



1st Utafiti Sera Forum on Urban Governance and City Transformation in Kenya Report

Venue: Amber Hotel on Ngong Road, Nairobi

Date: 29th January, 2018

Acknowledgements

The Utafiti Sera Convening on Urban Governance and City Transformation in Nairobi, Kenya was commissioned by The Partnership for African Social and Governance Research (PASGR). Special acknowledgement and appreciation is extended particularly to; Prof. Tade Aina, the Executive Director PASGR and Dr. Martin Atela, the Program Manager, PASGR and more vehemently the participants who formed the house for the First convening.

Contents

Acknowledgements	i
Acronyms	iii
1.0 Project Context	1
2.0 Introduction	1
2.1 Opening Remarks - Dr. Steve Akoth	1
2.2 Overview of PASGR - Prof. Tade Aina	1
2.3 Overview of Utafiti Sera House and Stakeholder Mapping-Dr. Martin Atela	2
3.0 Reflections on Urban Governance in Nairobi	3
3.1 Issues in Urban Governance in Nairobi - Dr. Tom Konyimbih	3
3.2 Kenya Railways Relocation Plan - Eng.Vitalis Ongongo	4
4.0 Issue Identification-Group Work	5
4.1 Group Work- Stakeholder Analysis Matrix	5
6.0 Plenary	6
7.0 Conclusion	6

Annexes

Annex 1: Program	7
Annex 2: List of of Participants	8

Acronyms

GRM	Grievance Resolution Mechanism
PASGR	The Partnership for African Social and Governance Research
RAP	Resettlement Action Plan
KRC	Kenya Railway Commission
CSUDP	Civil Society Urban Development Platform
KeNHA	Kenya National Highways Authority
NEMA	National Environment Management Authority

1.0 Project Context

The methodological approach used to identify the suitable stakeholders for engagement in the Utafiti Sera house was round table discussions and a stakeholders' mapping conducted by PAMOJA prior to the discussions.

'Utafiti Sera' a Swahili word for research policy is a combination of many things that ensure and enhance policy outcomes – a process, place, forum, platform or a vehicle for transforming empirical research evidence for policy uptake. It is a joint project hosted by Pamoja Trust and PASGR that aims to create and sustain a vibrant research policy community that frequently convenes around key policy issues in need of intervention. Utafiti Sera is therefore a house that brings all relevant stakeholders together including but not limited to, research organizations, think tanks, external organizations, central and local government, media, policy makers, CBO's, NGO's and interest groups. Through the Utafiti Sera Model, policies, stakeholders and existing research evidence around a specific issue is mapped and synthesized, packaged it into policy briefs, video documents and newspapers and then channelled into communication platforms such as policy debate,

Utafiti Sera is a house that brings all relevant stakeholders together including but not limited to, research organizations, think tanks, external organizations, central and local government, media, policy makers, CBO's, NGO's and interest groups.

meetings, forums, and social media. The expected long-term outcomes are more informed policies and communities of practice.

2.0 Introduction

The 1st Utafiti Sera forum on Urban Governance and City Transformation in Kenya was attended by 34 participants; 9 women and 23 men drawn from civil society organizations, research-based organizations, academia, community representatives and various sectors of government including the National Land Commission and Housing department.

Dr. Steve Ouma -Executive Director of Pamoja Trust- opened the session by welcoming the participants to the house and conducting a round of introductions. He then posed a question related to infrastructure development; how do we promote infrastructure development while protecting the lives and dignity of others as stipulated in Article 28 of The Constitution of Kenya, 2010? This question was followed by a video screening on key issues related to infrastructure development in Nairobi. The video portrayed the on-going efforts to ensure infrastructure development and raised critical questions about the failure to consider some of the risks affiliated with such developments.

