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**THE IMPACT OF PLANNING THEORY AND SHELTER STRATEGIES  
ON URBAN LAND AND HOUSING POLICIES IN KENYA AND TANZANIA**

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**ABSTRACT**  
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This dissertation examines the extent to which dominant planning theories and shelter strategies have impacted urban land and housing policies in sub-Saharan Africa. The investigation of individual government's land and housing policies is an important step in addressing urban dwellers' lack of access to adequate shelter as well as the proliferation of unplanned and informal settlements in this region. A human rights-based approach is used as a lens for which to view this research in urban housing policies because it recognizes a government's obligation to fulfill their citizens' right to access adequate shelter and a well-planned built environment.

The countries of Kenya and Tanzania were selected as case studies in this dissertation in order to assess the impact that dominant planning theories and shelter strategies had on individual countries' urban housing policies. This research considers three of the most recent land and housing policies for both Kenya and Tanzania. Analysis of the specific policies demonstrates that the governments of Kenya and Tanzania have failed to prepare spatial strategy plans that allow for socio-economic development and the improvement of livelihoods of all citizens.

This investigation undertook a qualitative analysis of dominant planning theories, particularly the aspects of the theories that pertained to current conditions and planning obstacles in sub-Saharan African cities. A review was carried out of the history of shelter strategies endorsed by the international development community, as well as a review of the discourse employed in recent land and housing documents. A qualitative assessment was performed to determine the extent to which the land and housing policies of Kenya and Tanzania had been influenced by dominant planning theories and the international development agenda. The assessment highlighted similarities that existed between planning theories and shelter strategies, and the urban housing policies in place in Kenya and Tanzania.

The key findings of this dissertation show that the impact of Western planning theories and practices has resulted in a mismatch between the urban planning strategies in place and the local conditions in Kenya and Tanzania. Urban dwellers in these countries struggle to access adequate housing options because the planning approaches implemented by the government reflect aspects of planning theories used in 20<sup>th</sup> century urbanizing cities of Europe and the United States, which are not suitable to urbanizing regions of Kenya and Tanzania. The end result is the unabated growth of unplanned settlements and habitation of unserviced land which maintains the government's implementation of poor planning procedures and allows for the continuation of social, economic, and spatial injustices.

The findings also demonstrate that the impact of internationally recognized shelter strategies has not been effective in improving the overall urban housing crisis in Kenya and Tanzania. Similar to the planning strategies, the shelter strategies implemented by the government are not congruent with the local realities and needs of these countries. The human-rights based approach highlights the duty the governments of Kenya and Tanzania have to provide the right to access decent housing but the countries' local conditions as well as the governments current role as facilitators of housing provision has resulted in the growth of unplanned settlements and the deterioration of urban shelter conditions.

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## **Chapter 1: Introduction of dissertation**

Target 11 of the Millennium Development Goals recognizes the need to address the deterioration of urban housing conditions throughout the developing world (UN-Habitat, 2003b). The aim of the target is to significantly improve the lives of at least 100 million slum dwellers by the year 2020 (ibid). In 2005 UN-Habitat reported that one out of every three people in developing world cities lives in a slum (UN-Habitat, 2008a). In some regions of Africa the percentage of the urban population residing in slum like conditions is as high as 95% (UN-Habitat, 2008b). High rates of urban poverty, shortage of adequate shelter options, and the continual growth of slums and informal settlements create a daunting challenge for the international development community and the governments of developing world countries. The main obstacles impeding improvement in the lives of slum dwellers include the poor land use and housing policies in place in many developing countries as well as an overall failure to address the needs of the urban poor (UN-Habitat, 2003b). UN-Habitat recommends that governments and city planners acknowledge and include the needs of the poor when planning for the development of a city and incorporate a complete understanding of slums and informal settlements within the context of the country's local conditions (ibid).

Despite international targets aimed at resolving the issues afflicting the cities of the South, the pervasive nature and unrelenting growth of informal settlements continues to hamper the sustainable development and planning of urban areas. Because the effects of urbanization vary at both a country and city level, urban planning mechanisms and shelter strategies that were successful in one region of the world may not be appropriate in others. Instances where internationally recognized and approved solutions fail to resolve the lack of adequate urban housing and halt the growth of informal settlements are not necessarily indicative of an inappropriate approach. Depending on a country's pre-existing economic, political, and social conditions the influence of these internationally recognized models and norms on the formation of individual governments' policies do not always produce a culturally appropriate response (Mabogunje, 1992; Payne, 2000a; UN-Habitat, 2008b). This dissertation explores the impact of dominant planning theories and shelter strategies on urban land and housing policies in sub-Saharan Africa. The investigation of individual government's land and housing policies is an important step in addressing urban dwellers' lack of access to adequate shelter as well as the proliferation of unplanned and informal settlements in this region. The subsequent section will provide background information for urbanization in developing regions, specifically the highlighted case studies of Kenya and Tanzania, as well as provide a context for the planning mechanisms and urban shelter policies undertaken in sub-Saharan Africa.

## **A. Urbanization and growth**

Urban areas of developing countries are growing at ten times the rate of cities in the global north. In 2005, the total urban population in the developing world was 2.3 billion people, with a projected increase to 5.3 billion by the year 2050. In the last two decades alone the population of developing world cities has grown by an average of 3 million people per week (UN-Habitat, 2008a). Latin America stands as the most urbanized region in the developing world with a staggering 77% of its population living in urban areas. Urban growth in this region peaked during the 1960s with an annual growth rate of 4.6% and has since dropped to 1.7%, with 46 cities experiencing urban population loss in the 1990s (ibid). Asia, ranked second amongst urbanized developing regions with 40 %, has a current annual urbanization rate of 2.6%. Africa is the least urbanized of developing regions with only 39% of its total population residing in urban areas. Although this is only 1% lower than Asia's urban population, Africa is the only region in the world that is showing almost negligible signs of urban population decline. Between the years 2000 and 2005 the annual urban growth rate in Africa was 3.3%, the highest in the world (UN-Habitat, 2008b).

Africa's rate of urban growth, coupled with high levels of poverty, instances of economic stagnation, and weak, ineffective governments will continue to be strongly linked to the formation and proliferation of informal, slum, and squatter settlements (UN-Habitat, 2008a). There are exogenous variables that contribute to the spread of sub-standard living conditions in developing world cities which countries and governments have little control over. However, instances of inappropriate housing policies and mismanagement of urban growth are in fact a direct reflection of a country's governing ability (ibid). The presence of slums and informal settlements in a society are a clear indication of the failure of the government to provide adequate habitat for human development (Aldrich and Sandhu, 1995).

## **B. Urbanization in Kenya and Tanzania**

East Africa (EA) is the least urbanized region of Africa and the issue of urbanization has not been highlighted as key development issue in this region until recently (UN-Habitat, 2008b). The rapid increase of urban dwellers has sparked social, economic and spatial problems in the area including an increase in urban poverty, growth of informal settlements and a decrease in the quality of urban life (ibid). Urbanization in EA is not driven by economic growth, as it was for industrial cities in previous centuries, but rather it is a poverty driven survival strategy. Despite low levels of economic growth in EA cities the rate of urbanization continues to grow and the region is expected to maintain a steady urban growth rate for the near future (ibid).

**Table 1: Urban Population (%) in Africa and EA 1980-2030**

	1980	1990	2000	2007	2010	2020	2030
<b>EA Urban Pop</b>	13.4	16.2	18.4	20.5	21.4	25.4	30.5
<b>Africa Urban Pop</b>	27.9	32.0	35.9	38.7	39.9	44.6	50.0

**Table 2: Total and Urban Growth Rates (%) in Africa and EA 1980-2030**

(Total Pop)	80-85	85-95	90-95	95-00	00-05	05-10	10-15	15-20	20-25	25-30
East Africa	2.98	3.04	2.57	2.75	2.57	2.54	2.43	2.26	2.06	1.89
Africa	2.89	2.79	2.61	2.45	2.32	2.25	2.15	2.01	1.85	1.71
(Urban Pop)										
East Africa	4.98	4.97	4.23	4.01	3.87	3.92	3.98	3.97	3.91	3.81
Africa	4.30	4.16	3.87	3.52	3.38	3.31	3.23	3.12	3.00	2.87

(Source UN-Habitat 2008b, from World Urbanization Prospects: The 2007 Revision)

Table 2 illustrates that the EA total population growth rates are predicted to slowly decrease in the future, similar to the Africa average, but the urban growth rate for the region will continue to be significantly higher than the African average (ibid). Table 2 also highlights the difference between EA's total population growth and urban population growth, in comparison to Africa as a whole. It can be noted that the urban growth rate for Africa has been declining over the past few decades, but still remains the highest growth rate for all developing regions (ibid). EA's urban growth rate is particularly impressive and is expected to increase by .6% per annum over the next five years.

Kenya and Tanzania are two of the more populated countries in EA. Both countries are reported having two of the highest total and urban populations in EA, ranking second and third to Ethiopia. Tanzania holds 16.4% of EA's urban population while Kenya holds 15.2%. From 2000-2005 the two countries had the lowest urban growth rate in the region as well.

**Table 3: Population dynamics of the larger East African countries:**

Country	2007 Total Population (mils)	00-05 Total Pop. Growth rate (%)	2007 Urban Population (mils)	00-05 Urban Pop. Growth rate (%)
Burundi	8,508	3.03	858	6.09
Eritrea	4,851	4.26	980	6.02
Ethiopia	83,099	2.44	13,813	3.83
<b>Kenya</b>	<b>37,538</b>	<b>2.20</b>	<b>7,982</b>	<b>3.20</b>
Madagascar	19,683	2.83	5,733	3.82
Rwanda	9,725	2.38	1,753	9.16
Somalia	30,884	3.20	3,136	4.33
<b>Tanzania</b>	<b>40,454</b>	<b>1.95</b>	<b>10,128</b>	<b>3.58</b>
Uganda	30,884	3.40	3,955	4.18

(Source UN-Habitat 2008b, from World Urbanization Prospects: The 2007 Revision)

As stated earlier, high rates of urbanization in this region have led to a shortage of adequate urban housing as well as the proliferation of slum and informal settlements. However, Kenya and Tanzania have some of the lowest slum incidences in the region. In 2005 approximately 54.8% of Kenya's urban population resided in slum conditions. Tanzania's slum incidence in 2005 was marginally higher at 66.4% yet still ranked as the third lowest percentage in East Africa. Kenya and Tanzania, similar to East Africa as a whole, are experiencing high urban primacy for capital and port cities and these rates are expected to remain disproportionately large for the near future (UN-Habitat, 2008b). Nairobi, the capital city of Kenya, is the second largest city in EA and holds 37.7% of Kenya's urban population. Due to its proximity to the coast Dar es Salaam is the most populated city in Tanzania accounting for 29% of the country's urban population. In 2005 Nairobi's slum incidence was the lowest in the region at 38.5%, which can be attributed to the presence of UN-Habitat headquarters in Nairobi (ibid). Despite the low percentage of overall slum incidence in the country as well as the capital, Kenya's slums have the highest population densities out of the entire continent. Kibera, Kenya's largest informal settlement covers approximately 550 acres and is home to what is estimated as approximately 1 million residents (Amnesty International, 2009; COHRE, 2006). The percentage of slum households in Dar es Salaam is second highest of EA cities and statistics report as much as 80% of the city's urban population resides on unplanned areas lacking access to basic services (Kombe, 2005; UN-Habitat, 2008b). The main urban centers of Kenya and Tanzania are experiencing the strain that a large urban population has on the supply and availability of housing and land. This topic as well as the history of land and housing for each country will be discussed in more detail in Chapter 2.

