

Sanctuary in the city? Urban displacement and vulnerability in Nairobi

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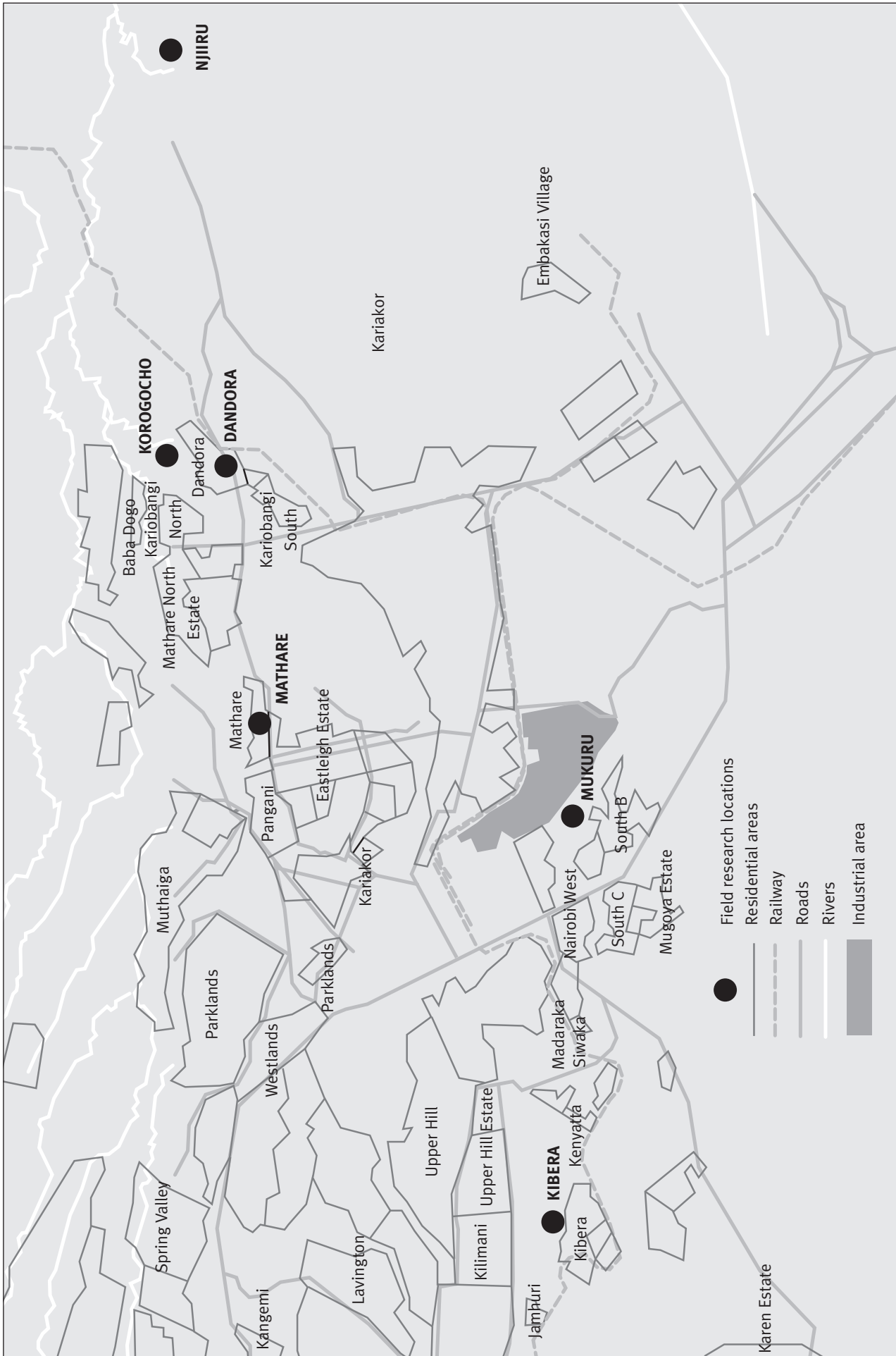
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Map of Nairobi



Chapter 1

Introduction

In recent decades, many cities and towns around the world have seen dramatic population growth, with significant inflows from rural areas. A prominent feature of this global trend of urbanisation is forced displacement triggered by armed conflict, violence and political instability and slow- and sudden-onset disasters – or a combination of these factors. Many of those forcibly displaced have moved to urban areas in search of greater security, including a degree of anonymity, better access to basic services and greater economic opportunities. Today, approximately half of the world's estimated 10.5 million refugees and at least four million internally displaced people (IDPs) are thought to live in urban areas (UNHCR, 2009; Fielden, 2008).

While a number of studies in recent years have sought to analyse urban livelihoods and governance, little is known about how displaced people negotiate their way in the urban environment, their relationships with host communities and governance institutions and their specific vulnerabilities as compared with other urban poor. Likewise, the role of humanitarian and development actors in supporting these populations, and the strategies and approaches best suited to address the assistance and protection needs of urban IDPs, are poorly understood.

This study of displacement and urbanisation in Nairobi is part of ongoing work on urban displacement conducted between 2010 and 2012 by the Humanitarian Policy Group at the Overseas Development Institute (ODI), in cooperation with the Internal Displacement Monitoring Centre (IDMC) and the International Committee of the Red Cross. The project, which is primarily supported by the Ministry of Foreign Affairs of Denmark, will explore the phenomenon of displacement in the urban environment and the implications and challenges it poses for humanitarian action. Through field research in eight urban centres in Africa, the Middle East and Central Asia, the project considers the reality of life for displaced people, investigates the policy and operational challenges that confront national and international stakeholders when responding to the needs of urban IDPs and refugees and offers recommendations for strengthening support to these groups.

This research project is part of a larger body of work undertaken by HPG on urbanisation, including a DFID-funded research study on urbanisation in Sudan ('City Limits: Urbanisation and Vulnerability in Sudan', published in January 2011) and a study of urban refugees in Nairobi undertaken jointly by HPG and the International Rescue Committee (IRC), in partnership with the Refugee Consortium of Kenya (Pavanello et al., 2010).

1.1 The study

In recent decades Kenya has seen rapid urbanisation. In 1999, one-third of the population was estimated to be living in urban settlements (Mohanty, 2010). This is expected to rise to 60% by 2030 (GoK, 2008). The population of the capital, Nairobi, has grown more than ten-fold since 1960, representing some of the highest population growth rates in Africa (Oxfam, 2009). Covering only 0.1% of the total surface of Kenya, today Nairobi hosts up to 8% of the country's total population (NCC et al., 2007) – approximately 3.1 million people according to the official 2009 census, though the census data has been widely disputed (KNBS, 2010). This rapid urbanisation is driven by a complex interplay of factors including chronic under-development, marginalisation, political and ethnic violence (most recently in the wake of elections in 2007), climatic hazards, poor land management and limited social and economic opportunities. Forced displacement has been one of the key drivers of this urbanisation over several decades and Kenya currently has one of the largest IDP populations in Africa (KHRC and IDPs Network, 2010). Nairobi, the capital, has been a place of refuge for displaced populations from other areas of the country, but there has also been forced displacement within the city – during the post-election violence in 2007 and 2008, for example.

Despite the prominence of urbanisation and displacement in Kenyan life little is known about the challenges facing urban refugees and IDPs and the urban poor more generally. Previous HPG research on urban refugees in Nairobi (Pavanello et al., 2010) found that they often experience the same challenges in everyday life as poor Kenyans in the city, including dire living conditions, poor access to basic services and exposure to criminal and other violence. However, this research found that urban refugees also face particular problems because of their displacement status, including discrimination. This latest study focused specifically on urban IDPs, with a view to understanding the challenges they face and how these compare with the general urban poor population in the capital.

The findings of this study challenge assumptions about internal displacement and vulnerability. While the study did find evidence of heightened vulnerabilities relating to displacement, it was also evident that all urban poor in Nairobi's slums have very significant needs and face similar threats to their health and wellbeing. Furthermore, the vulnerabilities of many of the displaced were not static. Rather, settlement in Nairobi by some displaced populations from outside the capital is a coping mechanism that appears to have reduced key vulnerabilities relating to food security, health and education. As was the

case with urban refugees in the city, the vulnerabilities of IDP populations have, to a degree, been mitigated by certain forms of social organisation and support provided through family, social and ethnic ties – there is a strong sense of communities working to help each other. However, the study also found that ethnic tensions persist between key groups in the slums, including between displaced and non-displaced groups. Violence following disputed elections in December 2007 and January 2008 had a profound impact on the populations in these areas, with many of those affected (whether displaced or not) still fearful of a resurgence of ethnic violence, particularly surrounding the next elections in 2012. Indeed, the implementation of a new Constitution is unlikely to have addressed the deep-rooted causes of these tensions by that time, increasing the risk of a repeat of the violence.

This report argues that the predicament of the growing urban poor population in Nairobi is essentially a development crisis – the vulnerabilities and needs of the wider urban poor, including displaced people, stem from the consistent failure of the Kenyan authorities to invest in basic services, urban infrastructure, housing and livelihoods for the millions living in the slums of the capital. The state has effectively failed to properly address the needs of its poorest and most vulnerable citizens.

1.2 Objectives and methodology

Undertaken in partnership with the IRC Country Office in Kenya, this study aims to:

- deepen understanding of the history and drivers of displacement in Nairobi;
- review policies and legal frameworks for IDPs, including in relation to housing and land;
- discuss the specific protection threats affecting IDPs in Nairobi and how they compare with those facing other groups of urban poor;
- assess the specific vulnerabilities of IDPs, particularly in relation to access to basic services, urban infrastructure and livelihood opportunities, and how they compare with other urban poor; and
- identify how the international aid community can best engage with IDP populations living in Nairobi, and the implications for humanitarian and development programming in this regard.

As with the other case studies in this series, this report uses a qualitative research methodology. Data came from both primary and secondary sources. An initial literature review was conducted in August–September 2010, and included a review of existing research data and reports, needs assessments, evaluation reports, media and other publications. Researchers were also able to collate and analyse additional secondary data throughout the field research period. Primary data was collected during a seven-week period of field research in Nairobi

between October and December 2010. An experienced team of three international researchers and five local researchers conducted field work in six informal settlements and slums in the city: Kibera, Mukuru Kwa Njenga, Korogocho, Dandora, Njiiru and Mathare. Quantitative data provided by the Internal Displacement Monitoring Centre (see below) and qualitative data (literature review and key informant interviews) indicated that these areas hosted large mixed urban poor populations including IDPs, recent economic migrants and long-term urban poor. Many had also been the scene of violence during the post-election period in 2007–2008. Neighbourhoods within these areas were further identified using existing data and consultations with local key informants, including NGOs, CBOs, offices of local chiefs and community leaders to determine the highest concentrations of IDPs, recent economic migrants and long-term residents that would be physically accessible to researchers. Residents were identified for participation in focus group discussions (FGDs) using random household sampling, though the researchers sought to ensure equitable coverage of the different population groups – IDPs and non-displaced populations.

FGDs were organised based on gender and age, with separate FGDs for male and female youth, male and female elders, female-headed households and male and female adults. FGDs covered residents from a range of social (e.g. employed, unemployed, business-owners, etc) and ethnic backgrounds. It was not possible or necessarily appropriate to actively target FGD participants from a particular ethnic group. However, due to the ethnic settlement patterns in some areas, some FGDs included one particular ethnic group (e.g. Nubians), and others were mixed. Ethnic groups residing in these neighbourhoods include Nubians, Luo, Luer, Kikuyu, Kalenjin and Luhya. Preliminary information provided by local key informants assisted in grouping FGD participants as IDPs or other urban poor. More detailed information relating to the reason for living in specific areas of the city, including the voluntary or forced nature of movement from their place of origin, was collected through FGDs. In total, 140 focus group discussions were conducted (76 with IDPs, 64 with other urban poor), ranging in size from two to 15 participants; the average size was five.

In total, 456 IDPs and 384 other urban residents were interviewed. Key informant interviews were conducted with a wide range of local, national and international actors including government and municipal agencies, UN agencies, national and international NGOs, local networks and CBOs, teachers, community leaders and health workers. In order to encourage a higher level of participation and frankness, all interviews were confidential and interviewees were advised there would be no attribution in this report. Researchers introduced the research project to all FGD participants and key informants, explaining the background, rationale for the study, the methodology and objectives. Both FGD participants and key informants were invited to participate in the study

freely, without expectation of financial remuneration or other support. Researchers explained that this was a public report that would be shared with a wide range of stakeholders. The FGDs and key informant interviews were semi-structured, using a checklist of guiding questions covering issues relating to personal history, reasons for residence in Nairobi, access to services, protection threats and access to justice, governance and land (the checklist is available on request). In total, 99 interviews were conducted, 87 with local and national actors and 12 with international actors.

A number of challenges were encountered in implementing the field research, including the sheer size and spread of Nairobi and its population, the logistical difficulties involved in travelling around slums and informal settlements and significant 'survey fatigue'. Residents frequently declined to participate in the research, or would only participate if they were reimbursed for their time. This research project has a policy on non-payment for FGD participants or key informants, which was clearly explained to residents approached by the research team. In addition, a small number of respondents were uncomfortable discussing issues relating to governance, security or family income; some did not clearly recall dates, particularly in relation to their arrival in Nairobi. Local researchers noted where they felt that interviewees were reluctant to give detailed answers.

The field research was complemented by a profiling study conducted by the Internal Displacement Monitoring Centre and Tufts University immediately prior to the field work. IDMC and Tufts conducted a household survey that used a sample of about 850 respondents from all the districts of Nairobi in an effort to identify those who were most likely to be IDPs and compare their experience in the city with that of non-displaced people. The methodology followed that of earlier Tufts-IDMC studies (IDMC, 2008). The findings, however, gave only a snapshot of the situation and in some cases provided only a superficial view. Targeted and more in-depth interviews, such as the ones used for the present report, were needed to draw more definitive conclusions with regard

to issues such as migration and displacement patterns, experience of harassment, discrimination as to housing or employment rights.

1.3 Terminology

This report follows UN-HABITAT's definition of 'slums' and 'informal settlements'. A slum is defined as 'an area that combines, to various extents ... residents' inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structural quality of housing; overcrowding; and insecure residential status' (UN-HABITAT, 2006). 'Informal settlements' are defined as '(i) residential areas where a group of housing units has been constructed on land to which the occupants have no legal claim, or which they occupy illegally; (ii) unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorised housing)'. In this report, both terms are used interchangeably.