2.1 Opening Remarks- Dr. Steve Akoth



2.2 Overview of PASGR-Prof. Tade Aina

Prof. Aina welcomed the house and provided a brief overview on the Partnership for African Social and Governance Research. PASGR is a pan-African, not for profit organization established in 2011. PASGR operates 3 main programs including; 1) a Higher Education Program active in over 13 universities across the continent 2) a Professional Development Training and 3) a Research Program which generated the concept of Utafiti Sera. He emphasized that one of PASGR's research studies conducted in over 6 African cities is related to the development of just and inclusive cities. The type of infrastructure projects may vary from one African city to another but the key issues pertaining to the politics of infrastructure development cuts-across African cities. For example, in Rwanda there are massive housing

projects while in Kenya, railway projects and ICT projects are prioritized. The questions of inclusivity and dislocation are common themes arising from both scenarios. He then noted that Utafiti Sera provides a platform for key stakeholders to resolve policy issues using scientific evidence. He mentioned some of the on-going Utafiti Sera projects including;

- Agriculture for Inclusive Growth in Nigeria;
- Social Protection in Kenya;
- Youth Employment in Agriculture and agribusiness in

Kenya;and

- Urban Governance and City Transformation in Rwanda.

The basis of these projects is to create a community of interest and practise on key development issues in various African countries. He finished his address by urging the house to engage critical stakeholders like Safaricom and the likes in solutions to problems related to infrastructure development.

2.3 Overview of Utafiti Sera House and Stakeholder Mapping - Dr. Martin Atela



Dr. Martin, PASGR Program Manager then took the platform to explain into depth how the Utafiti House works. He started by presenting a theory of the universe made by Galileo Galilei who was accredited for making the universal transition from natural philosophy to modern science. His championing of the idea of heliocentrism (the earth going around the sun) was controversial in his day and age where most subscribed to the notion of geocentrism (the sun going around the earth). The matter was investigated by the Roman Church who concluded that heliocentrism was a foolish, absurd and heretical philosophy because it explicitly contradicted in Holy Scripture. Despite the controversial nature of Galileo’s ideas, evidence was in his favour and the world eventually came to accept it as a ground-breaking truth changing our perception of the world.

He then asked why evidence is still not being used in modern times. Although there is a lot of research being generated, it can often be abundant and irrelevant to the needs of policy-makers.

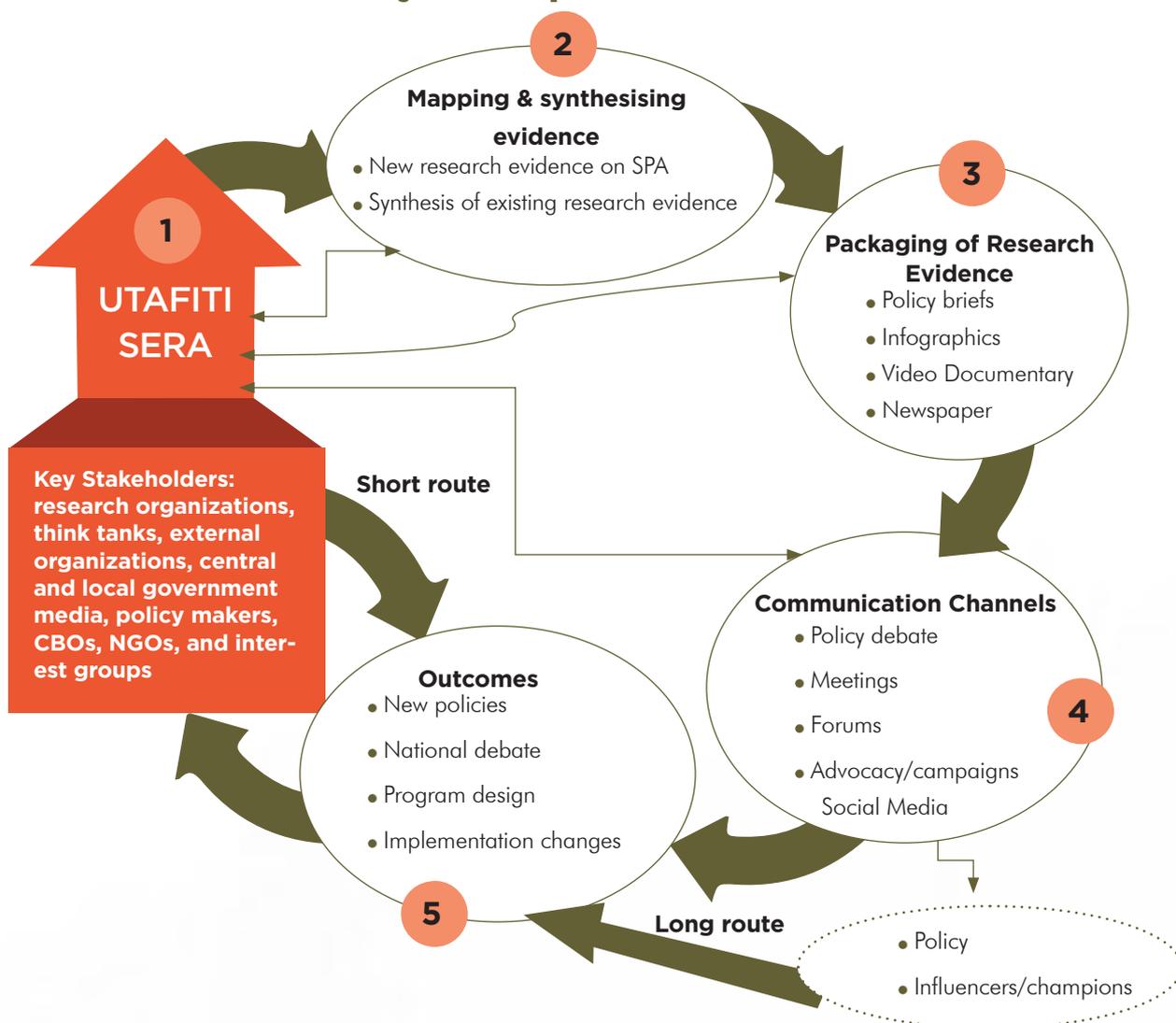
He mentioned that challenges in linking research to policy include;

