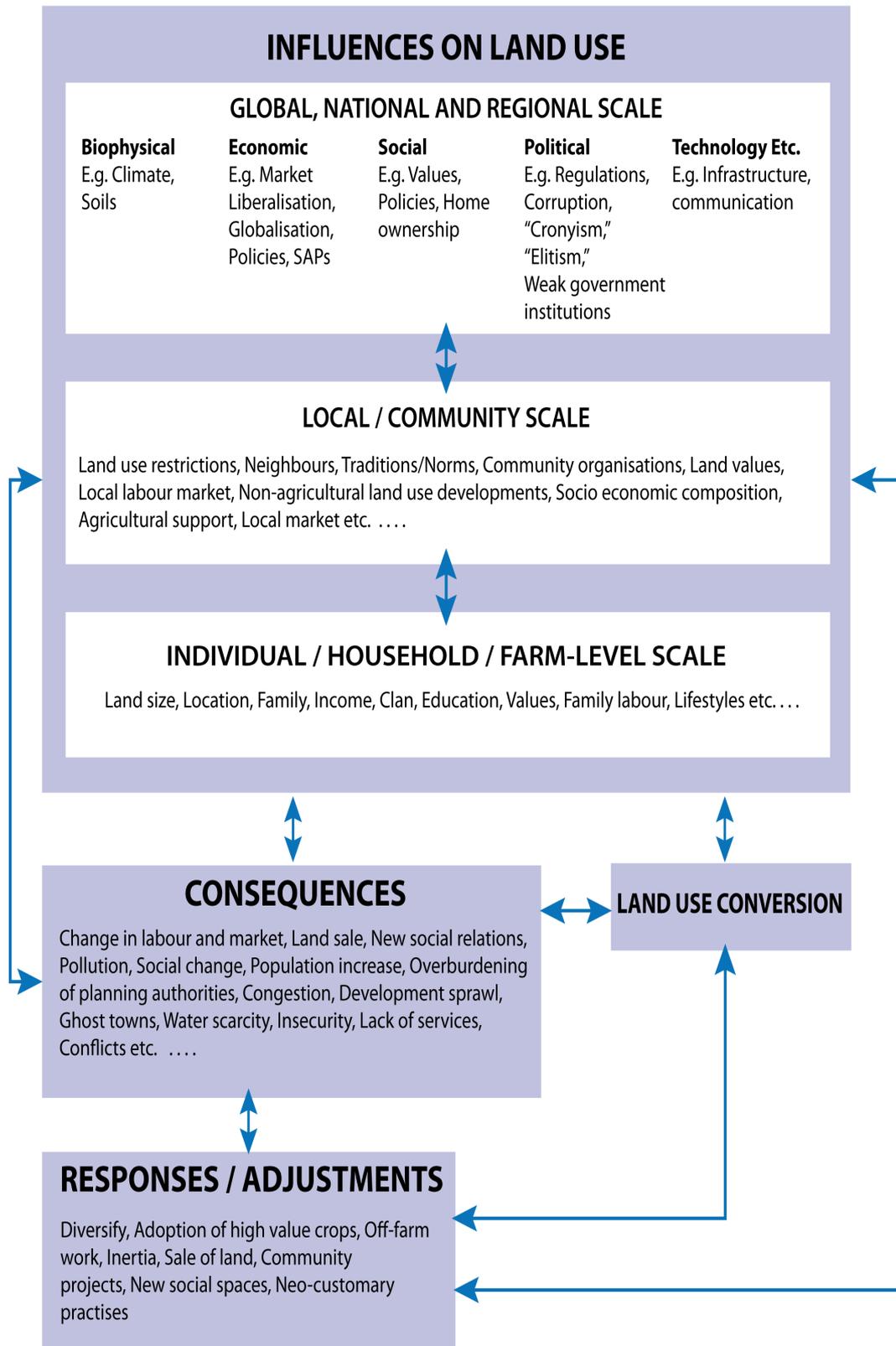


Figure 13. 1: Schematic diagram of the complex links in land conversion in the Nairobi fringe. (Adapted from Smithers and Johnson 2004).

Therefore, although this study was on one locality and carried out on a micro-scale, attempts were made to link landholders' actions and perceptions with larger structural forces at different scales. The role of the wider social, economic and cultural linkages in land use conversion, as well as how individual actors mediate and transform the structural factors in their specific decision making environments, were taken into consideration in seeking answers to the research question.

The following sub-sections give a synopsis of key findings of the research under broad but interrelated themes. The key findings are linked to the wider literature on urban/ rural-urban fringe transformation in developing countries.

13.1.1 Governance, planning and land use

Lack of affordable housing due to high costs of land and non-provision of public housing in Nairobi City is making people search for housing in the rural-urban fringe. This can partly be attributed to a colonial land ownership legacy that has not changed much since independence. Also, the City inherited colonial building codes, standards and regulations which were constraining and meant to restrict native Africans from permanently staying there (see Chapter 6 and 8). These factors created additional bureaucratic obstacles for those wishing to build formal houses particularly in incremental ways and using non-prescribed building materials within the City. In regard to land in the City, there are also problems in ascertaining ownership, particularly where land lease titles have lapsed and the political elite have taken advantage of the situation to illegally allocate themselves and or their cronies land which they have later sold to actors using unofficial channels (see Chapters 4, 6 and 10). The outcomes of these activities have resulted in a lack of transparency in land transactions within the City, further scaring potential homeowners away.

Besides land transactions being under the control of a restricted set of actors, there is also little or no control by local authorities when it comes to complying with urban planning requirements. This observation aligns with Pacione's (2009: 120) comments on African urbanisation that "more of the population have moved to the urban peripheries where ...official planning regulations are rarely enforced." The majority of the land in the Nairobi fringe is classified as agricultural (see Chapter 8) and thus covered under the sub-division schemes programme (see Chapter 6) where the role of the planning authority is just advisory. This is in

contrast to land use planning compliance requirements in the City, where (in absence of explicit urbanisation and housing policy and the vagueness of the land market) corruption and other non-civil behaviours (among the council officials and land dealers) take place (see Chapter 10 and also Figure 13.1). Such situations of policy, institutional and market failures align with Potts' (2004 349) observations that "...social and political relations (whom you 'knew') could often affect access to urban (and rural) goods and services."

Satterthwaite (2006 669) argued that "[i]t is not rapid urbanisation but the lack of attention to developing urban governance structures and economic stagnation that underpins most urban problems." Looking at his argument with reference to my findings on the Nairobi fringe, land use conversions are taking place in a situation of legal and policy ambiguity because of lack of explicit land and urbanisation policies for the whole of Kenya. This has led to legal and jurisdictional overlaps among institutions/departments involved in land use development control. This is also made worse by weak local authorities in the Nairobi fringe (which in most cases were initially designed to cater for rural interests). These local authorities lack capacity and capabilities for managing rapid land developments taking place in the fringe which has resulted in delays in granting approvals to developers. Other than lack of capacity to enforce development control, there is also lack of information on which land use planning and control can be based. In this case, there is no planning framework to which decisions on plan approvals can be referenced. This has created apathy among Planning Officers who have to rely on the goodwill of the developers to 'do good' in the implementation of their proposed land development activities (see Chapter 4 and 11).

Multiple government institutions/departments (with separate goals and mandates on land) coupled with a lack of planning guidelines (such as Local Physical Development Plans) have created a jurisdictional vacuum (UN-Habitat 2009 7). This vacuum is being misused, especially by Land Board members, to grant approvals for the subdivision of agricultural land (though knowing it is meant for residential purposes) without seeking the advice from the Physical Planning Office. The ambiguities in responsibilities and jurisdiction are also promoting corruption among officers involved in land development approvals (see also similar observations by Simon (2008 11)). Even where attempts have been made to provide planning guidelines, there has been poor involvement of

appropriate agencies and stakeholders thus denying such guidelines the legitimacy and widespread acceptance by the majority of the actors taking part in land use conversions. There is also political interference in land use planning and control which reduces effectiveness and operations of the Physical Planning Office in enforcing land use development control within the Nairobi fringe (see Chapter 10).

Commenting on land issues in the peri-urban fringe, Simon (2008 11) noted that:

... as is common in Africa and South and Southeast Asia, peri-urban land is held under some form of communal tenure or state ownership, the chief, elders, village council, or local officials will usually preside over approaches by outsiders to acquire land.

In the Nairobi fringe, the control of land use is constrained by the existence of dual legal systems; customary and formal land ownership systems co-exist. Customary land use practices, such as sub-division of land for inheritance among family members, are predominant (see Figure 13.1). With time, this has led to fragmentation of landholdings into uneconomic parcels for agricultural purpose. When subdivision of land is done for residential family use, this leads to *in situ* urbanisation, where some areas of the Nairobi fringe have become densely settled without significant in-migration. Commenting on *in situ* growth, Pacione (2009 466) noted that "...*in situ* population growth is producing densities that equal or surpass the widely accepted urban threshold of 400 persons per square kilometre." As noted in Chapter 8, the average population density in the study area is 1,275 persons per square Kilometre which is more than three times Pacione's noted threshold. The *in situ* (quasi) urban settlements in the Nairobi fringe are, however, without an economic base and facilities for a self-supporting urban community.