This report uses the definition of 'internally displaced persons' articulated in the UN Guiding Principles on Internal Displacement (1998):

persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

This definition has also been adopted by the Protocol on the Protection and Assistance to IDPs of the International Conference of the Great Lakes Region Pact on Security, Stability and Development and the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). It is also the definition used in the current draft of Kenya's national policy on internal displacement (see Chapter 3, Legal and Policy Frameworks).

Chapter 2

Internal displacement and urbanisation

2.1 History and drivers of internal displacement in Kenya

Kenya is one of the most rapidly urbanising countries in Africa. It is estimated that, by 2015, approximately half of the country's population will be living in urban areas (UN-HABITAT, 2007). Internal displacement, a key driver of this urbanisation process, has been a major feature of Kenyan history for decades, to the extent that the country is thought to host the seventh-largest IDP population in Africa (KHRC and IDPs Network, 2010).¹ Recent general estimates put the number of IDPs at 399,000.² The causes of this displacement include natural disasters, particularly droughts and flooding, political and ethnic violence, under-development and, in pastoral areas, localised violence including cattle-rustling and cross-border attacks by armed groups from Somalia.

In many cases, the causes of displacement are inter-linked. In northern Kenya, for example, ethnic violence stemming from contested access to dwindling natural resources is in turn related to chronic social and economic under-development. In central Kenya communities have been displaced as a result of ill-conceived government strategies intended to preserve the forest cover that has been eroded by inadequate conservation management and community development. Repeated outbreaks of ethnically-charged political violence are closely linked to access to land and the failure to implement rights-based land policies. In most cases there is no single cause of displacement, and the line between 'voluntary' migration and 'forced' displacement is often blurred. Rather, displacement is a function of a complex interplay of factors compounded by endemic corruption, poor governance and weak rule of law. Understanding the complexity of these drivers remains a key challenge to addressing the situation of internal displacement in Kenya.

A consistent feature throughout this history of displacement has been the reluctance on the part of the national authorities, and to a degree within the international community, to recognise and address internal displacement. In the wake of the dramatic displacement of hundreds of thousands of people in December 2007 and January 2008, following the violence that erupted over the presidential elections, both the national authorities and the international community have begun to recognise both the impact of displacement on those affected and its effects in the broader national context. However, monitoring of internal displacement, including identifying

¹ IDMC estimates the number of conflict- or violence-related IDPs in Kenya at 250,000, and rates Kenya as having the fifth-largest IDP population in Africa. See 'Internal Displacement: Global Overview of Trends and Developments in 2010', IDMC, March 2011

² Pers. comm., Sarah Khan, UNHCR, August 2010.

IDPs, their locations, their needs and vulnerabilities, and the provision of targeted support to them, remain extremely weak.

2.1.1 Political violence

Recurrent bouts of politically instigated ethnic violence, particularly around presidential elections, can be traced back to the advent of multiparty politics in the 1990s. Exploiting tensions related to land and other resources has become a political strategy to retain or win power by designating areas as 'exclusive' to particular ethnic groups and changing the electoral demographic in order to predetermine election results and facilitate land-grabbing by powerful individuals, often associated with the government (HRW, 1997; HPG, 2008; Kamungi, 2002). In the 1990s, for example, President Daniel arap Moi, of Kalenjin ethnic origin, portrayed the opposition as a Kikuyu-led movement intent on an 'exclusionary ethnic project to control land' (HPG, 2008: 4). As a result, to reclaim access to what was considered 'stolen' land thousands of Kikuyu were displaced from the Rift Valley and western Kenya. In subsequent elections in the 1990s these politically aggravated land grievances and associated ethnic violence enveloped much of the country, resulting in large-scale displacement. Between 1991 and 1997, election-related clashes uprooted more than 600,000 people across the Coast, Rift Valley, Nyanza and Western provinces (KHRC and IDPs Network, 2010).

According to official figures, the most recent outbreak of election-related violence uprooted some 660,000 people. There was, for the first time, substantial coverage in the national and international media of this displacement, and a major response was mounted by the government and other actors. According to UNHCR, those who have remained in displacement since the post-election violence can be categorised into three groups: 1) IDPs who have formed self-help groups and have bought their own land, choosing not to return to their place of origin; 2) IDPs who returned to their general area of origin but continue to live in 'transit sites' because they are waiting to be rehoused or for assistance to build their own homes, or because they feel safer living in transit sites than in their original communities; and 3) IDPs who sought safety in urban areas, residing with host communities (with clan members or relatives), or renting accommodation (UNHCR, 2010). A large number of key informants believe that the latter group is likely to be the largest, but as there has been no accurate monitoring of the displaced since late 2008 no accurate statistical information is available.

2.1.2 Natural disasters and resource conflicts

Droughts and flash floods have resulted in significant displacement in northern Kenya. In early 2010, for example,

Table 1: Number of people affected by droughts in Kenya, 1975–2006

Year	Number of people affected by drought
1975	16,000
1977	20,000
1980	40,000
1983–84	200,000
1991–92	1,500,000
1996–97	1,450,000
1999–2001	4,400,000
2004–06	3,500,000

Source: Adapted from GoK, 2009.

floods affected around 30,000 people; more than 2,700 were displaced in Turkana district alone (KRC, 2010). Meanwhile, increasingly frequent and severe droughts are affecting more and more Kenyans, particularly in northern pastoralist areas. With little or no time to recover between drought episodes, the resilience of pastoralist communities has been progressively eroded, and they have become increasingly dependent on aid. At the height of the 2005–2006 drought, for example, 3.5 million people received food aid (Kenya Food Security Steering Group, September 2006: 1, in IDMC, 2006). Successive droughts have forced pastoralist groups to move their livestock away from traditional grazing areas in search of water and pasture. Tensions relating to their encroachment on land belonging to other communities frequently escalate into violence.

The challenges facing Kenya's pastoralists have been exacerbated by decades of economic, social and political marginalisation and adverse national policies that have prioritised agricultural development and the sedentarisation of pastoralist communities. Boundary changes have constrained seasonal mobility, a key pastoral livelihood strategy, and have increased competition for resources. The infrastructure in pastoralist areas is poor and basic services are inadequate. Over 60% of the population of Kenya's Arid and Semi-Arid Lands (ASAL) are thought to be living below the poverty line (GoK, 2009); no longer able to provide for themselves and their families, many are forced to abandon their traditional way of life and seek new livelihood opportunities in urban areas (IDMC, 2006).

2.1.3 Environmental conservation and forced evictions

Efforts to conserve Kenya's forests have resulted in the forced eviction of large numbers of people (see Table 2). The government justifies these evictions on the grounds that water catchment areas and forest cover must be protected (COHRE, 2007). In its support the government frequently cites the recommendations of the Report of the Commission on Irregular Allocation of Public Land of 2004 (known as the Ndungu report), which noted the entrenched practice of land grabbing and the illegal appropriation of public land by individuals and corporations. The Ndungu report also made recommendations for the restoration of illegally allocated

Table 2: Number of people affected by forest evictions in Kenya, 2004–2006

Year	Location	Approximate number of people affected evictions
2004	Sururu forest	4,000
2005	Mau forest	10,000-50,000
2006	Eburu forest	40,000
2006	Mount Elgon forest	3,000
2006	Kipkurere forest	2,950
2006	Emborout forest	8,000

Source: Adapted from COHRE, 2007.

lands and the prevention of future illegal allocations (Southall, 2005). While the rationale for evictions may be legitimate, in most cases the manner in which they have been carried out has raised serious human rights concerns, including relating to the provision of alternative housing, consultation and notification and the right to appeal eviction orders.

2.2 Displacement and urban growth in Nairobi

Many of Kenya's displaced have sought refuge in Nairobi (HRW, 1997; Kathina Juma, 2000; UN DPMCU, 2002; UNIFEM, 2002; Klopp and Sheekh, 2008; More, 2010), attracted by the relative security and anonymity of the capital, and the services and economic opportunities they believe are available there. Most end up in the city's slums and informal settlements. While life there may be marginally preferable than in home areas it is still marked by deprivation and squalor. Located directly adjacent to the wealthy, modern part of the capital, these informal settlements are overcrowded, under-served and insecure. Most residents of the slums, displaced and non-displaced alike, are relative newcomers to the city; only 20% of Nairobi's residents below 35 years of age are believed to have been born in the city (Zulu et al., 2006).

There is no accurate data on the number of IDPs currently residing in Nairobi. The lack of available data – on numbers, demographics, living conditions and needs – stems in part from the difficulties involved in differentiating between IDPs and other groups in densely populated urban areas. As with urban refugees (Pavanello et al., 2010) IDPs have been absorbed into the urban fabric and are dispersed over a huge geographic area. In addition, many IDPs, including a number interviewed for this study, are reluctant to come forward or be identified as IDPs for fear of reprisal or discrimination. The complex nature of people's displacement experience, and the often overlapping reasons for population movement, also mean that it is difficult to clearly distinguish between those who have been forcibly displaced and those who have come to the city voluntarily in search of a better life. The lack of data is also a function of the government's reluctance to recognise and address the issue of internal displacement in the country as a whole.

Table 3: Number of displaced by forced evictions in Nairobi, 2004–2010

Date	Number of displaced people/families	Location
February 2004	1,000–2,000 people	Raila Village, Kibera
July 2005	140 people	Kibagare Settlement
September 2005	850 families	Deep Sea Settlement
August 2006	1,200 people	Molaa Village, Donham
September 2006	600 families	Komora
March 2007	500 families	Mburukenge village
March 2007	Tens of families	Roadside traders Waiyaki Way
July 2007	More than 100 people	Traders along Madaraka/Langata road
July 2007	Over 1,000 families	Mukuru
August 2009	5,000 people	Mukuru Kwa Njenga
July 2010	100 homes and 450 market stalls	Kabete NITD
September 2010	Tens of traders	Muthurwa Market
December 2010	2,000 people	KPA slums

Sources: COHRE, 2007; Amnesty, 2009; newspaper articles;⁴ study data.

Displacement *within* Nairobi is also hard to monitor, though the findings of this study suggest that it is happening on a significant scale. Intra-urban displacement is primarily related to political and ethnic violence and forced evictions. In the wake of the election violence of 2007–2008, an inter-agency rapid assessment led by OCHA indicated that concentrations of ethnic groups had been displaced. For example in Mathare, the majority of Kikuyus were forced to flee their homes, in Dandora Kikuyus and Luos displaced one another and in Kibera, the scene of some of the most violent clashes, various ethnic groups were forced to flee (Inter-Agency Assessment, 2008). Kwangware reportedly received a number of people displaced from Kibera. Mukuru Kwa Njenga served as a hosting community for some IDPs and a transit point for others, who then moved on to other parts of the country (Kituo Cha Sheria, 2010).

Many of those displaced by the violence initially took refuge in Jamhuri Park and City Park or in the compounds of chiefs and District Commissioners (IDMC, 2008). Between January and February 2008, a UNICEF-led rapid assessment recorded around 34 IDP sites in Nairobi (UNICEF et al., 2008).³ Some respondents for this study confirmed that they had fled to these sites. Many others reported that they sought safety with relatives

³ Both official IDP camps and unofficial IDP sites, i.e. sites with no formal camp management mechanisms in place.

or friends and in areas of the city with high concentrations of their ethnic group. Many of these ‘hidden’ IDPs were effectively ignored by the government and by international agencies (South Consulting, 2010).

Forced evictions in the slum areas are linked to the ill-planned, inequitable or corrupt distribution of and access to land. There are two primary categories: evictions conducted by government and parastatal entities in an attempt to retrieve land for transport or other infrastructure; and evictions conducted by private landlords in relation to rental disputes or the sale or change of use of the land or property. According to the Centre on Housing Rights and Evictions (COHRE), there has been a significant increase in forced evictions since 2004, driven largely by infrastructure development (COHRE, 2007; see also Amnesty, 2009) and the government’s slum upgrading programme. In Kibera, for example, the construction of a bypass ring road to ease traffic congestion has led to the displacement of between 1,000 and 2,000 people in Raila village (COHRE, 2007). The Kenya Railways Corporation intends to clear land inhabited by more than 100,000 people to pave the way for a railway line through Mukuru and Kibera (*ibid.*).

⁴ See <http://www.standardmedia.co.ke/InsidePage.php?id=2000018095&catid=4&a=1> and <http://www.standardmedia.co.ke/InsidePage.php?id=2000024577&catid=253&a=1>.

Chapter 3

Legal and policy frameworks

3.1 Legal frameworks

Kenya is obligated under international, regional and national law to protect the rights of all of its citizens, including those who are internally displaced. However, despite being a state party to a wide range of international and regional treaties, and notwithstanding the development of national legislation and policy frameworks, implementation of law and policy on human rights in general, including for the protection of displaced populations, has been consistently poor. Arbitrary displacement has continued, and once displaced IDPs have been marginalised by the authorities and effectively denied a range of civil and political, economic, social and cultural rights.

At the international level, Kenya has acceded to a wide range of human rights treaties including the international bill of rights (OHCHR, 2010). It has also ratified and domesticated the Geneva Conventions of 1949 and the 1951 Convention Relating to the Status of Refugees.⁵ At the regional level, Kenya has also ratified a wealth of African Union (AU) human rights treaties, including the African Charter on Human and People's Rights and the Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. Kenya is also a state party to the Pact on Security, Stability and Development in the Great Lakes Region (the Great Lakes Pact), which contains a number of general human rights provisions. As a state party to the Pact and its Protocols on the Protection and Assistance to Internally Displaced Persons and the Property Rights of Returning Populations, the Kenyan government is legally obliged to adopt and implement the UN Guiding Principles on Internal Displacement. Although Kenya has yet to sign and ratify the African Union Convention on the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), its endorsement by the AU places additional pressure on the government to develop national legislation protecting the rights of IDPs.

The primary sources of national law include the Constitution, Acts of Parliament and other specific pre-independence Acts, African customary law and Islamic law. The new Constitution, signed into law on 27 August 2010 following a national referendum, is central to the national legal framework. Although the Constitution guarantees a range of fundamental human rights, it will be several years at least before it is fully implemented and there are concerns regarding the resources and the political will required

to ensure its speedy implementation. In theory the new Constitution represents a fundamental change in law, policy and practice in Kenya, and addresses deeply entrenched sources of conflict to do with land, political power and ethnic divisions. However, there are unrealistic expectations within the wider populace that, now that it has been enacted, the Constitution will in practice have such a transformative effect on the legal and political landscape, not least given Kenya's poor record in implementing even basic legislation. Should these expectations not be met there is a real risk of violence around the next elections.