- Research competing with many other factors in the policy making process for considerations;
- Research isn’t valued as information input |general climate for research use is not conducive;
- Evidence isn’t relevant to the needs of policy-makers;and
- Failure to effectively communicate research findings and engage key consumers of information such as policy makers, programme/development managers, service providers and the general public.

He then walked the house through a conceptual explanation of Utafiti Sera. Utafiti Sera, a Swahili term, translates to ‘Research Policy’. It can be described as a process, place, forum, platform, or a vehicle for ensuring and enhancing policy outcomes. As a ‘process’ Utafiti Sera involves a sequence of activities that enable the building of a community of interests and practice to improve policy design and implementation. As a ‘place’, it provides a space for key stakeholders with interest, power, capacity and motivation to act in diverse ways to make informed policy decisions and practices. As a ‘forum’, it provides a non-partisan platform for knowledge engagement, ‘outreach’ and ‘in-reach’ by different members of the community irrespective of theoretical and ideological differences. As a ‘vehicle’, it constitutes pathways and channels for shared knowledge and experiences to enhance policy uptake.

He then mentioned that a number of gaps and reflections regarding the future and effectiveness of house activities i.e. what and how can the house enhance its communication strategies to the broader public? How will the progress of the house be measured and reported?

Utafiti Sera Pathways to Impact



3.0 Reflections on Urban Governance in Nairobi

3.1 Reflections on Urban Governance in Nairobi - Dr. Tom Konyimbih



Dr. Konyimbih introduced himself as the chair of the committee on Land Administration, Land Taxation and Compulsory Acquisition. He began his presentation by quoting his professor, Prof. Donald Denman who defined land as “space surrounded by many issues”

He noted that a lot of research has been conducted around land issues and such issues once taken for granted, are resurfacing today. The vexing nature and debates on Chapter 5 of the Constitution of Kenya, 2010 and the Land Laws of 2012 are examples of this.

He then posed a question about whether Africa is capable of developing and what that development model will look like taking into account the continent’s resources. In 1895 when Kenya was declared a British protectorate, the population was about 3.5 Million.

The geographical place was 581640 sq. kms. In 1963, during independence, Kenyans were 8M. Land mass was still 581640 sq. kms. Now there are 48M Kenyans and the land mass remains the same. This means that the land holding per capita is reducing each year. The implication is an inevitable contestation for space to meet infrastructural, agricultural, commercial space use, residential and leisure requirements.