In some areas where family members have been subdividing their ancestral land, struggling coffee growing companies have also been subdividing their estate among the members who then sell their plots or build rental housing blocks. There are also landholders who have subdivided their land parcels to cash-in or to avoid restrictive zoning regulations that are likely to be put in place as a result of the prospective boundary extension of Nairobi City. Landholders' awareness of the likelihood of implementation of zoning regulations once the NMDA comes into force is creating a condition of 'impermanence' for those still practicing large-scale farming in the Nairobi fringe. These observations align with Simon's (2008

11) argument that "...peri-urban cultivation becomes more difficult and precarious when likelihood of land sale and urban development increase." Hence, when thinking of issues at rural-urban fringes, one should be aware of the complex factors that interplay and influence the land use and planning activities of local actors.

13.1.2 Income, investment, house prices and land use

Commenting on urbanisation in cities of the Third World countries, Satterthwaite (2006 668) argued that:

One of the reasons why urbanisation has been so rapid in many nations (in Africa and Asia) is because it began from such a small base, as the colonial powers kept down urban population by imposing restrictions on the rights of their national populations to live and work in urban centres.

Further, according to Pacione (2009 6) "[d]emographic changes are among the most direct influences on urbanisation and urban change... [for example] in Third World countries expectations of improved living standards draw millions of migrants into cities." At independence, Kenya too saw an upsurge of urban population due to relaxed rural-urban migration policies. In regard to Nairobi City, in-migrants came to look for a better life and formal employment. Due to unavailability of formal jobs to employ the growing numbers of job seekers, a good number of people joined the informal employment sector. The number of those working in this sector has surpassed those in formal employment: An observation that echoes UN-Habitat (1996 90) comment that "... the urban informal sector has become a powerful force for employment in virtually all African cities." The informal sector has become "a permanent part of urban economies..." (Rakodi 2006 659) in cities such as Nairobi.

Potts (2004 348) argued that "[i]n absence of a welfare sector, urban dwellers had to find some ways of getting by..." In the case of Nairobi City, for informal sector workers to safeguard their stay there, owning a house becomes a necessity. As Pacione (2009 530) argued, the "... majority of low-income households in the Third World do not satisfy conventional criteria for mortgage finance... [because they are] unable to service the debt in terms of the amount and requirement for regular repayments..." Informal sector workers are also rarely eligible for mortgages because of their non-regular income and also their fear of erratic banks interest rates. Furthermore, although the option of owning a house within the City exists, it is fraught with constraints and thus makes these

actors fear the 'formal' strategies of owning a house. As a consequence, they find the Nairobi fringe a preferable site to build their houses. This aspect of migration from 'urban' to 'rural' in search for accommodation by City residents differs from "return migration" (Foeken and Owuor 2008 1979; Oucho 1996 91, 100) where people return to their home in rural areas because of retirement, retrenchment or through government's efforts to reduce rural-urban imbalances.

Commenting on urbanisation in Eastern and Southern Africa, Potts (2004 329) noted that:

...structural adjustment programmes (SAPs) and trade liberalisation have each in turn profoundly influenced urban growth patterns, urban service provision and the sectoral composition of urban economies with its vital corollaries: urban employment and income patterns.

Looking at the Kenya's situation in light of Potts' comments, my study indicates that the era of SAPs and subsequent adoption of various neoliberal policies saw the liberalisation of export and import markets (see Chapter 5 and Figure 13.1). These created an emergent class of business people within a short span of time. However, due to reduced donor support for the national budgetary deficit, there was reduced investment in physical, social and technical infrastructure, necessary for the stimulation and growth of industrial and manufacturing sectors. Investment in security, roads, water and electricity generation also became inadequate, even more so in those areas experiencing fastest growth such as the rural-urban fringes. This meant that 'new' businesswomen and men did not have many options on which to re-invest their business proceeds. Land and urban housing became the easy (if not the only) option for them to invest their resources. The absence of public housing provision encouraged private sector investment. My study shows that, given the constraints that pertain to the land market and also bureaucratic systems operating within the City (see Chapter 4, 5 and 9; see also Figure 13.1), the Nairobi fringe became a preferred site for these actor-investors, who bought plots of land for construction of self-built houses, rental apartments or just buying parcels of land for speculation purposes.

Maconachie (2007 12) noted that in Kano, Nigeria, livelihoods have "...become increasingly challenged by declining commodity prices, the burden of taxation, and the erosion of communal labour structures, which had forced a 'peasant reproduction squeeze'...". In the Nairobi fringe, there has been reduced income from agriculture which has also been occasioned by the implementation of SAPs

(see Chapter 6) that saw costs of inputs increasing against reduced earnings from farm products. Reduced earnings together with rising cost of labour have seriously affected the continuation of farming as an enterprise especially when faced with competition for land for residential purposes. Furthermore, reduced earnings from farming and the emergence of other land uses willing to pay high prices for the same land leads to the cost of land rising beyond the exchange price between farmer to farmer. Existing farmers are thus denied an opportunity to expand their parcels of land through buying of additional land from neighbours (see Chapters 2 and 11).

Simon (2008 11) argued that "...greater proximity and accessibility to enlarged urban market can create - at least for a time until the arrival of a concrete carpet - new opportunities to intensify peri-urban agriculture and to specialise in higher value horticultural crops...". In the Nairobi fringe, the decline in coffee farming as a result of global prices and reduced farm sizes made many farmers abandon coffee cultivation in favour of fast growing and high value crops such as fruits and vegetables, and zero grazing of dairy cows to take advantage of their proximity to the City and also the ready market in their midst (see Chapter 12 and also Figure 13.1). Compared to coffee, zero grazing and horticultural farming do not require huge parcels of land and thus can be supported on a small piece of land. This reduces the need for big parcels of land and thereby releases excess land for conversion into rental housing units or for sale. This is a case of a City benefitting from "world agrarian crisis" (M. Davis 2006 16). This observation points to the fact that the value of agriculture *per se* has not declined in absolute terms but landholders have taken advantage of the prevailing situation to re-orient their land production system.

Responses from indigenous landholding and non-landholding groups to opportunities created by in-migration (such as operating food kiosks and provision of other services along the major roads within the fringe) have made the area attractive to City residents. These services were initially restricted to designated market centres but are currently spreading in different parts of the area, especially along major roads. Decentralised shopping and services coupled with availability of rental houses have increased the demand for land for residential housing particularly to urban workers.

High demand for land for construction of residential housing, given that land in the Nairobi fringe is more expensive than in most rural areas in the country, has encouraged ingenuity among landholders who convert portions of their land to residential housing purposes or sell whole or parts of their land in order to buy bigger but cheap parcels of land elsewhere in rural settings. Similar observations were made by Binns and Maconachie (2006 217) in Kano where "... high peri-urban real estate prices have enticed farmers to liquidate their assets and purchase farmland in less expensive, more peripheral, areas." This tendency has further jeopardised sustainable farming in the Nairobi fringe especially having in mind that even those who chose to continue farming are negatively affected by the consequences of residential land use densification (see Chapter 11 and also Figure 13.1). The cost of living, in terms of services and commodities, has also become relatively high for those who still farm in the fringe. The same cost of living impacts are also experienced by non-landholding groups such as farm labourers. These costs may be attributed to the emergence of newcomers with greater purchasing power than indigenous group.

Simon (2008 15) argued that "[a]lthough historically, PUI [peri-urban interface] residents have been relatively and/or absolutely poor, outmigration of wealthier people to construct large houses on cheaper land in the PUI often changes the socioeconomic profile of residents...". Increased population through natural growth and immigration into the Nairobi fringe is creating new income opportunities. This is more so given that newcomers are better off economically than the indigenous population and thus they have high purchasing power for services and goods (see Chapter 9, 11 and 12). Simon *et al.*, (2004 243) in their study in Kumasi, Ghana observed that "average condition of *zongo* [newcomers] ...is better than [that] of the indigenes." The new income opportunities in the Nairobi fringe are in service sectors such as repairs, the construction sector and the local market for farm produce. Newcomers are also more exposed to the 'outside world' than locals and thus contact with them is bringing in new awareness of income opportunities outside the Nairobi fringe. When these factors affect traditional farming landholders (whose earning has been on the decline), the result has been the abandonment of farming as a major source of income, thus land is likely to be sold or converted to non-farm uses (see Figure 13.1 and Chapter 10 and 13). Similar phenomena were cited by Binns and Maconachie in Kano, Nigeria. They reported that "[a]s a growing percentage of peri-urban land

has come under the control of [urban] developers; farming has become increasingly difficult for those who continue cultivation” (2006 217).

