

**REGULATORY GUIDELINES FOR URBAN UPGRADING PROJECT
A Case Study of Mavoko - Kenya**

September 2003

DFID Department for
International
Development

ITDG
PRACTICAL ANSWERS
TO POVERTY

LIST OF ACRONYMS

ITDG	Intermediate Technology Development Group
RGUU	Regulatory Guidelines for Urban Upgrading Project
ALGAK	Association of Local Government Authorities of Kenya
NGO	Non Governmental Organisation
CBO	Community Based Organisation
GDP	Gross Domestic Product
LA	Local Authority
LASDAP	Local Authority Service Delivery Action Plan
LAFT	Local Authority Fund Transfer
WEDC	Water and Development Centre
Km	Kilometres
M	Metres
Ft	Feet
US \$	American dollars
KShs	Kenya Shillings
DFID	Department for International Development
KMC	Kenya Meat Commission
CBD	Central Business District
NACHU	National Housing Co-operative Union
UNCHS	United Nation Centre for Habitat and Settlements
COL	Commissioner of Lands
EPZ	Export Processing Zone
MMC	Mavoko Municipal Council

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1. CONTEXT OF RGUU IN KENYA- PLANNING CHALLENGES

Current shelter legislation in Kenya, like in most developing countries, is inappropriate for poor people who live in the rapidly growing urban centres. Consequently, the urban poor have been unable to comply with existing planning standards, regulations and administrative systems.

In Kenya, the Urban Regulatory Framework has been a large hindrance to the urban poor in their efforts to improve their physical assets and in using them to support income generation activities. This has contributed to poor health, insecurity, low productivity, and increased vulnerability to eviction and violence in low-income urban residential areas.

Owing to the complexity of the regulatory framework, compliance often involves long, contorted administrative procedures, delaying, or even denying the delivery of services to urban dwellers. Approval of development plans and service application typically involves different Central and Local government departments. The poor are often unable to manoeuvre these modalities often go without services and protection that these regulations are supposed to provide. This situation has over the years been compromised at the expense of the poor; pushing them to even more crowded shantytowns where they huddle with no security of tenure, in constant fear of eviction and dismal service provision standards. Lack of tenure security has inhibited their access to credit facilities that may have enabled them to improve their shelter and neighbourhoods. As an indictment of the Regulatory Framework prior to Regulatory Guidelines for Urban Upgrading, in urban Centres like Nairobi up to 60% of residents live on less than 5% of the designated for residential purposes. In Mavoko, the informal settlements cover only 0.2% of the total municipal area yet they house the larger part of the population.

BROAD FRAMEWORK ADDRESSING THE CHALLENGES

In response to these challenges, a number of initiatives have been launched, which have provided an opportunity for RGUU to provide substantive input to the larger framework responding to these problems. For instance, the Ministry of Lands in its revision of the Physical Planning Handbook has recognised the existence informal settlements as part and parcel of the planning considerations. The need for a paradigm rethink has seen the recognition of the existence, and applicability of indigenous efforts towards improved service delivery. In this regard, the local government reform process has incorporated pro-poor planning and budgeting that extends to the informal settlements.

OVERVIEW OF THE INTERNATIONAL RGUU PROCESS

The RGUU project is being undertaken in Sri-Lanka (Colombo), India (Mumbai) and Kenya (Mavoko). The project aims to reduce constraints imposed by inappropriate legislation and unsuitable procedures and their negative impact on the livelihoods of the urban poor. The stated goal and purpose of the project are:

- Goal: To increase access of the low-income households and the poor to adequate, safe and secure tenure.
- Purpose: To help local authorities and their partners to revise and design the regulatory frameworks governing the land regularisation and improvement of the low-income communities livelihood

It is expected that these guidelines would result in:

- A harmonised legal framework that results in comprehensive legislation dealing with land, health and environmental matters
- Establishment of an institutional, administrative and management system that facilitates and enables sustainable livelihoods
- Involvement of community members in matters that are related to their development
- Influence long term government policies for the poor

- Increase local government authority autonomy and collaboration between government departments
- Information sharing and use of Information Technology
- Prevent further growth of slums through strategic planning and land use policies

2. PROJECT PROCESS IN KENYA

In Kenya, the RGUU project has been an evolutionary process that has built from the Grassroots, to National and now International activities.

(WHY MAVOKO--- PROFILE OF THE PROJECT SITE)

In an analysis of possible sites for the RGUU project, Mavoko was selected as it met set criteria due to its historical development and its situation at the time of project inception. The selection of the project site was guided by the need to identify a rapidly growing urban centre that is nevertheless small enough to allow a manageable conception of the existing regulatory framework. There was also a need to select a site where the town is small enough to ensure the participation of all stakeholders within the time and resource endowment of the process. The selected project size had to have the potential to pilot the recommendations of the process within its development plan. Additional requirements included the presence of a Local Authority that is willing to participate in the process, and which was well placed to disseminate and demonstrate the results of the process to other Local Authorities in Kenya.

Mavoko Township grew out of a small settlement founded by immigrants of Indian origin brought to Kenya to build the Nairobi –Kisumu Railway by the colonial administration. Later, the town took its industrial town roots in 1950's with the establishment of the East Africa Portland Portland Cement Factory and KMC meat processing plant. Over the years the towns industrial profile has grown immensely to include a textile oriented Export Processing Zone, Steel Rolling Mills, assorted factories and commercial go-downs amongst others¹.

In addition to this, the population growth in the township has been stimulated by its proximity to Nairobi, 20 kilometres away, indeed up to 30% of the population commutes to Nairobi to work every day. All these have put a lot of pressure on the municipality's capacity to deliver services to residents. Steep increase in the demand for housing has increased rents and land value dramatically in the past 10 years. Today, a 10ft by 10-ft temporary house goes for Ksh500 per month in rent. This created a squatter /informal settlement problem in the town to a point where the municipality had to make concessions too the residents of these developments, allowing them to settle in any undeveloped land in the town in the expectation that the owners of these plots would be allocated alternative plots later.

In addition to this the growth in the town's population has overstretched existing capacity in water, sanitation and transport infrastructure. The town was also facing social problems such as insecurity brought on by unemployment. All this was with only 204 employees to cover the 803 sq. km jurisdiction of the municipality. The municipality was also well suited to the needs of the RGUU process as it is near Nairobi, which faces similar problems and could learn from the process in Mavoko, other municipalities outlying the capital faced with a similar predicament and those further a field.

¹ For a map of the Mavoko area, please see annexed map.

Faced with the foregoing, the Municipal council was eager to find ways of managing development in the town. The council has recently expressed interest in developing a Strategic Development plan that would incorporate the ever-expanding informal settlements. Mavoko Municipal has been selected as one of the 20 towns in Kenya to participate in the Local Government reform programme and an Integrated Financial Management System, which incorporates the CADASTRAL planning system, is already in place. This programme is aimed at capacity building the council's output on financial management, data base management and implementation of the single business permit initiative. This has been advantageous to the project as it availed important information on land allocation and service delivery.