3.2 The national IDP policy

Following several years of advocacy by international, regional and national actors, the government began formulating a national IDP policy in 2009. The drafting process has been led by the Ministry of State for Special Programmes (MoSSP), working closely with the Protection Working Group on Internal Displacement, which is co-chaired by the Ministry of Justice, National Cohesion and Constitutional Affairs and the Kenya National Human Rights and Equality Commission. The process has also been supported by international partners including the UN High Commissioner for Refugees, the Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, UNICEF and OCHA. Two major national stakeholder consultations were held in July 2009 and March 2010, bringing together key representatives from government, civil society, other national actors and the United Nations to discuss and agree the draft policy. As articulated by the Protection Working Group, the draft policy provides an overall framework to prevent, provide for and resolve issues of internal displacement (PWG, 2010). It seeks to coordinate the national response to internal displacement and covers the rights of IDPs throughout the various phases of displacement. The definition of IDP closely follows that of the UN Guiding Principles on Internal Displacement (see p. 3).

The definition in the draft policy also includes causes of displacement that are pertinent to Kenya, including 'politically instigated violence or inter-communal hostilities such as competition over lands or other resources' (MoSSP, 2010: Chapter 2, article 2), natural disasters and displacement caused by evictions undertaken in the context of large-scale development projects.

The draft policy is largely consistent with Kenya's obligations as a state party to the Great Lakes Pact and its IDP-related protocols, and with the provisions of the Kampala Convention. At the national level, the draft is largely consistent with the new

⁵ The International Bill of Rights includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Box 1: The national IDP policy

The draft sets out the background and process through which the policy was developed, how it links with the wider international and regional legal framework applicable to Kenya and how it will be implemented. It also outlines in detail the full range of rights of internally displaced persons throughout the phases of displacement. In relation to preventing displacement, the draft lists a number of measures ranging from awareness-raising and capacity-building for law enforcement and other government agencies to more effective disaster risk reduction measures. It also defines ‘arbitrary displacement’, providing criteria under which forced evictions, relocations and evacuations can be conducted. It elaborates on the rights and needs of IDPs both during short-term and protracted displacement, and describes the principles and processes which will promote an end to displacement. It also affirms the role of the Ministry of State for Special Programmes as the national coordinating body on internal displacement issues; it outlines the roles of other national, regional and international stakeholders and reaffirms the commitment of the government to ratifying and implementing relevant regional legislation, including the Kampala Convention.

Source: MoSSP, 2010.

Constitution, but is being reviewed to ensure that it reflects the new devolved governance structure. It is not intended to become an Act of Parliament, but rather will serve as policy guidance upon which laws will be enacted.⁶ It will also have implications for existing and forthcoming legislation and policy on other issues, particularly the national land policy, the draft policy on peace-building, reconciliation and conflict management, the draft national disaster management policy, the Child Protection Policy and the draft Eviction Guidelines.⁷

As at May 2011, the draft had yet to be submitted for Cabinet approval, although a memo from the Ministry of State for Special Programmes has been prepared. The Cabinet must approve and then refer the draft for parliamentary approval. A draft advocacy plan is being formulated, and an abridged version of the policy is being developed to facilitate awareness-raising. In addition, a parliamentary committee on IDPs was constituted in December 2010 and was scheduled to submit its first report in June 2011 (GoK, 2010c: 41). There is concern amongst many national and international actors that, although the various levels of government have repeatedly stated their commitment to ensuring the final adoption and implementation of the IDP policy, progress has been very slow since the draft was completed in March 2010. These concerns are not surprising given the habitually slow legislative and policy development process in Kenya, and poor implementation rates. The national IDP policy is closely linked to the new Constitution, and it is likely that its adoption

⁶ Interview with Mr. Musembei Nyamai Michael, Assistant Director, Mitigation and Resettlement, Ministry of State for Special Programmes, Nairobi, Kenya, 3 November 2010.

⁷ As above.

and implementation will be dependent on progress on the implementation of the Constitution.

In terms of process, although throughout there has been consultation with a wide range of actors in the development of the consolidated draft, most respondents and local informants for this study were not aware that a national IDP policy was being developed. Whilst this may be symptomatic of a wider problem relating to political participation and governance in Kenya (as considered in Chapter 7, Governance), it is essential that the draft is shared with IDP and host communities as soon as possible to facilitate a wider consultative and participatory process.

3.3 National urban development policy and Nairobi Metro 2030

Since the 1970s, and particularly since the formulation of Kenya’s Second National Development Plan (1970–74), Kenya has focused on the development and growth of the agricultural sector, with little consideration for the urban sector and the expanding urban population (Richardson, 1980). During the 1990s the government started to recognise the need to prioritise urban areas in long-term national development strategies. The Five Year Development Plan (1993–97), for example, acknowledged ‘the role and contribution of urban centres towards economic development’ (NUDP, 2008: 10). More recently, national economic plans such as the Kenya Vision 2030 and the Medium Term Plan 2008–12 have reaffirmed national policy commitments to the development of urban areas. Achieving ‘an adequately and decently housed nation’ by 2030 is a cornerstone of Kenya Vision 2030, and housing and urbanisation is a key focus area of its social pillar (GoK, 2008). In 2008 the Office of the Deputy Prime Minister and the Ministry of Local Government started formulating a National Urban Development Policy (NUDP, 2008).

The decades-long neglect of urban Kenya in national plans and the lack of a strategic approach to urban development are reflected in Nairobi’s long-standing unregulated expansion. Until recently, Nairobi’s massive spatial sprawl has taken place in a planning vacuum as the capital has lacked a comprehensive and updated Master Plan. In 1927 Nairobi covered an area of only 77km.² Today the city covers some 700km² (UNEP and UN-Habitat, 2007). Despite this massive expansion, until 2008 the only operational plan approved for Nairobi was the 1948 Master Plan, which was created to cater for a small colonial city (CCN, 2007; Omwenga, 2008). The second comprehensive Master Plan, the Nairobi Metropolitan Growth Strategy, was formulated in 1973, and aimed to provide strategic guidance for the city’s growth up to 2000. This Plan was however never implemented (NESC, 2007; Omwenga, 2008). Since then a number of small-scale development plans have been drawn up by various government agencies, but these have been short-term and *ad hoc*, and have lacked integration, coordination (Omwenga, 2008) and a comprehensive approach to the development of the city as a whole. Some of the more glaring consequences

of this absence of strategic direction include the proliferation of slums, weak links between rural and urban development and uncoordinated activities among the many institutions and stakeholders operating in urban areas (NUDP, 2008).

Moves to create a much-needed urban development strategy for Nairobi started in 2008 with the establishment of the Ministry of Nairobi Metropolitan Development (MNMD).⁸ The MNMD has set out a comprehensive long-term plan, Nairobi Metro 2030, which aims to stimulate and manage the growth and development of the Nairobi Metropolitan Region (NMR).⁹

⁸ See http://www.nairobimetro.go.ke/index.php?option=com_content&view=article&id=3&Itemid=45.

⁹ The NMR comprises the City Council of Nairobi as well as 14 other local authorities in the surrounding areas, including Kiambu, Thika, Muranga, Machakos and Kajado (MNMD, 2008).

Key policy areas include the Housing and Elimination of Slums Programme (KENSUP), an environmental management strategy, improved access to basic services, enhanced food safety and an integrated spatial strategy for the NMR (ibid.). Nairobi Metro 2030 is an ambitious and very timely initiative. However, for its vision to be realised and its interventions to effect meaningful changes in the lives of Nairobi's poorest residents, underlying structural issues will also need to be given serious attention. The development of realistic budget allocations to meet the huge financial requirements of the plan, and transparent and accountable governance structures, will also need to be prioritised. As discussed below (Chapter 8, Land and the Environment) corruption in land administration is a fundamental issue hampering the effective realisation of the KENSUP plan.

Chapter 4

Protection and access to justice

Slum residents face a range of challenges to the enjoyment of their fundamental human rights, including in relation to inadequate housing and services, denial of land and property rights and forced evictions. There are also high levels of criminal, political, ethnic and domestic violence, fuelled by widespread unemployment and poverty, drug and alcohol abuse, gang culture and overcrowded living conditions, compounded by weak rule of law and a pervasive culture of impunity.

The findings of this study indicate that exposure to these threats is not linked to displacement *per se*. All slum residents are affected irrespective of their experiences and backgrounds, and many are at risk of displacement. However, data collected through FGDs and interviews with key informants indicates that some IDPs are particularly exposed to the risk of further displacement (largely from forced evictions), continue to suffer the psychological trauma of their displacement experience (particularly those displaced by the post-election violence) and have struggled to secure redress for their displacement experience and related losses.

Despite the threats they face, residents (both IDPs and non-displaced populations) reported feeling neglected by formal law enforcement agencies and mechanisms. Civilian law enforcement agencies are ineffective and access to formal justice mechanisms is restricted by financial and social factors. As a result, communities have established a range of self-protection measures, often across ethnic lines, including restricting movement at night, organising local patrols and guards and community policing. Residents in some areas have also resorted to mob justice. In a violent and largely lawless environment, these people have effectively been left to protect themselves.

4.1 Protection threats

4.1.1 Political and ethnic violence

Political violence compounded by ethnic tensions is a recurrent source of insecurity in the slums. While field research for this study did not uncover ongoing systematic political or ethnic violence in informal settlements, it was clear from focus group discussions and key informant interviews that the effects of the post-election violence of 2007–2008 are still being felt, and that there is a very real fear of future bouts of this kind, particularly around the next elections in 2012. Many of those displaced in the violence recounted traumatic experiences. Respondents explained that the attacks escalated very quickly, with groups of men and male youths attacking each other, their neighbours and their properties with machetes, clubs and knives. Many fled with only the clothes they were wearing, leaving behind personal belongings and assets.

Several informants reported that their houses had been looted and set on fire, or that attackers had moved into their homes. Respondents also reported that it was their own neighbours who had taken up arms against them, although previously there had been no obvious tensions or aggression between them. Other respondents who had witnessed the violence but who had not been displaced also detailed how affected they had been by the experience.

Evidently, the speed, scale and intensity of the violence in this period have had a long-lasting impact on all those affected. In addition to the continuing psychological impact, some of those displaced are still struggling with a much more visible legacy of the violence. In Mathare, respondents and key informants reported that many of those displaced have not been able to return to their original homes in this area, but rather have remained in another location, still in Mathare in some cases. The fear of further violence if they returned or the lack of access to homes due to secondary occupation, have effectively prevented them from returning. As a result, the post-election violence has changed the ethnic composition of Mathare, with greater ethnic clustering than was previously the case. In Kibera, a number of respondents who had been displaced in the post-election violence explained that occasionally there were still tensions between certain ethnic groups in that area, and that they had been subject to verbal attacks. Respondents in other areas who had been displaced also often noted that, although they felt relatively secure for the time being, they remained fearful of the potential for violence related to the 2012 elections. This fear was also highlighted by non-displaced respondents and by key local informants, who said that, despite some local and national reconciliation efforts, historical grievances between ethnic groups have yet to be addressed.

4.1.2 Crime

Crime is endemic in the slums, and the overwhelming majority¹⁰ of respondents said that criminal violence was the most significant threat they faced. Criminal violence affects displaced and non-displaced alike. A widespread feeling of insecurity was palpable during interviews with respondents in almost all the locations visited for this study. As one woman in Kibera put it: ‘We never feel safe! Here we can all be robbed, killed, raped, injured ... men, women, children, everyone, anytime’. A recent study found that homicide is the second most common cause of death among Nairobi’s slum population aged five years and above (Kyobutungi et al., 2008).¹¹

¹⁰ Only a minority of respondents living in Njiru, a low-income settlement in Embakasi District, deemed the area where they were living to be relatively safe.

¹¹ According to the same study the most common cause of death was a combination of HIV/AIDS and TB.

Most respondents in this study, both male and female, stated that they and their neighbours avoid walking around late at night for fear of attack. Muggings on the street and in alley-ways are widespread, and often involve guns, knives, machetes or iron bars. One area of Mukuru Kwa Njenga close to the industrial belt is known to be particularly dangerous, with respondents reporting that men going to work early in the morning or returning home late at night are at serious risk of being mugged. Residents of Mukuru Kwa Njenga and Mathare reported that burglaries during the day were also frequent, and in Mathare several respondents reported cases of perpetrators using morphine to drug residents and steal their belongings.

Many key informants said that young men were responsible for most of the crime in Nairobi's slums. Lack of jobs, poverty and alcohol and drug abuse were offered as key causes of the proliferation of youth crime. The presence of organised gangs such as the Mungiki, Siafu, Kamunji and Taliban in slum areas was also linked to high crime rates. These gangs are often engaged in 'protection' activities – providing patrols and guards for neighbourhoods to prevent muggings and robberies, and extorting money for these 'services'. One man in Mathare said that these gangs were simply 'thugs who extort money from innocent citizens who want to move in or out of the area or run a business'. Communities in Kibera, however, highlighted the positive protective role provided by the Siafus; some respondents even said that they would report a crime to the Siafus first, rather than to the police.

Respondents and key informants, including health and social workers, told us that sexual violence, including rape, sexual abuse and prostitution, is prevalent in the slums and informal settlements. Amnesty International reports that 'women and girls live under constant threat of violence in their everyday lives – at home, at work and on the street' (Amnesty, 2010: 2). One health worker at the Gender Violence Recovery Centre of Nairobi Women's Hospital indicated that, between 1 April 2009 and 31 March 2010, the Centre treated 2,487 victims of sexual violence (2,274 females and 213 males). Many female respondents said that the risk of rape was particularly acute in quieter side alleys, especially at night, but a number of key informants indicated that rape and sexual abuse in the home,

Box 2: Gang culture

In recent decades Nairobi has seen the emergence of several youth gangs, such as the Taliban, Kamjesh, Mungiki and Siafu. These gangs are organised along ethnic and political lines and operate in and control specific areas in the city's informal settlements and slums. Their activities appear to range from extorting money from residents in so-called 'protection rackets' to muggings, robbery and other violent crime to providing *de facto* rule of law and security at the request of residents.

by parents, other relatives or neighbours, was also common. Male youth were seen as the main perpetrators of sexual attacks on the street, especially when under the influence of alcohol and drugs. Local health and social workers noted that, as in other contexts, the social stigma attached to sexual violence, for both women and men, meant that few victims reported incidents or sought medical assistance. A number of key informants reported that poor women were resorting to prostitution to provide for basic household needs, such as food, clothes and education.

Sexual harassment and violence against women in the workplace were also widely reported during focus group discussions and by key informants. Female residents working as domestic servants or in factories are particularly vulnerable to sexual, physical or verbal abuse by employers or supervisors. A number of respondents explained that requests for sexual favours in order to retain jobs, increase employment opportunities or extend contracts are common; if the woman resists she usually loses her job.

