



**Utafiti Sera
on Urban Governance
and City Transformation:
Steering Committee
Meeting Report**

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List of Acronyms

CSUDP	Civil Society Urban Development Platform(CSUDP)
KARA	Kenya Alliance of Resident Associations
KeNHA	Kenya National Highways Authority
KURA	Kenya Urban Roads Authority
JAICA	Japan International Cooperation Agency
NEMA	National Environment Management Authority
UN-HABITAT	The United Nations Human Settlements Programme
UNEP	The United Nations Environment Programme

PREFACE

The Urban Governance and City Transformation breakfast meeting was held to share emerging evidence and findings pertaining to the Social Dimension of Built Infrastructure and drive forward a joint platform of policy response and action.

The Utafiti Sera House is broadly representative of all the main stakeholders' involved in the field of Urban Governance in Kenya with on-going efforts to strengthen representation from the diverse and contending pool of actors. The meeting was well attended by 17 participants, 6 female and 11 male with representation from Kenya Urban Roads Authority (KURA), Kenya Alliance of Resident Associations (KARA), Kenya National Highways Authority (KenHA), Amnesty International, Haki Jamii, Civil Society Urban



Development Platform (CSUDP), Local Communities, Academia, and influential thinkers to help identify missing actors in the Stakeholders' Mapping Analysis and propose additional areas for policy intervention.

Discussions



Samuel Olando -Haki Jamii

Samuel Olando of Haki Jamii welcomed the participants to the meeting and noted the relevance and importance of conversations pertaining to Infrastructure development. Increased infrastructure investments will impact heavily on the trajectory of Kenya's development. If left unmitigated, these projects can threaten the wellbeing of the very people these projects aim to service. Addressing the issue of the social dimension of infrastructure development is exigent considering the unparalleled rate of infrastructural projects spanning across the country at this given period of time.

Dr. Steve Ouma of Pamoja Trust, then took the participants through the agenda. He noted that during infrastructure construction processes the following aspects should be considered; Human Rights deprivation, wellbeing development, wealth deprivation, and Habitual deprivation. He expounded that all these aspects both tangible and intangible are crucial in ensuring effective infrastructural development. He then encouraged the participants to share the issues pertaining to infrastructure development that have arisen in their line of duty.



Dr. Steve Ouma -Pamoja Trust



Source: My Building Code

Josiah a representative from Kenya Urban roads Authority (KURA) shared some of the challenges faced by the Institution during infrastructure development. He referred to the Outer Ring Road currently under construction as posing a challenge of limited space. This has impacted on the construction footbridges. He also referred to challenges in conducting landscaping in areas occupied by informal traders.



Josiah - Kenya Urban Roads Authority (KURA)



Prof. Omenya - Built environment specialist

Prof. Omenya a specialist in the Built Environment sector contributed to the conversation by asserting that infrastructure projects need to stop being approached from a rigid engineering standpoint and encompass a sociological viewpoint. He stressed the need to examine success stories from other countries like South Africa and Israel where Social Infrastructure has worked very well.



Dr. Wainaina - Academic

Dr. Wainaina an academic added to the conversation saying there is need to take the infrastructure question wholesomely by looking at all the components provided for in Article 43 of the Constitution of Kenya.



George Wasonga - Civil Society Urban Development Platform

George Wasonga from the Civil Society Urban Development Platform posed a question of fundamentalism asking: how do we continue to socialize and humanize the process of infrastructure development?



Source: SkyscraperCity

The trajectory should be to think in the following sequence;

- i. People
- ii. Space
- iii. Technology

The problem starts when the people element of the equation is not given priority. When the premise is people, communities will own and assume responsibility over the infrastructure projects. He concluded by stressing the importance of considering the social aspects of infrastructures.

Josiah from KURA reacted to Wasonga's sentiments by clarifying that the government engages people in both the design and implementation phase of infrastructural projects through a variety of methods. He went further to mention that problems sprout up due to mistrust from different entities involved in infrastructure development, particularly between Civil Societies and Governmental entities.

It was agreed that there is need to package good success stories in other contexts and explore the prospect of adopting successful practices in various counties across Kenya.

Henry Ochieng from (KARA) Kenya Alliance of Residents Association added to the noted the need for more targeted discussions focusing on issues like compensation and alternative site relocation.

Dr. Steve Ouma then intervened by noting that most problems start at the design stage, hence we need a structured way of involving affected persons early on. He went further to mention that there is need to also focus on grievance handling to avoid litigation barring development.

The participants then broke into individual working sessions to fill in prospective practice/policy responses to the issues raised during the discussion.