MILESTONES ACHIEVED IN THE IMPLEMENTATION PROCESS

After the selection of the project site, ITDG engaged the Municipal Council, relevant Government Ministries and Departments, the Private sector and partner NGOs who embarked on the upgrading and regulatory reform process.

- Sustainable Livelihoods Analysis

In line with the poverty reduction focus of the project, the process adopted the Sustainable Livelihood Framework² (SLF) to analyse the asset base of the poor urban households in Mavoko and identify areas in which changes were most needed. The SLF framework appreciates that the asset base of a household is subject to a host of factors that affect the ability of the household to develop its assets and its livelihood. Some of these factors stem from existing regulations and standards, the effects of which are acutely felt in poor marginalized neighbourhoods, as is the case in Mavoko. To fully appreciate the variety of factors affecting a community's asset base, the project developed a catalogue of applicable regulations, carried out household profiles and a participatory survey.

- Catalogue of applicable instruments

An analysis of Regulatory Guidelines was carried and a catalogue of applicable regulatory instruments developed to guide the revision of Regulatory Guidelines. In the preparation of this catalogue, the project was aware that it must include not only those rules found in the statutory books but also relevant edicts and ordinances imposed by custom, religion and administrative directives. The project focus is on regulations governing physical development, community services and work opportunities.

- Household Profiles

A set of household case studies were conducted and compiled into a profile of representative households found in informal settlements in Mavoko municipality. These case studies depict a vivid picture of the aspirations and challenges of households living in the slums and reflect the outcomes of regulations affecting their livelihoods.

- Participatory Survey

The survey gave residents of informal settlements an opportunity to express their perceptions on the state and effect of regulatory instruments and procedures in force within their localities. The survey revealed the extent of marginalisation of informal settlements residents in urban management. This was reflected in the fact that there is no consultation with the urban poor on issues that affect their livelihoods and that existing regulations are not sensitive to their economic plight.

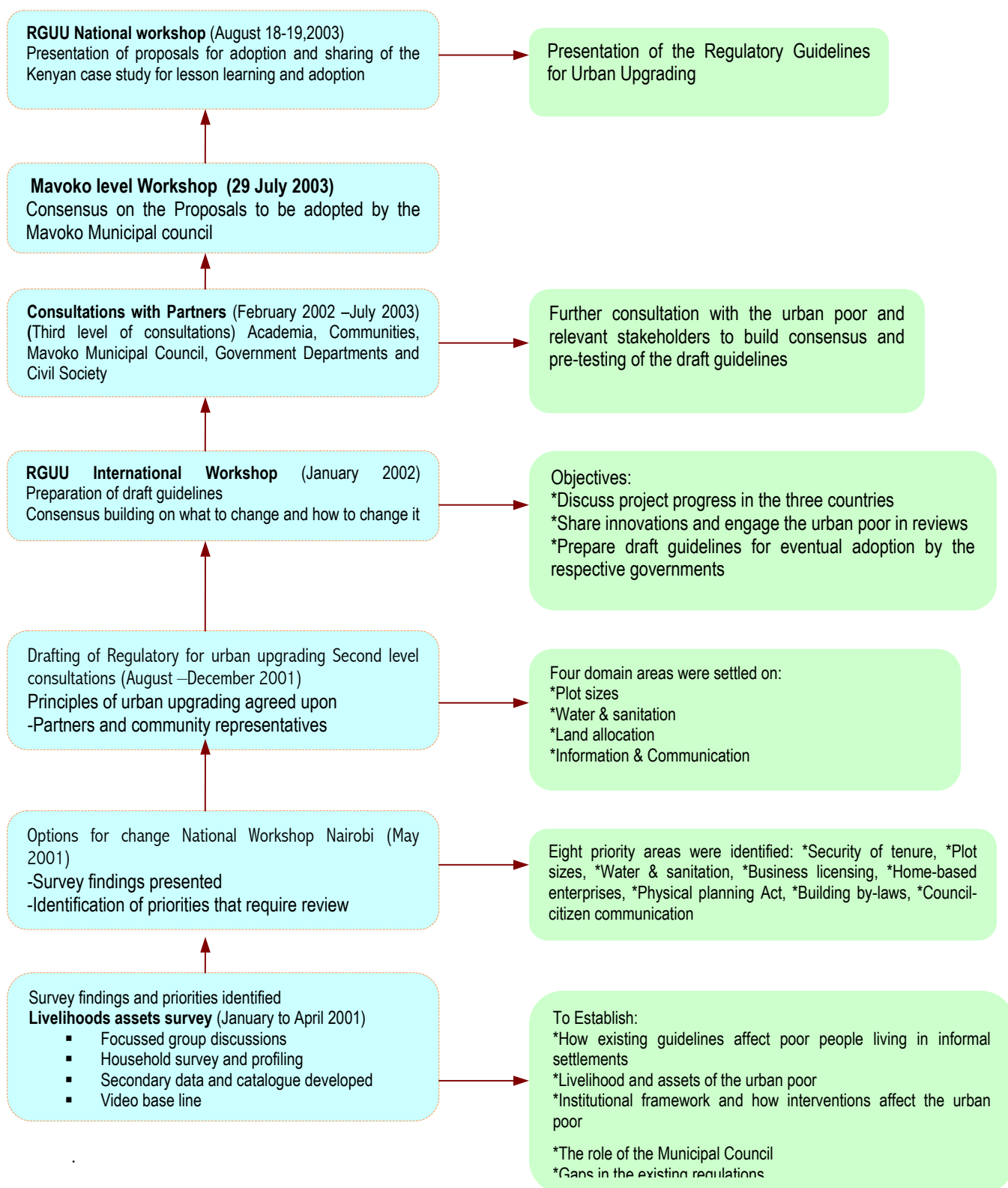
Issues emerging from the survey included the need among the urban poor for regulations that facilitate their livelihood strategies

For example, high trade licensing and service charges that create a hostile environment to the development of micro enterprises, were singled out among the inhibiting regulations. The survey also documented strong demand for improvements in:

- Development of processes in land tenure, security and allocation.
- Implementation of improvements in shelter water sanitation and the environment.

² In brief, the SLF is a holistic and people centred framework for understanding poverty by analysing the asset base of a community.

- Development of planning standards and licensing procedures that create an enabling environment to Income generating activities.
- Establishment of processes that enhance access to information on local authority planning and development control.
- Implementation of improvements in the transport infrastructure system.



- Selection of Domain Areas For Review

To build consensus among stakeholders on which regulations have the greatest impact on the livelihoods of the urban poor, whose review would have the biggest impact on their livelihoods, the project convened a stakeholder's workshop. This brought together project partners and the Mavoko Municipal Council who collectively proposed to pursue four-domain areas: Land allocation, Water and Sanitation, Plot sizes and Information and communication.