Simon (2008 14) further noted that “[a] common feature of peri-urban interfaces in poor countries is the diversity of livelihood activities required by individuals and households in order to spread risk and gain adequate incomes.” In the Nairobi fringe, there are notable transitions from traditional farming by landholders to other modes of farming or multiple livelihood activities jobs (as a result of conditions/factors making agriculture not economically viable), although not without hardships. Hardships notwithstanding, there are landholders who are able to diversify to other sources of income such as taking on a non-farm job locally or in the City to complement the dwindling earning from the traditional farming (see Chapter 11 and also Figure 13.1). Those who quit/convert from traditional farming and/or are not able to get a foothold in non-farm jobs often experience hardships. These are because of lack of skills and capital for the adoption of new agricultural production modes and a lack of money to cater for immediate and urgent needs for food, school fees and medications, among others. This observation compares with Cambodia where 60 percent of peasants “who sell their land... are forced to do so by medical debts” (M. Davis 2006 15).

There are also farmers with loans acquired for coffee production but who have to nevertheless repay the loan even after ceasing coffee farming. During this transition period, landholders are likely to sell portions of their land to meet their immediate needs. These immediacy problems are encountered by a number of landholders in the transition period and those with loans are often the first group to sell portions of their land. Some landholders, due to their unpreparedness for this transition, have progressively cut portions of their land for sale until at the end they are left with no land at all and they become landless and/or destitute (see Figure 13.1; also similar observations by Simon 2008 11).

The inability of some landholders to adapt to changes in their surrounding by finding innovative ways of farming against dwindling land size in a semi-rural fringe causes us to question observations by Boserup (1965) and Mortimore (1993; 1975) that smallholder farmers are able to respond to pressures by use of various forms of innovation.

13.1.3 Labour transformations and land use

Arterial roads from Nairobi City to other parts of the country pass through the Nairobi fringe (see Chapter 10 and also Map 10.1). These have made many areas of the fringe easy to access by use of public transport. This was particularly enhanced by the liberalisation of the public transport sector within Nairobi and the surrounding areas, which reduced costs and time of travel for those seeking to stay outside the City. A sizeable number of new migrants also own private cars and find it easy to buy land on areas away from major roads and thus leading to further land conversions.

The City has also affected labour within the Nairobi fringe in that there exists steady jobs against that of the agricultural sector which are mostly seasonal (traditionally dependent on coffee farming). In addition, the wages from non-farm employment in Nairobi City is higher compared to that from farm labour. There is also a negative attitude towards farm labour as a source of employment and livelihood. The attitude is reproduced through an education system that devalues farm jobs in favour of 'white collar' jobs, thus shunning farming jobs in favour of urban-based employment. The shunning of farm jobs has led to lack of adequate labour which consequently has raised the level of farm work wages especially during the peak seasons, such as harvesting (see Chapter 11 and also Figure 13.1). This has further jeopardised the position of agriculture especially when faced by other land uses competing for the same land in the Nairobi fringe. The shortage of labour is also an outcome of high incidences of HIV/AIDS, which according to Pacione (2009 564) has contributed "to the Sub-Saharan 'urban penalty'." Due to illness, a good number of men and women who are affected and infected are not able to optimally contribute their labour in the agricultural sector (which is in most cases still labour intensive).

13.1.4 Changing social organisation and the community

Social and cultural influences from the City and also from the migrants have affected smallholders' farming system in the Nairobi fringe (see Chapter 11 and also Figure 13.1). These influences are creating intergenerational conflicts, where cooperation among household members, which is vital for the supply of non-paid family farm labour, is breaking down. Lack of non-paid family labour is making the smallholding farming system (which thrives on such input) economically unsustainable for many farming households. This is due to the increased farm

operation costs against dwindling income from agriculture, and thus, most of such farmers prefer to subdivide sections of their land for sale or they themselves construct rental houses. There are however those who have stuck with their parcels of land due to cultural attachments and this explains why there is patchy residential development in the Nairobi fringe. The cultural attachment to family land compares with an observation in Accra, Ghana that “land belongs to a vast family of which many are dead, few are living and countless numbers are still unborn” (Ollenu 1962 in Gough and Yankson 2006 199) and therefore cannot be sold outright.

Because of inadequate housing in the City and an unstable urban land market, the Nairobi fringe has become an attractive site for those in need of land for housing. Here the land (which is mostly owned through the *Mbari* system) has been targeted due to its proximity to the City and the flexibility that is afforded by actors’ personalised relations around land transactions (see Chapters 8 and 10, and also Figure 13.1). Under the *Mbari* system, locally specific social norms and systems of trust operate in effecting land sales and transfers. These local practices are based on locally embedded systems and are widely regarded and accepted by community members and even by non-community members.

As a result of widespread acceptance of local land transaction practices and their personal nature, land buyers are able to acquire land through instalments and the incremental building of the houses is undertaken as new land buyers pay the remaining instalments. Imperfect land markets within the City have thus become a driving force in shaping land use in the Nairobi fringe as it compels actors to adopt strategies that are outside formal mechanisms to obtain land for housing. Informal mechanisms are thus more trusted and reliable than formal regulatory and planning systems that are operating in a situation of market uncertainties and, policy and legal ambiguities. While commenting on urban land issues on Anglophone Sub-Saharan Africa, Rakodi (2005 5) noted that such trust exists because land transactions are “...witnessed (by local leaders, neighbours etc.) and the validity of [such transactions] is generally respected by other actors in land delivery process...”

Further, commenting on the impact of urbanisation on kinship networks and other traditional forms of social support in Africa, Rakodi (2005 50) noted that:

Urbanisation has commonly alarmed social commentators, because of its perceived effects ... It is often asserted that social organisations such as Kinship networks are breaking down, harming the socialisation of children into prevailing social norms and family support networks.

Entry of newcomers who are self rather than communal-orientated has complicated local settings in the Nairobi fringe. They are bringing new challenges to existing social and institutional structures: Typically crime and prostitution (see Chapter 11 and also Figure13.1). Newcomers also have little attachment to customary values which discourage individual goal seeking in favour of communal pursuits. Non-alignment to customary norms allows newcomers to treat land (which is cultural and symbolic good to the indigenous group) like any other commodity that can be traded in the market. The newcomers' values are slowly being transmitted to the indigenous group (especially the youths) who see them as representing a more progressive system than their own. This is leading to breakdown in social relations and cooperation in a hitherto closely-knit semi-rural society. Once this happens young actors lose foothold in their families which makes them vulnerable to vices such as crime and prostitution, which lead to early deaths and high incidences of HIV/AIDS (see Chapters 8 and 10).

Furthermore, other than losing family connections, young actors have no attachment to ancestral land as a source of employment through agriculture and thus increased incidences of heirs (though many are not adequately prepared to fully participate in urban economy) selling their inherited parcels of land once parents die. In this way, agricultural land is replaced through subdivision for residential land purposes.

The presence of non-indigenous groups and also the need to accommodate changes in the Nairobi fringe has led to emergence of 'new' spaces of interaction and groups which are not tied to customary norms of the actors, such as faith- and other interest-based groups (see Chapter 12 and also Figure13.1). Although this is a positive move especially in mobilisation of local resources for community good, it is leading to a breakdown of social ties, customary institutions and norms. These institutions, ties and norms are necessary in safeguarding family and communal land and resources in it. Their breakage is thus leading to rapidly increasing land conversions in the area. Besides, the 'new' initiatives (which are meant to accommodate changes and the entrance of new group of residents) are serving as awareness forums for the young actors about circumstances that are

unfolding in their surroundings. This awareness to a large extent serves to prepare their participation in a changing environment and hence further undermining their attachment to land for farming.

Pacione (2009 118) argued that “[a]s the national and urban economies stagnate in absolute terms and urban population continues to grow... the resources needed for roads, sewers, water systems, schools, housing and hospitals cannot keep up with demand.” In the Nairobi fringe, the lack of involvement of planning authorities in the fringe land development and their poor revenue bases has led to under-investment in physical, social and technical infrastructure. Among the missing social infrastructure is provision of security by the Police Department. This, together with other problems, has led to increased crime. Increase in crime without an assurance of police protection has contributed to community-led initiatives in provision of security (see Chapter 12 and also Figure13.1). This is done either through vigilante groups or engagement of formal and informal security guards. These individual and communal efforts to enhance security in the Nairobi fringe have to some extent led to the removal of the ‘insecurity’ tag which has long been synonymous with the Nairobi fringe. This change partly explains the upsurge in demand for residential housing in the fringe and thus potentially further jeopardising the position of agriculture in relation to land. This aligns with what Giddens (1984 14) referred to “consequences... unintended by those who engage in those activities.”