Children are also at risk of sexual violence and abuse, notably while parents are out at work. Many indicated that violence and abuse by carers is common, but that children are also at risk when wandering around the streets alone, and even walking to and from school. There were anecdotal reports of children being coerced into sexual relationships in exchange for cash or food, or being prostituted by relatives or carers. A schoolteacher in Mukuru Kwa Njenga told us that one of his students, a 12-year-old girl, had confided to him that she was regularly having sex with men in exchange for food. Respondents in Mathare reported that girls exchanged sexual favours for money to buy sanitary towels, which they could otherwise not afford. A number of key informants also noted that the abduction and trafficking of children is common in the slums, with cases of children from rural areas being sent to live with relatives in the city with the promise of a better life, only to find themselves forced into domestic labour or prostitution to cover the 'costs' of their care. Other key risks to children reported to the study included domestic violence, drug abuse, early pregnancies and child labour.

4.1.3 Forced evictions

International law prohibits illegal and arbitrary forced evictions. According to General Comment n.7, adopted by the UN Committee on Economic, Social and Cultural Rights, the term 'forced evictions' is defined as 'the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection' (OHCHR, 1997: para 3). Even when evictions are lawful, they must be carried out in compliance with the relevant provisions of human rights law. These include the obligation to consult the affected person and the requirement that evictions should not render individuals homeless or vulnerable.

As noted Chapter 2.2, there are two principal types of forced eviction in the slums – those carried out by government or parastatal entities to free up land for public infrastructure, and those carried out by private landlords in relation to disputes over rent or the sale or change of use of the property. Disputes between landlords and tenants regarding rent increases were reported as a key cause of violence in slum areas, particularly in Kibera and Dagoretti, and are deeply rooted in ethnic and political affiliations (Kituo Cha Sheria, 2010; COHRE, 2007). Many respondents explained that they or people they knew had been forced to leave their homes by landlords when they could not pay the rent, or when landlords raised the rents above the market rate, often as a tactic to force tenants out. Respondents repeatedly noted that these disputes were often fuelled by ethnic tensions, and in the aftermath of the post-election violence many landlords have refused to rent property to people from rival ethnic groups. Some respondents said that they had good relations with their landlords, who were supportive when they could not pay their rent, but this tended to be the case where landlords and tenants were from the same ethnic group.

The legal process for lawfully evicting residents, whatever the circumstances, is reportedly cumbersome and expensive. As a result, forced evictions by government and parastatal entities and private landlords, within the meaning described above, are a regular occurrence in the slums. Evictions are often conducted with little prior warning and frequently take place at night (GoK, 2010b), with little or no consultation and few opportunities for redress. Respondents in Kibera, Mathare and Mukuru Kwa Njenga spoke of landlords using intimidation and violence to remove tenants, often at the hands of hired thugs or gangs. In several instances entire blocks of houses were reportedly set on fire. A recent Amnesty International report notes that, in the Deep Sea settlement in Nairobi's north-west Westlands area, residents linked the numerous incidents of arson to attempts by the government and private individuals to evict residents. A single fire in December 2007 destroyed about 200 houses (Amnesty, 2009).

UN human rights bodies have repeatedly expressed concerns regarding forced evictions in Kenya (see for example UN, 2008). Following an appeal by the UN Human Rights Committee in 2005, the government formed a taskforce to develop guidelines on evictions. In 2009, the taskforce announced that the guidelines would be completed in 2010 and would be consistent with Kenya's international human rights obligations (GoK, 2010b). Although provisions are included in both the National Land Policy and the draft National IDP Policy outlining the necessary conditions for forced evictions, key informants for this study remained concerned regarding the commitment to the development and subsequent adoption and implementation of the draft eviction guidelines. As at April 2011 the draft eviction guidelines were awaiting formal presentation to the Minister of Lands, before transmission to the Cabinet and then parliament for approval.

Box 3: Evictions in Mukuru Kwa Njenga

The village of Kware in Mukuru Kwa Njenga was home to 5,000 people. In May 2009 the landowner notified residents of a planned land partition and the building of a road in the area, which would require the demolition of some properties. The timeframe for demolitions was given as three years hence. However, just three months later the demolitions began. Displaced communities interviewed for this study told us that the demolitions were sudden and violent. Respondents complained that a group of young men associated with the Mungiki gang were responsible for demolishing dwellings and evicting residents. Some were drunk and aggressive, and many households had their belongings stolen. Residents received no help from the chief's office or the police. At the time of the field visit in Kware at the end of October 2010 construction work was under way, and interviewees stated that new and expensive residential buildings were being constructed in place of the demolished houses.

4.2 Protection mechanisms

4.2.1 The police

The response of government law enforcement agencies and justice mechanisms to the high levels of violence in the slums is under-resourced, weak and seemingly overwhelmed by the scale of the problem. Corruption is also a factor; according to Transparency International the Kenya Police is the most corrupt institution in the country (Transparency International, 2010), a perception that was widely shared by respondents in this study. Adults and young men interviewed complained about police harassment, a problem also identified in an HPG study on urban refugees in Nairobi (Pavanello et al., 2010). Male respondents said that they were regularly arrested by the police, only to be released on payment of a bribe of approximately 1,000 KES (\$12).

Relations between the police and slum residents are generally poor. Most police personnel do not originate from the slums, have little understanding of or contact with local communities and generally treat slum residents with suspicion. Respondents consistently expressed a lack of confidence in the police, with few willing to report incidents for fear that the police will demand a bribe, or because they simply do not expect any response.

For the police, operating in the slums is a major challenge; one police officer interviewed in Mukuru Kwa Njenga said that he felt 'overwhelmed when performing [his] duties'. Just 13 officers are assigned to the local station in Mukuru Kwa Njenga, an area with an estimated population of 500,000.¹² Similarly, a representative of a community policing initiative in Kibera stated that about 60 police officers were covering an

¹² Interviews with key informants in Nairobi, October 2010.

estimated population of up to one million.¹³ Living conditions for police officers in the slums are poor; in Mukuru Kwa Njenga the accommodation is reportedly so crowded that officers have to take turns to sleep. Salaries are very low (14,000–15,000 KES a month, or \$170–\$190), encouraging corruption.

4.2.2 *The judicial system*

Both displaced and non-displaced people alike reported limited access to formal justice mechanisms. Constraints include a lack of information on how to avail themselves of judicial mechanisms, widespread corruption in judicial and law enforcement agencies, tribalism, not having the formal documentation necessary to file a complaint with the police and pursue a case through the judicial system and the prohibitive costs associated with any legal action. Respondents also highlighted fears of retribution for reporting incidents, and there was little faith in the ability of the police to protect witnesses or victims. In the absence of effective formal justice mechanisms slum communities have often taken justice into their own hands. As one young man in Kibera reported, ‘if somebody steals there will be action, but not from the police’. Such mob justice is swift, severe and difficult to control. FGD participants reported regular instances of mob justice in which suspected perpetrators were killed as punishment and as a deterrent.

The prevailing culture of impunity in Kenya has been identified as a key concern by the international community and by national civil society and human rights organisations. The failure to hold perpetrators accountable for the post-election violence in 2007 and 2008 is symptomatic of this problem. The national Commission of Inquiry into the Post Election Violence (CIPEV, 2008) recommended establishing a special tribunal,

¹³ There are no exact figures on the population of Kibera and population estimates vary greatly. The 2009 Kenya Population and Housing Census estimates that just 170,000 people live in Kibera (see <http://www.nation.co.ke/News/Kibera%20numbers%20fail%20to%20add%20up/-/1056/1003404/-/13ga38xz/-/index.html>). Other sources claim that Kibera is the biggest slum in Africa, with a total population of up to 1 million (Amnesty, 2009).

but this proposal was not endorsed by the government as it did not receive the required two-thirds of votes in parliament. Subsequent efforts by the International Criminal Court (ICC) to bring perpetrators to justice led to the naming of six suspects in December 2010. In response, the Kenyan parliament voted to withdraw from the Rome Statute establishing the ICC on 23 December 2010. There has been only limited progress on another CIPEV recommendation, the establishment of a Truth, Justice and Reconciliation Commission (TJRC). According to a recent survey most communities in the slums were not aware of this process (Kituo Cha Sharia, 2010).

4.2.3 *Informal protection strategies*

Given the inadequate protection provided by formal law enforcement agencies and by the judiciary, individuals, families and communities have devised self-protection strategies. These consist largely of minimising exposure to risks, including restricting movement and engaging private actors to provide physical protection. Respondents in FGDs throughout this study stated that they avoided as far as possible going outside after dark, particularly late in the evening and in the early morning. In some areas of Korogocho, this self-imposed curfew started as early as 7pm. Communities and individuals also reported paying groups or gangs for armed protection. In Kibera and Mukuru Kwa Njenga residents and shopkeepers pay around 20 KES (\$0.23) a week to young Masaai men to patrol the streets at night. As one shopkeeper put it, ‘if you pay, you feel safer’. In Mukuru Kwa Njenga, one woman said that, like other women in the neighbourhood, if she was coming home late at night or had to go out after 10pm she would pay a Masaai man 50–100 KES (\$0.60–1.20) to escort her. In other instances, individuals and communities have been forced to pay gangs for ‘protection’, whether they wish to or not. In 2008, the Commission of Inquiry into the Post-Election Violence concluded that these organised criminal gangs have established themselves to fill the void in terms of ‘protection’ and ‘rule of law’ left by the absence of the state and its attendant services (CIPEV, 2008).

Chapter 5

The economy and livelihoods

It is commonly assumed that one of the most damaging effects of forced displacement in any context is the loss of livelihoods, and with this the ability of the displaced to support themselves and their families through the period of displacement. Displaced communities often face a range of challenges in this regard, including loss of productive assets, loss of the social networks that could provide job opportunities and weak credit-worthiness. This in turn makes displaced people vulnerable to further destitution, exploitation and abuse.

The findings of this study certainly support this assumption, at least in respect of those who had been displaced within the city in the post-election violence or in forced evictions. Many who had built up small businesses had had property, stock and assets damaged, destroyed or taken over by others, had received no compensation for any lost assets or income and were struggling to re-establish themselves and their livelihoods in other parts of the city. Conversely, the experience of some displaced people from rural areas was much more positive, and many stated that they had ‘chosen’ to settle in Nairobi because they believed they would have better access to work. They contended that, although life was more expensive in the city, and despite their lack of specific skills, they had access to greater economic opportunities than in their areas of origin. The vulnerability of the displaced who have settled in the slums is not, therefore, necessarily static. Rather, for some displaced populations settling in the slums is seen as a coping strategy and may have reduced vulnerabilities relating to food security. For others, displacement within the city has had a devastating impact on their livelihoods, and consequently deepened a range of vulnerabilities in both the short and the longer term.

The displaced and other populations seeking livelihood opportunities in the city evidently make a significant contribution to the economy of the capital. Data is not available to assess this in detail but displaced populations, as part of the wider urban poor, are a source of cheap, unskilled, casual labour. This labour is important to many formal sectors including construction and commodity exports, as well as in the informal economy. However, this contribution comes at a cost; whilst many reported that they were generally able to find work, the majority of displaced people as well as other urban poor are engaged in the informal economy, where work is low-paid, unpredictable and exploitative.

5.1 Nairobi's economy

The Kenyan economy is considered to be the most vibrant in East Africa. Although the economy is still predominantly based on agriculture, Kenya also serves as a hub for financial,

communication and transportation services in the region (Ombok, 2011). Nairobi is the country's largest economic centre and generates 45% of the country's GDP, in the process employing 43% of all Kenya's urban workers (Oxfam, 2009). It is also the largest industrial centre and food, beer, vehicles, soaps, textiles and chemicals are all produced or processed there. Due to diminished investment and tourism following the post-election violence and the global financial crisis the Kenyan economy experienced low growth for several years, though according to the World Bank's last Economic Update the economy went into recovery in 2010 and is expected to grow by up to 4.9% in 2011 (Fengler, 2010).

Despite these positive forecasts, unemployment and poverty are chronic problems in Kenya, particularly for the young and for women. For many years formal sector employment has remained largely static, and in Nairobi's slums the unemployment rate stands at 26%. However, even during the recent years of economic downturn, the informal sector has continued to expand and create employment (Oxfam, 2009; Komolo, 2010), and is effectively driving the capital's economy (KNBS, 2009).

5.2 Livelihoods

Data collected through this study found that a small number of respondents, both displaced and non-displaced, are professionals employed in the formal sector, including health workers, teachers and clerks. However, the vast majority work in the informal sector, including self-employed and in unskilled trades, petty trading including selling vegetables, second-hand clothes or other domestic articles, casual employment such as domestic workers, or work in factories. Most of this work is undertaken within the slums or in neighbouring industrial or residential estates. The majority of respondents said that they did almost any type of work that came their way, and had no specialist training or skills. Some respondents said that they also sought income through participation in studies conducted in the slums by international or national actors (see Chapter 9, International Assistance), which paid 100–200 KES (\$1.18–\$2.70) a day.

Whether displaced, a long-term resident or a recent economic migrant, respondents for this study commonly noted that securing a job is a major challenge, and in most cases a daily pursuit. One recent report notes that most slum dwellers are extremely frustrated by the difficulties they face in securing stable sources of income (Mudege and Zulu, 2010), and this was supported by the findings of this study. However, despite these difficulties, those who were displaced from rural areas, or had left for other reasons, explained that, in their areas of

origin, they had experienced major difficulties in finding food for each meal. In the city, they were generally able to find sufficient work to feed themselves and their families.

The experience of many small businesspeople who were displaced within the city during the post-election violence was quite different. Many reported having lost assets, including business premises and stock, and had been unable to retrieve them because they were afraid of returning to the area due to ongoing ethnic tensions or because of the trauma of the experience. They had not received compensation. For some, their situation was compounded by difficulties in re-establishing themselves in other locations because of loss of networks or contacts or because of ethnic discrimination. One respondent forcibly evicted from his home in Kware in 2009 noted that he was now forced to pay more than twice his previous rent on commercial premises for his small grocery business. Other IDPs interviewed for this study explained that, before their displacement, they had owned one or more properties which they rented out. They had lost these assets in the violence when they were taken over by others, and consequently lost both the assets and the rental income from them.

A key challenge to securing livelihoods reported by all respondents was the need for networks or contacts through family, ethnic or social ties. Both displaced and non-displaced respondents reported that, without these contacts, finding work was a struggle. For the displaced this is particularly problematic. Securing useful contacts was difficult for people new to their area in the city. Many of the displaced noted that they had chosen to settle in a specific area because relatives or people from the same clan or ethnic group were already there, in order to facilitate their integration into the community and for the support that would be offered in relation to work and access to services. This informal system appeared to be effective; a number of respondents noted that, in the initial days of their arrival, they had been able to get assistance in finding work from friends and relatives or clan members with contacts with employers. Several noted that displaced people often work together to open up opportunities for newcomers, providing support networks that helped with short-term accommodation and exchanging information on work and services. A further challenge noted by some respondents who had been displaced from rural areas was that they were largely restricted to the most menial and low-paid jobs because they did not have any transferable skills or experience that would help them secure more stable or better-paid work. They were keen to access vocational or other training in order to improve their education and employability.