He mentioned further that Nairobi has undergone immense transformations yet 75% of the 4M residents reside in slums/informal settlements. He referred to a research done by the United Nations which revealed that Kibera has the potential to accommodate ¼ of Nairobi’s total population. Inclusivity and social justice for the inhabitants of informal settlements is needed. If democracy is about numbers, informal settlements cannot be negated.

He emphasized the need to ask ourselves fundamental questions pertaining to evidence production and its uptake. Is the evidence generated today useful for tomorrow, what works across most contexts and what does not work in the other contexts?

Challenges in Evidence to Policy Uptake

- The multiplicity of actors involved in the land sector justified under the guise of cheques and balances, undermines the overall performance of sector;
- County governments in charge of planning are aloof because it’s not in their priority and they haven’t budgeted for the large number of interest groups;
- Local politicians with personal interests;
- Lack of comprehensive Legislature; and
- A widespread doctrine of Impunity.

He concluded by asserting there is need for forward planning. Each county must plan for infrastructure, urban inclusivity and safety so that in the end construction processes merely follow county development strategies instead of dictating the entire planning process. Counties also need to be trained about the importance of forward

Is the evidence generated today useful for tomorrow? What works across most contexts and what does not work in the other contexts?



3.2 Kenya Railways Relocation Plan – Eng. Vitalis Ongongo.



planning.

Eng. Ong’ong’o started his presentation by giving a background of the project saying Kenya Railways needed a corridor 60m wide to ensure the security of the people and the rail itself.

He then took members through the Resettlement Action Plan (RAP) and its origins. Prior to the RAP, the Kenya Railway Commission’s (KRC) initial Strategy for dealing with encroachment was forced evictions. This however failed to offer a sustainable solution and the RAP was formulated in 2005 to provide a safety corridor 10.4m wide. In 2009/10 the RAP was revised to address encroachment in the entire 60m.

He went further to explain that the main objective of the RAP was to provide an additional 40m wide safety corridor by:

- Fencing off the railways operating area using walls and buildings;
- Constructing business and residential units;
- Relocating encroachers to newly constructed residential and business housing units;
- Providing footpaths; and
- Providing railway crossing structures.

Any grievances that occur are solved through a Segment Grievance committee, a Multi-segment Grievance Committee and/or a Grievance Appeals Board.

He concluded by explaining the challenges experienced by RAP including:

- Slow pace of delivery due to court cases;
- Resistance to change;

- Lack of comprehensive Implementation strategy that is community driven and supported;
- Creation of space for construction in line with the requirements of OP 4.12 (do no harm);
- Striving to meet the requirements of PAPs;and

- Identifying the PAPs.

Prof. Aina Tade, the Executive Director of PASGR commented on Dr. Konyimbih’s presentation by reinforcing that democracy is an important aspect of development. There is a need to ensure democratic development in Africa the RAP is a means of granting voice and inclusion to the marginalized. He concluded that there is much to

4.0 Issue Identification-Group work

learn from countries such as Brazil, Argentina and South Korea in terms of inclusive decision-making processes.

The house then broke into group discussions and were tasked with identifying the infrastructure issues in need of policy intervention. They were asked to use the

Democracy is an important aspect of development.



4.1 Group Work - Stakeholders Analysis Matrix

Issue	Stakeholders	Roles/ Responsibility	Interests
Participation and Meaningful Engagement	Community Government Civil society Donors	Community support and participation Government provides security, information and project guidelines Civil society engages in advocacy/tracking/ documentation of the particular process. It also provides capacity building/bridges the gap to complement government work. Donor finance projects and hold the government accountable- through monitoring and oversight	Community-directly benefits from projects Government is involved in development and service delivery. Civil society interested in accountability and empowerment Donors are in business including geo-politics interests
Compensation	Community Government (broadly to include National & County governments and their respective departments Civil society Donors	Community organize themselves and identify beneficiaries, they create spaces for engagement and negotiation Government takes on the roles of valuation, validation, organization and compensation Civil society is engaged in monitoring and litigation Donors take the role of funding	Community enjoys human rights and dignity Civil society promotes good governance and accountability, protect the rights of the poor to own property. Government interest is in development. Donors- empower the poor and are also in business.
Non- Compliance with the law and statutory regulations	Judiciary Institute of Development Studies Katiba Institute	Research Advocacy	The project affected persons whose rights are violated The Judiciary who has a role to uphold the rule of law
Political Interference	County Government Council of Governors	Coordination of governmental actions Oversight	The politicians use most projects for their own self interests
Land	Government Community Investors	Government is the trustee of all public land The community uses the land	Government holds the land in trust for the citizens

stakeholder analysis matrix to identify respective stakeholders and their roles in the intervention.