Commenting on the level of service provision in Sub-Saharan African cities Rakodi (2005 62) explains that:

There is nothing unusual in deficiencies of urban water supply... However, even in cities where the main piped supply has broken down or failed to expand to serve new areas...alternative arrangements have evolved, enabling cities to survive despite the breakdown of large scale reticulated supply systems.

In the Nairobi fringe, community based initiatives and other private sector service providers have taken over provision of other services such as water, waste disposal, dispute resolution and arbitration to residents. Although their level of service may not be excellent, these community-led services provision (with some reinforcement from NGOs and local authorities) is making the Nairobi fringe more ‘habitable’ inevitably leading to more people moving in to look for residential housing. However, Neuwirth (2005 97), commenting on community-led initiatives, observed that “[d]espite the great love residents have for their community...things

do not look promising...” This is because of mixed signals they receive from the government pertaining to the legal status of their settlements.

13.1.5 Consequences of land conversions and local environment

While land in the Nairobi fringe continues to be converted from agriculture to residential uses, this process is affecting on-going farming for remaining farmers. During the rainy seasons soil from building sites is washed into water bodies where it causes siltation of dams and river channels. Siltation is causing flooding on river valleys and thus affects those still practising small-scale horticultural farming. Flooding is also caused by the reduced storm water ground infiltration due to the increased paved surface area. This, together with excess pressure on land (as result of intensive farming due to land shortage) affects the on-going activities of small-scale farming in the area by causing soil erosion which is washing away top soils that are suitable for crops cultivation. Mining of top-soil for sale to those growing flowers and building stone quarries are also reducing the amount of land available for farming (see Chapters 10 and 11, and also Figure 13.1).

Increased population density with little investment in services and infrastructure has led to problems related to poor waste disposal. As noted in Chapter 11 waste disposal problems are reducing the viability of agricultural enterprise in the affected areas, with similar observations are reported in Jakarta by Pacione (2009 552). Management of liquid waste is posing a great threat to continued farming. This is because the waste is dumped into open ground especially in isolated farming areas or into river channels. This observation underscores Pacione’s(2009 550) statement that “[m]any cities in Asia and Africa have no sewers, and most human excrement and waste-water ends up untreated in watercourses, gullies and ditches.” This is jeopardising the use of shallow wells and rivers - which Pacione (2009 548) referred to as “little more than open sewers...”- as source of portable water. Irrigation of horticultural crops (such as vegetables on the river valleys) using surface water is also threatened due to faecal contamination from dumped human wastes. Binns and Maconachie (2006 224) also made similar observation in Kano that “[i]ncreasing water pollution is ...a key problem in peri-urban Kano. Of particular threat to lowland irrigation crops...”

Commenting on land issues in the rural-urban fringe of Colombo, Dayaratne and Samarawickrama (2003 102) noted that “[c]ommunities are divided, with outsiders and insiders unable to build relationships and coherent communities.” In the Nairobi fringe, especially in areas where farming and residential land uses co-exist, conflicts are now manifest (see Chapters 10 and 11, and also Figure 13.1). These and other factors are seriously affecting continued farming as a viable enterprise in the fringe.

13.1.6 Local changes and landholders’ responses

Land conversions are producing intended and unintended consequences in the Nairobi fringe. These consequences are leading to change in social, cultural, environmental and economic aspects of the fringe. Actors in land use are however not passively accepting their fate as victims of land conversions but instead they have been routinely monitoring local and extra-local circumstances affecting their surroundings. They have evolved varieties of local/human-level responses that enable them live in this rapidly changing environment (see Chapter 2 and also Figures 2.3 and 13.1). Their responses have created acknowledged and unacknowledged conditions that affect local land uses. Actions resulting from their responses are unintentionally creating enabling conditions for further land conversions either through making hitherto unfavourable areas for settlement favourable or creating more obstacles for continuation of viable agricultural activities. It then follows that land use conversions in the Nairobi fringe are a result of both the actions of landholders and outcomes of such actions. This observation accords with Pacione’s (2009 11) argument that “[l]ocal contexts...exert a powerful influence on (rural-urban fringe) urban change.” Simon (2008 13), however, argued that “...the poorest households and members of the community, who are least able to resist the changes or to access alternative resources or livelihood activities, are most vulnerable.”

In summary, the thesis has pointed to a number of powerful conditions/factors operating on broader scales in determining what it is possible to do at the level for the individual actor in respect to land use (see Figures 2.3 and 13.1). Individual and social responses to land use conversions follow from changing economic, social, cultural and environmental conditions mediated through institutional factors. This does not deny that actors have agency, but it is important to note that their agency is limited or strongly constrained by structural

factors/conditions that are beyond their knowledge repertoire or control (see Figure 2.3). Such conditions include land and housing market failure, lack of urbanisation and land policies, weak societal and governmental institutions, SAPs, new economic opportunities linked to the City, social and personal characteristics, and environmental changes, among others. Collective and individual responses to such structural conditions reshape effects of drivers of land conversions differently thus leading to variations in land use decisions within different areas of the Nairobi fringe. These variations are however affecting agricultural activities in the area especially if a substantial number of landholders chose to convert/sell their land for residential purposes.

Following from the above discussions, it is therefore reasonable for this thesis to conclude in regards to the central research question that the reason why agricultural land use is being edged out by non-agricultural uses in the Nairobi fringe is contingent on many factors/conditions, primary of which is population increase through natural growth and in-migration. Population growth thus is a necessary condition⁹⁵ for land conversions from agricultural to residential use in the Nairobi fringe. The process that produces population growth is, however, a part of the processes that produces land conversions in the Nairobi fringe.

I should however point out that population growth by itself does not cause land conversion in the Nairobi fringe. This argument is informed by an understanding that urban areas can have (or have had) population growth within controlled and designated zones. However, population growth comes with an increase in number and diversity of activities/actors and extensive linkages. Increased number of actors/activities and linkages are, on the other hand, necessary in increasing the need for land for various purposes/uses.

13.2 REFLECTIONS ON THE FINDINGS AND IMPLICATIONS FOR PLANNING

In thinking about the findings of this thesis, I have taken the view that it is not wise to make normative prescriptions about what sector-specific actions should be taken to make the Nairobi fringe 'better' than it is today. I question, however, how this statement aligns with my profession and training as an environmental planner, where research ought to be linked to actions. My position is informed by

⁹⁵According to Sayer (2000 94), necessary conditions are "properties that enable an object to produce or undergo distinctive kind of changes."

various debates about what constitutes planning and what constitutes planning theory. Different perspectives exist on what constitutes planning and planning theories (Thompson 2007a 12, 17). I began by looking at Hoch (1994 15) who defined planning as the “...use of reason and understanding to reduce collective uncertainty.” From this perspective planning is meant to address a state of tension (problems) by invoking cogent accounts of why events occur and then deriving ideas and actions from these accounts of how to prevent the tensions from getting worse (Faludi 1973b 1). Such a perspective on planning suggests that there are better ways out of collective problems, and that it is necessary and proper to seek such solutions (Jay 2004 13). Seen from this angle, planning thus can be defined as the application of a systematic method to policy making (Faludi 1973a 1) and also as an attempt to link knowledge to actions (Friedmann 1987 38).

In regard to planning theories, Faludi (1973b 4) distinguishes between ‘theories of the planning process’ and ‘theories concerning phenomena with which planning is concerned’ (which he also refers to as theories in planning). Using Faludi’s classification, Jay (2006 13-14) explained that ‘theory in planning’ refers to theories that are used by planners to comprehend various systems and procedures that they use or work in. She further notes that ‘theory of planning’ refers to planning as an activity.

This study did not aim to provide ‘solutions’ to (or a better way out of) problems, or propose activities on how to address the various land use conversion problems experienced in the Nairobi fringe. Instead it was meant to create an understanding of land use dynamics in ways that can inform the process of policy development rather than proposing activities or normative prescriptions on how to address the problem. This study therefore falls within the ‘theory in planning’ approach. Besides aiding the understanding of a rural-urban fringe, it also identifies ‘strategic niches,’ that is, places where new outcomes (potentially promising changes in dynamics around land use in rural-urban fringes) can be germinated and nurtured (Van der Ploeg 2006 610).

In addition, this study makes a contribution to broadening the basis on which debates about how urbanisation (specifically in the rural-urban fringe) in Sub-Saharan Africa’s cities is taking place. Hence the following reflections are suggested tentatively, and in spirit of furthering the debate and future studies on

the rural-urban fringe development. The reflections further point to the contributions this study has made to further the understanding of urban and rural-urban fringe scholarship.