### **C. Early stages of urban planning and shelter provision in sub-Saharan Africa**

By the 1960s most sub-Saharan African states had gained independence from colonial powers and African governments were faced with increasing rates of urbanization and the physical growth of urban centers. The main response to these pressing urban issues during this time period was the creation of master plans and the adoption of traditional physical-design planning systems (Fainstein, 2000; UN-Habitat, 2008b). These plans were for the most part unsuccessful in managing urban growth and often times exacerbated already existing urban problems such as lack of available shelter and basic service provision (UN-Habitat, 2008b). The failure of such plans can partially be attributed to governments' lack of comprehension of the high urbanization rates, along with insufficient urban investment and infrastructure. The planning theories that served as the backbone of these master plans must also be considered as a factor in their unsuccessful implementation (Watson, 2002; 2003). The urban planning techniques of many colonized African nations were adopted from the previous colonial powers as well as from the prevailing planning theories in the Western world (McAuslan, 2003). Such planning theories and

urban solutions were often based on generalizations by experts from other regions of the world, and subsequently were not particularly responsive to the cultural diversity, individual livelihoods, and local processes present in sub-Saharan African cities (Satterthwaite, 2001). The most visible result of these unsuccessful planning systems and governments' overall urban neglect was in the formation and continuous proliferation of informal and unplanned settlements.

The habitation of informal settlements is not necessarily a preference of the urban poor but often times becomes a logical alternative to formal urban housing (Alsayyad, 2004). Exclusion from adequate housing options is often caused by the constraints of formal institutions as well as the planning and shelter policies implemented by the government (Pieterse, 2008). Despite the fact that government action has led to the growth of informal settlements many developing countries have adopted various approaches to control and regulate the apparent disorganized nature of these settlements. Sub-Saharan African responses have been more focused on alleviating and eradicating the visible symptoms of urban degradation and sprawl instead of acknowledging the policy failures that contribute to the decline of the informal environment (Huchzermeyer, et. al, 2006c). After sub-Saharan African countries gained independence the common response to informal settlement growth was to take repressive action involving demolition of settlements, removal of residents from their homes, and placing constraints and boundaries on future urban growth (ibid). The international development community has recognized such responses as inappropriate and ineffective, and governments have begun to tolerate informal settlements especially in light of their inability to provide adequate housing to all citizens.

Despite the universal acknowledgement that access to shelter is a basic human right, housing provision in developing countries has been described as “the world’s most unsolvable problem” (UN-Habitat, 2006). Internationally endorsed shelter strategies have been adopted by sub-Saharan African countries yet the demand for urban housing still outstrips the supply. Using literature on planning theory, shelter strategies, and my findings from the analysis of land policies this dissertation aims to argue that urban dwellers in Kenya and Tanzania struggle to access adequate housing options. The planning approaches and shelter strategies implemented by the government are often influenced by the dominant international development paradigms and do not match these countries’ local conditions.

#### **D. Research aim and objectives**

This dissertation aims to examine the extent to which dominant planning theories and shelter strategies have impacted urban land and housing policies in sub-Saharan Africa. Past research in this field has proven that the adoption of traditional planning mechanisms has not been successful at managing the regions urban growth (Kironde, 1995; Kombe, 2005; Oyugi, 2007; Watson, 2002). Similarly, studies have shown that internationally endorsed housing provision programs implemented in sub-Saharan Africa have

not made a substantial impact on the lack of adequate urban housing (Aldrich and Sandhu, 1995; Rondinelli, 1990; UN-Habitat, 2006). Planning theories and urban planning mechanisms have evolved throughout the past century and there is considerable debate surrounding the most appropriate, relevant, and useful model. Planning approaches that have been successfully applied in urbanizing regions may not have the same result in the urban areas of sub-Saharan Africa due to the unique built environments and socio-economic conditions. These local conditions also have the potential to affect the implementation and efficacy of strategies geared towards relieving the region's urban housing crisis. The planning mechanisms and housing policies put in place by governments shape the way in which land is accessed and controlled as well as the process involved in obtaining shelter. Therefore the investigation of individual government's land and housing policies is an important step in addressing urban dwellers access to adequate shelter and the proliferation of unplanned and informal settlements in this region.

There are a series of objectives that need to be achieved in order to address the central aim of assessing the impact of dominant planning theories and shelter strategies on individual government's policies. The first objective is to perform a documentary analysis of the land and housing policies for Kenya and Tanzania. The details surrounding this analysis are explained in depth in Chapter 2. Next, a review of dominant planning theories is needed with particular attention paid to the aspects of the theories pertaining to current conditions and planning obstacles in sub-Saharan African cities. It is also necessary to perform a review of the history of shelter strategies endorsed by the international development community for developing regions, including an examination of the discourse employed in recent land and housing documents. After those objectives are achieved the central aim of assessing the impact of these theories and strategies on the land and housing policies of Kenya and Tanzania can be addressed. Although there are no set indicators that will allow for a straightforward assessment of the impact of planning theory and shelter strategies my research highlights themes that exist within these two subject areas and the urban housing policies in place in Kenya and Tanzania.

#### **E. Human-rights based approach to housing policies**

*“There are distinct benefits to approaching housing concerns through the lens of human rights...It places a firm focus on the legal obligations...of governments to respect, protect, promote and fulfill housing rights and raises the level of demand for adequate housing...from the political, ethical, humanitarian or basic needs spheres to the assertion of human rights demands grounded in law and justice” (Leckie, 1999, p. 2).*

I will be using the human rights-based approach (also referred to a rights-based approach) to frame my research in urban housing policies. A rights-based approach has the potential to lead to more

sustainable outcomes by addressing the inequalities and unjust power relations which are often at the center of development problems. The rights-based approach is a holistic framework based on the values, standards and principles set out in the UN Charter, the Universal Declaration of Human Rights and the subsequent legally binding human rights conventions and treaties (van Weerelt, 2001). All UN member states have undertaken international legal obligations to protect and uphold the human rights in these treaties. A framework for developing appropriate legal measures that can lead to the full realization of housing rights emerges when housing is placed within a human rights-based framework (Leckie, 1999).

In a rights-based approach every citizen is recognized as a right-holder and is entitled to the freedom and opportunities these rights offer (United Nations Population Fund, 2008). The value of a human rights-based approach lies in the potential of these rights to alleviate injustice, inequality and poverty. The rights-based approach highlights that each person is right-holder and further more that a person's right to something must be inexplicitly coupled with another person's duty to provide that something (UNDP, 2000). Failure of the "duty bearer" occurs when an individual lacks access to a certain right. In the cases of most developing countries, the duty bearer is the government. Governments have three levels of obligation in regards to their citizens' rights (United Nations Population Fund, 2008):

- To **respect** a right by refraining from interference
- To **protect** the right by enacting laws and creating mechanisms to prevent violation of the right by the state and non-state actors
- To **fulfill** the right by putting in place institutions and procedures, including the allocation of resources, to enable people to enjoy the right.

It is crucial to recognize these three levels of government obligation and incorporate them into a holistic approach to urban planning and shelter strategies. Even though the full realization of human, social, and economic rights is not a goal that can be attained by all countries, there at least needs to be a focus on promoting progress by designing and implementing effective policies that will work towards providing access to rights. Unfortunately many developing countries fail to enforce the laws and policies put in place to prevent the neglect of human rights (UNDP, 2000). As stated earlier, in most developing countries the responsibility of creating and implementing policies that provide access to human rights falls to the government. This is not to say that a government is expected to be the sole provider of all human rights to all citizens, but where a lack of human rights is a direct result of government action or inaction a legal obligation emerges.

The right to adequate shelter and services was universally recognized as a basic human right in 1976 at the United Nations Conference on Human Settlements in Vancouver. The Vancouver Declaration stated that there is an obligation on part of a country's government to ensure the attainment of these rights

by all people. The Declaration also called for governments to adopt meaningful and effective spatial planning strategies realistically adapted to local conditions (UN-Habitat, 1976). A rights-based framework is particularly appropriate in this setting because it recognizes a government's obligation to respect, protect, and fulfill their citizens' right to not only access adequate shelter but also a culturally appropriate and well-planned urban environment. Despite this recognition of responsibility the governments of sub-Saharan African countries, specifically Kenya and Tanzania, have failed to prepare spatial strategy plans that guide socio-economic development efforts and support the progressive improvement of livelihoods of all citizens. The governments lack of commitment and inadequate level of involvement in the urban housing sector results in their failure to fulfill their role as a provider of the right to access adequate shelter and permits the further marginalization of poor urban dwellers. The growth of informal settlements on unplanned and unserviced land maintains the poor planning procedures in place and allows for the continuation of social, economic, and spatial injustices. The current planning practices and shelter strategies implemented by the Kenyan and Tanzanian government do not meet the needs of the countries' urban citizens.

## **F. Structure of Paper**

Chapter 1 has outlined the research aim and objectives for this dissertation as well as provided a brief contextual background for planning mechanisms and shelter strategies used in sub-Saharan Africa. Chapter 2 discusses the methodology used for choosing my specific research methods, the limitations of my study, as well as justification for the chosen case studies and individual land and housing policies. Chapter 2 also provides country background information for Kenya and Tanzania that will be pertinent throughout the dissertation. A literature review and critical debate surrounding planning theory ensues in Chapter 3 at which point I also highlight the aspects of planning theories that are presented in my land and housing policy analysis. A full discussion of my findings and analysis of the impact of planning theory on Kenya and Tanzania's land and housing policies is presented in Chapter 4. Chapter 5 moves on to the shelter strategy portion of my dissertation and consists of a literature review of shelter strategies used in developing countries as well as the specific strategies used by the Kenyan and Tanzanian government. These shelter strategies are closely linked to the planning mechanisms discussed in my findings in Chapter 4. After the literature review of shelter strategies is presented, Chapter 6 provides my findings and analysis of the impact that current housing discourse has on Kenya and Tanzania's land and housing policies. The concluding Chapter 7 provides a summary of the main findings and further illustrates the importance of a government adopting culturally appropriate planning mechanisms and shelter strategies in order to fulfill its duty to its citizens.

## **Chapter 2: Research context and methodology**

This dissertation explores the use of documentary analysis in order to assess the impact of planning theory and shelter strategies on Kenya and Tanzania's urban land and housing policies. My research focuses on the six most recent national land and housing policies for Kenya and Tanzania. Before a discussion of the current land and housing policies occurs it is important to place these policies in the appropriate context. An overview of Kenya and Tanzania's past policies and approaches towards urban planning and shelter provides a very necessary frame of reference. It is important to understand both countries' urban land and housing history before engaging with the current policies. The themes presented in this section that play a role in past and present policies include negative perceptions towards the growth of urban areas, ineffective provision of shelter, misallocation of land, and the centralization of land power.

### **A. Kenya**

Before independence in 1963, urban migration in Kenya was strictly monitored by the British colonial administration and much of the African population was prevented from moving into urban centers (Mitullah and Kibwana, 1998). The opinion of the colonial administrators was that Africans belonged in the rural areas of the country, and this perception significantly impacted the planning and management strategies for urban areas (ibid). Kenya's African population was not legally allowed to reside within city limits therefore unauthorized, informal settlements began to develop in areas not sanctioned for settlement. These areas lacked basic services and infrastructure, a characteristic that plagues present day informal settlements. Once Kenya gained independence the new government's policies towards informal settlements remained hostile, allowing for slum clearance and displacement in order to maintain a certain standard of housing conditions. The urban housing units that were approved by the government had to meet strict requirements regarding space, sanitation facilities, and number of occupants and if these restrictions were not met the government had the right to engage in demolitions (COHRE, 2006; Syagga, 2001). The demolitions of informal settlements, justified through the Public Health Act<sup>1</sup>, not only destroyed the livelihoods of the citizens residing within, but also were a hindrance to the government since the percentage of the population displaced outstripped the rate at which urban housing units were being produced (COHRE, 2006).