In addition, the project team selected five settlements as pilot areas for the development and piloting of draft reviewed guidelines. The settlements selected are **Kasweto, KMC, Slota, Kijiji 39 and Kimongo.**

To analyse the existing situation in each of these areas, and decide what needed to be changed in terms of the regulatory framework, four working teams were constituted, one for each domain. Collectively these groups adopted the following strategy to effect the needed changes. The pursuit of this strategy was guided by fundamental principles developed by the team as spelt out below.

STRATEGY ADOPTED IN EFFECTING CHANGE

- **Affordability**
Regulations should prescribe standards that the poor households can afford. Regulations and standards governing land, infrastructure and housing development should be set within the affordability limits of poor households in informal settlements.
- **Investing in precedents**
Investing in time and pilot projects to demonstrate and convince local authorities and other stakeholders of the viability of revised guidelines. It is important to disseminate and apply revised guidelines beyond pilot project to demonstrate their robustness and avail their benefits to larger populations. The lessons of pilot initiatives can be incorporated into macro policy and programs by building alliances and partnerships amongst key stakeholders and various interest groups.
- **Implementation in an enabling environment**
Considerations like publishing regulations in a language (dialect and complexity) and format that is understandable to poor urban residents is vital to their understanding and participating in the review and implementation process.
- **Engaging key stakeholders**
All persons with a bearing to the planning process, including target communities must be fully involved in the process to give it legitimacy.
- **Identify community decision-making processes**
Engage structures at the community level that are already in use for choosing community priorities and courses of action. Understanding the role knowledge and information plays in poor people's decision making over access to livelihoods assets is crucial to understand their wider decision making
- **Build institutional capacity**
Participatory regulatory reform processes will place great demand on institutions. Capacity building and institutional development strategies will thus form an integral part of the change process at all levels. A regulatory framework should be established, adopted, and institutional support for facilitating participation as well as partnership arrangements given.
- **Eliminate information brokers**
Knowledge and information generated by development agencies and through research and intended for urban poor communities often ends up in the hands of brokers, many of whom are not well connected to the target communities or share it selectively. Ensure equity of information access by ensuring everybody within the community is aware of the review process, and is equally able to participate.

- **Participation**
If pro-poor change is to be effective, there is need to transform the relationship between the authorities and local communities and thereby re cast development priorities and processes. This means enabling the urban poor to actively participate in discussions and debates on development initiatives that will impact either directly or indirectly on their livelihoods. It will also ensure every one has a chance to feed into the review process, this goes beyond engaging the community, by also incorporating inputs from various professionals and interest groups.
- **Political goodwill**
Lack of political goodwill to support upgrading initiatives not only means a lack of interest and funding on the side of governments, but also makes efforts to improve informal settlements virtually impossible. The enactment and implementation of revised guidelines will depend on relevant political structures, and their involvement in the entire process.
- **Make the research process accountable to the poor**
Community members must be given the opportunity to participate, inform, and revise the research process at various and all stages of its progress. Besides having a stake in the results of the research they can offer critical and invaluable insight not available elsewhere. Doing the research builds a knowledge base within the communities and develops skills, which can then be built upon.

FUNDAMENTAL PRINCIPLES UNDERLING THE UPGRADING PROCESS

- **Recognition and acceptance of realities on the ground**
All processes must take cognisance and acceptance of realities on the ground and the contribution of households living in poverty to the urban economy. Regulatory guidelines for urban upgrading should addresses the diversity in local realities and livelihoods needs.

- **Equity driven processes**
Upgrading must ensure equity of access to assets and decision-making, the process must be willing to share power to ensure equity of access to the reform process.

Access to information

Enable the urban poor to easily access information. Information is critical to development and this is even more critical for the urban poor who have traditionally been excluded. Information should be seen as a tool to reduce uncertainty and vulnerability, and can enable the poor to take initiatives in times of crises although information related to the urban issues is not sufficiently being channelled to the urban poor.

Building on indigenous knowledge

Upgrading must accept and acknowledge the knowledge and information systems of people living in poverty as having a valid contribution to make to the review process. Urban poor people's organizations are an important source of innovation and action at the local level and have a strong interest and proven ability to promote sustainable livelihoods.

Integrated planning and development strategies

Institute an integrated, interdisciplinary approach with the involvement of actors at different levels of Government, NGOs and the Local Community. Upgrading interventions focused on urban poverty reduction must be developed in the context and processes of formulating local integrated development plans.

- **Integrated and proactive/ planning**
There is a need to reform planning practice within local authorities to discontinue current reactive planning practices by urban planners. Many cities have demonstrated that well managed growth can extend services to urban poor populations in a way, which allows upgrading to higher standards of service in accordance with public and private capacity to pay.

Government's role as an enabler

Pursue the government's role as an enabler and develop its capacity to provide an enabling environment for reform. Governments should fulfil a pro poor enabling role and guarantee human rights.

Partnerships amongst stakeholders in the planning /development process

Promote partnerships between key stakeholders that ensure inclusive coordination of all key stakeholders, through active and effective partnerships at all levels is a prerequisite for the success of urban upgrading.

Community empowerment

Empower urban poor communities to own the review process. Urban poor communities need to feel they are in control of the situation and take ownership of processes and interventions that will affect their livelihoods.

Regulation as a process rather than a product

There is a need to discard traditional regulatory paradigms and commence planning processes that place emphasis on regulation as a process. On going and constant regulation should expand and increase value based in livelihoods activities engaged by the urban poor and a continuous revision process should create and maintain an enabling regulatory framework.

Boundaries between internal and external regulation

Distinguish between aspects of urban upgrading that can be internally regulated i.e. self regulated and externally regulated- Regulation should be simple, easy, accessible and understood by all stakeholders. To avoid excessive regulation, realistic targets should be set and mechanisms out in place that rely as much as possible on self-regulation.