13.2.1 'Rural' and 'urban' in relation to the rural-urban fringe

There have been debates about the relationship between urban and rural places, especially in development studies (Barrett *et al.*, 2001; Tacoli 1998b; Southall 1988 5). Most of these debates see the relationship between urban places and rural hinterlands as characterised by exploitation in favour of urban areas. The term 'urban bias' is variously used to illustrate how development efforts, economic systems and political force are tilted against rural areas (Lipton 1993, 1977 44-49). In the current discussion, occasioned by the findings of this thesis, one is bound to ask where does the rural-urban fringe fit in the rural and urban debate? This thesis has indicated a significant intertwining of the rural and urban economy within the Nairobi fringe, which calls into question Lipton's (1977 57) claims that "in poor countries, one usually can draw a fairly sharp line between City and countryside." The scenario this study depicts is that, rather than the Nairobi fringe manifesting attributes to support a rural-urban dualism, it indicates a "...straddling [of] the rural-urban divide" (Tacoli 1998b 151). Therefore, a focus on the rural-urban fringe should see this space as an area which is unique, and should not characterise it in terms of lack of rural or urban characteristics. It is a kind of a "hermaphroditic landscape" (M. Davis 2006 6).

13.2.2 Environmental degradation in the rural-urban fringe

Land use change as a result of urban influences has been touted as a major cause of environmental degradation in rural-urban fringes (Simon 2008 9-12; Thomas 2008 62; Dayaratne and Samarawickrama 2003 109; Lambin *et al.*, 2001 265; Hardoy 2001 141; Morello *et al.*, 2000 131; Acho-Chi 1998). These authors have emphasised consequences of urban growth/encroachment on land quality and land use in rural-urban fringes. Such consequences include soil erosion as a result of land clearance for settlements, river and ground water contamination, poor waste management etc. These are serious problems which result from land conversions especially in situations such as the rural-urban fringes of cities in developing countries. Because environmental degradation is seen as resulting from land use conversion from agricultural to residential (urban) use, this study also identified environmental degradation as an accelerant of

agricultural land conversion. This is particularly in areas where some landholders still have farming interests on their parcels of land.

Hardoy *et al.*, (2001 7) made a statement that “[i]n most cities and many small urban centres, there is serious environmental degradation in their surrounds and damage of natural resources - for instance to soils, crops, forests...” In the light of ‘rural’ and ‘urban’ debates the statement need to be interrogated very closely. For example, what constitutes environmental degradation in the rural-urban fringe? The answer to this question is subjective and depends on the position of whoever is giving the answer. Indicating the role of social and economic positioning in the definition of environmental terms, Blaikie and Brookfield (1987 6) defined land degradation as “a process that decreases the use to its user(s)”.

For instance, land in the Nairobi fringe is coveted or is under diverse use/users and as such its use is subjective and dependent on interests of the landholders. Therefore decline in land use, say for agriculture, does not diminish its use for other purposes such as residential uses. It follows that, although environmental degradation in terms of soil erosion is affecting agriculture in the rural-urban fringe, its effects are not as absolute as in a predominantly rural environment. This is due to alternative uses into which land may be put. This indicates the normative nature of terms which (if applied uncritically in the rural-urban fringe) may be misleading. The subjective nature of land use evaluation is thus affected by ways in which issues are defined and problems that arise may be addressed. This point indicates that a focus on micro-perceptions is necessary in understanding the rural-urban fringe since they determine how and why different actors imagine and construct their land uses in the way they do.

Unregulated land conversions, coupled with corresponding lack of investment in network infrastructures and services, are bringing a host of environmental problems especially those associated with pollution from poorly managed wastes. This is negatively affecting those landholders who would wish to continue holding their parcels of land for farming. As a result, this is putting a lot of strain on agriculture in the Nairobi fringe (which also has many other problems to cope with) and therefore some landholders are opting to subdivide their land for sale or they are constructing rental houses on their land. The evidence in this study points to environmental degradation as not just a consequence of ‘urbanisation’ but also as a contributor to urbanisation especially in rural-urban fringes.

13.2.3 The role of 'agency' and 'local' in the rural-urban fringe planning⁹⁶

In most studies of the urbanization process, indicators such as migration, economic growth, land use statistics, industrial growth, and employment (aggregated at global and national levels) are used to illustrate trends and patterns (Rakodi 2005; Dandekar 1997; Gugler 1996; Slater 1986; McGee 1984). When such indicators are used, fundamental elements of urbanisation (especially in situations where personal and communal relations play a key role in access to land for housing) such as human agency are circumscribed or subsumed (see Figure 2.2).

This study argues that human agency has a role in both land conversion and also in addressing consequences of such conversions in the Nairobi fringe. This observation may point to the 'fact' that forces shaping land use conversions are primarily local. Human agency also plays a key role in transforming some of the structural forces emanating from macro sources into local actions (Van Herzele 2004 198). The notion of agency is therefore paramount in understanding why and how actors behave the way they do. The focus on agency is thus important in guiding attempts to understand structural effects of the past.

This study, however, extend the analysis by ascertaining that land use conversions are constituted at multiple scales (see Figures 2.2 and 13.1) and that agency is at times limited when faced with broader structural forces that existing the knowledge and material repertoires (held by the actors) are not structured to handle (Vanclay 1995 114; Giddens 1984 27). In this regard, a focus on broader structural forces is also necessary. This is due to the realisation that broader structural forces such as global economic activities penetrate all parts of the world and often adversely in countries susceptible to constant shifts in demand and prices of primary products (e.g. coffee and tea in Kenya). In addition to global economic forces, there are also effects of Structural Adjustment Policies and aid programmes introduced by the IMF and World Bank (Linehan 2007 22; Watson 2002 45; also see Figures 2.2 and 13, and Chapters 5 and 10). Most of the social and economic aspects of developing countries were affected by these programmes and policies. This study points out that although agency or localised

⁹⁶Planning is used here in a broad sense to refer to all processes that are aimed at influencing the rural-urban fringe futures.

initiatives are important in planning, no local activities or initiatives can be considered to be outside the realm of such macro influences.

In addition, as this study indicates, a majority of actors living in the rural-urban fringe have multiple income/livelihoods derived from sources at various scales and others have trans-local homes (especially newcomers). It thus follows that there is a high level of mobility among actors and therefore the local population is not stable and cohesive. A cohesive and stable community is necessary for the translation of local and human agency into a social capital (or collective institutions) that can sustain local commitment to planning and implementation of community projects and processes (Torres-Lima and Rodriguez-Sanchez 2008 204; Rakodi 2006 662; Newman and Dale 2005 482-483; Healey 1997 33; also Chapter 2).

This study indicates that human agency is also influenced by structural forces operating at multiple broader scales. Thus, there is need for a shift from planning initiatives that disproportionately privilege human agency more than broad structural forces to ones that embraces multiple scales (human, micro, meso and macro) of understanding.

13.2.4 The epistemological aspects of land use in the (urban) rural-urban fringe

When one thinks of land use change (specifically in the context of the rural-urban fringe), a question arises about the type of knowledge to be used in explanations. There is a tendency to rely overly on "...quantitative data found in census figures and land use statistics" (Kelly 1999 301; c.f. Briassoulis 2006). However, according to Thompson (2006 17), using qualitative methodologies in urban studies/planning studies presents many possibilities for in-depth understandings. This is due to complex layers of difference that must be appreciated and sensitively accommodated in reviewing change in the rural-urban fringe and planning/policy issues associated with it (Thompson 2007a 13-14, 2000 230). Despite the widely acknowledged potential inherent in qualitative methodology, there is still hesitation in adopting and accepting it as a mode of urban planning knowledge production (Thompson 2006, 2001; Maginn 2006 1; Sandercock 2004 122).

This study was based on a qualitative research methodology that adopted an ethnographic approach. This approach allowed for an adoption of social, interactive and political process to gathering information from informants (see Chapter 3). Such an approach, according to Pitcher (2006 80), allows for bridging of the divide between the 'objective' researcher and the 'subjects' of research. It provides an avenue to understanding with reference to interpretive 'frames' which are embedded in local cultures and histories of a place (Zein-Elabdin 2009 61; Thuo 2008 138; Sharp 2009 5; Prochner and Kabiru 2008 130; Thompson 2007a 14, 2000 230; Harrison 2006 326; Van Herzele 2004 197). In this study I was able to access an alternative form of knowledge that was unlikely to be captured if I used surveys or other quantitative-based methods.

The 'alternative way of knowing' (Harrison 2006) using qualitative-based approach thus enabled an understanding of 'on the ground dynamics' which are driving land conversions in the Nairobi fringe. Such understanding has a potential to enable the tapping of taken-for-granted aspects of the actors which in most cases are not included in planning programmes that rely on 'expert' knowledge. These taken-for-granted aspects have powerful roles in organising thoughts, perception and actions (Sharp 2009 5; Harrison 2006; Van Herzele 2004 199) of actors. Furthermore, as Bollens (2002 37) recommended, rather than retreating into professional rigidity in the face of situations of complexity among communities, researchers/planners should adopt approaches that allow processes of social learning to take place. This learning can be achieved through social interaction with different groups so that their values and visions are incorporated into land use planning in situations as in the Nairobi fringe (Prochner and Kabiru 2008 130; Thompson 2007a 16; Young 2003 14; Harrison 2006; Sandercock 1998 206). Incorporating such aspects in planning has a potential for emancipating actors by formulating programmes which are sensitive to their 'lifeworlds' thus removing mistrust and suspicion that abound between them and the government (central and local) (see Chapter 3).