Upon independence, when the migration controls were abolished, there was a rapid increase in the growth of Kenya's urban centers (Stren, 1975). The existing urban infrastructure, including basic

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<sup>1</sup> The Public Health Act in Kenya provides sanitation requirements for individual dwellings. The government has a history of abusing this Act by using it as justification for the demolition of informal settlements which do not meet the required sanitation standards (see COHRE, 2006; Macharia, 1992; Syagga, 2001)

services and housing supply, was not equipped to accommodate the increasing urban population and the continued growth hampered the government's ability to provide housing for its urban citizens (Oyugi, 2007). The housing crisis in Kenya was officially recognized by the government in 1964 as a result of an UN commissioned report that stressed the insufficient supply of urban housing. This report led to the establishment of the National Housing Corporation (NHC), a government entity whose aim was to improve housing conditions as well as provide new shelter for the growing urban population (Macharia, 1985).

After the establishment of the NHC there were subsequent policies implemented to address the shortage of housing, including the 1966/67 Housing Policy for Kenya (also referred to as Sessional Paper No. 5). This policy emphasized the construction of subsidized public housing for low-income households, but overall the policy lacked political commitment to fulfill the needs of the urban poor. A prime example of this was the continued demolition of informal settlements by the government and the failure to recognize the growing informal settlements as being part of the legal city (COHRE, 2006). The Development Plan of 1974 called for the rapid building of a national stock of affordable housing for low-income households, but this plan did not come to fruition and urban housing demand continued to far outstrip supply (Macharia, 1985). Also in the 1970s, the Kenyan government began implementing the World Bank prescribed Sites and Services Scheme as well as other slum upgrading initiatives, but similar to the results of the NHC the plots and services provided were often times economically out of the reach of the intended low-income target (Omenya and Huchzermeyer, 2006; UN-Habitat, 1987). Throughout the rest of the decade and into the next the government continued its policy of forced demolition of informal settlements, and attempts at redevelopment and relocation of slum dwellers most often resulted in displacement, thus instilling attitudes of uncertainty and fear for future upgrading and improvement schemes (Omenya and Huchzermeyer, 2006).

After decades of unsuccessful housing provision, the government began to place a greater emphasis upon facilitating a larger role for other actors in the shelter delivery process (Muraya, 2006). The government's shift away from the production and financing of housing and towards the improvement of housing market efficiency was in line with the shelter strategies being put forth by the international development community and leading development institutions such as UN-Habitat, the International Labor Organization, and the World Bank (Mitullah and Kibwana, 1998). With the support of these institutions, the Kenyan government began to pursue enabling housing policies (ibid). The enablement approach emphasized policies and programs that catered to the needs of the poor while simultaneously promoting macro-economic stability (COHRE, 2006; Muraya, 2006). In the 1990s the economic realities of the country exacerbated the crisis in the urban housing sector when the macro-economic strategies led

to massive debt and a failing economy. A previously corrupt system of land allocation intensified and land began to be used as a political weapon as well as a mechanism for profit extraction, ultimately hurting the already marginalized urban poor (COHRE, 2006; Omenya and Huchzermeyer, 2006). The current problems in the land delivery system have manifested in many ways such as discrepancies within the land administration system, disparities in land ownership, and an increase in rural and urban poverty. This has resulted in economic, political, and social problems including squatting and landlessness, disinheritance of some groups and individuals, urban squalor, and tenure insecurity and conflict (GOK, 2007).

## **B. Tanzania**

British colonial powers exerted strict control over the urban areas of Tanzania and implemented a highly centralized land administration system (Mahanga, 2002). Urban land was only to be developed in accordance with a land use planning scheme drawn up by the relevant authorities. The steps and procedures of the land use scheme were unnecessarily detailed and various government agencies retained the power over the distribution of the schemes as well as urban land plots. These regulations over land use, laid out in the Town and Country Planning law of 1956, helped solidify the powers of the colonial administration and ruling elites over urban centers. In 1961 when Tanzania gained independence this law was inherited by the new administration, thus paving the way for decades of centralization of power and land (Lugalla, 1989).

After independence, the new Tanzanian government recognized the increasing demand for urban housing and attempted a variety of solutions without much success (ibid). In attempts to manage the lack of housing for the increasing numbers of urban poor, the National Housing Corporation (NHC) was established to build rental houses, establish rent control measures to ensure affordable housing, and provide tenants' purchasing schemes to encourage home ownership. The Tanzanian government failed to provide the NHC with the majority of its funding, as stipulated, and as a result from 1962 to 1970 the NHC was only able to build one third of the homes it originally planned (Mahanga, 2002). The desired impact of the NHC was never fully reached due to chronic under-funding from the Tanzanian government. Housing co-operative schemes were also established to encourage self-help approaches to housing, but like government responses in the past these schemes were largely unsuccessful due to lack of clear government policy on how the co-ops should operate, lack of surveyed plots, inadequate assistance from the government, poor administration, and lack of competent and honest leadership (URT, 2000). All the while, unofficial slum clearance was taking place throughout the country. Not only did this contradict government policy and official views about providing for the urban poor, but also the demolition of informal settlements led to landlessness and the proliferation of slums (Lugalla, 1989).

The number of unplanned settlements grew rapidly as the government continued to provide far too few houses and surveyed plots. The World Bank endorsed Sites and Services Scheme was implemented during the 1970s which had the similar self-help underpinnings as the housing co-operative schemes (Aldrich and Sandhu, 1995). The government did succeed in providing surveyed plots and services to low-income families, as well as improving existing infrastructure, but the program was plagued with problems such as plots being allocated to middle income earners instead of the targeted low income earners, problems with cost recovery and sustainability, over-dependency on external donors, and top-down planning approaches (Mahanga, 2002). One of the largest setbacks in Tanzanian urban planning occurred in 1972 when all local and urban governments were abolished by the central government (URT, 2000). The absence of urban authorities compounded the state of deterioration of urban infrastructure and services and immensely decreased the budget and focus allocated to urban development (Mahanga, 2002; Mukandala, 2004; URT, 2000). After four years the government realized the consequences and negative effects this 'decentralization' had on the development of urban areas, and there was a re-installment of local and urban governments in 1978 (Lugalla, 1989).

The central government's attempt at decentralization came through the Urban Authorities Act of 1982. The main objective of this act was to allocate appropriate power to urban governments and promote local people's participation in running day-to-day affairs in urban areas. However, the central government powers were secured in the act and the Minister of Lands was deemed the ruling authority on land and planning matters (Lugalla, 1989). This centralization of power has ultimately led to the dismal situation in urban centers, mainly the lack of planned plots, infrastructure, services, and rights for citizens. The demand for plots still exceeds the available supply thus increasing the prices of rents, plots, and building materials. Urban plans are far behind the rate of urbanization thus creating poorly planned, financed and managed cities.

### **C. Means of analysis**

As stated in the beginning of this chapter, I will be using documentary analysis as the main research method in this dissertation. Analyzing the content as well as the context of documents are necessary steps in order to gain a full understanding of the material at hand (Prior, 2003). For my case studies, the strict content analysis of Kenya and Tanzania's land and housing policies does not allow for a complete understanding of the formation of these policies, which is why it is necessary to place the documentary analysis in the context of planning theory and shelter strategies.

In order to gain the necessary context I undertook a qualitative analysis of dominant planning theories, highlighting in particular the aspects of the theories that pertained to current conditions and planning obstacles in sub-Saharan African cities. A review was carried out of the history of shelter

strategies endorsed by the international development community, as well as a review of the discourse employed in recent land and housing documents. A qualitative assessment was performed to determine the extent to which the land and housing policies of Kenya and Tanzania had been impacted by dominant planning theories and the international development agenda. The assessment highlighted similarities and recurring themes that existed between planning theories and shelter strategies, and the urban housing policies in place in Kenya and Tanzania.

#### **D. Choice of documents**

The documents I have chosen for my research fall into the category of government documents. As stated in Scott's *A Matter of Record*, "the single most important category of documentary sources used in social research consists of the administrative papers produced by governmental and private agencies" (Scott, 1990, p. 59). Official government documents often directly reflect the interests of state agencies. Increasingly, pressure from private groups such as international agencies indirectly influence the production of government documents (ibid). Depending on the content of the document and the intended audience, many government documents are produced only to meet legally imposed requirements by international governing bodies. Therefore, these types of documents are by no means neutral, but instead are shaped by the cultural and ideological assumptions that comprise the political context in which the documents are produced (ibid). This concept of the influence of international agencies and other external actors is of particular relevance in this dissertation because it supports my research question of examining the impact of planning theories and shelter strategies on government policies.

The six policies on which my research is focused are the most recent land and housing policies with national implications for Kenya and Tanzania. I chose three policies for each country in order to provide a frame of reference for my research. Wellington and Szczerbinski (2007) cite pre-text (that which exists before the text) and inter-text (the relation of one text to other texts) as aspects of documents that need to be considered during analysis. This concept highlights the importance of placing the current policies in the context of each countries' land and housing history. The policies chosen for both Kenya and Tanzania span a time period of at least five years and I analyzed each policy using five different indicators recognized by Wellington and Szczerbinski as well as Scott. These include authorship, intended audience, intentions, actual content, and frame of reference (Scott, 1990; Wellington and Szczerbinski 2007).

The land and housing policies for Kenya include the 2004 National Housing Policy, the 2007 National Land Policy, and the Ministry of Housing's 2006-2011 Strategic Plan. Tanzania's policies include the 1995 National Land Policy (second edition, 1997), the 1999 Land Act, and the Human Settlements Development Policy of 2000.

### **E. Limitations within my study**

The main limitation within my study involves my use of a human rights-based approach to urban housing. This holistic framework highlights the importance of access to housing rights for all citizens. I highlight the government of Kenya and Tanzania as having an obligation to fulfill this right. The ability of these governments to fulfill these obligations is questionable considering the overall lack of resources the countries face. However, it is important to highlight this duty of the government not only because they have an international legal obligation to uphold this right, but also because so many urban dwellers live in environments where this right is obstructed.

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### **Chapter 3: A literature review and look at the critical debate surrounding planning theory**

The aim of this chapter is to highlight certain components surrounding the critical debate on planning theory that are pertinent to the planning procedures and urban conditions in sub-Saharan Africa. The two components which I will be focusing on have influenced the formation of planning theories in the 19<sup>th</sup> and 20<sup>th</sup> century and will also link to my individual policy analysis for Kenya and Tanzania. It is my overall aim to use this literature as well as my findings to argue that the influence of Western planning theories and practices has resulted in a mismatch between the urban planning strategies in place and the local conditions in Kenya and Tanzania. This chapter will begin with a brief overview of planning in sub-Saharan Africa focusing on the regions' unique conditions which make the adoption of previously implemented planning strategies a questionable task. I will then highlight the two components of planning theory that are particularly relevant to planning in sub-Saharan Africa, and afterwards place these components in the wider context of 19<sup>th</sup> and 20<sup>th</sup> century planning theory.

It is important to view this examination of planning theory through the lens of a rights-based approach. Adopting effective planning strategies that provide a safe and healthy environment for its citizens is a duty of the government (UN-Habitat, 1976). In this context a country's government has an obligation to its citizens to address any spatial inequalities that emerge. In sub-Saharan Africa, spatial inequalities are evident in the high number of urban citizens residing in overcrowded, informal settlements. By using the literature on planning theory as well as my findings for Kenya and Tanzania my dissertation aims to argue that urban dwellers struggle to access adequate housing options because the planning approaches implemented by the government do not match the local conditions of the country. The continued growth of unplanned settlements and habitation of unserviced land maintains the government's implementation of poor planning procedures and allows for the continuation of social, economic, and spatial injustices.