- **Sustainable Development**

Processes should consider future implications and environmental consequences

3. LAND ALLOCATION DOMAIN

EXISTING SCENARIO

The land allocation in Kenya is governed by a number of parliamentary statutes and complex, fragmented and overlapping procedural regulations

Some of the laws influencing the land allocation processes include:

- The Constitution of Kenya
- The Local Government Act, Cap 265
- The Government Lands Act, Cap 280
- Registration of Titles Act, Cap 281
- Land Titles Act, Cap 282
- Registration of documents Act, Cap 285
- The Trust Lands Act, Cap 288
- The Land Acquisition Act, Cap 295
- The Registered Land Act, Cap 300
- The Land Control Act, Cap 302
- Way leaves Act of 1962
- Sectional Properties Act of 1987
- Physical Planning Act No. 6 of 1996

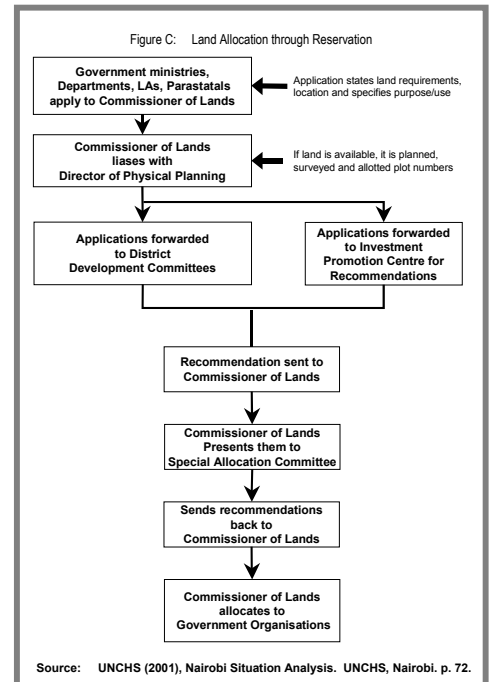
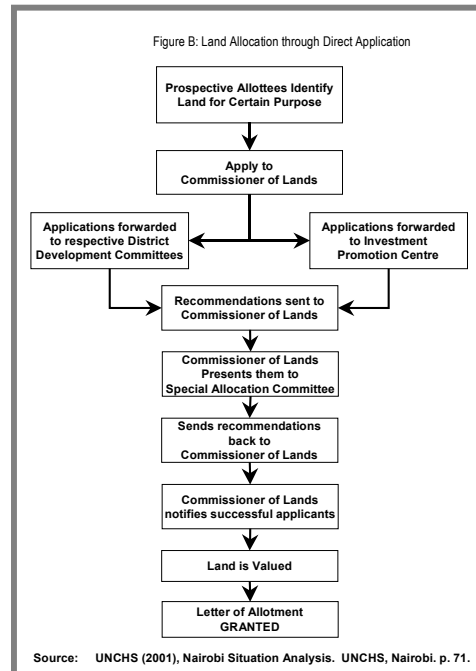
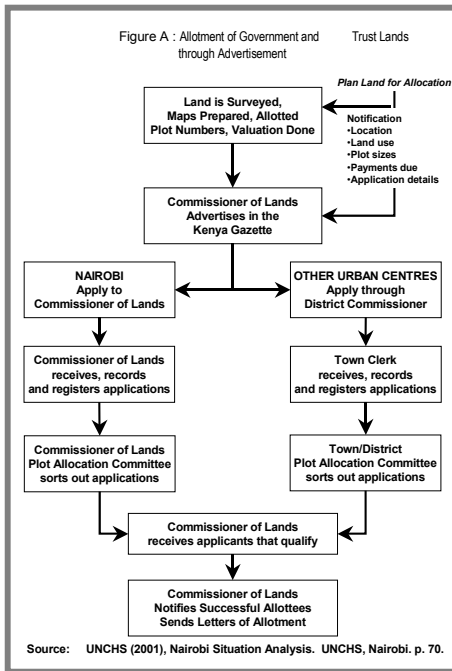
All these laws result in three land tenure systems; Private land (freehold and leasehold land) Government land and Trust land (Community land). The procedures established for the allocation of land are documented in the figures below

Figure A illustrates the steps followed in allocating government or trust land to the public through advertisement.

Responses to these advertisements is by through the points share system, merit system, date order or random selection by the ballot method. The Commissioner of Lands who sends letters of allotment specifying amounts due in respect of Stamp duty, Rates, Ground Rents, Road Charges and Other Payments, notifies successful allottees. All these charges must be paid before a title to the land is issued

Figure B depicts the process of allocation through direct application by interested parties to the Commissioner of Lands

Figure C depicts the procedures applied in allocating the Government land to government ministries, departments, local authorities and parastatals.



Within Mavoko, the interpretation of these guidelines has been varied as evident in the processes used in allocation of land in different settlements within the municipality. This is evidence of the complexity of the existing regulations and the opportunity for distortion within the regulations.

- Kisumu Ndogo Settlement

Allocation procedure: A physical planner was requested to look for an alternative site to settle the people who were squatting in this settlement. The process involved site identification after which the Commissioner of Lands was approached with the findings. Councillors whose wards were affected submitted names of the people who were affected by the process. A fee of KShs .500 (US\$ 6.5) was paid for registration and an annual rent charge of KShs .300 (US\$ 4) imposed. Landowners were given a two-year period to develop their plots or risk losing them. The council later issued letters of allotment, which are yet to be taken to the Ministry of Lands for legalisation.

Plot sizes: Commercial plots measured 20 by 50 feet, while residential plots measures 30 by 33 feet and 33 by 36 feet.

- Kivoko Settlement

The people who settled here were previously residing at Mavoko Bus Park within the old town precinct, thus an alternative site was offered to them. Other beneficiaries came from Kaswitu when the Export Processing Zone (EPZ) proposed to develop a golf course on the land they had been occupying. After enumeration, plot measuring 30 by 65 feet were allocated based on the enumeration list.

- City Carton Settlement

City Carton, which is off Mombasa Road, got its name as those who were allocated land here constructed their shelter structures using carton material. The balloting system was used to select beneficiaries who were required to pay KShs. 300 (US\$ 4) as annual rent and KShs. 500 (US\$ 6.5) as registration fees. The plots allocated were 30 by 40 Ft.

- Kimongo Settlement

At Kimongo, which is 10 kilometres east of Mavoko town, the squatters who previously worked in nearby sisal plantations raised money through a cooperative society to buy the land. They subdivided the piece of land and allocated it among themselves each getting a 30 by 60 Ft plot. In this settlement, the council was not involved as it was a community initiative. Nevertheless, the council assisted in the documentation.