Age and gender considerations also influenced livelihood opportunities. Most of the respondents who said that they were working were between 15 and 50 years of age. The youngest and oldest (those outside this age range) were engaged in very casual and lower-paid activities such as car washing, selling newspapers, collecting garbage, laundry

or doing odd jobs. There appeared to be some distinctions in the type of jobs undertaken by women and men, with women working in domestic service, petty trade or child care, and men engaging in trades and construction work. Two common features across age and gender, however, were the inconsistency of work and the lack of job security. Most had to compete for jobs on a daily or weekly basis, queuing up outside places of employment (including residential estates to engage in domestic service, or outside the industrial zones to work in factories) for several hours waiting to be picked. Some types of work, such as packing produce or flowers, are seasonal.

Working conditions in the informal sector are generally poor. People often have to travel large distances to find work and wages are low; respondents in this study indicated a monthly income ranging from KES 2,000 to 8,000 (\$23.70 to \$94.80). There was no discernible difference between displaced and non-displaced people in this respect. Respondents highlighted a range of risks in various types of work, including physical injury due to dangerous working conditions in the construction industry, health risks for latrine and sanitation workers, risks of sexual abuse and assault for women in domestic service, exploitation and abuse by unscrupulous employers and supervisors for casual labourers and, for petty traders and people working in street kiosks, threats and extortion from the police, local officials and gangs.

5.3 Livelihood support

In most of the slums, small-scale initiatives are under way to support group ventures. Many (especially youth) form groups to pursue livelihoods (e.g. music or craft activities, solid waste collection and disposal, drain cleaning), as well as savings and credit activities (*chamaa* or 'merry-go-round'). The government's national Kazi Kwa Vijana scheme, launched in 2009, aims to provide short-term employment for young people (usually between three and four months).¹⁴ However, most of those interviewed for this study knew little about this initiative, had not applied because they felt that the scheme was corrupt and biased in favour of particular ethnic groups or had applied and had not received any assistance.

Slum residents have very little access to formal credit for business or personal use, not least because they find it difficult to obtain the required documentation, the guarantees required by banks and sufficient creditworthiness (in the absence of a fixed job). In most cases personal credit requirements (such as house rent advances, bail in case of arrest, urgent medical care or start-up capital for a business) are met by borrowing from contacts, friends and relatives. Interest is charged depending on the level of acquaintance (approximately 25–30% per annum), and the amount generally has to be repaid within 2–3 months.

¹⁴ See http://www.kkv.go.ke/index.php?option=com_content&view=article&id=46&Itemid=65.

Chapter 6

Basic services and urban infrastructure

As in many other contexts, this study found that some displaced people in Nairobi's slums had experienced problems in accessing essential services directly because of their displacement experience. For many, the post-election violence and forced evictions have caused a sudden disruption in access to health, education and other services due both to their physical movement to other areas, and the consequent need to re-establish access to services and facilities, and due to their increased poverty resulting from loss of assets and income. In general this was a temporary setback, with many IDPs able to quickly regain prior levels of access to essential services.

However, for displaced people from rural areas, settling in the slums is in part a strategy to gain greater access to health and education services. As discussed in Chapter 5 (The Economy and Livelihoods), the findings of this study clearly indicate that vulnerability among displaced people is not constant and is related to a number of factors, including the cause of displacement, pre-existing vulnerabilities, individual circumstances and the availability of support from social, ethnic or other networks. Relative to their areas of origin, settlement in the slums appears to have offered some displaced people a better standard of living, though not necessarily an adequate one.

Overall, the provision of basic services and other urban infrastructure in the slums, including transport, roads and electricity, is woefully inadequate. In most of the areas visited for this study, public or government-run hospitals, clinics, schools, water networks and urban infrastructure in general were either non-existent or, where they did exist, offered a poor-quality and unreliable service. The chronic lack of investment in the capital's poorest areas, coupled with rapid population growth, means that public urban and service infrastructure is simply unable to cope with demand. Non-state actors have attempted to fill this void. Private entities, national and international NGOs and faith-based organisations supply a range of essential services, but in the absence of state regulation and supervision the cost and quality of these services vary enormously. In some instances slum-dwellers end up paying much more for non-state services that are of lower quality than the public services available elsewhere in the city.

Whoever the service provider, it is evident that services and infrastructure in the slums are entirely inadequate for the needs of residents in these areas. Challenges in accessing basic services in this context are not linked to displacement *per se*. Rather, with the exceptions noted above, all residents struggle to gain an adequate education and access to emergency and other healthcare, are exposed to a range of health risks

relating to problems with sanitation and waste management and, in the absence of social housing, live for the most part in squalid huts made of corrugated iron, wood and bits of plastic, with no electricity and little access to clean water.

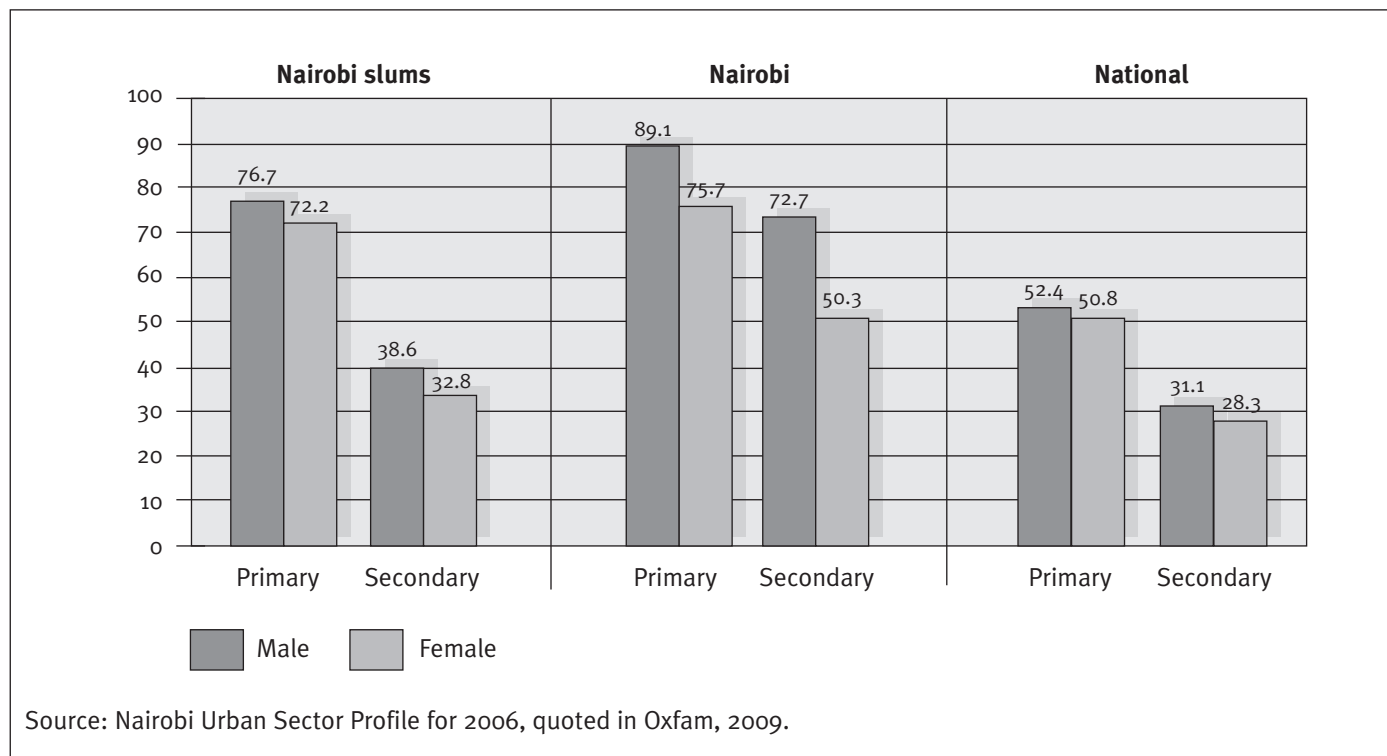
6.1 Education

Around three-quarters of Nairobi's slum dwellers are thought to have completed primary school (Oxfam, 2009). As Figure 1, over page, shows, there is no substantial difference between enrolment in slum areas and in the rest of the city, or between boys and girls. During FGDs for this study, the great majority of parents said that their children were enrolled in primary schools. Most respondents noted that they, and the community, placed great value on ensuring that their children were able to gain an education, with parents often stretching their household resources and paying high tuition fees and other indirect costs to make sure that their children went to school. A number of respondents saw education as a crucial means of attaining the necessary skills and competencies to find better job opportunities, and ultimately enabling them to move out of the slums and out of poverty. While access to education is a struggle for most, displaced children invariably had their education disrupted by their displacement experience. They were forced to move to schools in new areas and, as a result of their deepened poverty, some parents struggled to afford the fees required for even the cheapest schools.

A key factor contributing to the generally high rate of enrolment in primary schools is the Free Primary Education Policy, introduced in 2003 (Oxfam, 2009). Despite this, however, public primary schools are not actually free and the quality of the education they provide is often poor. Respondents in this study said that public primary schools charge a monthly tuition fee ranging from 160 KES (\$1.90) in Mathare to 200 KES (\$2.37) in Korogocho and Dandora, and up to 300 KES (\$3.56) in Mukuru Kwa Njenga and Kibera. In addition, parents pay between 100–200 KES (\$1.18–2.37) for school lunches and uniforms. In Korogocho, some respondents noted that they also paid a one-off admission fee of 200 KES (\$2.37). Teachers interviewed did not explain why public schools charge these fees. Evidently this practice contradicts the aim of the national policy and poses a serious challenge to access to primary education for many children, particularly displaced children.

Most respondents reported that the quality of public education at primary and secondary levels is generally poor. Overcrowding, dilapidated and run-down school premises, limited equipment and the poor quality of teaching staff were repeatedly highlighted, including by teachers themselves. Large class sizes were identified by many parents as hampering

Figure 1: Education levels in Nairobi's slums



learning and development, and the real pupil–teacher ratio in schools in the slums is consistently higher than the Ministry of Education’s recommended ratio of 1:40 (JRES, 2009). For example, in Kibera there are only three public primary schools, Olympic, Kibera and Ayany. A recent Oxfam report mentioned that, in Ayany School, the average class size was 98 pupils (Oxfam, 2009). One respondent noted that Kibera School has only 12 teachers for approximately 2,400 students. In Mukuru Kwa Njenga class sizes ranged between 80 and 100 students, and in Dandora the ratio was 1:100. A public school teacher explained that teaching staff often feel ‘overwhelmed’, and that it is extremely difficult to manage such large classes or to devote the required time to each student’s learning and development.

The poor quality of teaching is in part explained by the difficulties in recruiting well-qualified and committed teachers to work in the slums. Challenges noted by teachers during this study included the physical risks of working in the slums, the difficult and long journey to school and the poor quality of equipment and premises. Low teachers’ salaries and lack of supplementary income were also viewed as disincentives. In Mukuru Kwa Njenga one public school teacher explained that it is normal practice for teachers to offer extra tuition, for which they charge up to 100 KES (\$1.18). He said that, in wealthier areas of Nairobi, parents pay ‘without blinking’, but in the slums most parents cannot afford these extra classes and teachers have to either forego this extra income entirely or charge much less for the service. He remarked that this is one of the key reasons why many teachers are not willing to work in the slums.

Box 4: Special needs children in Mukuru Kwa Njenga

One teacher in a public school in Mukuru Kwa Njenga complained that he had to look after a large class which also included up to 14 children with special needs. He complained: ‘where do you start and how can you possibly help these children?’. He felt that classes should be smaller and that he should be working jointly with a social worker to support the children. In one practical example, he explained that one of the students needs help in going to the toilet, but the teacher cannot assist him because doing so would mean leaving the other children unsupervised. As a result the child ends up relieving himself in the classroom.

Teachers complained that the challenges of working in the slums are not recognised by the Ministry of Education and no support is provided to them. Public school teachers are paid the same, regardless of their teaching location, and are not given any special training to deal with children from difficult backgrounds. According to one interviewee, ‘slums are special places and teachers often act as counsellors, without having been trained’.

Teachers from both private and public schools reported that many students faced major physical and psychological problems or suffered from sexual or physical abuse in their homes or communities. Some teachers interviewed explained that children are sometimes sent to school by their parents despite clearly being ill, and that teachers may end up paying for medicines or treatment to help them. Female students

often do not attend school during their period of menstruation because they cannot afford sanitary towels and therefore stay at home.

The many private schools throughout the informal settlements represent an important alternative to the state education system. However, without effective government regulation or supervision the quality of services and facilities they provide varies significantly. At one end of this spectrum are the cheap, informal, privately run primary schools. Many of these charge around 100 KES (\$1.18) per month, much less than public schools, and are often run by unqualified teachers who live in the slums and provide classes in their own homes. In some of the worst instances encountered in this study, children of widely different ages (e.g. between two and seven years old) are taught in small, squalid and cramped rooms. Respondents reported that the owners of these schools are more interested in profit than in providing an education, and take advantage of the limited income of the poorest parents. In Mukuru Kwa Njenga, one informal school visited was located in a typical slum house made of iron walls and an iron roof. The teacher reported that some pupils had injured themselves on the rusty walls and contracted tetanus, there were insufficient latrines for the number of children and they played in the dirty street in front of the house during 'break time'.

The great majority of these informal schools are not registered with the Ministry of Education. Since pupils are not issued with any official certification upon completion of their primary education, children leaving these schools are unable to register for a secondary education. As Figure 1 shows, at secondary level the proportion of children enrolled in school drops to below a third (Oxfam, 2009).

At the other end of the spectrum, the most expensive private primary schools charge up to 1,200 KES (\$14.30) per month, appear to offer a much higher quality of service and, in some cases, are also registered with the Ministry of Education. Many parents noted that they could not send their children to these schools because their fees were prohibitive. One of the schools run by the local church in Mukuru Kwa Njenga was in a well-kept, fenced brick complex, and even had a playground with grass. It was recognised by the Ministry of Education and, with a total of 73 qualified teachers for 2,000 pupils, the pupil-teacher ratio was quite low (1:27). Not surprisingly monthly fees were high, at 1,000 KES (\$11.18). In addition, the school charged other fees for admission, examinations, uniforms and food. A number of key informants noted that the students enrolled in these expensive schools were not actually slum residents, but were from nearby middle-class neighbourhoods.