#### **A. Planning in sub-Saharan Africa**

The lack of adequate urban shelter in sub-Saharan Africa largely stems from inappropriate land and housing policies (UN-Habitat, 2003b; 2008b). These policies, for the most part, have emerged as an attempt to manage the high rate of urban growth experienced by the majority of countries in this region. This continual growth of cities has resulted in the haphazard development of land and placed a strain on the urban planning mechanisms in place. The planning of urban spaces varies greatly depending on the spatial, social, political, and economic systems of individual cities. Urban planning practices that were implemented during the development of early industrial cities may not be appropriate for growing cities of the 21<sup>st</sup> century (Watson, 2002). The explosive urban growth in Europe and the United States during the 19<sup>th</sup> and early 20<sup>th</sup> century brought a strain on urban infrastructure which manifested in overcrowded

cities and increased levels of poverty (Fishman, 2003). The urban areas of developing countries, specifically those of sub-Saharan Africa, have experienced similar conditions in the 'second wave of urbanization' however the urban growth in these regions has occurred at a faster pace and on a larger scale than the previous industrial cities (UNFPA, 2007). The local conditions afflicting these urban regions are more severe than during the first wave of urbanization which questions the applicability and usefulness of the previously implemented planning theories (Watson, 2002). For example, high levels of poverty and low levels of economic growth in sub-Saharan Africa contrast the industrialization and economic development that occurred during the urbanization of many Western countries (Oyugi, 2007). Additionally, the use of traditional planning methods have failed to adequately control urban land use which has been characterized by the proliferation of informal settlements, a phenomenon not present during the first wave of urbanization (UN-Habitat, 1996).

Over the course of the last century the field of planning theory has expanded to involve different processes and planning approaches which use social, political, economic, and cultural lenses as a means of assessing problems within the built environment. Depending on the approach and lens which is used, certain planning theories are more useful in some regions of the world than in others. As stated earlier, my dissertation aims to argue the importance of two facets in planning theory literature which are especially pertinent to planning in sub-Saharan Africa. The first aspect emerged in the planning debate in the late 19<sup>th</sup> and early 20<sup>th</sup> century and highlighted the ability of a physical design plan to transform the inequalities embedded within the social structure of the city (Fishman, 2003). Cities of sub-Saharan Africa suffer from ineffective land development plans as well as severe socio-economic inequalities which have manifested in residential segregation and the proliferation of unplanned settlements (UN-Habitat, 2003b; 2008b). The usefulness of a two-pronged plan that incorporates physical growth as well as social transformation is highlighted in this chapter in order to give context to my subsequent findings on land use and inequalities in Kenya and Tanzania.

The second aspect of planning theory that my dissertation aims to argue is pertinent to planning in sub-Saharan Africa is the role that power dynamics plays within the planning process. Power dynamics in the context of my dissertation include the power vested in the planner as well as the power and control exerted by state institutions. The duties and responsibilities of "the planner" (whether an outside expert or a government branch) has been a main focus in the critical debate surrounding planning theory (Allmendinger, 2002; Forester, 1989; Huxley and Yiftachel, 2000). The power dynamics that exist in the planning process have the potential to sway outcomes in favor of the more powerful actors, while adversely affecting other actors (Fainstein, 2000; Foglesong, 1986; Pieterse, 2008; Watson, 2002). The planning theories discussed in this section highlight the issue of power dynamics which will serve as a

literary backbone for my findings in Kenya and Tanzania.

## **B. Planning theories: Physical design in the 19<sup>th</sup> and 20<sup>th</sup> century**

By the turn of the 20<sup>th</sup> century modern planning approaches which became the foundation of contemporary planning theory emerged mainly in response to the rapid development of new industrial cities in the Western world (Campbell and Fainstein, 2003). Cities were becoming plagued with increasing levels of poverty, urban squalor, and inequalities within society; similar to the conditions afflicting sub-Saharan Africa cities during the second wave of urbanization. Planning approaches emerged that were aimed at combating the physical deficiencies of the built environment as well as addressing the social ills affecting mainly the lower, working class (Alexander, 1986; Fishman, 2003). These two responses, the physical design of a city and concern for social inequalities, have remained fundamental tenets of planning theory (Alexander, 1986). The application of technology in the development of a city aimed to hold urban congestion at bay with the planning and use of railways, roads, sewage systems and other modern mechanisms that aided in the successful functioning of urban systems. Responses to the growth of urban slums, social inequities, and disparities in wealth were also seen as ways to address the increasingly chaotic and harsh nature of cities (ibid). These separate yet fundamentally linked solutions to the urban crisis merged together and had a significant impact on the development of cities as well as planning theory.

Planners such as Ebenezer Howard and Le Corbusier embraced the concept of a physical design plan managing and controlling urban growth as well as transforming societal relations (Fishman, 2003). Although these planners worked in different countries, time periods, and had diverging views on the design of an ideal city, they both recognized that well-intentioned designs and plans would be futile unless the inequalities and injustices in society were simultaneously addressed (ibid). Howard, who had an adverse reaction to the rampant poverty and concentration of wealth in London during the late 19<sup>th</sup> century, believed in social progress and planned for an advanced stage of community cooperation. His 'Garden City' vision focused on creating a built environment that would minimize the social disorder and capitalist-driven nature afflicting industrial cities (ibid). This urban utopia, however impractical for larger metropolitan areas, provided new methods for transforming the unequal structure of cities.

Le Corbusier's version of an urban utopia, the Radiant City, differed from Howard's vision yet shared an end goal of social order and harmony. He emphasized a 'pyramid of natural hierarchies' which would structure and regulate both industrial and societal interactions. Le Corbusier did not see plans as being affected by politics, power, or individual interests because all players involved in the plan performed their tasks for the greater goal of maintaining order in society (ibid). The execution of a single plan was an expression of human solidarity and cooperation in order to create a harmonious and

productive world (ibid). Both Le Corbusier and Howard demonstrated that good physical planning could lead to social transformation. Addressing the increasingly chaotic built environment and the inequalities of wealth and power were equally necessary to prevent the destruction of urban centers. Howard and Le Corbusier both rejected the idea that planners must work within the existing physical, economic, and social structures of cities and their ideal cities were examples of this vision.

### **C. Power Dynamics: The planner and the state**

During the 20<sup>th</sup> century new industrial cities added to the growth of urban centers across the world and this demographic change began to attract more attention from the international development and planning arenas. The post-WWII era experienced the birth of many new planning approaches in attempts to properly manage the expanding urban setting. In the 1960s the positivist philosophy had a heavy influence on planning theory, which broadly focused on the use of scientific methods in social science as well as the use of knowledge gained from empirical observations (Allmendinger, 2002). Two planning theories that emerged from positivism were the systems view and the rational approach (jointly referred to as procedural planning theories). The systems view, originating in the UK mainly through the work of Brian McLoughlin and George Chadwick, represented an innovative way for planners to address the city as a single, interconnected system (Taylor, 1998). As a response to traditional planning theory which demonstrated a lack of understanding of the complicated reality which planners face, the systems view recognized cities as complex sets of connected parts which are in constant flux (Allmendinger, 2002; Taylor, 1998). This planning approach placed increased emphasis on the planner as the director of these complex city systems.

The second procedural planning theory during this time period was the rational process theory. This planning theory highlighted the reliance on facts, systematic analysis, and the execution of logical steps in the decision-making process (Allmendinger, 2002). Planning, in this context, should be unbiased and objective and the planner should concentrate on the process involved in making rational decisions. During the planning process the planner was to consider all possible courses of action and then decide on the best way forward. Heavily influenced by Max Weber, Andreas Faludi, and the Chicago School, the rational process was a process in which to identify and solve problems in a logical, effective way (Allmendinger, 2002). Similar to the systems view, the rational process focused on the role of the planner and the decisions they made during the planning process. Both procedural planning theories relied on the control and expert knowledge the planner held over others in the planning process.

A response to the procedural planning theories came with the recognition that planning was not an independent, objective process but rather a highly influenced process embedded within society (ibid). This recognition came with a renewed interest in the political economy, Marxism, the distribution and

accumulation of capital, and the role of the state (Allmendinger, 2002; Foglesong, 1986). The political economy approach to planning discredited the ability of planners to act objectively due to society's underlying interest of gaining capital and the state's desire to exert control. Planning, as an instrument of the state, was used as an expression of power as well as a mechanism to intervene in society when capitalism and the market economy were failing to meet the needs of the citizens (Foglesong, 1986; Hay, 1999). This Marxist approach to planning highlighted the power of the state as well as the capability of individual planners to think and act objectively despite societal pressures.

The ability to maintain objectivity and plan democratically in light of existing power dynamics is still a contentious issue, especially in unequal societies (Forester, 1989). Two contemporary planning approaches, communicative planning theory and the just city theory, further demonstrate how power relations can obscure and affect the outcome of planning decisions. These theories by no means comprise the contemporary planning sphere and each has undergone substantial criticism (see Fainstein, 2000; Huxley, 2000; McGuirk, 2001; Watson, 2002). Similar to the procedural planning theories and the Marxist approach, communicative planning theory and the just city theory serve as a literary background for my subsequent analysis of Kenyan and Tanzania land and housing policies.

As the title suggests, communicative planning theory views communication as the central pillar of planning practice (Forester, 1989; Habermas, 1984; Watson, 2002). The form of communication that occurs between the various actors involved in the planning process is based on Habermas' concept of 'communicative rationality' in which rational and democratic human beings have the ability to debate differences, communicate ideas, and reach a consensus (Habermas, 1984). Logically speaking if the planning process is inclusive and open, and if existing power differences between actors can be neutralized, then the outcome of the planning process can be considered valid. In other words, communicative planning theorists believe that if the act of planning is a just process, the outcome will be just as well and an agreement can be reached regardless of the power differences amongst those involved. (Fainstein, 2000; Watson, 2002). The probability of power differences between actors becoming neutralized is a main point of contention among critics of this theory (Fainstein, 2000; Huxley and Yiftachel, 2000)

Proponents of the just city theory, similar to the communicative planning theorists, focus on power relations between individuals in the planning process (Fainstein, 2000; Watson, 2002). Unlike in communicative planning theory, the just city theory views differences in power as something that cannot be minimized by rational, inherently democratic human beings (as does Habermas) therefore discrepancies in power are brought to the forefront of the planning process. Just city theorists argue that the opinions held by different actors in the planning process cannot be resolved simply through the act of

communication and reasonable argument. The discrepancies that arise in the process of planning should be looked at in a much broader context, in order to shed light on social, economic, political, and historical events that also may have impacted the disagreement (Fainstein, 2000). A just city view on planning does not place trust in the government because of the structurally powerful position they hold, and thus the amount of influence and control they can exert in the process. Because of this power government officials and city planners are unable to mediate among diverse interests without their own interests interfering, purposively or not (ibid).

This literature review highlighted the aspects of physical design and social transformation as well as power dynamics in the context of the planning theory debate. The next chapter of this dissertation will present my findings for the usefulness and influence of these planning theories in the formation of Kenya and Tanzania's land use and housing policies. As previously stated, the urban areas of sub-Saharan Africa have experienced similar conditions in the 'second wave of urbanization' than industrial cities of the 19<sup>th</sup> and 20<sup>th</sup> century. My aim is to argue that urban dwellers in Kenya and Tanzania struggle to access adequate housing options because the planning approaches implemented by the government do not match the local conditions of the country.