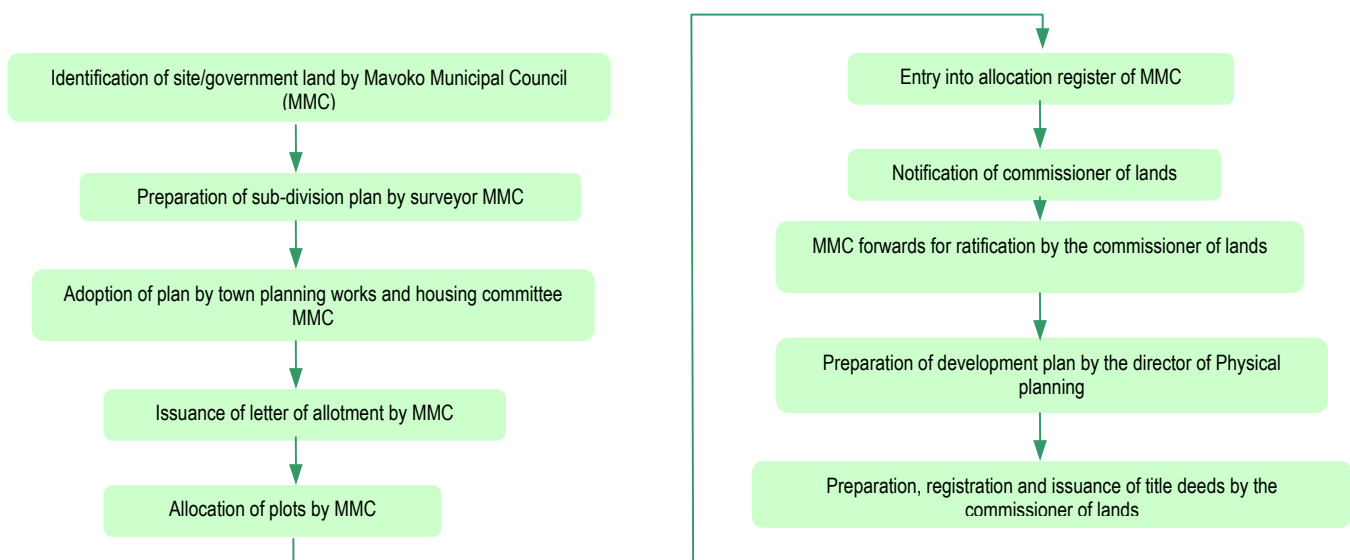
- KMC Settlements

In Kenya Meat Commission (KMC), the residents were initially meant to be resettled to Kisumu Ndogo, but the council allowed them to put up here permanently after it was realised that there were politicians who were bent on acquiring this land illegally. The area was planned and demarcated with realignment of some kiosks taking place with the allocation being as close as possible to existing plots. These measured 15 by 20 feet and 15 by 50 feet. 10 feet wide roads were created.

- Market Stalls Settlements

For market stalls, the council decided to allocate plots to those who were ready to develop them. Using a spatial plan the council sold 12 by 30 Ft plots at KShs. 5000 (US\$ 65) each. These were advertised through a notice at the Municipal Council Office notice board. Applicants, who paid a non-refundable fee of KShs. 2500 (US\$ 37.5), were entered into a draw. Those who were successful added another KShs. 2500 (US\$ 37.5). Some of those who got the plots have already developed them .

These different scenarios are made more bewildering as they do not conform to the set guidelines in figures A. B .and C above , nor to the adopted procedure for land allocation in Mavoko as spelt out in the figure below.



Access to land, and housing development is further constrained by the annual rents (KShs. 300 -S \$ 4) and Registration fees (KShs. 500 -US \$ 6.5).

Key Issues

Overall, the review process identified the following key issues affecting access to land by the urban poor in Mavoko.

- The government and private entities own the bulk of the land in Mavoko. Some large private holdings are undeveloped and held for speculative purposes
- The Commissioner of land allocates land without consultation with the Municipal council
- Mavoko Municipal council has little or no control over the development and use of private and government land. This has resulted in allocation of land to private owners who have no interest in developing it
- Information on land allocation does not reach poor communities in time
- The municipality does not have a Town Planning Department
 - The municipality does not have an approved, long-term local physical development plan to guide development in the town
- Over 30 (thirty) statutory Acts addressing land are in operation, complicating access to land

PROPOSALS

In response to the existing scenario, demonstrated community needs and inputs from various stakeholders, the review team in Mavoko developed the following proposals

LAND ALLOCATION	PROCEDURES	STANDARDS	REGULATIONS
SPECIFIC PROPOSALS	<ul style="list-style-type: none"> ▪ Zoning: Specify some areas for the urban poor ▪ Participatory identification of the allottees ▪ Allotment done through balloting ▪ Comprehensive community-led enumeration process 	<ul style="list-style-type: none"> ▪ Develop specific plot sizes and plot coverage for high density neighbourhoods ▪ Develop wealth ranking criteria ▪ Set the minimum provision of infrastructure services e.g. roads, sewer ▪ Develop appropriate technologies to meet the infrastructure 	<ul style="list-style-type: none"> ▪ Legal framework enabling development targeted at the poor ▪ Legal framework prohibit transferring of plots ▪ Use of appropriate low cost building technologies
GENDER DIMENSION	<ul style="list-style-type: none"> ▪ Participatory identification of actual household heads and dependents ▪ Create awareness amongst the youth and women on their rights to own land. ▪ Identification of household heads regardless of kinship relationships 	<ul style="list-style-type: none"> ▪ Equal representation of women and youth in the decision making process 	<ul style="list-style-type: none"> ▪ Legal framework stating clear balloting procedures ▪ Review of the LCA cap 302 ▪ Review of GLA cap 280 on procedures of land allocation ▪ Review of registration of land under RTA cap 300 on gender issues
DESIGN COST IMPLICATION	<ul style="list-style-type: none"> ▪ Low cost and efficient infrastructure services ▪ Provision of public utility plots ▪ Balancing of uses e.g. residential and commercial ▪ Minimise environmental degradation ▪ Neighbourhood security concept and social fabric 	<ul style="list-style-type: none"> ▪ Minimum cost of design ▪ Use of low cost building materials ▪ Low cost storm water drainage ▪ Easy to maintain 	<ul style="list-style-type: none"> ▪ Adoption of low cost building construction technologies by review/ formulation of LA
INSTITUTION AND PROCESSES	<ul style="list-style-type: none"> ▪ Involvement of all stakeholders (Government, LA, CBOs, NGOs and religious bodies) ▪ Review of land tenure system ▪ Limit ownership by size and taxation ▪ Discourage land speculation through land tax 	<ul style="list-style-type: none"> ▪ Evolve a standard allocation procedure agreed by all institutions 	<ul style="list-style-type: none"> ▪ Registering all parcels of land and issuing of documents

EMERGING ISSUES

To facilitate the adoption of these proposals, it has become evident the following matters will also have to be attended to;

- Development and maintenance of a data base on all available pieces of land and land owners
- Provision of public subsidies to developers
- Presence of Central and Local government (LA) goodwill in ensuring that all affected during relocation are catered for appropriately is being realised
- Recognition of informal settlements in urban planning
- Giving adequate notice in case of eviction to avoid loss and damage to property
- Land sealing and review of lease period
- Incorporation of review considerations into the ongoing constitutional review process, specifically those areas of the constitution that deal with Land laws and slum upgrading.
- Recognition and inclusion of professionals (e.g. Public health workers, water and sewerage officials) in land allocation processes
- Decentralisation of land register to local authorities, supported by the Local Government Reform Programme
- Self regulation by the allottees to ensure no further sub-division and resale of already allocated land

APPLICATION AT MAVOKO LEVEL

Already , some of these proposals are being implemented within Mavoko Municipality , specifically,

- Giving sufficient time in issuing of eviction notices
- A preference for in-situ rather than relocation. In the event of relocation, minimal displacement through negotiated relocation.
- Inclusion of informal settlements within the formal planning process
- Community guided allocation process and comprehensive enumeration
- The municipal council is in the process of developing a Strategic Development Plan, incorporating informal settlements
- The council has demonstrated willingness is willing to apply the proposed guidelines in future resettlements

4. PLOT SIZES DOMAIN

EXISTING SCENARIO

Within the municipality different plot, sizes have been demarcated in different localities. Some of these sizes are not allowable under the edition of the physical planning handbook that is in force, yet the sizes dictated in the handbook are inaccessible to most of the urban poor. Based on the analysis was apparent that a typical plot in Mavoko for residential purposes ranges between 70 to 90 sq metres, considerably smaller than the stipulated minimum national size of 111 sq metres. However, the project has been able to influence the ongoing review of the physical planning handbook so that the minimum plot size has been reduced to 75 sq metres.