6.2 Water, sanitation and waste management

In most of the areas visited for this study, water, sanitation and waste management systems are very poor or simply do

not exist. Water for drinking and for other domestic uses is extremely expensive and of very poor quality. Slum streets and pathways are littered with garbage, and drainage channels on the sides of roads are often blocked by rubbish, making the streets muddy and impassable when it rains (APHRC, 2002), and providing a breeding ground for mosquitoes. Non-state providers, particularly private sector actors, have to an extent sought to substitute for public water and sanitation provision. However, the lack of regulation has resulted in a monopoly in the water and electricity sectors, and exorbitant prices for slum-dwellers. Again, this has particularly impacted displaced populations, who are often less able to afford these high prices, and are often residing in some of the poorest, most under-served areas.

Water is primarily supplied through non-piped services. The overwhelming majority of communities interviewed said that they purchased water from private vendors or kiosks in the street, carrying it home in buckets or jerry cans. A 2006 UNDP study found that 'some 80% of households purchase all or some of their water from private vendors' (UNDP, 2006: 38). At the time of the field research for this study, water prices were consistent across all locations, ranging from 2 KES to 5 KES (\$0.02–0.05) per 20-litre jerry can. During water shortages (relating to droughts), prices reportedly increase significantly, up to 20–30 KES (\$0.20–0.35). In general, communities interviewed did not complain about the distance they had to travel to reach vendors, and in almost all sites plenty of water vendors were available. However, most respondents stressed that vendors in their area operated as a cartel to control water supply and inflate prices. As a result, slum residents end up paying significantly more for poorer-quality water than residents living in better-off neighbourhoods connected to piped networks. The average price of water in Kibera, for example, is estimated to be seven times higher than in high-income settlements served by the Nairobi Water and Sewage Company – and higher than prices in London or New York (UNDP, 2006; see also Oxfam et al., 2009).

Water quality was also a concern. Many respondents complained that water purchased from vendors often smelled foul, and believed that, in some cases, unscrupulous water vendors collected water from nearby rivers, treated it with chemicals and then sold it. Many respondents pointed out that the pipes that supply water to the slums, to which water vendors are (legally or illegally) connected, run in drainage channels which are filthy and polluted with human and other waste. The plastic pipes are weak and often burst, and dirty water from the drains gets into the piped water and contaminates it.

Most participants in FGDs, both displaced and non-displaced, did not have a toilet in their houses, and instead used hard-pressed communal pit latrines (one area in Mathare had one pit latrine for every 1,000 residents) (Oxfam et al., 2009). These latrines are unhygienic, poorly maintained and regularly overflow into the streets. Public toilets are available in some areas but at a cost

Box 5: The Dandora dumping site

The Dandora municipal waste dumping site occupies about 30 acres of land. It is the main dumping site for most of the solid waste coming from Nairobi (UNEP, 2007). Located close to Korogocho, it is the largest waste disposal pit in East Africa,¹⁵ receiving a staggering 2,000 tons of garbage a day (*ibid.*). Dumping is unrestricted, and as a result industrial, agricultural, domestic and medical waste are all found on the site. Men, women and children scavenge on the piles of waste, looking for anything that can be sold. Rodents, mosquitoes and flies thrive. According to some respondents, young people take drugs 'to get courage' to search through the garbage. Communities living near the site told us that they regularly suffered from diseases linked to the waste, and complained that foul smells and toxic fumes from the site invaded their homes, making it difficult to breathe. When it rains, water from the site regularly flows into their houses.

(2–5 KES per visit), and they can be up to 15 minutes' walk away for some residents. Consequently, many residents use 'flying toilets',¹⁶ which constitute a serious public health risk.

In the absence of a public waste disposal system, residents have to pay for household and human waste to be taken away manually. In Dandora, Korogocho, Mathare and Mukuru Kwa Njenga communities pay between 10 and 25 KES (\$0.18 and \$0.30) a week to have their garbage taken away. Garbage and human waste regularly block sewers and latrines and respondents reported that they have to pay for them to be cleared – around 200 KES (\$2.43).

6.3 Health

Slum residents, particularly children, face a range of health risks linked to appalling living conditions and limited access to health services. This is particularly the case for some displaced populations who are forced, as a result of their displacement, to live in some of the poorest, most unhygienic areas of the slums, in overcrowded accommodation. In addition, as some of the poorest elements of slum communities, some displaced people are unable to afford the costs of basic health care.

Respondents reported high incidences of diseases such as malaria and urinary tract infections, as well as recurrent outbreaks of typhoid and cholera. Children under five are especially vulnerable; at 151 per 1,000 live births, under-five mortality rates in Nairobi's slums are more than double the Nairobi average of 62 and higher than rural Kenya, where the rate is 113 per 1,000 live births (UN-Habitat, 2006; APHRC, 2002, in Oxfam et al., 2009). Air pollution is a key cause

of respiratory diseases. People living in one-room huts are particularly vulnerable as they cook with kerosene and charcoal stoves in the same room where they eat, sleep and bathe.

HIV/AIDS is a major health risk and the main driver of mortality among the poorest segments of the population of Nairobi. A 2008 study found that, together, HIV/AIDS and tuberculosis were the leading causes of death among adults in the capital's slums (Kyobutungi et al., 2008). According to the Kenya AIDS Indicator Survey (KAIS) of 2007, the prevalence of HIV in Nairobi Province is 9.3%, the second-highest rate of HIV infection in the country (Oxfam et al., 2009). Urban residents are almost twice as vulnerable (10%) as rural residents (6%) to contracting the virus (Kenya Demographic and Health Survey KDHS, 2003 in Oxfam, 2009). While no disaggregated data is available specifically for slum populations, it is safe to assume that the high likelihood of risky behaviour in the poorest areas of the capital, including commercial sex work, sexual promiscuity, sexual violence and injecting drug use, coupled with acute levels of poverty and lack of access to basic services, put slum dwellers at high risk of contracting HIV (see also Oxfam et al., 2009). A number of health staff interviewed stressed that discrimination and stigma against people living with HIV/AIDS is common in the slums, and people with HIV often hide their status from sexual partners or fail to get tested, contributing to further infections. In FGDs a range of health threats were highlighted and discussed freely, but HIV/AIDS was rarely mentioned.

As elsewhere in Nairobi, access to city council-run health centres requires payment of a one-off registration fee of 20 KES (\$0.28). In the great majority of the locations visited there were few council-run public health centres. In Mukuru Kwa Njenga, communities reported that the nearest centre was a three-hour walk away. There are no emergency services in the slums. Many respondents highlighted the poor quality of public health services, complaining of long waiting times, inaccurate diagnoses, a lack of medical equipment and expired medication or a lack of drugs.

In the absence of adequate government health services, the private sector, faith-based organisations and international NGOs have become vital health service providers in the slums. The cost of accessing private clinics ranges between 500 and 1,000 KES (\$5.98–\$11.97), and the quality of services and facilities varies. Most (though not all) respondents said that they preferred to seek healthcare in private clinics rather than relying on public health centres, despite the additional cost. According to a recent Amnesty International report, an estimated 130,000 people living in three villages of Kibera had access to only one reliable private health facility, the NGO-run Africa Medical Research Foundation (Amnesty, 2009).

Faith-based organisations have a longstanding tradition of health service delivery in the slums. Examples include the Medical Missionaries of Mary dispensary in Mukuru Kwa

¹⁵ See http://www.msnbc.msn.com/id/21152506/ns/world_news-world_environment.

¹⁶ 'Flying toilet' is a term denoting the use of plastic bags for defecation, which are then thrown in open sewers, ditches, streets or roofs.

Table 4: Rent prices in the neighbourhoods surveyed for the study

Neighbourhood	Rental prices in KES	Rental prices in US\$
Dandora	1,000–2,500	11.81–29.53
Njiru	1,500–4,000	17.72–47.25
Korogocho	300–1,500	3.54–17.72
Mukuru Kwa Njenga	700–1,500	8.26–47.25
Kibera	500–2,500	5.90–29.53
Mathare	400–2,500	4.72–29.53

Source: Study data.

Njenga and the Baraka Medical Centre in Mathare, established by German doctors and the Benedictine Fathers in 1997. The great majority of communities interviewed appeared to be largely satisfied with the services, facilities and drugs offered by faith-based organisations, though for many the fees involved were beyond their means.

6.4 Housing and infrastructure

The large majority of dwellings in the slums and informal settlements are squalid, unhealthy and overcrowded shacks of extremely poor quality, built with low-cost materials and with no piped water or electricity. Social housing provided by the state is extremely limited. The vast majority of slum dwellers are tenants. Rental prices in the study locations varied greatly (see Table 4 above) depending on a number of factors, including proximity to transport, safety, infrastructure and the quality of housing (e.g. bricks, iron, mud). Renting one room in Korogocho can be as cheap as 300 KES (\$3.65) a month, but the area is deemed extremely dangerous due to high levels of criminal violence, and houses are generally very run down.

Information from the FGDs and key informant interviews indicates that access to housing is determined by ethnic and social factors, as well as what people can afford. Respondents reported that it is difficult for certain ethnic groups to rent accommodation in areas dominated by rival groups. This ethnic dimension was particularly evident in the case of IDPs who had been forced from their homes in the post-election violence. For those who were unable to return to their original properties, their ability to rent accommodation in new areas has been further restricted by

landlords who have reportedly sought to exploit the desperate situation of some of these IDPs by charging them higher rents than usual, as was noted by respondents in Mukuru Kwa Njenga. In Mathare, respondents said that the great majority of Kikuyu IDPs displaced from Kosovo village in Mathare in early 2008 have not been able to return because landlords refused to rent to Kikuyus. Similarly, other respondents noted that it is very difficult for Kikuyus to rent in Gatwikira, a long-standing Luo stronghold, and in Luo-dominated areas of Dandora. In other cases, such as Dandora and Kibera, people who were displaced there from other parts of the city during the post-election violence were able to find accommodation, but reported that they have to pay almost double the rent.

Many respondents said that they were forced to share accommodation with other families. Sharing arrangements in the slums entail partitioning a one-room hut with a piece of cloth or a curtain. Overcrowded accommodation inevitably presents protection risks relating to the lack of privacy, and there are frequent tensions between families. Sharing accommodation is a strategy used by the most destitute families, by some IDPs and by single male or female migrants newly arrived in an area.

Electricity supplies in the slums are intermittent and, as in the water sector, collusive behaviour amongst vendors has resulted in exorbitantly high prices. Illegal (and unsafe) electricity connections are widespread. In Korogocho, Mathare and Mukuru communities said that they paid 200–300 KES (\$2.43–3.65) a month for electricity per room regardless of their consumption.

Chapter 7

Governance

Poor governance has been identified by national and international actors as a major challenge undermining national development in Kenya. The World Bank ranks the country below the mean for Sub-Saharan Africa in the following areas: political stability, control of corruption and the rule of law (Mueller, 2008).¹⁶ The Global Integrity Index similarly states that ‘the overall health of the country’s transparency and accountability institutions and mechanisms remains poor’ (Global Integrity Report, 2009). The CIPEV has identified a plethora of concerns, including the deliberate use of violence to obtain political power; the growing personalisation of power around the presidency; a perception amongst certain ethnic groups that they have been consistently marginalised, particularly in relation to land and public services; and a rapidly growing population of poor, unemployed, uneducated youth joining militias and organised gangs (CIPEV, 2008). These issues were consistently raised by respondents and key informants in this study. As one pastor in Mukuru Kwa Njenga remarked, ‘a culture of corruption has destroyed the fabric of the nation’.

The paucity of governance at the municipal level in Nairobi has had a major impact on the daily lives of the urban poor. For the displaced in particular, not only is the consistent abuse of power by the political elite linked closely to the causes of their displacement, but corruption at all levels of governance has severely restricted support to them during their displacement, and has a major impact on their search for a durable solution. In the absence of effective and representative formal governance, many slum neighbourhoods have established community-based organisations and committees to provide essential services such as waste management, security and livelihood support. This social capital is an essential support network for many of the most vulnerable residents, including newly displaced people.

7.1 Formal governance systems

The City Council of Nairobi (NCC) has overall responsibility for the provision and maintenance of all basic services in the city, including in the slums and informal settlements. The NCC is composed of elected members who form the council, and executive staff who run its day-to-day activities. The NCC is governed by a variety of legal statutes and administrative decrees from the Office of the President (OP) and the Ministry of Local Authorities (MoLA), and is divided into operational departments supervised by oversight committees comprising councillors. A number of government agencies and private sector organisations are also active in service delivery and management, but relations between the NCC and these other

¹⁶ Updated assessment available at World Bank, ‘World Governance Indicators’, http://info.worldbank.org/governance/wgi/sc_country.asp.

entities have been marked by a lack of coordination and at times outright hostility. Corruption within the NCC is endemic; according to the East African bribery index, the NCC is the second most corrupt public sector organisation in Kenya after the police (Transparency International, 2010). As one pastor in Mukuru Kwa Njenga remarked, ‘a culture of corruption has destroyed the fabric of this nation’.

The lack of engagement by the national and municipal authorities was evident in the immediate aftermath of the post-election violence. Some support was provided to IDPs in official sites in the capital through the Kenyan Red Cross, but there was very little help for those who had sought refuge with relatives or in other accommodation in the slums. The Ministry of State for Special Programmes noted that IDPs in the slums were not able to access government assistance for returnees because the government was unable to verify the number of claimants in these areas. None of the IDPs participating in this study reported receiving any assistance from the government, and many were scathing about the lack of interest shown in their situation by the government and the municipal authorities.

At the local level, both displaced and non-displaced respondents recognised Area Chiefs, Area Counsellors and the police as the principal actors responsible for governance and the rule of law. Respondents said that, if they had a complaint or required action by the authorities, they first approached the office of the Area Chief. However, most reported that they had experienced significant delays or inaction, and were as a result discouraged from seeking assistance from this quarter; several said that they would not report any issues of concern to the Chief’s office as they believed that their identity as the complainant would not be kept confidential, making them vulnerable to retribution or attack. It was also noted that the efforts required to get any action from the Chief’s office, including the necessary bribe, meant that it was rarely worth it. Some IDPs highlighted that the Area Chiefs were frequently unable to resolve issues specific to their situation. Respondents in Kibera, for example, explained how some IDPs had sought help from the Area Chief’s office in relation to the secondary occupation of their homes in the post-election violence. Unable to remove the new occupiers or get any compensation through their own efforts, they had approached the Area Chief to mediate. In some cases this had proved successful, but in others, as one respondent explained, the Chief was believed to have sided with the occupiers because of ethnic affiliations.