## **Chapter 4: Planning theory findings and analysis**

The findings presented in this section are based on the analysis of the three previously mentioned land and housing policies for both Kenya<sup>2</sup> and Tanzania<sup>3</sup>. My aim is to use the analysis of the laws to demonstrate that the governments of these countries have failed to prepare spatial strategy plans that allow for socio-economic development and the improvement of livelihoods of all citizens. I plan to illustrate that the urban planning mechanisms in these two countries draw on the previously highlighted aspects of planning theory used in 19<sup>th</sup> and 20<sup>th</sup> century urbanizing cities of Europe and the United States. My findings demonstrate that the application of these theories in Kenya and Tanzania has not been successful in resolving spatial inequalities and lack of adequate urban shelter and subsequently are preventing urban citizens from accessing the rights to which they are entitled. My overall goal is to demonstrate that the influence of Western planning theories and practices has resulted in a mismatch between the urban planning strategies in place and the local conditions in Kenya and Tanzania.

The first section of my findings focuses on the use of physical design and social transformation in the land and housing policies of Kenya and Tanzania. The previous chapter's literature review highlighted the merging of these planning elements as a way to address the spatial injustices that emerged in 19<sup>th</sup> and 20<sup>th</sup> century European cities. In this section I demonstrate that both countries' land policies focus more on the physical design and control of the built environment without planning for the social consequences of these regulations. The second section of my findings relates to the previously highlighted issue of power dynamics in the planning process, specifically the power vested in the planner and state institutions as well as the balance of power between actors. As established in the literature review, the reliance on a structurally powerful actor in an unequal society is not always conducive to attaining equal and just outcomes (Fainstein, 2000). The power dynamics that exist in the planning process have the potential to adversely affect less powerful actors (Pieterse, 2008). My findings demonstrate that the governments of Kenya and Tanzania hold the most power in the planning process and thusly implement inappropriate urban planning mechanisms that obstruct urban dwellers' ability to access adequate housing. This aim substantiates my overall argument that the government's planning procedures do not match the countries' local conditions and allow for the continuation of social, economic, and spatial injustices.

### **A. Physical design and social structure**

Examples and extracts from the selected land and housing policies for Kenya and Tanzania are used to argue that both countries focus on the physical design and control of the built environment

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<sup>2</sup> 2004 Kenya Housing Policy, 2007 Kenya Land Policy, 206-2011 Kenya Strategic Housing Plan

<sup>3</sup> 1995 Tanzania Land Policy, 1999 Tanzania Land Act, 2000 Tanzania Human Settlements Development Policy

without planning for the social consequences of these regulations. In the case of Kenya, slum demolition and slum upgrading schemes are highlighted to demonstrate the governments' use of a physical design based plan in attempts to alter and improve the built environment. From pre-independence up until the last decade, slum eviction and demolition has been a tool used by the Kenyan government to resolve the social ills and haphazard land development that unplanned settlements bring to the urban environment (COHRE, 2006; GOK, 2004). Previous upgrading schemes implemented in Kenya have improved the structure and services available to urban dwellers residing in slums and unplanned settlements (COHRE, 2006; Mitullah, 1998; UN-Habitat, 1987). Both demolition and upgrading have been used extensively by the government as a mechanism to manage urban growth while attempting to improve living conditions for urban dwellers.

For Tanzania's land policies, limits on the growth of urban areas as well as the displacement of urban squatters are highlighted to demonstrate the use of physical planning procedures by the government. Restrictions on the physical growth of urban areas have been implemented by the government in order to avoid the encroachment on agricultural land as well as overall urban sprawl (URT, 2000). The government also has the power to remove and displace urban squatters from public land in order to upgrade dilapidated urban areas (URT, 1999). Managing and regulating the expansion of urban areas has created planning problems in Tanzania's urban centers in the past and my findings intend to prove that similar regulation of urban growth is not conducive to improving social inequalities (URT, 2000). The removal and displacement of urban squatters, even if warranted or approved by the government, has a high potential to worsen the livelihoods of those displaced (Huchzermeyer, 2006; UN-Habitat, 2008b). Again, the overall aim of emphasizing Kenya and Tanzania's use of physical design plans is to demonstrate the consequences that slum demolition, upgrading, restrictions on urban growth, and squatter removal can have on the livelihoods of urban dwellers. I will demonstrate that the Kenyan and Tanzanian governments implementation of these tactics have not been congruent with the local conditions in these countries and have resulted in further obstruction of urban dwellers' right to access adequate housing.

## **1. Kenya**

### **a. A history of slum demolition and upgrading**

Demolition, eviction and removal of unplanned settlements became a government response to the growth of unplanned areas during the British colonial era (COHRE, 2006; Mitullah and Kibwana, 1998). Upon independence slum clearance, evictions and structure demolitions continued as a widespread practice in order to regularize the proliferation of slum settlements (Syagga, 2001). In the early 1970s the

Kenyatta administration performed extensive slum clearance throughout the city center region of Nairobi (Macharia, 1992; Syagga, 2001). In the mid to late 1970s slum upgrading emerged in response to new development strategies produced by the international development agenda which focused on linking basic needs and growth (COHRE, 2006; UN-Habitat, 2006). From a housing-rights perspective, slum upgrading was considered a more appropriate response than demolition and clearance schemes because it allowed for an improvement in housing stock as well as tenure security (COHRE, 2006; Mitullah and Kibwana, 1998; Syagga, 2001).

Past upgrading projects aimed at improving the living conditions of the urban poor have not been completed or proven replicable due to over-designed physical plans and unaffordable infrastructure (Syagga, 2001). Although not the case for all upgrading projects many have failed to meet the intended goal of improving the living conditions of poor urban dwellers. An early example of this includes the upgrading projects in Kisumu during the 1970s. The main objective of these World Bank funded upgrading schemes was to improve the quality of housing in slum areas, however the project was only partially completed due to lack of funds (UN-Habitat, 2005b). The plots that were upgraded became drastically more expensive than pre-upgrade and attracted higher income families, forcing the original tenants to relocate to the project area that had not been upgraded (Huchzermeyer, 2006; UN-Habitat, 2005b). Two current examples of upgrading schemes in the Nairobi area that have failed to reach the intended low-income targets are the Pumwani-Majengo slum redevelopment and the Kibera High Rise project, both implemented by the NHC (COHRE, 2006; Huchzermeyer, 2006). Slum dwellers are unable to pay the rent and mortgages that come with the improved housing units resulting in the redeveloped and upgraded units going to middle class residents (ibid). Slum upgrading projects in Kenya require a careful design that considers the local conditions of the informal settlements while protecting residents from displacement.

#### **b. Current demolition and upgrading**

Slum demolitions have been reported in Kenya as recent as the year 2000, while mass evictions have occurred as recently as 2004 (COHRE, 2006; Omenya and Huchzermeyer, 2006). It has been widely recognized that demolitions are largely ineffective in solving problems of urban sprawl and unplanned growth because the displaced residents simply relocate to similar living situations in other informal settlements (COHRE, 2006; Stren, 1975; Syagga, 2001; UN-Habitat, 2003b; 2008b). The Housing Policy and Land Policy attempt to address the challenge that unplanned settlements present for land planning and development by setting out a framework on how to deal with the difficulties experienced and caused by squatters and informal settlements. The Land Policy states that individual squatters as well as entire unplanned settlements found on public, community and private land are subject to removal by the

government. The displacement and demolition of squatters in this context applies to the majority of urban dwellers since more than half of Kenya's urban population resides in unplanned areas (UN-Habitat, 2008b). The Land Policy also cites that appropriate mechanisms will be put in place for the removal of squatters from unsuitable land as well as measures to prevent further slum development (GOK, 2007a). Although the Housing Policy and Land Policy do not call for outright slum demolition they do allow for removal of unplanned settlements which the COHRE fact finding mission, Mitullah and Kibwana (1998), and Marie Huchzermeyer's research on Nairobi slums demonstrate have occurred (see Omenya and Huchzermeyer, 2006; Huchzermeyer, 2006). The ineffective results of slum demolition show that physically planning for the improvement of urban land use has adversely affected the urban poor. Implementing frameworks and planning mechanisms for the removal of slum dwellers does not negate the harmful effects these actions have. Allowing for the demolition of informal settlements demonstrate the Kenyan government's attempt to rid the built environment of physical manifestations born from the country's social inequalities.

*“Upgrading of slums and informal settlements will be given high priority and will be undertaken with minimal displacement; appropriate upgrading measures will be instituted for existing slum areas taking into account security of tenure, provision of basic services, improvement of housing structures, affordability... and appropriate compensation measures will be instituted for disposed persons where necessary”* (GOK, 2004).

The Kenyan government stated in the 2004 Housing Policy and the 2007 Strategic Plan their commitment to slum upgrading schemes that avoids displacement, provides tenure security, and maintains affordability. Despite this statement by the government, physical slum upgrading in Kenya has not led to the realization of these elements (COHRE, 2006). Aside from the programmatic shortcomings of upgrading programs in Kenya, informal settlement dwellers have demonstrated concern regarding the affordability of upgraded housing units as well as potential displacement from their living situations. The Centre on Housing Rights and Evictions (COHRE), an independent human rights organization, conducted a fact-finding mission in Kenya in July 2004 that revealed residents of informal settlements did not express significant positive sentiments towards the government's new initiative on upgrading. Tenants voiced fears about potentially unaffordable rents, evictions, displacement and violence. Structure-owners were worried about compensation and loss of livelihoods. The most common complaint was that there was still inadequate community participation and public information in the slum-upgrading process.

Kenya Slum Upgrading Program (KENSUP), a joint initiative between UN-Habitat and the Kenyan government established in 2000, is aimed at addressing the challenge of housing problems affecting the majority of the urban population who live in slums and informal settlements (Government of

Kenya, 2007c). The Strategic Plan states that KENSUP will be responsible for facilitating the provision of tenure security and low cost, quality housing units for all informal settlements. KENSUP is therefore tasked with improving and upgrading informal settlements that house more than half of Kenya's urban population. The Strategic Plan calls for the involvement of the informal settlement residents to work with KENSUP to improve their living environment. COHRE's 2004 report found that KENSUP's institutional design was based on high-level coordination between government ministries and UN-Habitat and this top-down approach was preventing the project from effectively engaging with slum communities (COHRE, 2006). The financing of KENSUP was also cited as a potential obstacle in COHRE's report. Lack of financial resources and problems with cost-recovery have plagued past upgrading efforts in Kenya (Syagga, 2001). UN-Habitat has outlined a financial model that will help residents retain their housing during and after upgrading which includes a revolving housing loan program as well as renting out rooms in residents' new dwellings (COHRE, 2006). However, it is predicted that many informal settlements residents will likely be displaced during KENSUP's upgrades (ibid).

## **2. Tanzania**

### **a. Physical growth restrictions**

*“Control over physical growth of urban areas is necessary in order to reduce urban sprawl...The uncontrolled expansion of towns is undesirable...and Government shall ensure that land is used efficiently and effectively [by implementing] a future trend [towards] vertical growth rather than horizontal”* (URT, 2000).