SETTLEMENT	DESIGNATION	SUBDIVISION BY	PLOT SIZES	
			RESIDENTIAL	COMMERCIAL
Kenya Meat Commission	Residential cum commercial	Mavoko Municipal council	15x50ft Approx. 70sq.m	20x50ft Approx. 93sq.m
Slota (Kisumu Ndogo)	Residential cum commercial	Mavoko Municipal council	30x33ft Approx. 92sq.m	33x36ft Approx. 110sq.m
Kimongo	Residential	Private	30x60ft Approx. 167sq.m	N/A
Kaswitu	Residential cum commercial	Private	30x65ft Approx. 181sq.m	30x100ft Approx. 279sq.m

KEY ISSUES

The review team identified the following issues for consideration in the review of plot size regulations.

- Modalities and implication of subdivision of plots to smaller units and reselling of allocated plots
- Safety and health implications of plot sizes
- Limited information and understanding by allottees on the allocation and selection process of plot sizes.
- Low awareness levels on the need for proper planning that caters for basic minimum considerations.
- Rationalisation of plot size allocation based on available land and the applicants at a particular time
- Lack of standards on the minimum plot size resulting in extremely small plot sizes

PROPOSALS

Based on the need to consider the factors above, the following proposals were developed by the review team.

- Room considerations to include:
 - Minimum; (9X9 ft) 81 sq feet or 7.5 sq metres.
 - Provision of a safety kitchenette
 - Provision of privacy with at least one bedroom
 - Provision for functional lighting and ventilation windows
 - Flexibility in space arrangement
- Plot consideration (Minimum size: 15x50 Ft/74 sq. M)
 - 15 ft x 50ft or 4.5X15 metres (6.75 sq metres)
 - Provision for the development of rental facilities
 - Provision of a toilet and a bath for (every) 4 dwelling units.
 - Environmental concerns incorporated e.g waste disposal and safety.
 - Coverage to a maximum of 70 % of total plot area.
- Planning consideration
 - Vehicular access at 6.0 metres /20 feet ft to cater for ambulance and fire engines etc.
 - Handcart bicycle and human access paths provided at a minimum of 1.3 metres or 4 feet.
 - Application of a neighbourhood concept in planning and provision of infrastructure
 - Consideration for non motorized traffic
 - Consideration for security issues.
 - Cost of basic infrastructure considered in the choosing of infrastructure typologies and standards.

- Economy of land use due to of limited land availability.
- There should be provision of a nursery school of one quarter of an acre within walking distance.
- Provide reserves for future settlement.

PLOT SIZES	PROCEDURES	STANDARDS	REGULATIONS
Gender dimension	<ul style="list-style-type: none"> ▪ Kitchenette space ▪ Toilet ▪ Wash area ▪ Schools/Nursery 	<ul style="list-style-type: none"> ▪ Width ratio, not less than 1.15 ▪ Avoid irregular shape 	<ul style="list-style-type: none"> ▪ Building codes ▪ By laws ▪ Public health
Critical considerations	<ul style="list-style-type: none"> ▪ Neighbourhood concept ▪ Economy of Space ▪ Environmental concerns 	<ul style="list-style-type: none"> ▪ Rectangular shape 	
Design and cost implication	<ul style="list-style-type: none"> ▪ Affordable costs ▪ Minimum services ▪ Functional approach ▪ Building materials 	<ul style="list-style-type: none"> ▪ Durable building materials ▪ Availability of building materials. ▪ Affordability ▪ Local resource utilisation 	<ul style="list-style-type: none"> ▪ Building codes ▪ By laws ▪ Regular reviews of laws and building practises
Institutions and procedures	<ul style="list-style-type: none"> ▪ Local authority ▪ Settlement laws ▪ Council society ▪ CBOs ▪ Private sector 	<ul style="list-style-type: none"> ▪ Flexibility ▪ Transparency 	<ul style="list-style-type: none"> ▪ Dialogue with stakeholders ▪ Information sharing

EMERGING ISSUES

- Government recognition of the need to reduce minimum plot size from the current 110 sq. M to 75 sq. M
- Self regulation and standards minimise unnecessary reselling of land which result in further sub-division
- Council testing the minimum plot sizes to show pros and cons within the settlements
- Communal facilities and infrastructure are being considered in neighbourhood planning

APPLICATION AT MAVOKO LEVEL

- Regularisation of already allocated plots
- Setting up and adherence to minimum plot sizes (75 sq. M)
- Use of appropriate building designs and technologies
- Menu of options in building materials that are affordable and encourage innovations

5. INFORMATION AND COMMUNICATION DOMAIN

EXISTING SCENARIO

As at the time of the baseline survey, there was an absence of organised groups to facilitate communication within, to and from the community or other information access structures. Owing to the weakness of community groups, some people would be excluded from receiving information. Residents singled out lack of access to critical information as an important factor in perpetuating lack of access to services and development opportunities.

PROPOSALS VIS A VIE EXISTING SCENARIO.

The table below shows the communication dynamics that existed in Mavoko proper to the project, and the recommendations by the community on redressing the imperfections.