Holston (1995 53-54) also underscored the need for planning (theory and practice) to evolve toward an understanding and incorporation of distinct ethnographies of everyday life of different socio-cultural groups so as to reveal different sets of needs and aspirations. The adoption of a qualitative methodology provided an alternative way of knowing how the urbanization process is taking in the context of postcolonial cities such as Nairobi City. This was possible due to

the capacity of qualitative approaches to penetrate the subaltern world in order to access aspects which are subjugated by the dominant urban planning narratives (Harrison 2006 320; McEwan 2002 129; Thompson 2000 244; Spivak 2000 xxi, 1999 6; Ogude 1997 106;). These narratives are framed in Western Europe and North America experiences (Harrison 2006 320) but have been used uncritically to analyse urban land issues in situations such as the Nairobi fringe. Arguing for the adoption of qualitative approaches in the study of the rural-urban fringe (which also guided my choice of research approaches and methods), Simon *et al.*, (2004 247) argued that:

In terms of present-day qualitative and post-structural approaches to research, empirical measurement and identification of specific distances and areas corresponding to such labels (urban and rural) is not seen as important. This is extremely difficult to do in practice, has limited use and is subject to rapid change in such dynamic conditions.

The implication of the foregoing discussion is that land use planning should attempt to incorporate actors' daily negotiations and practices that recognise land as both material and symbolic resource (Toulmin 2009 17; Harrison 2006). In so doing, chances of acceptance and success of such endeavours will be higher than the endeavour based on the use of quantitative surveys and Geographical Information Systems to classify land uses (Briassoulis 2006). This study does not deny the importance of such quantitative tools, but in situations such as the Nairobi fringe, they should be part of the process that builds on in-depth studies of diverse social norms and practices of the actors (Thompson 2007b 199; 2000 244; Flynn-Dapaah 2003 4). In addition, this may allow for incorporation of notions of

...political judgement, moral vision and emotional sensitivity (and therefore this will provide a)...way to act reasonably rather than attempt the impossible tasks of meeting the normative [planning] criteria... and, in doing so, drawing on common sense, instinct and reasonable sentiment (or emotions) (Harrison 2006 331).

13.2.5 Bridging the informal/formal dualism in urban/rural-urban fringe studies

Tied to the above discussion is the issue of dualism that has pervaded debates on formal and informal sectors, especially in relation to the rural-urban fringe land development. While commenting on issues of urbanisation, Hall and Pfeiffer (2000 15) argued that the

urban poor ... have built their own city, without any reference whatsoever to the whole bureaucratic apparatus of planning and

control in the formal city next door, and they are rightly proud of what they have achieved.

The above assessment points to the following issues: First, there is a 'city' which has been/is being built by the poor without reference to planning and development control frameworks; secondly, the 'city' is next to a formal city; and thirdly builders are proud of their achievement. This statement indicates that the 'city' in question is likely to be located in the rural-urban fringe, that is, a 'formal city next door.' My study provides a good basis for interrogating some aspects of this 'city' which is outside the formal city. Key questions that one may ask are why is dual urban development taking place side by side, and are there intersections where these 'cities' meet and what can be learned from such dualism or rather from the 'city' that is outside the planning realms of the formal city?

To begin with, although my study does not deny that there are poor actors in the Nairobi fringe, it is not accurate to make a blanket categorisation of the actors building their homes there as 'poor'. My study has indicated that there are actors who are migrating there or even some indigenous residents who are well established. The Hall and Pfeiffer statement, however, seems to indicate that informality is a natural consequence of poverty. Such reference to rural-urban fringes as spaces for poor urban dweller implies that these places are marginalised. As the Nairobi fringe and other similar places elsewhere (Briggs and Mwamfupe 2000) have shown, due to problems of land ownership within cities, actors are seeing rural-urban fringes as sites of investment or home ownership. It is therefore necessary to change the focus on the rural-urban fringe as a representation of geographies of poverty and marginalisation to also include within it alternative cartographies of investment within the urban sphere.

Commenting on the informal aspects of land transaction, Berner (2000 5) argued that in most developing countries where the State functions are not fully embedded into society, and State apparatuses are widely perceived to be mere instruments of convenience for a few members of society. In such a system of a weak State, nepotism and corruption behaviours by the dominant group prevails, and thus majority of the people feel/are excluded (see Chapters 4 and 10). This makes those feeling excluded evade or challenge regulations by State

departments, thus making the cost of enforcement of such regulations expensive and land transaction rates to be high.

The above observation by Berner to some extent explains the origin of dualism in urban development. However, such observation may seem to equate informality with illegality, which has been a dominant narrative when reference is made to urban development in areas outside the reach of urban planning controls (Okoth-Ogendo 2007 5). The importance of norms, values and informal rules (Harrison 2006 322) that guide livelihood and land development are ignored when the focus is turned to legal status of land uses in such areas (see Chapter 12), thus, these areas became targets of planning authorities who try 'to put things right'.

This study argues that, if the focus is moved away from the notions of the legality or illegality of land development and the departure from the normative mindset (Harrison 2006 325) of 'improving' these areas, we may start to learn something new from the urbanisation that is taking place in undeniably difficult situations of vulnerability and depravity as in the Nairobi fringe. These new 'ways of knowing and doing' are both part of 'informal (traditional)' and 'formal (modernity)' mechanisms (Simon 1997; Nabudere 1997). This is a hybrid situation (Harrison 2006) that indicates ingenuity of the rural-urban fringe 'city-builders' in building productive lives under situations of severe constraint. Although their ingenuity is driven by agency, there are also instances where calculation or desperation or both are manifested.

The notion of hybridity⁹⁷ allows us to understand that the processes labelled as informal or re-traditionalisation (Watson 2002 42) are not just failed formal sector planning but something which is unique and creatively adapted from formal planning itself (Zein-Elabdin 2009 1160-61; Harrison 2006 322). This is an indication that, other than hegemonic planning ideals adopted and inherited from Western Europe and North America, there is a mode of urban place making which is present and primordially evolving in other cultures (Harrison 2006; Sandercock 2004). For example, in this study (Chapters 9, 10 11 and 12), there is an indication that although there is a 'legal' land ownership system (modern) that guarantees statutory security to property, there are also local norms and

⁹⁷'Hybridity' is the mixing of two or more separate things to make a new, third thing (Sharp 2009 75).

practices (that are neither traditional or modern) that reinforce land rights and relationships outside 'official' legal systems but within a social framework that accepts them as legitimate.

In the face of inability of the State to enforce formal planning (occidental) rules in developing countries, there has been some recalling of the subalternised knowledge (Sharp 2009 115; Yeboah 2006 50; Harrison 2006; Ogude 1997 106; Spivak 1988 298) by communities on managing land transactions and maintaining social order especially in rural-urban fringes. The subaltern knowledge has been subjugated in places such as Kenya during the colonial government and by the successive independence governments that have pursued top-down approaches to planning (see Chapters 4 and 6). This knowledge has thus remained latent or categorised as informal or illegal (Harrison 2006 325). It, however, provides another 'way of seeing and thinking' along planning issues within local areas such as the Nairobi fringe. This highlights inadequacies in the uniform application of planning standards (based on 'Western' templates) under different situations, and more so indicating how actors negotiate their lives under hegemonic planning conditions, mostly the legacies of colonial administration (McEwan 2002 129; Mignolo 2000 100).

Actors in situations where formal planning goals do not reflect their local needs and practices, may adopt hybrid systems. Such systems, for instance in the Nairobi fringe, foster social order, land tenure security safeguards and provision of services, through an intricate set of relationships with the government (central and local) and community institutions (see Chapters 7, 8, 9 and 12). Theorising about these systems challenges conventional world views in urban planning and development in developing countries in terms of 'formal' and 'informal.' In addition, dichotomists' binaries of illegal/legal, informal/formal, planned/unplanned, secure/insecure need to be further interrogated.

Hybridity is experienced as a place where "...global design meet[s] the local history and in the process become... hybridised" (Mignolo 2000 23) and therefore a site where a 'postcolonial city' can be said to be built or is being built, a place in the 'borderland' (Mignolo 2000 29) or 'borderline' (Bhabha 2004 322). Border thinking places rural-urban fringes as sites where a new way of seeing and knowing urbanisation in postcolonial Africa can emerge. Such ways of knowing lie between the formal and informal planning, representing a form of 'double

consciousness' on the way urbanisation is conceptualised within and outside dominant representations (Thuo 2009; Pieterse 2008 131; Harrison 2006 333; Sandercock 2004 121; Young 2003 14).