Government control over the physical expansion of urban areas began during British colonial rule (Lugalla, 1989). The current land policies in Tanzania demonstrate a similar view on the growth of urban areas. The Land Policy, Land Act, and Human Settlements Development Policy call for a more intensive use of urban land involving compact development and an increase of units per residential plot (URT, 1997; 1999; 2000). The encroachment of urban centers on agricultural land is specifically cited as undesirable, and the Ministry of Lands is set to revise city planning standards in order to allow for the vertical expansion of all buildings to prevent such encroachment (URT, 1997). Tanzania suffers from high building standards, excessively large plot sizes, and unrealistic planning standards therefore the revision of these procedures will allow for a more efficient use of urban space (Kironde, 2006; Lugalla, 1989; Payne and Majale, 2004). This regulatory framework is implemented mainly at the central government level and only applies to the formal land market (Kironde, 2006). Because access to the formal land delivery system is difficult for those members of society who cannot afford the costs of partaking in the above-mentioned procedures, informal land invasion occurs particularly on marginal and

peripheral urban land (Davis, 2006; Kironde, 1995). This unplanned urban growth has the potential to expand city boundaries which is cited as undesirable by the government. Occupation on land that does not legally belong to the occupier is grounds for removal by the government (URT, 1999). The negative effects of squatter removal will be discussed below.

The Ministry sets forth other strategies in the Land Policy that have previously failed at managing and directing urban growth in Tanzania. The Land Policy calls for a limit on the physical growth of towns and cities, and when the limit is reached development will be directed to other satellite towns (URT, 2000). The attempt to control urban migration in this policy is similar to the control the government exerted when the national capital of Tanzania was shifted from Dar Es Salaam to Dodoma. The goal in this capital shift was to reduce the urban congestion of Dar Es Salaam and to instead promote the development of a secondary city (URT, 2000). However, the central government failed to capture the reasons behind the high urban population in Dar Es Salaam such as employment opportunities, a strong economy, and proximity to the coast. Tanzania's attempt to limit the growth of urban areas by directing urban migration to satellite cities fails to acknowledge the local conditions that drive the urbanization process. The development of satellite towns is difficult in areas where urbanization is still a poverty-driven process, as it is in Tanzania (Habitat, 2008b). Individuals and families are not as inclined to migrate from an already established city to a town that is less developed and offers fewer opportunities. The migration to satellite towns is beneficial to the entire country because it has the potential to create multiple urban economies, but the process remains difficult to start in countries whose urban population is concentrated in one city.

## **b. Squatter removal**

The removing of citizens from private and public land occurred in Tanzania before and after independence. The 1999 Land Act provides two ways in which the government can legally remove urban squatters from public land- the use of a scheme of regularization and by declaring the unlawful occupation of land (URT, 1999). The purpose of a scheme of regularization is to “facilitate the recording, adjudication, classification and registration of the occupation and use of land by those persons living and working in the [specified area]” (URT, 1999, p. 184). If the Minister or Commission of Land declares an area to be a scheme of regularization urban residents may be displaced or removed from their land with a minimum of 14 days notice (URT, 1999). The Minister of Lands also holds the power to declare an unlawful occupation of land, and thus evict, any person who “occupies or erects any building on any land; clears, digs, ploughs, cultivates, or grazes animals; cuts or removes any timber or other produce on or from and land” without having a legal right or license to said piece of land (URT, 1999, p. 483). The percent of urban population living on unplanned land in Tanzania is reported to be at 66% (UN-Habitat,

2008b). Calculations for the city of Dar es Salaam suggest that more than 80% of the population lives in unplanned areas (Kironde, 2006). The ability to legally remove or displace such a large proportion of its urban residents demonstrates the government's use of physical planning mechanisms have the potential to create immense social and economic repercussions for the affected urban dwellers.

## **B. Power Dynamics**

The second section of my findings is situated within the previously discussed issue of power dynamics in the planning process, specifically how the reliance on a structurally powerful actor in an unequal society is not always conducive to attaining equal and just outcomes (Fainstein, 2000). It is my aim to demonstrate through examples of Kenya and Tanzania land law that the governments of these countries hold the most power in the planning process. I plan to further illustrate how the centralization of land power negatively affects those with less power, specifically by obstructing urban dwellers' ability to access adequate housing. In addition to the centralization of power there are also power dynamics that exist between Kenya and Tanzania's central government and their respective local authorities. Power disputes have erupted within Kenya's provincial administration and locally elected officials in the form of evictions, inferences in slum upgrading schemes, and bribery and corruption (COHRE, 2006). Tanzania's policies also involve power disputes between the central and local government that add to land management inefficiencies. The control of land by structurally powerful actors in Kenya and Tanzania negatively affects the poor.

### **1. Kenya**

#### **a. Centralization of land power**

Kenya's Land Policy indicates that the centralization of state power over land manners has resulted in irregular allocations of land, inequitable distribution of land, and mass disinheritance of land (GOK, 2007a). Land allocation has been a tool used by the Kenyan government as a reward for political loyalty (COHRE, 2006; Syagga, 2001). This has negative implications not only because it is illegal but also because the informal settlements have often been allocated or sold to individuals and organizations that have proved their loyalty to ruling party (Weru and Bodewes, 2001). The residents who occupy these settlements are forcefully evicted and their homes demolished (Weru and Bodewes, 2001). Examples of this occurring in Kenya are most prominent in the 1990s when struggles over urban land were connected to the accumulation of land by the ruling Kenya African National Union (Kloop, 2008).

Further corruption in the land delivery system is evident from the instances of 'land grabbing' which also occurred at length during the 1990s. This process involves public land (which includes land set aside for upgrading schemes) being sold or awarded to government officials and other influential

members of society (Syagga, 2001). Land-grabbing has consequences for the urban poor especially in cities like Nairobi where there is a shortage of land plots (Mitullah and Kibwana, 1998). The planning mechanisms in place by the government are ignored in instances of land corruption and illegal allocation. This speaks to the exertion of control over the land system which clearly favors the powerful and inhibits the less powerful. Public officials, politicians, and the rich have heavily influenced land policy and land allocation in Kenya and the needs of the urban poor living in the numerous informal settlements are a mere marginal appendage of these powerful interests (Syagga, 2001). The structurally powerful position of the Kenyan government in the land allocation system has negatively affected the urban poor's ability to access land and housing options.

### **b. Local power disputes**

Although the Kenyan government has recognized the existence of informal settlements in the Housing Policy, there have been no steps taken to formally include these areas in the planned built environment (COHRE, 2006). The Provincial Administration (lower levels of government who report to the President), locally elected officials and other public authorities exert control and supervision over the approximate eight million slum dwellers in Kenya (COHRE, 2006; UN-Habitat, 2001). The accountability of locally elected leaders, especially in the capital city of Nairobi, is low and often they only address issues in which they have a personal stake rather than focusing on the residents' interests (UN-Habitat, 2008b). The budgets of local city councils in Kenya rely on central government's distribution, which usually occurs on a system of patronage (ibid). Disputes of power between the central and local governments as well as between various local level officials create opportunities for more powerful actors to exercise unnecessary control over informal settlements.

COHRE's fact-finding mission in Nairobi revealed that many local officials, chiefs, and 'village elders' had destroyed structures and confiscated building materials when residents attempted to improve their homes. The mission also noted that violence and intimidation tactics were used in order to extract bribes from residents in return for 'protection' within the informal settlement. As land is the most important of natural resource required for the creation of wealth, its control brings economic, social and political power (Syagga, 2001). The power dynamics that exist within informal settlements in Kenya adversely affect the urban poor and also obstruct their access to housing.

## **2. Tanzania**

### **a. Centralization of land power**

The 1995 Land Policy declares that the four central land tenure tenets that were established during colonial rule will remain in place, the most pertinent tenet stating that all land is publically owned

and vested in the President of Tanzania (URT, 1995). The 1999 Land Act reiterates these land tenets and solidifies the administration, management and allocation of land within the executive arm of the central government under a centralized bureaucracy (Shivja, 1999). This centralization of land power has led to problems of corruption, irregular allocations, and lack of meaningful participation of land-users in the planning process (ibid). Both the Land Policy and the Land Act failed to address the fundamental problem of the over-centralization of land power thus allowing for the central government to control the ownership and utilization of land in Tanzania (Sundet, 1999).

In addition to the previously stated instances of land corruption and misallocation, the centralization of land power in Tanzania adversely affects the urban poor through the regulatory framework in place. Bureaucratic control over planning regulations, planning standards, and administrative procedures result in escalated prices of land plots, high building standards, and long delays in the surveying and distribution of plots (Kironde, 2006). Urban dwellers that attempt the legal process of formally obtaining a plot of land often never complete the process due to unforeseen costs and delays in processing, and therefore are forced to reside in unplanned areas (Payne, 2001b; 2005). The centralized land power in Tanzania is evident in the executive branch's control of land use and development as well as the regulation of planning standards and procedures. The majority of the urban poor are forced to reside in unplanned areas because they cannot comply with the formal regulations of the land system.

#### **b. Contradiction of Powers**

The goal of the Human Settlements Development Policy is to achieve equitable, secure, healthy and efficient sustainable human settlements. Although the central government is not taking direct action to meet this goal, as previously stated their actions will be carried out through the local governments. Despite the lack of power given to local authorities in the Land Policy and Land Act, the Ministry recognizes these entities as being of vital importance to the development of human settlements. As stated in the Human Settlements Development Policy:

*“It is recognized all over the world that the process of human settlements development is very much a local government matter. The role of local authorities in enabling the provision of shelter and essential services to all segments of the population is of paramount importance...Local authorities will also be responsible for creating and allocating land for human settlement development”* (URT, 2000).

Empowering officials at the local level has been a successful strategy in the provision of urban shelter and services (Habitat, 2008b). Referring back to the land history of Tanzania in Chapter 2, the local governments and urban authorities were abolished in Tanzania from 1972 until 1978 and 1982 respectively. Therefore the central government's recognition of the importance of an effective local

government is noteworthy. However, the transfer of land allocation and control to the local authorities is a contradiction of powers already given to the executive branch in the Land Policy and Land Act. It is stated in the both the Land Policy and the Land Act that the Ministry has the power to change or rescind any decisions made by the local governments regarding matters of land (URT, 1997; 1999). Local authorities are not permitted to make an offer of right of occupancy unless specifically authorized by the Ministry. The Human Settlements Development Policy does not revoke any powers previously vested in the Ministry, therefore power over matters of land administration and management are blurred by Tanzania's various policies.

### **C. Conclusion**

This chapter assessed the use and influence of dominant planning theories on the urban land and housing policies of Kenya and Tanzania. The findings demonstrated that both countries have failed to prepare spatial strategy plans that allow for socio-economic development and the improvement of livelihoods of all citizens. The urban planning mechanisms the government has in place reflect planning practices undertaken by European and American cities in the 19<sup>th</sup> and 20<sup>th</sup> century and do not match the local conditions in Kenya and Tanzania. The application of physical-design plans that also have the ability to transform social injustices have not resolved the spatial inequalities in Kenya or Tanzania and have led to the inability of low-income urban dwellers to access adequate land and shelter. Attempts to physically alter or improve the built environment through slum upgrades and evictions have worsened the living conditions and livelihoods of urban dwellers.

The findings in this chapter have also demonstrated that the struggle for gaining and exerting power over land use and development adversely affects the less powerful members of society. The centralization of power has led to an overall misuse of power which is visible in the irregular land allocations, inequitable distribution of urban land, and the ability of the government to remove urban dwellers from their land. The power dynamics that exist on all levels and between spheres of government in Kenya and Tanzania also hinder the urban poor from accessing adequate shelter options and the ability to live in a safe and well-planned urban environment. The reliance on a structurally powerful actor in the planning process, in this case the government and local officials, has led to an exacerbation of already existing problems of inequality and lack of access to shelter. The governments of both countries have a duty to fulfill, not obstruct, their citizens' right to access adequate shelter and a well-planned built environment. The use of a rights-based approach in the context of urban housing policies is important because it highlights the governments' failure to adopt planning strategies that are realistically adapted to the countries' local conditions. The next chapter continues to highlight the governments' duty to provide access to housing to its citizens. In the case of Kenya and Tanzania, urban planning mechanisms affect

the use and development of land which also includes access to land for housing. My aim for the next chapter is to provide a literary background on shelter strategies in sub-Saharan Africa in order to frame my argument on the influence of dominant strategies on the formation of housing policies in Kenya and Tanzania.