	Council communication modes	of Community channel	reception	Community response	Community recommendations
Plot sizes	<ul style="list-style-type: none"> Advertising through the Kenya gazette 	<ul style="list-style-type: none"> Rumours Bararaza Area councillor 		<ul style="list-style-type: none"> Information does not get to the community on time 	<ul style="list-style-type: none"> Council personnel to disseminate information.
Land allocation	<ul style="list-style-type: none"> Verbal notification Letters of allotment 	<ul style="list-style-type: none"> Bararaza Area councillor 		<ul style="list-style-type: none"> The community feels the plot sizes are too small The council needs to inform the community in advance 	<ul style="list-style-type: none"> Standard plot sizes Improved site value Meetings with the municipal council should be convened Chiefs Barazas should be used
Rent	<ul style="list-style-type: none"> Posters Circulars 	<ul style="list-style-type: none"> Council personnel Hand delivery of letters 		<ul style="list-style-type: none"> Poor service standards in relation to rates charged Delays in community reception of information. 	<ul style="list-style-type: none"> Services need to be improved The council should ensure the notices get to recipients in time
Rates	<ul style="list-style-type: none"> Demand note Computer generated bill Verbal information/invoicing Posters 	<ul style="list-style-type: none"> Postage/ hand delivery Verbal information Posters Direct consultations 		<ul style="list-style-type: none"> Bills are usually delayed Community members are not confident in the correctness of the bills (complaints) 	<ul style="list-style-type: none"> Bills to be delivered in time Council to liaise with the ministry to avoid confusion
Water and sanitation	<ul style="list-style-type: none"> Demand note Water bills (invoice) Visits by W&S personnel Maintenance and daily operations. Posters on water tariffs. Verbal communication 	<ul style="list-style-type: none"> Council personnel Postal delivery Hand delivery Scheduled meetings with meter readers 		<ul style="list-style-type: none"> Community feels water tariffs are too high. Maintain ace of the sewer system is poor 	<ul style="list-style-type: none"> Water and sanitation services need to be improved. More service points and water kiosks to be installed, especially in Slota
Schools.	<ul style="list-style-type: none"> Council personnel. Circulars Seminars. Meetings Consultative forums 	<ul style="list-style-type: none"> Visitation. Meetings. Verbal messages. Circulars. 		<ul style="list-style-type: none"> There are sufficient nursery schools, but not enough primary schools The ministry of education needs to look into the construction of more primary schools. 	<ul style="list-style-type: none"> There needs to be more courses to update the skills of teachers. Teachers need to be employed by the ministry of education. The council needs to set up secondary schools.
Groups (CBOs)	<ul style="list-style-type: none"> Telephone messages. Circulars Meetings Visits. Verbal messages. 	<ul style="list-style-type: none"> Council personnel Area councillor and other leaders Barazas. Consultations. 		<ul style="list-style-type: none"> Visits to the people (groups). Information does the people in time. Leaders need to be more involved in-group activities. 	<ul style="list-style-type: none"> Service standards need to be improved. Leaders need to visit the communities more regularly

KEY CONSIDERATIONS IN THE INFORMATION SECTOR

In the course of the review process, the following issues were incorporated the development of proposals

- The existence of a language barriers due to high illiteracy levels
- Limited knowledge of the roles of government offices and access to the Kenya Gazette and other relevant publications
- Lack of focal points for collection and dissemination of information
- Lack of community awareness and capacity to aggressively seek information relevant to their livelihoods
- Inadequate resources for the collection and dissemination of information

RECOMMENDATIONS TO THE INFORMATION SECTOR

The review team, with inputs from the community developed the following recommendations to improve information access by the urban poor within Mavoko.

- Strengthening information generation by the community to inform the regulation process and emphasis placed on community feedback
- Establishment of community notice boards
- Partnership with local institutions (e.g. Daystar University) on modalities of establishing a community radio and exploration of other innovative communication channels
- Adoption of a multi-media approach
- Incorporation of folk-media the communication process
- Development of urban indicators
- Publication of community newsletter linked to both the global and local urban observatory
- Accountability: Local authorities to publicise development plans, budgets and roles of various offices
- Establishment of local area resource centres
- Building capacity of community members to be local communicators

APPLICATION OF RECOMMENDATIONS WITHIN MAVOKO.

- Accessibility to public offices and services has been enhanced now, community members attending the town planning council meetings
- Community notice boards have been set up
- Community institutions and structures (CBO entry points) have been strengthened through CBO training activities
- Community resource persons and councillors have been trained as resource persons to enhance participatory governance
- The establishment of a database on all available and local urban observatory are well underway.

6. WATER AND SANITATION DOMAIN

EXISTING SCENARIO

Like in any other informal settlements in Kenya the relevant authorities in Mavoko have over the years discouraged the provision of basic services to informal settlements as they are considered illegal hence do not qualify for council service. They are also perceived as temporary 'holding grounds. Most plots within the Mavoko Municipal Council are extremely small creating the need for public toilets.

Most settlements have very high person to toilet ratios. Sources of drinking water were limited and the hygiene standards were questionable especially where the water is obtained from boreholes. The council has provided septic tanks in isolated areas under the Municipal Council reform programme, which has also acquired a tractor used for garbage collection. Access to key services is also constrained by relatively high connection fees compared to the income levels of the residents.

Provision water supply is costly within the municipality, and the council needs plenty of water to cover existing users and to cater for plans to increase coverage. Currently the council purchases water from the EPZ at f 37 shillings (0.52 USD) per cubic meter and sells the same at 50 shillings (0.66 USD) per cubic meter. The council also buys a smaller quantity of water from the National Water Conservation and Pipeline Corporation at 15 shillings (0.20 USD) per cubic metre. This high cost is partly due to the tariffs set by the Water Ministry and The National Water Conservation and Pipeline Corporation, which are insensitive to the plight of the consumers. Additional cost for equipment, operation and maintenance costs are absorbed by the consumer, pushing the cost even higher

In addressing these problems, the council faced a number of handicaps:

- Lack of finances: Due to the perpetual shortage of funds, it is becoming increasingly problematical to provide essential services to the residents.
- Lack of information on available options in terms of accessibility, quality, quantity, affordability, and willingness/ability to pay of consumers

These issues have to be addressed before the water and sanitation situation can be improved. These improvements will have to address further constraints such as payoffs between industrial and domestic use, lack of clear mechanisms for solid waste management, the need to comply with the public health Act.

PROPOSALS

The following proposals were developed by the review team, in line with the need to address the challenges above.

Proposals for Water Services			
WATER	PROCEDURES	STANDARDS	REGULATION
Institutional processes	*Council & stakeholders management team	*Transparency *Accountability	*Memorandum of understanding
Specific proposals	*Flexible payment for water, sewerage fee and connection *Council to provide communal water points (kiosks)	*Convenience for both parties *Affordable fees	*Payments in instalments based on ones financial capability
Gender dimension	*Participatory approach incorporating women & youth in management of water points	*The council to regulate fees	*Commitment and regular review
Design/ cost implications	*Collective responsibility, both landlord & tenant	*Suitable management and updated mechanisms	*Stakeholders and the local council

Proposals for Solid waste and Human waste management			
SOLID AND HUMAN WASTE	PROCEDURES	STANDARDS	REGULATION
Specific proposals	*Cleansing department be in-charge	*Convenience for both parties	*Sustainable and cost effective
Gender dimension	*Participatory approach by both women and youth	*Clean environment	*Evaluation and enforcement of public health act
Design/ cost implications.	*Collective responsibility "Landlord"	*Suitable management and updated mechanisms	*Stakeholders and the council

EMERGING ISSUES

- Ecological sanitation; Availability of a menu of options
- Purchase of water by the community in bulk thus lowering the cost
- Council have flexible connection fees affordable to the community
- The need to set up incinerators to be incorporated in the human waste management system
- Recognition of waste producers' role in waste management

APPLICATION AT MAVOKO LEVEL

- The council is considering allowing payment of connection fees in instalments
- Community initiated and managed water points have been installed in one settlement
- The council is now willing to provide f services to informal settlement, including squatter settlements
- Consideration of contours to allow gravity flow of sewer and water has been integrated into land planning and allocation.
- Construction of community managed ablution blocks and solid waste collection points is in progress.
- Enforcement of standard sewer pipe diameters has commenced to ensure the integrity of the sewer system.
- Involvement of the private sector in water and sanitation provision has been adopted by the council

7. CONCLUSION

CHALLENGES

- Politicising of the land allocation process has hindered reforms in this domain.
- High cost of land Vs. the limited financial ability of the local residents poses challenges to access to land.
- Illiteracy levels continue to hinder improvements in the communication domain.
- Lack of a clearly defined and organised structure of governance within the community has limited their participation in governance
- Mechanisms for development control on private lands re very weak, making the enforcement of these proposals on such parcels difficult.