See Table 1.1 Urban Governance: Social Dimensions of Infrastructure



Stakeholder mapping

The participants then reviewed the stakeholder analysis to identify the missing links. Some of the missing stakeholders identified included; Development partners i.e. JAICA, Civil society like Amnesty International, for their power to lobby, mobilize and organize, CSO's such as Caucus of Infrastructure, National Environment Management Authority (NEMA), National Construction Authority, Kenya National Commission of Human Rights, Kenya Human Rights Commission, Professional bodies like Planners, ministry of Planning, UN-HABITAT, UNEP, Slum upgrading Department, Police, Administration Office.

The stakeholders missing were added to the stakeholder analysis. See Table 1.2: Summary of relevant actor, their roles and influencing strategy - Stakeholder Mapping Analysis (Urban Governance)

House champion

The committee had discussions on the need for the House Champion to support the work of the Utafiti Sera house in bridging the gap between research and public policy by initiating, facilitating and implementing evidence based changes. Since the identified House champion Mr. Sakwa had resigned from, the house appointed Anthony Otiende, an experienced and accomplished lawyer to take up the role of the House Champion.

WAY FORWARD

It was agreed that it is a great discourse to bring relevant stakeholders on the table to discuss on emerging issues and to promote cooperation. Participants were informed that there will be a bigger Utafiti Sera Convening that would allow deliberation on more of the issues and focus on Housing. Dr. Steve Ouma mentioned some of the cases in court over Evictions and Infrastructure development including the Mitu-bell case and the City Cotton matter saying there is need to create a framework to co-exist for prosperity and to create possible sustainable solutions.

Table 1.1 Mapping of Issues in Urban Governance and Infrastructure Development

Issues	Key Comments from Stakeholders	Practice / Policy Response to Mitigate
Land Tenure	<p>The informal settlement's business and residents' are located along infrastructure wayleaves and shoulders.</p> <p>During Infrastructural development projects, the residents are evicted due to lack of title to land.</p> <p>These evictions are often violent and forceful leading to the involuntary relocation of victims to other areas.</p> <p>These new areas often have less income generating activities leading to the loss of income and social fabric.</p>	<p>Gap in policy, need to introduce stronger provisions for resettlement procedures, ERB reintroduction</p> <p>Compensation mechanism acceptable to the victims</p> <p>Employ ways of victim engagement during relocation exercise</p> <p>Relocation /eviction should be done within the parameters on international Human Rights conventions</p> <p>Informal business along infrastructure corridors can be integrated into designs to avoid displacements post construction</p> <p>Common land titles can be issued as is done for schools and other public utilities.</p>
Housing	<p>Most residents' in informal settlements use their homes for both residential and commercial purposes.</p> <p>However, during enumeration exercises these houses are only acknowledged as being residential premises only.</p> <p>These exercises loose the social aspects of these houses.</p> <p>Further, the houses are made of cheap and temporary materials such as polythene and tin which are not salvageable during relocation.</p> <p>The residents' are forced to relocate to new houses that are far away from their places of work thereby increasing their transport expenditure and leading to loss of income.</p>	<p>Leveraging on National and County level commitment, stronger push for low-cost housing and multi stakeholder investments</p> <p>People driven planning process</p> <p>Secure tenure for informal settlements</p> <p>Utilize upward spaces and undergrounds for project development as opposed to narrow focus on conventional forms of land.</p> <p>Recognition of multiple functionality of housing in quantifying compensation so as to ensure continuity of livelihood means</p> <p>Who are/will be the beneficiaries of social housing? Extensive focus on people displaced by development is key</p>
Public Participation	<p>There is an over-reliance on consultants in undertaking public participation exercises.</p> <p>These consultants typically allocate limited time and resources towards the process to save on their costs.</p> <p>There is limited public awareness, engagement and participation in the process.</p> <p>The public does not have access to vital information that is the subject of engagement during public participation events and activities.</p> <p>Consequently, the project structure is not transparent and participatory leading to rejection by the community.</p>	<p>Expand public participation spares, leverage on technology and new media to reinforce outreach and enhance representation</p> <p>Public participation enforcement</p> <p>Need for structural mechanism for participation that ensures pre-negotiated settlement amongst the varied citizens interest groups.</p> <p>This has to be structured, targeted, with timelines and information availed well in advance</p>