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## **Chapter 5: Historical overview surrounding shelter strategies for developing regions**

A rights-based approach to shelter provision recognizes a government's obligation to respect, protect, and fulfill their citizens' right to access adequate shelter. As stated in the previous chapter, a rights-based lens highlights the duty of a government to adopt planning strategies that are realistically adapted to country's local conditions. In addition to implementing mechanisms that allow for culturally appropriate land development, the government also has a duty to provide the right to access adequate shelter. This chapter illustrates the shelter strategies undertaken by governments of sub-Saharan Africa in attempt to resolve the region's acute shortage of urban housing as well as fulfill its citizens' housing rights. Because planning mechanisms and shelter strategies are closely linked in the context of this region, some of the shelter strategies highlighted in this chapter correspond to the planning mechanisms discussed in Chapter 4, namely slum demolition and upgrading schemes. I plan to use this literary background on shelter strategies as well as my analysis of Kenyan and Tanzanian land law to argue that the governments' implementation of housing policies have not been in accordance with the local realities and needs of the countries. My argument demonstrates that not only have housing policies been remiss of local needs but also the unique built environment and socio-economic conditions of sub-Saharan Africa have prevented the success of internationally endorsed shelter strategies. It is my overall aim to illustrate that the impact of internationally endorsed shelter strategies has resulted in a mismatch between the housing policies in place and the local conditions of Kenya and Tanzania. This mismatch has led to an overall lack of access to adequate housing by the majority of urban dwellers as well as the proliferation of informal and unplanned settlements.

### **A. History of internationally endorsed shelter strategies**

The formulation of housing policies and programs has been significantly influenced by the prevailing development paradigm at the time (UN-Habitat, 2006). Up until the 1960s there was no dominant voice in the international development community advocating for a certain strategy for shelter provision. During this time period the rate of urbanization was climbing in most developing countries and governments were struggling to provide adequate housing for urban as well as rural areas (UN-Habitat, 2008b). The most visible symptom of the housing crisis was the formation of informal settlements. In many sub-Saharan African countries the increase of unplanned settlements was seen as detrimental to the development of urban areas (Macharia, 1992). These negative official views towards informal settlements were often a product of colonial legacies and laws which prevented access to urban areas by the African population (Lugalla, 1989). Urban areas were strictly monitored and the growth of cities remained relatively constant and controlled. However upon gaining independence many countries' migration policies were relaxed resulting in overwhelming levels of urban growth (Davis, 2006). Demolition

schemes and slum clearances were common approaches adopted from colonial regimes by sub-Saharan African governments, specifically in Kenya and Tanzania, to combat the growth of informal settlements (COHRE, 2006; Stren 1975; Syagga, 2001). Slum demolition was used as an urban planning mechanism as well as a shelter strategy in that it aimed to prevent unplanned growth while eradicating the built environment of sub-standard dwellings. This strategy was unsuccessful for the most part because livelihoods were ruined and the displaced residents greatly outnumbered the amount of available housing for low-income families, resulting in further growth of unplanned settlements (ibid). This oppressive view towards informal settlements has proven to be one of the most difficult to reverse and it still presents itself as a challenge in the implementation of shelter strategies (Mitullah and Kibwana, 1998; UN-Habitat, 2006). By the end of the 1960s the international development community and leading development institutions recognized the need to address the growth of urban human settlements and the increasing shortage of urban shelter. Table 4 outlines the past 40 years of shelter strategies endorsed by the international development agenda. The next section of this chapter illustrates the influence these strategies had on the formation of individual countries housing policies.

**Table 4: Evolution of Housing Policies**

Phase and Date	Focus of Attention	Major Instruments Used	Key Documents
Late 1960s-early 1970s: Modernization and urban growth	Physical planning and production of shelter by public agencies	Direct provision and construction of dwellings; eradication of informal settlements	None
Mid 1970s-mid 1980s: Redistribution with growth/basic needs	State support to self-help ownership	Recognition of informal settlements; squatter upgrading and sites and services; subsidies to land and housing	Vancouver action plan (Habitat); Shelter, poverty and basic needs (WB); WB sites and services
Late 1980s-early 1990s: Enabling approach/urban management	Securing an enabling framework for action by people, the private sector and markets	Public/private partnership; community participation; land assembly and housing finance; capacity building	GSS (Habitat); Urban policy and econ development (WB); Cities, poverty and people (UNDP); Agenda 21 (Habitat); Enabling housing markets to work (WB)
Mid 1990s onwards: Sustainable urban development	Holistic planning to balance efficient, equity and sustainability	Same as enabling, with more emphasis on environmental management and poverty alleviation	Sustainable Human Settlements Development: Implementing Agenda 21 (Habitat)
1996 Habitat II	Adequate shelter for all, and sustainable human settlements development	Culmination and integration of all previous policy improvements	The Habitat Agenda, Global report on human settlements (Habitat)

2000 Millennium Summit	8 MDGs and 18 targets, including target 11 on slums	Millennium Development Project	UN Millennium Declaration, and MDGs (UN and Habitat)
2001 Istanbul +5	Review of the Habitat Agenda process	Renew Habitat Agenda commitments and develop more effective strategies	Declaration on cities and other human settlements in the new millennium, Global report on human settlements, State of the world's cities, Implementing the Habitat Agenda (all Habitat)

Source: UN-Habitat, 1997 *Shelter for all: The potential of housing policy in the implementation of the Habitat Agenda*.

The 1970s brought immense change to the international development agenda. UN-Habitat held its first international conference (Habitat I) on shelter and human settlements in 1976. Before Habitat I individual governments held the primary responsibility for the formulation and implementation of housing policies (UN-Habitat, 2006). The Vancouver Declaration that emerged from Habitat I affirmed that adequate shelter and services are a basic human right and there is an obligation on part of the government to ensure the attainment of these rights by all people (UN-Habitat, 1976). Initiatives that were launched from this convention included squatter upgrading programs and the World Bank endorsed Sites and Services schemes. The upgrading of urban slum areas was advocated as the most appropriate overall solution to housing provision considering that it was more cost effective than direct provision; it allowed for a certain degree of tenure security; and upgrading programs retained the social fabric of informal communities that was often destroyed during demolition or relocation schemes (UN-Habitat, 1981). Like slum demolition, slum upgrading was used as a planning mechanism and shelter provision strategy in attempts to achieve an improvement in the built environment as well as in the livelihoods of urban dwellers. These *in situ* upgrading approaches differed from the urban plans that were in place in most sub-Saharan Africa cities and many countries adopted this new initiative (Rondinelli, 1990). The physical design and structure plans that emerged in the 1960s were still negatively affecting the spatial development of cities and the upgrading approach took into account the physical, social, economic, organizational, and environmental elements of informal settlements (Kombe, 2005; Majale, 2008). Sites and Services schemes were other forms of upgrading programs that demonstrated how basic shelter designs as well as basic housing services could be provided at a much lower cost than the housing that was being provided by the public sector (World Bank, 2008). Like other upgrading programs, the Sites and Services program was also promoted as an alternative to slum demolition and adopted by many sub-

Saharan African countries (Rondinelli, 1990). Both of these approaches incorporated planning a built environment that allowed for the alleviation of social inequalities.

Upgrading schemes were successful in the provision of land plots and shelter to low-income families but overall the programs were not sustainable due to restricting local conditions within developing countries (Aldrich and Sandhu, 1995; Mahanga, 2002). Limited resources as well as the lack of urban infrastructure, institutional and legal housing framework, and political will were all detrimental factors in the implementation of upgrading programs (UN-Habitat, 1987). Upgrading and improvement programs were the leading models for both urban planning and housing provision in developing countries until the late 1980s when a new strategy emerged in the international development agenda in the form of the Global Strategy for Shelter to the Year 2000 (Erguden, 2001). The Global Strategy for Shelter to the Year 2000, or GSS, was adopted by the UN General Assembly in 1988 and affirmed that the “right of adequate shelter is recognized universally and constitutes the basis for national obligations to meet shelter needs” (UN-Habitat, 2006). The GSS represented a fundamental shift in housing policy with the introduction of enabling shelter strategies. The enabling approach, which will be discussed in detail in Chapter 6, recognized the full potential and resources of all actors in the shelter production and improvement process. Governments were to serve as facilitators, not providers, in the construction and improvement of housing. The intention was not to reduce governmental responsibility but rather optimize the activities and resources of all the actors in housing sector (UN-Habitat, 2006).

After its introduction into the international development agenda, the enabling strategy prevailed as the dominant paradigm for housing provision in developing countries. Subsequent strategies that emerged from the leading development institutions incorporated the enabling strategy’s fundamental tenet that governments are best fit to be facilitators of shelter provision. In 1996 UN-Habitat held its second conference on human settlements in Istanbul (Habitat II) which focused on the development of sustainable human settlements in an urbanizing world and the provision of adequate shelter for all (UN-Habitat, 1996). The Habitat Agenda, which emerged from the conference, called on government to take appropriate action in order to grant the right to adequate housing within the overall context of an enabling approach (UN-Habitat, 2006). Five years after the endorsement of the Habitat Agenda, developing countries were still experiencing problems with urban governance, basic service provision, urban violence and the deterioration of the urban built environment. UN-Habitat reported that many developing nations had well-formulated and comprehensive housing policies but struggled with effective implementation due to weak institutional arrangements, ineffective mechanisms to engage the poor, inadequate legal frameworks, lack of strategic focus, limited financial resources, and limited political will (UN-Habitat,

2006). Similar to the adoption of upgrading schemes, the local conditions of developing countries were and still are inhibiting the effective application of enabling strategies.

## **B. Conclusion**

The next chapter highlights the use of enabling shelter strategies in the land and housing policies of Kenya and Tanzania. I plan to argue that the integration of enabling strategy principles in Kenya and Tanzania's land and housing policies has not been effective in improving the overall urban housing crisis due to the countries' unique local conditions. Both countries' histories of negative urban growth policies as well as centralization over land matters are emphasized as local conditions that impede the efficient implementation of enabling strategies. The role of the government as a facilitator of housing provision is highlighted as the main enabling shelter tenet that is not being effectively incorporated into Kenya and Tanzania's land and housing policies.

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## **Chapter 6: Shelter strategies findings and analysis**

### **A. Enabling strategy in Kenya and Tanzania**

The formulation of the enabling strategy was specifically designed for developing countries with limited resources because it allows the government to direct its efforts in areas where their assistance is most needed. The enabling strategy focuses on maximizing the contributions of all the actors in housing production (including the private sector, NGOs, and informal dwellers) within a government facilitated legal and regulatory framework (Erguden, 2001). Unfortunately, few developing countries in the world have experienced significant improvement in the housing situation of the poor since the introduction of enabling shelter strategies (UN-Habitat, 2006). Most cities in sub-Saharan Africa have experienced a growth of informal settlements and a slow rate of improvement of slum conditions (UN-Habitat, 2003a). The density of Kenya's slums has increased over the last decade with approximately 2 million people living in Nairobi's informal settlements. UN-Habitat reported the 2007 slum incidence in Tanzania rose to 84.2% which is almost a 20% increase from the 2005 figure (UN-Habitat, 2008b). This increase in unplanned urban growth and the continued lack of urban housing is not necessarily a direct result of the failure of enabling shelter strategies. Rather, the integration of enabling strategy principles in Kenya and Tanzania's land and housing policies has not been effective in improving the overall urban housing crisis due to the countries' unique local conditions.