Formal planning controls in the Nairobi fringe are compromised due to lack of explicit policies, programmes and practices that guide land development. For example, enforcement of existing policies and regulations is inconsistent due to jurisdictional overlaps and contradictions between various government departments, and the process of formally acquiring land which is cumbersome. Therefore, it is necessary to adopt a flexible and hybrid planning system rather than blueprint plans that ignore daily struggles and negotiations (UN-Habitat 2009 11-12; Toulmin 2009 10; Thuo 2009; Maeda 2009 346; Simon 2008 14; Maconachie 2007 166; Harrison 2006 322; Roy 2005 156; Arabindoo 2005).

A hybrid system that recognises land as a part of complex material and symbolic social system and that seeks to incorporate everyday negotiations and practices stands a better chance of being accepted than one that continues to promulgate a dualistic mentality of formal and informal divisions (Simon 2007 304; Harrison 2006 322). Such a system should balance the desire of landholders especially the indigenous actors (as in the Nairobi fringe) to remain autonomous (to assure them of their bargaining power and control) and the needs of the central/local government to normatively see people organised, services delivered and planning regulations enforced (Zein-Elabdin 2009 1158; Maconachie 2007 164-165; Harrison 2006 321; Lee-Smith and Stren 1991 24). What is required in a hybrid system is an arrangement that fosters trust amongst actors who are mutually interdependent (Harrison 2006; Hajer and Wagenaar 2003 12).

Questions arise about how to reconcile multiple perspectives and differences that are likely to emerge from actors with diverse interests. Harrison (2006 322) observed that communities and actors with different traditions and values have historically intersected and continue to do so, and that there are always sufficient points of intersection to support dialogue and collaboration. He further argues that the problem is not an "...inability to see across multiple positions but it is rather unwillingness to do so..." by researchers and planners. To address the problem, Harrison (2006 332) advocates "epistemic humility" a strategy that looks for intersections among different positioning and rationalities and enters into a dialogue at such situated moments (see Chapter 3). This entails going beyond

scientific or technical forms of knowledge to involve emotional sensitivity and judgement, practical wisdom, ethics and deliberation that touches on values with reference to praxis (Harrison 2006 331; Sandercock 2004 123; Flyvbjerg 2001 57, 2004; Thompson 2000 244-245).

13.3 LIMITATIONS OF THIS STUDY

This study has attempted to examine, in an integrated manner, the dynamics of land use conversions in the Nairobi fringe. To achieve this goal I employed a qualitative exploration (see Chapter 3), since few or none of previous studies (on the Nairobi fringe) provided such an approach to investigate influences involved in land conversions. As such, some of the strengths of this thesis and the source for some of its claims of uniqueness are also a source of its weaknesses.

The extent to which perspectives developed in this thesis on the Nairobi fringe are original is embodied in the conceptual framework and research process in Chapter 2 and 3 respectively. The implication of adopting such a broad perspective is that it was not possible to achieve in-depth insights on each of the influences on land use (or actors) than it might have been if I focused specifically on a few influences (or actors). For example, if I specifically focused my thesis on the role of actors on land use, I would have identified all actors (local and extra-local), their characteristics, gender, power and how this power is achieved, deployed and the impact of this power on particular land uses. In addition, although the study indicates that farm labourers may be (have been) negatively affected by land conversions, the question of who loses most in the process of land use conversions was not conclusively dealt with. This notwithstanding, the research gives landholders most prominence, due to their role as ultimate decision makers in land conversions.

Since this work fell under the ambit of explanatory/exploratory research, it means that its major aim was to 'map' the main aspects (or the 'big picture') of land use dynamics in the Nairobi fringe. This meant that the research was largely qualitative and lacked a quantitative dimension. I accept that the inclusion of quantitative data could have added richness to the verbatim and comments. Potential candidates for such quantitative treatments would have been aspects of landholders' characteristics such as income, household sizes, farm productions, age of landholders, location, farm size and other variables. The adoption of a quantitative approach using these measures would have been critical in

determining the threshold (or the tipping point) where landholders saw income reductions or farm size reductions making inevitable their decision to abandon farming as a commercial enterprise.

The focus on one case study was also a potential source of weakness, although a variety of research sites (see Map 3.1) were chosen and the range of informants (local and extra-local) interviewed. This approach lends some support to the idea that findings might have some general applicability to land issues in rural-urban fringes. However, such generalisation may not be statistical (whereby sampling is done to 'represent' a wider population) but a generalisation in an analytical sense by providing additional literature and a different way of conceptualising land use changes in areas with similar social economic and legal conditions. From Chapters 2, 4, 6 and 8, I can variously argue that some of the urban areas (in other areas of Kenya, and also in some developing countries), share common characteristics with Nairobi City and its fringe areas. Therefore, the findings and conclusion of this study may reflect the fact that there is a widespread problem in the rural-urban fringes of cities in developing countries though with variations depending on social, legal, environmental, cultural and economic conditions.

Another source of potential weakness is my former involvement with local actors as a member of Kenyatta University staff (see Chapter 1 and 3). In addition, I have been a resident in areas similar to the study area at different times. While these were undoubtedly beneficial to me in terms of prior knowledge and access to informants, it may raise questions about the effects of my lived experience on some of the evidence obtained (e.g. interviews and observations) and the neutrality of the interpretation of such evidence. I made various attempts such as triangulation of different sources of information and extensive literature reviews to identify gaps in the information on the Nairobi fringe and rural-urban fringes in general. Also, the process of analysis and writing of the major part of my thesis was done outside the field study location, that is, at the University of Waikato. This afforded me, to a certain extent, an opportunity to disengage from the sentimental attachment to the case study so as to critically review and analyse issues from an 'outsider' perspective.

In developing the conceptual framework, I also considered conflicts and inconsistencies between the accounts being offered by different commentators

on urban and rural-urban fringe issues (see Chapter 2 and Section 13.2 in this chapter), and observations and experiences I had gained on the land development in rural-urban fringes during my training and career as an environmental planner and during field work sessions. I adopted a conceptual framework that attempted to provide a more comprehensive classification of dynamics (though my study was biased towards social aspects) of land use changes in the Nairobi fringe than any I have seen offered elsewhere in the literature. This strategy gave me a foundation or an explanatory structure to guide my research. Therefore, my positionality and its potential for partiality in the interpretation of issues and phenomena, instead of negatively affecting my study (as may seem at the first glance) I suggest that it served to strengthen this study. Adoption of a broad conceptualisation of influences on land use reduced any overdependence on a particular interpretation or perspective. However, I still believe critical issue of bias remains, but rather than showing the weakness of this study it should point to the importance of reflexivity on the part of researchers in explaining their positions and commitments in regard to their research, and on the choice of strategies they adopt in conducting their research.

13.4 SUGGESTIONS FOR FUTURE RESEARCH DIRECTIONS

The study focused mainly on social, economic and cultural aspects of land use conversions. It would be interesting if future research explores land use conversions in the Nairobi fringe in relation to ecological or biophysical aspects. Such research activity may use a medium of Geographical Information System (GIS) and Remote Sensing to provide information on the rate of ecological and biophysical changes and visual indications of such changes. Such a platform can provide a baseline resource on which to quantify pressures on land and monitor the effects of land use conversions.

Tied to the adoption of GIS and Remote Sensing platform is the issue of a survey. It would be interesting to conduct a broad survey on questions of land uses and landholders' characteristics such as income, household size, farm production, age of landholders, location, farm size and other variables. With this information, in a quantitative form, case study comparisons can be done in order to see how the land use issues in the Nairobi fringe compares with other areas and to account for the source of differences and similarities.

Due to the adoption of the broad scope of issues addressed, the study sacrificed some detailed enquiries that might clarify some aspects of land use conversions, for example, powers of various actors in influencing land use decisions in the Nairobi fringe. This thesis indicates that land use conversions are driven by local, national and global pressures which affect individual landholders in different ways. Therefore, an in-depth focus on each of the actors (and differences among actors e.g. gender) may help in understanding how actors interact and who is marginalised within such an interaction set up. Political ecology perspectives (Swyngedouw and Heynen 2003; Bryant and Bailey 1997) may be handy in providing such a conceptual framework for analysing actors and their strengths/weaknesses in land use conversions.

The rural-urban fringe is neither urban nor rural. Therefore, it requires a different approach from those focusing on rural or urban environments. This is however complicated by the nature of rural-urban fringes; they are dynamic in terms of space and time. The dynamic nature of rural-urban fringes calls for more research to identify cross-sectoral (rural and urban) issues within these areas. This may be achieved through a holistic assessment of specific issues affecting actors and land use in these areas. This may require an interdisciplinary research team to collaborate in such an enquiry. Although, the problem of polarisation of opinions may affect the outcome of such endeavour, it may be one of the ways toward the formulation of flexible, holistic and pro-active planning/policy interventions.