Non – Compliance with the Law	<p>That project activities and timelines are often conducted in a haphazard and non-transparent manner.</p> <p>Residents are not given timely notices of intentions to conduct the project or evict or relocate them.</p> <p>Evictions are conducted in a violent manner and human dignity is not upheld during the process</p> <p>Individuals are sometimes not offered relocation alternatives.</p>	Human Rights remain paramount, need to be aware on how to identify violations and how to take purposeful action
Access to Information	<p>The residents are not informed of vital project information including the project scope and timeline.</p> <p>Residents are often victimized by having to work within narrow timelines and short notices, especially in the case of relocation notices where residents have little time to find alternative homes.</p> <p>This leads to mistrust and tension among residents and implementing bodies.</p>	<p>Strong community governance models, need to insist on community organizing strategies that inculcate ownership, full participation and accountability</p> <p>Use of leaders to disseminate vital communication</p> <p>Involvement of residents or stakeholder right from the early design stages is key. Mode of communication should be effective.</p> <p>Promote the use of information systems that are grassroots oriented such as chiefs camp, social halls etc as avenues for regular access to information</p> <p>Information in formats that can be easily understood by stakeholders</p> <p>Feedback mechanism is key</p>
Access to Utilities	<p>Residents are forced to relocate to ‘green’ areas that do not have utility connections.</p> <p>This increases the cost of accessing these utilities leading to an increase in expenditure.</p> <p>Often, lack of access to water and sanitation facilities predisposes the residents to water borne diseases.</p>	<p>Lobby and advocate for every Kenyan citizens’ right to have access to these services.</p> <p>Need to hold duty bearers to account</p> <p>A good RAP can address these matters</p> <p>Incentives – common user facilities i.e. water</p> <p>Inclusion of facilities such as hospitals within reach of residents</p>
Grievance Handling	<p>There is no clear criteria for valuing the residents property and the mechanisms for compensating them.</p> <p>There is no clear criteria for identification of the project beneficiaries.</p> <p>Enumeration exercises for identifying the project beneficiaries are typically plagued by corruption.</p> <p>There is late remittance of compensation benefits to the Project Affected Persons (PAPs) leading to loss of economic footing.</p> <p>The residents who are not compensated have difficulty taking their cases to court due to lack of proper documents.</p> <p>There are no alternative justice systems to help PAPs resolve conflicts.</p>	Comprehensive Dispute Resolution mechanism should be put in place

Table 1.2: Stakeholder Mapping Analysis

Sector	Institution	Interest	Motivation	Power	Capacity
Public Sector	1. National Environmental Management Authority (NEMA)	Implementation of all policies relating to environment.	- To promote the integration of environmental considerations into development policies, plans, programmes and projects, with a view to ensuring the proper management and rational utilization of environmental resources,	-They have the power to mobilize and monitor the use of financial and human resources for environmental management.	-Capacity to coordinate over all matters relating to the environment.
	2. National Land Commission	- Compensation aspect of infrastructure development -Acquisition of land for implementation of infrastructural developments.	- Involvement in Infrastructure development helps the NLC in administering its duty as mandated by the Constitution	- The NLC has powers accorded to it in the Constitution to manage land on behalf of National and County Government	- Capacity to manage and regularize land
	3. Kenya National Highways Authority (KeNHA) 4. Kenya Urban Roads Authority (KURA)	- Transport and communication: roads, construction and operation of national trunk roads, standards for the construction and maintenance of other roads by counties	- Attainment and maintenance of a sustained economic growth of over 10% per annum. - To provide an enabling environment for socio-economic development.	- Government provides security, information and project guidelines - Government takes on the roles of valuation, validation, organization and compensation	- Financial resources for infrastructural development - Multi-sector departments that work towards implementation of infrastructural projects.
	5. National Construction Authority	Training and provision of financial assistance to the contractors	-To enable and regulate activities of contractors	-They have the power to regulate, streamline and build capacity in the construction industry.	- Expertise in the Construction field
	6. Institute for Development Studies	-Participation and meaningful engagement - Development research and advisory services on issues of policy.	- Institute for Development Studies conducts research in urban governance related themes -To generate development knowledge and encourage the utilization of research findings in shaping the growth of development thinking, theory and practice with particular focus on Africa	- The Institute for Development Studies holds intellectual power as an institution with a research mandate	- Expertise in developmental research