The history of negative attitudes towards the growth of informal settlements is the local condition which I highlight as the main impediment to the successful implementation of enabling strategies in Kenya and Tanzania. Official perceptions of urban growth have already been discussed in relation to Kenya and Tanzania's implementation of slum demolition and upgrades and I highlight them further in this section to stress the impact these views have had on urban dwellers access to housing. In addition to local conditions obstructing the implementation of shelter strategies, Kenya and Tanzania's adoption of certain aspects of the enabling strategy have resulted in a continued lack of access to housing. Many countries have made progress incorporating the principles of the enabling approach in their respective national housing strategies (UN-Habitat, 2006). However, most of these strategies have lacked a detailed plan of action, timetable, and the provision of necessary resources, which is why the implementation of enabling shelter strategies has so far been disappointing (ibid).

In this chapter I highlight the role of the government as a facilitator of housing provision as discordant with the local conditions in Kenya and Tanzania, therefore resulting in lack of access to housing as well as continued growth of unplanned areas. A secondary aspect of enabling strategies that is not being successfully incorporated into Kenya's shelter policies is the reliance on other actors in the housing sector for housing provision. In Kenya, the private sector has been unable to meet urban housing

needs due to the country's local conditions (McLaren, 2008). Both countries' lingering negative attitudes towards urban areas as well as centralized power over the land administration system prevents the governments from acting as effective facilitators of housing provision.

## **1. Kenya**

### **a. Impeding local conditions**

As discussed in Chapter 2 and Chapter 4 the Kenyan government's negative perception of informal settlements is rooted in the country's colonial history. The opinion of the colonial administrators was that Africans belonged in the rural areas of the country, and this perception significantly impacted the planning and management strategies for urban areas (Mitullah and Kibwana, 1998). Unauthorized, informal settlements continued to develop in areas not sanctioned for settlement and lacked basic services and infrastructure. Once Kenya attained independence the government's policies towards informal settlements remained hostile, allowing for slum clearance and displacement in order to regulate the standard of housing conditions. As discussed in Chapter 4, slum upgrading and improvement programs had a substantial impact on the provision of adequate urban housing in Kenya but only on a small scale (UN-Habitat, 1987). Households in the lowest income group for which these schemes were intended often times could not afford to construct dwellings that were in compliance with building standards (ibid). The Kenyan government has acknowledged the existence of informal settlements in the 2004 Housing Policy however has yet to take any action to formally recognize informal settlements in the form of basic service provision (COHRE, 2006). Despite the government's dedication to improvement of informal settlements, government supported slum demolitions and evictions have also occurred as recent as 2004 (COHRE, 2006). These negative perceptions towards informal settlements are an impediment to the adoption of enabling strategies (UN-Habitat, 2006).

### **b. Findings and analysis**

It is stated numerous times throughout Kenya's Strategic Housing Plan that housing has been a key priority for the Kenyan government since independence. The Ministry states that "in spite of past policy and legal initiatives, supply of housing has been low and as a result demand has continued to outstrip supply particularly in urban areas" (GOK, 2007a, p. ix). This challenge coupled with the lack of participation of the private sector, insufficient funding, and uncoordinated policy implementation necessitated a shift in the government's housing policy (ibid). In the 1970s the international development community, including the UN and ILO, began to pursue enabling housing policies which removed the government from direct involvement in the provision of housing (Mitullah and Kibwana, 1998). By the late 1980s the Kenyan government shifted its role and began supporting the facilitation of private sector

and other stakeholders in order to enhance their participation in housing development (ibid). Although the government officially adopted an enabling approach to housing provision during the 1980s this was not translated into a clear strategy for action (Syagga, 2001). The government still exercised control over land allocation, continued with illegal plot distribution, and carried out slum demolitions throughout the 1990s (Kloop, 2008). Corruption, land-grabbing, and slum evictions have been reported in the last five years (Amnesty International, 2009; COHRE, 2006). The role of the government in the housing sector is not one of direct provision, as is outlined in enabling strategies, but the centralization of land power and oppressive actions towards unplanned areas do not fulfill the role of facilitator of housing provision.

Kenya's 2006-2011 Strategic Housing Plan states the main responsibilities of the Ministry and government within the enabling framework are to include the drafting of legislation, the dissemination of policy, facilitating conversations with relevant stakeholders, and overall administration of the legal and institutional framework for the housing sector (GOK, 2007a). These responsibilities are recognized as appropriate actions for a government to take in the context of an enabling strategy however the Kenyan government has demonstrated a lack of institutional capacity to carry out these tasks. The 2004 COHRE fact-finding mission in Nairobi reported that one of the main concerns of informal settlements residents was the lack of information provided by the government regarding upgrading, potential evictions, and general land policy (COHRE, 2006). There is currently no type of public awareness strategy in place to ensure that citizens are informed of their rights and entitlements in regards to land use and housing (ibid). This lack of dissemination of information makes it difficult for informal settlements residents to participate in upgrading schemes and the overall improvement of their living conditions, a task which is specified for these urban dwellers in the 2004 Housing Policy.

The government's reliance on other actors for the provision of housing in Kenya has not made a significant improvement to the overall urban housing crisis. The private sector, responsible for the provision of the majority of houses in Kenya in recent years, has largely concentrated in the provision of houses for high and middle-income households (McLaren, 2008). Private land developers in Kenya tend to escalate land prices eliminating most of the urban population from accessing this land (Syagga, 2001). The local conditions that are present in Kenya such as power disputes over land control and corruption in land allocation create an environment that is not conducive for the urban poor to access land and housing.

## **2. Tanzania**

### **a. Impeding local conditions**

The colonial administrators of Tanzania, parallel to those of Kenya, developed urban housing and land use strategies that paved the way for decades of neglect and mismanagement. During the colonial era

the aim of urban development policies was to facilitate political control and exploitation of natural resources for export purposes (Mahanga, 2002). Urban housing was issued to colonial administrators and civil servants, and urban planning policies were based on the racial segregation of cities, in favor of the European settlers (ibid). The colonial authorities even enacted removal ordinances that allowed for the forced removal of individuals lacking regular employment or residing on property that was not legally theirs (Lugalla, 1999). This harsh attitude towards the urban poor was still in effect after independence with the continual harassment of those lacking formal employment and living arrangements (ibid). The fact that the government and formal institutions could not properly provide for all Tanzanians was not the focus in these situations, but instead it was the illegality and negative connotations associated with informality. Similar to Kenya, the Tanzanian government implemented slum clearance schemes in attempt to eradicate substandard dwellings, yet the rate of demolition was much higher than the rate of construction of new units (Aldrich and Sandu, 1995; Mahanga, 2002). This miscalculation resulted in landless and homeless urban citizens who were left with no other option than to find other areas of unauthorized land to erect informal dwellings.

#### **b. Findings and analysis**

As stated previously in Chapters 2 and 4, the centralization of land power and restrictive urban policies have been main tenets in Tanzania's land history since British colonial rule which transcended into policies of independent Tanzania. The result has been decades of unequal land distribution, an overall neglect of urban areas, and an acute shortage of planned urban land. The 1995 Land Policy and the 1999 Land Act have further entrenched the power of land administration, management and allocation in the executive branch of the Tanzanian government (Shivja, 1999). The centralization of land power in Tanzania's current policies diminishes the effectiveness of the government as a facilitator.

Despite this centralization of land power, the 2000 Human Developments Strategy Policy states that the government will facilitate and create an environment to achieve the goal of having equitable, safe and secure, healthy and efficient sustainable human settlements (URT, 2000). The objectives listed in the Policy all revolve around this mission, such as ensuring access to serviced land to individuals and families of all income levels, altering building regulations to be consistent with the capabilities and needs of various sections of the population, and assisting the poor to acquire decent shelter (URT, 2000). The values expressed by the Tanzanian government through the mission and objectives of the Policy project an awareness of the need for sustainable human settlements development, and more importantly a dedication to providing healthy, safe, and equitable housing conditions for all of its citizens. There is also a provision in the Policy for the government to take an enabling approach in regards to the upgrading of informal urban areas. The main policy statement from the Ministry regarding unplanned and unserviced

settlements declares that the inhabitants of the unplanned areas will be the ones responsible for the upgrading, with the government playing a facilitating role. As a facilitator in the upgrading process the governments' actions include supporting the efforts of the inhabitants to form CBOs and NGOs for upgrading purposes and ensuring timely planning for urban development in the peripheries of all towns so as to prevent unplanned development (URT, 2000). As stated earlier, there is no set plan of action for the government to follow in order to fulfill any of these enabling responsibilities. The centralization of land power in the arm of the executive branch was solidified into law in the Land Act. Due to this legally secured power, the 2000 Human Settlements Development Policy places no legal obligation on the Tanzanian government to carry out any of the policy's goals or objectives.

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## **Chapter 7: Conclusion**

The political, economic, spatial and social ills of urbanization in developing countries first emerged on the international development agenda in the 1970s and have attracted more and more attention throughout the subsequent decades. The United Nations and other leading international development institutions produce multiple reports each year such as *The Challenge of the Slums*, *State of the World's Cities*, *Global Campaign for Secure Tenure*, and *Integrating Slums into City Planning* which all concur the tremendous strain that urbanization has placed on the infrastructure and governing abilities of developing countries. In addition to this world-wide recognition, the same development leaders and innovators have formulated best practices and recommended policies to combat third world cities deteriorating urban conditions, lack of adequate shelter and service provision, and growth of informal settlements. Despite the progress that has been made in regards to urban planning and shelter provision in developing countries the overall urban crisis remains. Although this recognition is nothing new it has prompted further research in attempting to understand the full dimensions and identifying all the underlying factors of the urban crisis in developing countries. My dissertation falls into this gap of investigating the problem behind the problem. Researching the obstacles preventing internationally endorsed planning strategies and housing policies from resolving the lack of access to shelter and the proliferation of informal settlements is necessary in order to improve the quality of life of urban dwellers.

The main findings of this dissertation illustrate that the impact of Western planning theories and practices has resulted in a mismatch between the urban planning strategies in place and the local conditions in Kenya and Tanzania. Both countries' land policies focus more on the physical design and control of the built environment without planning for the social consequences of these regulations. Additionally, both governments hold the most power in the planning process and therefore implement inappropriate urban planning mechanisms that obstruct urban dwellers' ability to access adequate housing.

My findings also demonstrate that the adoption of certain internationally recognized shelter strategies has not been effective in improving the overall urban housing crisis in Kenya and Tanzania. The shelter strategies implemented by both countries' governments have not been in accordance with the local urban conditions. This mismatch has led to an overall lack of access to adequate housing by the majority of urban dwellers as well as the proliferation of informal and unplanned settlements.

The framework in which I placed my research on urban housing policies was particularly important in highlighting the duty of the government to provide access to basic rights to its citizens. The human rights-based approach to development can be difficult to use because there are no set indicators by which to hold the government accountable. In the context of the right to housing it is fairly obvious when

a citizens right is being obstructed. In the case of Kenya and Tanzania, citizens who reside in unplanned areas without access to basic services do not have access to this right. However, it can be argued that these governments lack the capacity to provide citizens with this right due to factors beyond their control. Therefore the implementation of policies that work towards the realization of these rights is seen as progress. Adopting planning mechanisms and shelter strategies that work towards improved access to housing and a well-planned built environment is all that can be asked of a government that is plagued with severe socio-economic and spatial inequalities. Progressive action towards the realization of the right to housing is a necessary step for governments to take but at the same time the injustices that their citizens suffer cannot be overlooked.

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