In general both displaced and non-displaced respondents made little reference to community elders as governance actors. Although many were aware of the elders, they struggled to

give examples of where they had made a contribution to their daily lives. Some respondents noted that elders had engaged in mediation between families, or met with high-ranking government officials when they visited the area. However, respondents in a number of FGDs reported that the majority of the elders are from powerful groups in the community and as such are not representative of the slums.

7.2 Political participation

Widespread corruption, a lack of consultation and the basic failure to deliver services in the slums has resulted in further exclusion and marginalisation (Gachanga, 2010). Corruption has effectively denied residents access to resources, opportunities and power. As a result, few feel any enthusiasm for participating in the political process.

Communities in the informal settlements were unanimous in condemning politicians and political parties generally, alleging that they spread hatred among communities, are corrupt, care only for the rich and do very little for the informal settlements. Both displaced and non-displaced respondents were deeply dissatisfied with the political elite and the political system, feeling that, even though they have access to electoral processes, they have no effective voice because elected politicians do not represent their concerns. Few had any confidence that the political elite would address the entrenched ethnic grievances over land and access to resources that were the root causes of displacement. This contrasts starkly with the views of a number of key informants to the effect that slum residents are essentially captive vote-banks for political parties, and are used by them as a base for mobilising groups against political opponents.

Many slum residents did note, and with some pride, that they participated in the referendum on the new Constitution in

August 2010. These respondents felt that taking part was an opportunity to have their views heard, and were guardedly optimistic about the future of the country. Residents reported that the process was relatively simple and accessible, and that they only needed to present their identity cards in order to vote. Some of those who had been displaced in the post-election violence stated that they were able to register locally and participate in the referendum. This positive experience was in marked contrast to the 2007 presidential poll and other past elections, where people felt manipulated and marginalised by political elites, and believed that they had little control over who governed them.

7.3 Informal systems of governance

Given the general lack of formal governance in the slums, communities have organised themselves to address basic needs and provide basic services. There is a proliferation of committees, task forces and groups at different levels, including water and sanitation committees and water cooperatives, groups organising garbage collection, savings and credit groups, land advocacy forums, peace-building committees, HIV/AIDS prevention groups, gender-based violence prevention groups, education committees and religious bodies. Many of these groups are also supported by external actors, including NGOs such as the Youth Initiative Kenya, Umande Trust, Mukuru CBO Alliance and Community Transformation Trust in Mathare. Many respondents noted that these constitute an essential support for the most vulnerable families, particularly those who have been recently displaced. Informal gatherings of displaced people were also reported in Kibera, with weekly meetings to discuss issues of common concern. However, these gatherings were not replicated in other areas. Some key informants indicated that this may be owing to the desire of many displaced people to lose their 'displaced' identity and be integrated with the general community for both security and personal reasons.

Chapter 8

Land and the environment

The struggle for land and the realisation of land rights has been a defining feature of Kenyan history, and is both a principal cause of displacement and an obstacle to its resolution. Inequitable distribution of and access to land, corrupt land administration systems, land-grabbing and conflicts over land have been key drivers of displacement throughout the country. In Nairobi, these factors have been compounded by rapid urbanisation and the uncontrolled expansion of informal settlements. Inevitably, land and property rights featured prominently in key informant interviews and FGDs throughout this study. Both displaced and non-displaced people highlighted violations of rights to housing, land and property as a key challenge in their daily lives and to the realisation of their hopes for the future. For the displaced in particular, disputes over access to land has been a key cause of their displacement, and access to compensation for land and property lost during political violence in the city or as a result of forced evictions was repeatedly highlighted as key to securing an end to their displacement.

8.1 Land law and policy

As noted by the government itself in the National Land Policy, the failure of successive governments in Kenya to address the issue of land has resulted in ‘environmental, social, economic and political problems including deterioration in land quality, squatting and landlessness, disinheritance of some groups and individuals, urban squalor, under-utilization and abandonment of agricultural land, tenure insecurity and conflict’ (GoK, 2009: v). Post-independence land laws and policies have failed to resolve historical grievances stemming from the colonial practices of land dispossession in favour of white settlers, especially in present-day Central Province and the Rift Valley (KNCHR, 2008). Pre-independence practices were legalised with the implementation of an individual freehold title registration system at the expense of customary mechanisms of land tenure. As market-based processes of land redistribution and restitution were favoured, many of the communities who originally owned the land were left out of the process because they were unable to put forward the necessary financial means (Elhawary, 2008). In addition to issues around the ownership of land, inadequate and inefficient efforts to conserve or invest in land and natural resources, particularly in the north, have been a cause of displacement among communities faced with repeated climatic hazards. Government action to address this has largely been characterised by a failure to respect the tenure rights of residents and by forced evictions, conducted in contravention of international human rights law. In the Mau Forest alone, an estimated 100,000 people have been forcibly evicted (Amnesty International, 2007).

The National Land Policy, approved by the Cabinet in 2009, provides for equitable access to land and security of tenure for all Kenyans (KHRC, 2010b). The new Constitution is consistent with the National Land Policy, and confirms the national classification of land into three areas – public (10%), community (70%) and private (20%) – while allowing the state to ‘regulate the use of any land, or interest in or right over any land, in the interest of defence, public safety, public order, public morality, public health, or land use planning’. The National Land Commission (NLC), established by Section 67 of the Constitution but not yet constituted, is mandated to advise the government on a comprehensive programme for the registration of land titles, to investigate land disputes and to promote the application of traditional dispute resolution mechanisms in land conflicts.¹⁷ The NLC also has oversight responsibility for land use planning throughout the country. The National Land Policy was approved by parliament in 2009, and implementation of some components is already under way, including the archiving of land records (Wily, 2010; GoK, 2010).

The National Land Policy and the draft National IDP Policy both confirm the close links between land and displacement, and provide guarantees for the land rights of internally displaced people. The draft IDP policy acknowledges conflicts over land as a cause of displacement, and accepts that the realisation of land rights is essential to achieving a long-term solution to displacement. Drawing on Kenya’s obligations under the Great Lakes Pact, the Constitution and other relevant international standards, the draft policy provides guarantees relating to the rights of IDPs to own property and the right to protection from arbitrary deprivation of property. It calls for adequate compensation for lost land and property and provides for security of tenure for IDPs during displacement (i.e. security of tenure to the land on which they have sought refuge); accessible dispute resolution mechanisms; and the implementation of the National Land Policy. The draft outlines in significant detail the land and property rights of IDPs, and calls for simplified procedures allowing for alternative proof of property and ownership other than formal documentation.

8.1.1 Land rights and informal settlements in Nairobi

In Nairobi, 40% of land is thought to be owned by the government, 5% by the city council (CCN, 2007) and over 50% in private ownership (CCN, 2007). The Department of Resource Surveys and Remote Sensing identifies eight land-use classes in Nairobi: residential, industrial, administration, infrastructure,

¹⁷ The Ministry of Lands was also considering the possibility (as of January 2011) that the NLC could ‘deal with informal settlements, historical injustices, IDPs, Coast Land problems, restitution and disaster prone regions’. See <http://www.lands.go.ke>.

recreational areas, water bodies and riverine areas, urban agriculture and open land and 'other' (e.g. national parks and forests) (CCN, 2007). Residential land accounts for 25.2% of the city's area (CCN, 2007); however, 5% of this residential land is covered by informal settlements housing an estimated 65% of the city's population (Practical Action, 2005).

The formation of Nairobi's slums can be traced back to the colonial period, when the urban layout was based on colonial segregation policies that separated the urban population into African, Asian and European racial clusters (UN-HABITAT, 2003). With the relaxation of racial segregation policies in the post-colonial era, spatial segregation came to characterise settlement patterns in the capital, related to socio-economic and cultural stratification (*ibid.*). Informal settlements proliferated, particularly near sources of employment; Mathare, for example, has historically supplied a cheap domestic workforce for the nearby residential neighbourhood of Muthaiga.

The response of successive governments to the expansion of informal settlements has been *ad hoc* and inconsistent, with little effort to significantly intervene to address the problems stemming from poor urban planning or the complex land ownership system. At times the government has reportedly adopted a 'wait and see' approach, undertaking no improvements as upgrading was perceived as an incentive for the poor to stay or as encouragement to new rural-to-urban movements (APHRC, 2002). The housing market has been largely private, with little or no social housing provided by the government in most areas. This lack of affordable housing has been a key factor in the rapid expansion of informal settlements in Nairobi. Between 1971 and 1995 the number of informal settlements within the capital's divisional boundaries rose from 50 to 134 and the estimated total population of these settlements increased from 167,000 to approximately 1,886,000 people (UN-HABITAT, 2003). Today, up to two million people are thought to be living in Nairobi's slums (CCN, 2007); the 2010 census results were released on 31 August 2010, but many key informants believed that these figures were an underestimate.

Land tenure in the informal settlements is extremely complex, and can include private tenure on land with individual title, group tenure under land-buying companies and squatting on land held in trust by the county or city councils (Wayumba, 2004). As noted above, the vast majority of people in the slums are tenants with little security of tenure (FGDs; Gulyani and Talukdar, 2008; Mitullah, 2003). Agreements tend to be verbal rather than written, making people highly vulnerable to rent increases and forced evictions. In most cases it is likely that landlords (resident or absentee) themselves do not in fact legally own the land, but rather own the structure that is built on a particular plot (*ibid.*).

8.1.2 Slum upgrading

The Kenya Slum Upgrading Programme (KENSUP) aims to formalise informal settlements, provide security of tenure to residents and improve access to basic services, infrastructure

and economic opportunities. In Nairobi, the programme has been implemented in partnership with UN-HABITAT since 2003 in Kibera (CCN, 2007) and more recently in Korogocho. Progress in both locations has been limited. A number of bodies have been established to facilitate implementation of the programme, including a Settlement Executive Committee (SEC) which is intended to provide representation for the communities to be affected. A temporary 'Decanting' site for Kibera has been identified, and the construction and occupation of units was completed in 2010. However, there remain many concerns regarding the programme including the lack of clear objectives, the limited allocation of resources to date and the inadequate representation of affected communities in planning and design. In its 2007 report, COHRE noted few incentives for landlords or property owners to support the scheme since the compensation offered to them is likely to be inadequate given the large profits to be made from the rental market in Nairobi (in 2004, renters in the slums reportedly paid out at least \$31 million (Gulyani and Talukdar, 2008)). COHRE also pointed to a lack of clarity on how security of tenure will be addressed, and noted little evidence of planning to support the most vulnerable residents, including the elderly and the disabled. There are concerns that the upgrading programme may lead to higher rents, effectively displacing the very communities it is designed to help (Gulyani and Talukdar, 2008). A number of respondents in Kibera said that they had no confidence in the upgrading programme and considered it corrupt and poorly administered. Many were not even aware that the programme existed.

Respondents and key informants for this study repeatedly highlighted corruption in the administration of land, and in relation to the rental market in the slums. Whilst traditionally access to land has been understood as being related to ethnicity, more recently there is a pervasive assumption that the fate of informal settlements in Nairobi and their residents, displaced or non-displaced, is intrinsically connected to their economic value – that there are significant profits to be made from the status quo, as rent is regularly collected from slum-dwellers without corresponding provision of adequate housing and basic infrastructure. Many respondents in this study (supported by available literature) believed that slums have become a business for key political figures (Dafe, 2009), and that even those who have been able to move out of the slums, through renting properties in the slums to others, have become locally politically powerful through the expansion of their economic interests in these areas (COHRE, 2007). From the evidence gathered in this study it is not apparent that the profits of renting are being re-invested in housing, services or infrastructure in these areas. It would seem that those with the power to improve the settlements may have little incentive or interest to do so.

8.2 The environment

Land use and the environment are inextricably linked. Inadequate land policies combined with weak environmental protection have resulted in the degradation of natural

resources, including loss of forest cover (GoK, 2009), the use of hazard-prone land for human settlement and air, soil and water pollution. As such, environmental degradation and displacement are closely related; efforts to preserve the environment have caused displacement, and displaced populations have contributed to environmental degradation. Poor environmental conservation together with inadequate land policies and ongoing population growth have resulted in what the municipal authorities in Nairobi have labelled an 'environmental crisis' (CCN, 2007: 3).

Over the years, Nairobi's boundaries have been repeatedly extended to accommodate the spatial sprawl of human settlements, leading to the loss of surrounding forests, agricultural land and rangelands (Omwenga, 2008; UNEP, 2009). Those resources that have escaped being swallowed up by Nairobi's urban sprawl have become degraded. Air and water pollution and inadequate solid waste management in particular are key environmental challenges (MNMD, 2008). High levels of surface water pollution result from inadequate wastewater and garbage management and untreated industrial

waste (UNEP, 2009; CCN, 2007). Untreated liquid waste from Nairobi's industrial area, human waste from the Dandora Sewage Treatment Plant and several municipal effluents discharge directly into the Ngong River, making it the most polluted river in Kenya (UNEP, 2009). By 2030, Nairobi is expected to be producing over 1,800,000 tons of waste per year (MNMD, 2008), up from around 170,000 tons in 1997. Meanwhile, the air Nairobi's people breathe is polluted by the increasing number of vehicles on the city's streets, industrial emissions, the open burning of waste and the extensive use of charcoal and firewood for fuel (UNEP, 2009; CCN, 2007). Many slums are located in areas of the city considered particularly hazardous, including flood plains, steep slopes and river valleys, or are adjacent to sewers or garbage dumps, exposing residents to high risk of floods, landslides and a wide range of health risks (UNEP, 2007 and 2009). As noted earlier, it is often the case that IDPs, being particularly vulnerable due to loss of assets, income and support networks, are forced to reside in the cheapest accommodation, in the cheapest areas of the city, those which are most at risk of hazards, and the most exposed to environmental pollution.

Chapter 9

International assistance

Until recently international humanitarian actors have concentrated their operations on Kenya's rural areas, with very limited engagement in Nairobi's slums and informal settlements. Most key informants noted that the violent scenes in the capital during the post-election period brought about a significant shift in the focus of the international community. Even so, international objectives and strategies to support poor urban populations remain generally inadequate.

9.1 Post-election violence: the international response

The intensity and rapid escalation of the crisis that enveloped Kenya in the aftermath of the presidential elections in 2007 caught national and international actors by surprise (Bayne, 2008; Diagne and Solberg, 2008; Elhawary, 2008). Nonetheless, an emergency response was quickly mounted, led by the Ministry of Special Programs in the Office of the President, with the Kenya Red Cross (KRC) as the official implementing partner and with the support of the international community (Diagne and Solberg, 2008; CAP, 2008). In early January 2008, the cluster approach was activated to provide a framework for the coordination of international relief efforts, and in April 2008 an Emergency Humanitarian Response Plan was launched for \$190m (revised upwards from \$40m) (CAP, 2008; Elhawary, 2008).