This study has shown that the process of land conversions is affecting the livelihoods of the actors in the Nairobi fringe. There are also conflicts between indigenous groups and newcomers, and also between formal and informal mechanisms of land use and transfer. Although they may lack 'technical' know-how and also lack wide-scope knowledge of drivers and effects of land use conversions, local communities seemed (during field work) to have effectively mastered their surroundings and could give an evaluation of conditions in their locality. Therefore, given the reduced 'government presence' there is need to support community initiatives in such areas in the form of capacity building. For this boost to be forthcoming, there is a need for more research on the way community institutions evolve and/or are sustained in the context of rural-urban fringes and how mutual relationships can be fostered among the community institutions and other institutions operating at different levels and scales. There is

also a need to understand various perceptions held by different actors and determine how these perceptions influence (or are likely in future to influence) land use in the rural-urban fringe.

The study found that there is an elaborate legal framework and governmental institutions with a mandate/focus on the management of land resources in the Nairobi fringe. Despite elaborate legal framework and numerous institutions, the orderly land development or conservation in the area (as envisaged in intentions of various policy and legislative documents or as indicated in this thesis) have not been achieved. It would be interesting to look at various policies, laws and institutions on land ownership and land use planning with a specific interest in understanding how they are intentionally and unintentionally contributing to land conversions in the Nairobi fringe. Such a study focusing on policy and institutional aspects can use Giddens' Structuration theory as a conceptual and analytical foundation.

This study has cited cases of corruption in land transactions, land use planning approvals and service delivery. This study did not delve deeply into issues of corruption and its causes. However, effects of corruption were not hard to point at given the land use problems in the Nairobi fringe. Further studies are needed to determine whether instances of corruption have been occasioned by market, policy and institutional failures and thus it (corruption) is a way of ensuring optimal allocation of scarce resources involved, or is it (corruption) the cause of those failures? Another dimension of corruption that needs further research is whether official land transaction costs are relatively low thus making people willing to pay extra money to access such services, or is corruption an unofficial means by which governments in developing countries subsidize their expenditure on service delivery given their unfavourable balance sheet?

CONCLUDING REMARKS

This study, in the main, has indicated that the geography of the rural-urban fringe is an outcome of a host of public and private economic, social, cultural, environmental and political forces operating at a variety of scales, from global to the local/human. As a result of carrying out this research, I argue that a full understanding of the rural-urban fringe and of problems and prospects for different actors and places needs to be grounded in the knowledge of structural forces and processes that operate on and in combination with contextual factors

to condition the rural-urban fringe geographies. This study has explored the complexity of geographies of the rural-urban fringe from a social perspective. It has illustrated the significance of macro, micro, local/human forces in creating and recreating the rural-urban fringe environment. The study achieved this by delving into the Nairobi fringe to examine the diversity of places and actors and the way they affect land development. The importance of developing such study as this cannot be overestimated, not least because the future of the world is, as defined by authors such as Pacione (2009); Satterthwaite (2006); Hall and Pfeiffer (2000), an urban future.

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APPENDIX 1:

UNIVERSITY RESEARCH ETHICAL APPROVAL NOTIFICATION

FASS HUMAN RESEARCH
ETHICS COMMITTEE
The University of Waikato
Private Bag 3105
Hamilton, New Zealand

Phone +64 7 856 2889
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THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

Thuo Aggrey Daniel Maina
Lex Chalmers
Colin McLeay
Mairi Jay

12 July 2007

Dear Thuo

Application for Ethical Approval: PhD, Conurbation of Nairobi City, Kenya: Local Institutional Arrangements in Peri-Urban Areas

Thank you for submitting a revised Application for Ethical Approval to the Faculty of Arts and Social Sciences Human Research Ethics Committee in response to my letter of 19 June. I received your revision on 12 July.

Your revisions meet all the points noted in my letter so I am happy to provide formal ethical approval for the research activity covered in your Application.

With best wishes,

A handwritten signature in black ink, appearing to read 'John Paterson'.

John Paterson
Chair
FASS Human Research Ethics Committee

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APPENDIX 2:

KENYA'S RESEARCH CLEARANCE PERMIT NOTIFICATION

<p style="text-align: center;">CONDITIONS</p> <ol style="list-style-type: none"> 1. You must report to the District Commissioner and the District Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit. 2. Government Officers will not be interviewed without prior appointment. 3. No questionnaire will be used unless it has been approved. 4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries. 5. You are required to submit at least two(2)/four(4) bound copies of your final report for Kenyans and non-Kenyans respectively. 6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice <p style="font-size: small;">GPK 6055—3m—10/2003</p>	<div style="text-align: center;">  <p>REPUBLIC OF KENYA</p> <hr style="width: 20%; margin: auto;"/> <p>RESEARCH CLEARANCE PERMIT</p> </div> <p style="text-align: center; font-size: small;">(CONDITIONS—see back page)</p>
<p style="text-align: center;">PAGE 2</p> <p>THIS IS TO CERTIFY THAT:</p> <p>Prof./Dr./Mr./Mrs./Miss <u>AGGREY DANIEL</u> <u>MAINA THUO</u> of (Address) <u>UNIVERSITY OF WAIKATO</u> <u>NEW ZELAND</u></p> <p>has been permitted to conduct research in..... <u>NAIROBI KIAMBU MACHAKOS</u> Location, <u>THIKA AND KAJIADO</u> District, <u>NAIROBI CENTRAL & RIFT VALLEY</u> Province, on the topic <u>CONURBATION OF NAIROBI</u> <u>CITY KENYA: LOCAL ARRANGEMENTS</u> <u>PREI-URBAN AREAS</u></p> <p>.....</p> <p>.....</p> <p>for a period ending <u>30th APRIL</u>, 20<u>08</u></p>	<p style="text-align: center;">PAGE 3</p> <p>Research Permit No. <u>MoST 13/001/37C 742</u> Date of issue <u>12th NOVEMBER, 2007</u> Fee received <u>SHS 1000/=</u></p> <div style="text-align: center;">  </div> <p style="text-align: center;"><i>M. O. Ondieki</i> <u>M. O. ONDIEKI</u> Applicant's FOR: Permanent Secretary Signature <u>PERMANENT SECRETARY</u> MINISTRY OF SCIENCE AND TECHNOLOGY</p>

APPENDIX 3:

A SAMPLE OF THE INTERVIEW THEMES FOR GOVERNMENTAL INFORMANTS

1. Organizational aspects.
 - i) Nature of institution.
 - ii) Roles and responsibilities of the institution.
 - iii) Period under which officer has been in the area.
 - iv) Policies and legislations guiding the institution.
 - v) Planning process aspects (e.g. Plan preparations, approvals, implementation, monitoring).
 - vi) Collaboration and co-ordination with other organizations/offices.
 - vii) Obstacles to their operations.
 - viii) Support to and from different communities living in the area.
 - ix) Other organizations which are not governmental or community-based but who work in the areas and their role.
 - x) Etc.
2. Nature and characteristics land development in the Nairobi fringe.
 - i) Nature of land use.
 - ii) Factors causing land use conversions.
 - iii) Consequences of land use conversions.
 - i) Infrastructure and services provision.
 - ii) General description of the areas (e.g. Security, environmental, socio-economic etc).
 - iii) Etc.
3. Communities' initiatives.
 - i) Awareness of any community based organization(s) and their role(s)
 - ii) Communities' members' initiatives.
4. Discussion on the 'emerging' issues.

APPENDIX 4:

A SAMPLE OF THE INTERVIEW THEMES FOR NON-GOVERNMENTAL INFORMANTS

1. Roles and profile.
 - i) Roles and responsibilities of the institution.
 - ii) Collaboration and co-ordination with other organizations.
 - iii) Obstacles to their operations.
 - iv) Support to and from community.
 - v) Organizations which are governmental agencies operating in the areas and their role.
 - vi) Etc.
2. Nature and characteristics land development.
 - i) Nature of land use
 - ii) Actors causing land conversions.
 - iii) Consequences of conversions.
 - iv) Infrastructure and services provision.
 - v) General description of the areas (e.g. Security, pollution, socio-economic).
 - vi) Etc
3. Communities' Initiatives.
 - i) Awareness of any initiatives by the local community in improving their status.
4. Discussion on the 'emerging' issues.

APPENDIX 5:

A SAMPLE OF THE INTERVIEW THEMES FOR COMMUNITY MEMBERS' INFORMANTS

1. Description of their areas.
2. Land issues.
 - i) Nature of land use.
 - ii) Land sale.
 - iii) Land conversion.
 - iv) Consequences of land conversion.
 - v) The role of government.
 - vi) The role of the community/community leaders.
 - vii) Etc.
3. Community aspects.
 - i) Projects.
 - ii) Relationship with one another and government.
 - iii) Crime.
 - iv) Security.
 - v) Income.
 - vi) Public utilities and facilities.
 - vii) Water and waste disposal.
 - viii) Livelihood.
 - ix) Leadership.
 - x) Cultural and customary issues.
 - xi) Family groups.
 - xii) Etc.
4. Discussion on the 'emerging' issues.