	7. Judiciary	- Compliance with the law during infrastructure development	- Judiciary has a role to uphold the rule of law	- The Judiciary has the judicial authority powers as mandated by the Constitution with specific regards to infrastructure.	- Legal knowledge and knowhow to enable compliance
	8. Kenya National Commission of Human Rights (KNCHR)	- Compliance with the laws and Human Rights Violations	- Has a role to act as watchdog body that monitors government institutions	- Has the powers conferred to it by the Kenya National Commission on Human Rights Act, 2011	-Has the ability to research and monitor compliance of Human Rights norms and standards
	9. Ministry of Transport Infrastructure, Housing and Urban Development (MTIHUD)	Infrastructure policy management	- Development, standardization and maintenance of roads / infrastructure	- They have the power of oversight and coordination of infrastructure development projects	-Adequate equipment and key personnel
	10. Administration Officers	-Participation and meaningful engagement -Compensation	- To ease administration of their areas as they are the point of contact for all residents within their respective areas	- They have the administrative powers as envisaged in the Constitution	- Knowhow of the administrative areas and ability to influence participation
Private Sector	11. Kenya Alliance Residents Association (KARA)	- Representing the voice and pro-active action of resident associations on consumers and taxpayers rights countrywide.	- Seeks to accelerate equitable access to public services, Empowered to attain a living space that permits a life of dignity	- To inculcate partnerships and promote good governance, transparency, accountability and ethical practice in public service delivery for all.	- Tackling the service delivery challenges
Civil society	12. Pamoja Trust 13. Haki Jamii 14. Civil Society Urban Development Platform 15. Katiba Institute, 16. Amnesty International 17. Kenya Human Rights Commission	- Participation and meaningful engagement - Infrastructure Development Compensation given to the beneficiaries - Capacity Building	- Civil Society interested in accountability and empowerment - Civil Society promotes good governance and accountability, protect the rights of the poor to own property -	- Civil society engages in advocacy/tracking/ documenting the particular process, also provides capacity building/bridges the gap to complement government work	- Receive donor funding to implement their interests.

Community	18. Self-help groups 19. Welfare associations 20. Faith based organizations	<ul style="list-style-type: none"> - Participation and meaningful engagement - Compensation - Political Interference - Land 	<ul style="list-style-type: none"> - Community directly benefits from projects hence have an interest to participate in the processes - Community enjoyment of human rights and dignity is the motivation behind having interest in compensation - Community has an interest in political interference part in infrastructure development as it interferes with them gaining from the projects which then becomes their motivation - The community has an interest in land which provides space for habitability 	<ul style="list-style-type: none"> - Community support and participation - Community gets organized and identifies the right beneficiaries - The community has the power to control politics as politics can be controlled by numbers/ the people - The have the power to give recommendations 	<ul style="list-style-type: none"> - Can mobilize members for constructive and relevant policy options - Community has capacity to vote in their respective politicians
Donors	21. World Bank 22. Africa Development Bank	<ul style="list-style-type: none"> - Participation and meaningful engagement - Compensation - Non- Compliance with the law 	<ul style="list-style-type: none"> - Donors are in business including geo-political interests - Donors take the role of funding hence the interest in accountability in the funds provided 	<ul style="list-style-type: none"> - Donors finance and hold government accountable through monitoring and oversight - Donors take the role of funding and ask for accountability 	<ul style="list-style-type: none"> - Donors have the financial muscle to effect policy options
Development partners	23. World Bank 24. Ford Foundation 25. Japan International Cooperation Agency (JICA)	<ul style="list-style-type: none"> - They support a wide array of investments in areas of public administration, infrastructure, financial and private sector development, agriculture, and environmental and natural resource 	<ul style="list-style-type: none"> - Improve both the provision and the quality of infrastructure services. 	<ul style="list-style-type: none"> - Extensive development expertise and deep capital resources. 	<ul style="list-style-type: none"> - Provides low-interest loans, zero to low-interest credits, and grants to developing countries.
Foundations	26. Safaricom 27. East Africa Breweries	<ul style="list-style-type: none"> - Meaningful engagement in infrastructure development 	<ul style="list-style-type: none"> - Meaningful engagement in developed infrastructure to improve on delivery of their services 	<ul style="list-style-type: none"> - The have power to influence a mass of numbers and engage in infrastructure development 	<ul style="list-style-type: none"> - Financial muscle and Human Resource

Research Organizations and think tanks	28. Kenya Institute for Public Policy Research and Analysis (KIPPRA)	-Providing quality public policy advice to the Government and general public by conducting objective research and analysis and through capacity building in order to contribute to the achievement of national development goals.	-Centre of excellence in public policy research and analysis.	- Autonomous public institute that was established through a Legal Notice.	- Good governance, transparency and accountability.
Key Individuals	29. Prof. Alfred Omenya	-Infrastructure development	-Provide guidance and expertise to the entire development team during project development	-Sustainable urbanism and development.	-Can provide expertise and influence junior experts
Media	30. NTV, Citizen	-Access to Information of Infrastructure Development	-Need to produce more information on matters concerning well-being of PaPs to the public	-The medium through which information is dispersed	-Ability to reach out to huge mass of people.



Source: The Star, Kenya

A grader clears a section of the road in Kibera slum, Nairobi.

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