The international response focused on people who had sought refuge in the 118 official sites and camps around the country (UN-OCHA, 2010; UNICEF et al., 2008). In Nairobi, several UN agencies and international NGOs provided humanitarian relief, including food and health services in the camps. However, no mechanisms were put in place to identify IDPs who had sought refuge with host families or who had rented alternative accommodation in the city, and consequently most received little or no relief from the international community (Elhawary, 2008; UNHCR, 2008). The international humanitarian response drew to a close in May 2008, when the government launched Operation Rudi Nyumbane (Return Home) and IDP camps across the country were closed.

9.2 2008 onwards: the international response

The high levels of political violence in the slums and informal settlements during the post-election period brought about a major shift in emphasis, both within the government and in the international community. International aid agencies had been operating in Kenya for years, but the emergency response in early 2008 marked the first time that many had engaged in the slums in the capital.

This new emphasis on urban response was evident again in 2008–2009, when Kenya experienced a sharp spike in food

prices driven by the global food price crisis, low food grain production and the adverse economic impacts of the post-election violence (Oxfam GB, 2010). In January 2009, the extent and severity of the food crisis prompted President Mwai Kibaki to declare a national food security emergency. As subsequent government interventions largely focused on pastoral areas, several agencies engaged in a sustained advocacy campaign to draw attention to the increasingly acute levels of need in urban areas. A number of initiatives were also launched aimed at protecting and promoting urban livelihoods and enhancing food security in the slums, including a cash transfer project by Oxfam GB and Concern Worldwide in Mukuru and Korogocho (Mohanty, 2010). Also in 2009, Solidarités began a 'garden in a sack' initiative, providing 11,000 households with equipment and training to grow vegetables (Pascal and Mwendu, 2009). Targeting for these programmes was based on standard vulnerability criteria.

In 2010, UN-HABITAT and OCHA established a mechanism for coordinating programmes for the urban poor, bringing together a wide range of stakeholders including government agencies, NGOs and CBOs, the UN and donor agencies (UN-HABITAT and UN-OCHA, 2009). To date, the group has focused on three key activities: developing a multi-sectoral framework to guide humanitarian responses in informal settlements and a monitoring tool on urban vulnerability; strengthening the coordination of interventions addressing urban vulnerability, with local authorities playing a central role; and developing an advocacy strategy to raise awareness of the situation in the slums and encourage action (*ibid.*).

The need to develop a coherent multi-sectoral strategy for urban areas is also emphasised in the current Emergency Humanitarian Response Plan (EHRP) 2011+ for Kenya (EHRP, 2011: 5). The EHRP highlights the high caseload of food-insecure households, high malnutrition rates and the alarming health indicators in the slums. Several interventions targeting slum areas are prioritised under the education, food and income security and health sectors. Although the EHRP does not discuss the issue of targeting *per se*, programmes do not appear to target IDP populations specifically.

Designing and delivering assistance in the slum areas of Nairobi is fraught with challenges, not least around targeting the most vulnerable and maximising the impact of aid. The difficulties inherent in identifying and targeting IDPs were raised by a number of key informants. Several international agencies working in the slums said that they do not specifically target people because of their displacement status (as they did in the emergency response in 2008), but rather try to address the needs of the wider urban poor, including vulnerabilities

related to displacement. There are serious logistical difficulties in accurately identifying IDPs (whatever the cause of their displacement) amid the millions of low-income economic migrants and longer-term residents. In addition, a number of key informants felt that targeting people on the basis of their displacement status risked overlooking non-displaced people whose level of vulnerability may be greater. This approach may also increase tensions between IDPs and non-displaced communities. Instead, they asserted that it may be more appropriate to use displacement as one of several indicators of potential vulnerability.

It is essential that the design and implementation of assistance programmes is based on a robust and comprehensive analysis of the vulnerabilities of the whole urban poor population, as well as a political economy analysis to determine the broader political and economic factors which have an impact on these vulnerabilities. As many key informants pointed out, this analysis is not currently available, hampering the development of appropriate programmes to support the urban poor. In particular, key informants noted a lack of data on nutrition, the prevalence of disease, migration trends and the availability of and access to services. Informants attributed this lack of data to the difficulties involved in undertaking surveys in the slums due to the sheer size of the urban poor population, the financial and other resources required to undertake such surveys, high levels of insecurity that restrict access even for national actors and the mobility of residents in the slums and informal settlements.

Despite efforts to strengthen coordination in urban areas, an overarching strategy is still lacking, and interviews with humanitarian and development agencies and donors highlighted contrasting views on whether the needs of the urban poor are a humanitarian concern at all. A number of key informants stressed that the problems facing the urban poor are fundamentally a development challenge, that the

contribution that humanitarian agencies can make in this regard is extremely limited and that any attempt to substitute for the government in the provision of essential services was both inappropriate and inefficient. One key informant noted that the engagement of humanitarian agencies in what is essentially a development milieu has resulted in the diversion of resources away from humanitarian needs in other parts of the country. The researchers were told that development actors (both agencies and donors) have the long-term vision, presence and funding urban problems call for, and the relationships with the national and municipal authorities that are necessary to ensure any major impact. However, it was also noted that many development actors have been slow to act in this area and need to scale up their engagement with the authorities and their engagement and support for local communities and institutions and other non-government actors. Several key informants noted that humanitarian agencies should focus on responding to immediate needs stemming from specific events, such as spikes in violence, forced evictions or disasters, and undertaking advocacy efforts to raise awareness of the need for a long-term development strategy for the slums, to build resilience against future shocks and hazards and prevent further displacement.

Evidently, the response of the international community to date has been inadequate. Following years of neglect in the slums, agencies have now started to pay attention. However, in order to maximise its impact, this new engagement must be more strategic, supported by greater investment in vulnerability and context analysis and focused on ensuring that the national authorities and other national actors are supported in delivering essential services and other programmes to alleviate the poverty and despair that is so prevalent in Nairobi's slums. Key to this intervention is ensuring a comprehensive view of vulnerabilities, of which internal displacement is one indicator among many.

Chapter 10

Conclusions and recommendations

Internal displacement has been a major feature of Kenya's recent history. Politically-instigated ethnic violence, human rights violations, natural disasters and chronic under-development, compounded by endemic corruption, poor governance and weak rule of law, have prompted repeated waves of displacement across the country. Many of those forced to flee have sought refuge in the capital. Drawn by the perceived security and anonymity of the city, as well as the increased access to basic services and economic opportunities that they believe they will find there, these displaced populations have merged into the urban environment, living alongside other urban poor. The urban context has now become so complex that it is extremely difficult to distinguish between those who were forcibly displaced by the post-election violence, by past evictions or by other factors, and those who have voluntarily left their places of origin for a better life in the city. Indeed, as this study has found, there is significant overlap in many cases between 'forced' and 'voluntary' movement to Nairobi. Whatever their rationale for choosing city life, the vast majority of the urban poor, both displaced and non-displaced, have settled in the slums where life may be marginally preferable to rural areas of origin for some, but where their existence is characterised by poverty, violence and an overwhelming sense of despair.

This study has found that the vulnerabilities prevalent in Nairobi are not directly related to displacement *per se*. Rather, displacement is only one of a number of factors that render urban residents particularly vulnerable to an array of risks to their health and well-being. The vulnerability of displaced people is not static but rather is increased or reduced by several factors, including pre-existing vulnerabilities, the nature and cause of displacement and family, social and ethnic support networks. For example, those displaced from outside the capital have sought to settle in the slums as a coping strategy to reduce vulnerabilities relating to food security, health and education. However, for those displaced within the city during the post-election violence or in forced evictions, the displacement experience greatly increased their vulnerabilities in the short- and longer-term, particularly in relation to housing, livelihoods and food security. High levels of insecurity, the physical and psychological legacy of the post-election violence, ongoing ethnic tensions and unequal access to housing and employment opportunities and unrealistic expectations of the new Constitution are fuelling fears of a fresh round of ethnic violence in 2012. Tenure insecurity and forced evictions pose further risks of displacement, particularly for those who have been displaced previously.

Across the city, slum residents are affected by high levels of criminal violence, including sexual violence, exploitation and domestic abuse. Services are inadequate, with little basic infrastructure. Most residents live in squalor, often in one-

room shacks made of iron sheeting, bits of wood and plastic sheeting, with overflowing sewage in the streets and limited access to clean water. Health, education, water and sanitation services are predominantly provided by non-state actors, including the private sector. In the absence of any regulation, these services vary significantly in quality and cost, with a monopoly in some sectors resulting in far higher prices for poorer-quality services. Finding work is a daily challenge, with most residents employed in the informal sector, working long hours in exploitative conditions for very low pay.

The government at local, municipal and central levels has largely failed to respond to the needs of the urban poor, including displaced populations. The lack of effective governance structures, weak rule of law and endemic corruption at all levels of public office have compounded vulnerabilities across communities and heightened the risk of displacement. While there are no apparent physical or political barriers to political participation, most residents feel that they have no real control over their lives, or who governs them. Having largely ignored the urban poor for years, international actors are now struggling to understand the drivers of vulnerabilities among the urban poor, and how they can be supported. The millions of people living in Nairobi's slums have been left to take care of themselves. In response, they have invested in support networks based on familial, social or ethnic ties to access basic services, housing and work. This remarkable resilience and strength demands greater support from both national and international actors alike.

A complex interplay of politics, economic power and ethnicity is holding most slum residents hostage to a life of poverty and destitution. Since a chronic lack of development is the principal driver of urban vulnerability, resolving this development crisis is key to addressing vulnerabilities more broadly, and those relating to displacement specifically. Whilst in some cases displacement has created some specific vulnerabilities and increased exposure to certain risks, it is not, in itself, a direct indicator of vulnerability in this context. As such, the findings of this study indicate that a more holistic approach to understanding vulnerability is required – one that analyses a wide range of indicators, including displacement. Failure to undertake a more comprehensive approach risks excluding some urban poor populations who may be more vulnerable than people who have been displaced, and may exacerbate the ethnic tensions bubbling just beneath the surface of Nairobi life. Concerted efforts are required from all stakeholders, not least the government, to ensure more effective and more equitable development strategies that aim to reduce vulnerabilities more broadly, thereby lessening the risks of further displacement and building the resilience of communities to respond to future threats.

Based on the findings of this research, HPG and the IRC offer some preliminary recommendations to address the vulnerabilities of IDPs and other urban poor in Nairobi.

Recommendations

- *Leadership:* The responsibility for the welfare of its citizens lies first and foremost with the government of Kenya. The government at all levels, including the City Council of Nairobi, must demonstrate the political and financial leadership required to fulfil this responsibility. The international community can assist and support the government in addressing the vulnerabilities of displaced populations and other urban poor in Nairobi, but prolonged substitution for government services is not likely to be effective in the long term.
- *Analysis:* A comprehensive analysis is required to understand the complex array of vulnerabilities and needs in this context. Displacement, along with gender, age and ethnic and social background, should be used as one of the key indicators of vulnerability. This vulnerability analysis must be complemented by a comprehensive analysis of the political economy of the slums and informal settlements. A sound understanding of the economic and political power relations at play is essential to identifying and addressing the drivers of vulnerability. Such analysis will be resource-intensive and costly, and will face logistical and political challenges. For that reason it is essential that the government, with support from donors, ensures that the required financial and other resources are made available, and that the public is informed of the objective and purpose of this analysis.
- *Policy:* National legislation protecting the specific rights of displaced populations is essential, including protection from arbitrary displacement. The finalisation and implementation of the draft National IDP Policy is a critical priority. The current draft must be presented to the Cabinet as soon as possible, and supported through the parliamentary review process. Financial and political investment will be required to ensure its final endorsement and effective implementation, including an appropriate public dissemination campaign. Similarly, the endorsement and implementation of national guidelines on forced evictions is essential. The rapid endorsement and effective implementation of the National Land Policy will be vital to address the root causes of displacement more broadly.
- *Urban planning:* The government's recent focus on the development of urban areas, and attempts to tackle the unregulated expansion of slums and provide low-cost housing to the urban poor, are positive steps. However, in order to effectively translate these plans into meaningful changes in the living conditions of Nairobi's urban poor it is essential that these strategies are allocated the required resources, and supported by transparent and accountable administration.
- *Institutional capacity:* Donors should work with the government to strengthen its institutional capacity in urban planning, regulation, service delivery and poverty alleviation. At the same time, donors must work with the government to tackle corruption at all levels, so that resources are not diverted and programmes result in meaningful changes on the ground.
- *Service provision:* An urgent scaling-up of service provision in the slums is essential. Given the long-standing provision of services by non-state actors, particularly community-based or faith-based organisations and NGOs in these areas, the government, donors and international organisations should harness the experience and knowledge of these actors to ensure appropriate strategies and that services address the needs of affected communities.
 - The provision of good-quality educational services is central to a long-term poverty alleviation strategy. In this regard, the Ministry of Education should regulate private schools in these areas, and devise a support package for teachers working in the slums to include specific training, compensation and additional benefits to attract and retain qualified staff.
 - State regulation of the water and electricity sectors is essential to ensure access to clean water and safe electricity services in the slums.
 - Expanded access to micro-finance and micro-credit schemes may constitute an effective medium-term strategy to support access to livelihoods for the urban poor. In addition, building on existing cash transfer programmes, the government, donors and international agencies could explore the potential for scaling up cash-based assistance programmes to support livelihoods.
- *Protection and rule of law:* High levels of criminal violence must be addressed through increased investment in the police force, including greater training and monitoring of the police, increased deployments of officers and equipment, greater investment in community policing initiatives and better pay and benefits for officers serving in the slums. Increased support is essential for slum populations to access judicial mechanisms, and will require investment by the government and donors in legal aid services to the urban poor, as well as long-term investment in the judicial system.
- *International response:* Whilst the recent focus of international actors on the urban poor in Nairobi is welcome, it must be recognised that the chronic vulnerabilities in the slums are essentially a developmental challenge. Working in close cooperation with the authorities and development actors, humanitarian agencies can support communities through the provision of assistance in times of acute need (e.g. disasters, spikes in violence), but their role in addressing underlying causes of vulnerability is limited. International development actors must urgently scale up their support for the national and municipal authorities, communities and other non-state actors. Greater coordination efforts led by the government, based on increased sharing of information and analysis, will be essential in ensuring a more strategic and therefore more effective international strategy in these areas.

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