- Lack of coordination between the government ministry of lands and local authority in land allocation will delay the implementation of these proposals.
- Lack of harmony in land legislation policies will take some time to reform despite government currently addressing these.

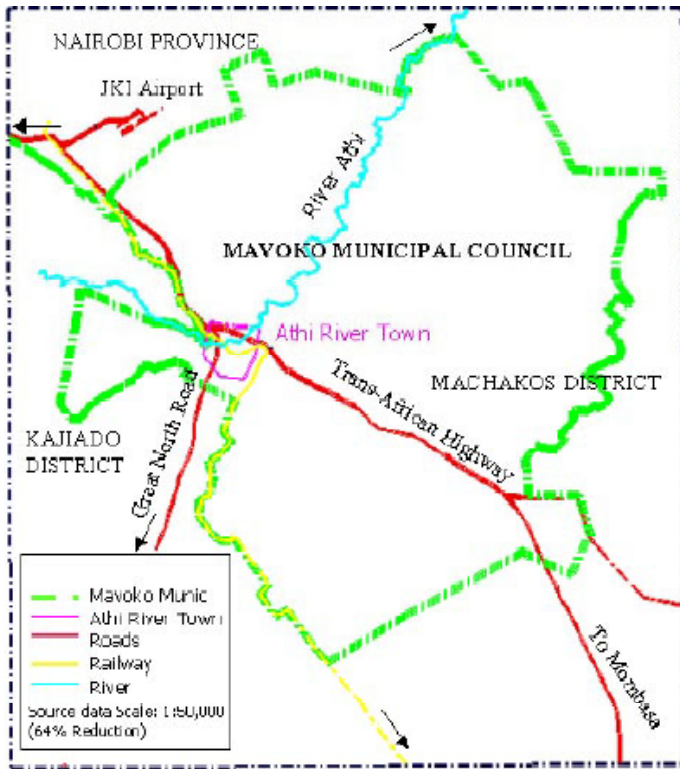
LESSONS LEARNED

- Importance of participatory processes: Involvement of stakeholders planning with the community rather than for the community
- Upgrading is a process rather than a product
- Building on existing indigenous knowledge
- Institutional capacity building for local authorities and communities to manage the upgrading process
- Information access and flow as a driving force in urban upgrading process

MILESTONES IN THE REVIEW

- Institutionalisation of a participatory approach to planning by the government (Physical Act 1996, cap 365)
- Council testing of guidelines and pledge to adopt RGUU proposals in future planning
- Government recognition of the need to reduce the current 110 sq. M minimum plot size to 72 sq. M
- Recognition of informal settlements in urban planning and mapping
- Relevance of the government's reform process (e.g. LAFT, LASDAP, Single business licences, mixed land use) which have both promoted active community participation and accountability
- Review of land legislation and allocation procedures
- Devolution of powers to LA in resource management and development
- Creation of meaningful partnerships

8. ANNEX: KENYA FACT FILE AND LOCATION OF MAVOKO



Kenya Fact File	
Location:	Eastern Africa, bordering the Indian Ocean, between Somalia, Uganda, Ethiopia, Sudan and Tanzania
Area:	582,650 sq KM
Population:	31.1 M (July 2002)
Literacy rate:	78.1%
Capital:	Nairobi
GDP:	12.1 B U.S \$ (2002 est.)
GDP: Composition by sector (2002 est.)	Agriculture 19.1% Industry: 18.3% Manufacturing: 12.7% Services: 62.2%
GDP growth rate:	1% (2001 est.)
Popn. below poverty line:	50% (2000 est.)

9. ANNEX: SHELTER TYPOLOGIES IN MAVOKO



Photographs exhibiting the shelter types in Mavoko settlements
Credits: ITDG staff

10. ANNEX PROFILES OF THE RGUU- MAVOKO TEAM

- ITDG-EA

ITDG was founded in 1966 by the radical economist Dr. E.F. Schumacher as evidence that his philosophy of 'Small is Beautiful' could work. Today, ITDG works in Bangladesh, East Africa, Latin America, Nepal, South Asia, Southern Africa, Sudan and the United Kingdom, pursuing its Vision of A world free of poverty and injustice in which technology is used to the benefit of all. ITDG's work is structured into four aims: Reducing vulnerability, Production and markets: Access to services and New technologies.

The RGUU process in Kenya has been undertaken within the Aim Three; Access to services.,

- NACHU

NACHU was founded in 1979 by an alliance of religious, government and civil society actors who felt the need to establish housing finance for the poor, since 1987 NACHU has operated as a membership organisation constituted by various housing cooperatives country wide. NACHU has provided valuable inputs on planning of low cost housing

- PAMOJA TRUST

This is a Grassroots NGO registered as a Trust and in operation since 1997 when it premiered as the Muungano wa Wanavijiji movement. Pamoja Trust as an entity was then established in 2000 with the support of several churches committed to fighting for the recognition of informal settlement, fighting land grabbing and evictions in informal settlements. Pamoja Trusts contributions on the land allocation process have been instrumental to the development of the proposed guidelines

- MINISTRY of LANDS AN HUMAN SETTLEMENTS – PHYSICAL PLANNING DEPARTMENT.

This is the principal government body dealing with physical and planning affairs in the country. The participation of the department has enabled proposal on plot sizes to be incorporated in the physical planning handbook, ensuring their application countrywide.

- MINISTRY of LANDS AN HUMAN SETTLEMENTS- HOUSING DEPARTMENT.

The mandate of the housing department covers Formulation of housing policy. Coordination of slum upgrading, and acting as the National Secretariat for human settlement matters.

- MINISTRY of LOCAL GOVERNMENT-KENYA LOCAL GOVERNMENT REFORM PROGRAMME

(Kenya local government reform secretariat) this is charged with initiating changes that will enable local authorities to be more efficient in service provision. Among its initiatives are the single business permit and the integrated financial management system

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