Stakeholders Mapping Analysis and Group Deliberations

The groups identified four camps of stakeholders; community, government, donors, and the wide civil society with other groups mentioning the specific stakeholders that have a responsibility. The idea of community was interpreted to mean various actors that ranged from community-based organizations, self-help groups, welfare associations in addition to mainstream civil society to faith-based organizations.

The groups isolated five issues that needed to be incorporated in urban renewal projects. These were; participation and meaningful engagement, compensation, non-compliance with the laws, political interference and land. Participants consented that participation went beyond attending last-minute meetings and signing documents not read beforehand. There is a need for more extensive and inclusive conversations that assure community/and other stakeholders' perspectives were reflected in all stages of the proposed project. Land also came out as a root cause of most of the issues identified. It was deliberated that key land stakeholders should not be left out when it comes to infrastructure matters. Public participation was a reoccurring theme that surfaced throughout all phases of the discussion. Participants also agreed that the compensation process (i.e. relocation of residences and business spaces) needed to be conducted in a transparent and humane way in compliance with the law which clearly stipulates how such processes should be executed. Participants thus reiterated the value of public participation with respect to human rights throughout the entire process. They also came to the consensus that communities need to mobilize under a unified voice given the multiplicity of interests and stakeholders.

5.0 Plenary Concerns

Ongwae an officer from Pamoja Trust then led the plenary session. He reiterated that a baseline criteria of public participation is an issue that needs to be examined. There is a need to continuously ask: what key factors should be taken into consideration when devising a public participation framework? How do we regard the role of global geopolitics and intangible stakeholders? He then opened the floor for more questions. A participant raised concerns about the

house's emphasis on trivial issues that are linked to broader geographic policies and power structures. She asked: to what extent do we remain relevant when we speak of power structures? Ruth a member from The Civil Society Urban Development Platform (CSUDP) also raised a concern regarding the concentration of responsibility into the hands of political leader; how do we involve non-state actors? Rema, a community representative contributed to the conversation saying weakness in the process is because project implementation is left in the hands of uninformed and corrupt individuals adding that lack of public participation is the root cause of all problems. Humprey added that there are already areas of convergence on the issues derived from this Utafiti Sera house convening that would pave the way for future discussions.

Responses

Ongwae then responded to these concerns saying Utafiti Sera is a work in progress and every convening will inform future actions and discussions. Dr. Martin Atela also noted that the Utafiti Sera house on Social Protection in Kenya is among the most powerful because of their ability to engage powerful stakeholders such as the Africa development Bank, Public health, PHD student researchers. He went further to mention that we must be aware of challenges but while also identifying the means through which this house seeks to generate the change. A number of recommendations have been suggested but the house needs to narrow down their focus area and mobilize under one issue to effectively influence policy. The house needs to identify where good public participation had yielded good results to comprise a replicable solution that can also cater to the different contexts in Kenya.

6.0 Conclusion

The Utafiti Sera House reached a consensus that different stakeholders such as government and community needed to understand the essence and value of public participation. Members described government-led 'participation' as dissembling and insincere often facilitated despite prior agreed plans. Community meetings and engagements were reduced to mere rubberstamps. An individualist culture coupled with busy schedules among citizens had also impacted negatively on public participation. It was agreed that the next convening which was proposed to be in February, 2018 would ensure the presence of key stakeholders such as KeNHA and NEMA. It was concluded that when extracting evidence of certain engagements, there was a need to identify good practices that have worked in other contexts.

Annex 1: Program

7:00 –8:00	Registration: Sally Miruri
8:00 - 8:10 (10mins)	Introduction of participants: Alderin Ongwae
8:10 – 8: 30 (20mins)	Media coverage of Urban Infrastructure of Governance Issues in Kenya
08:30 - 08:45 (15mins)	Welcome Remarks: Dr. Steve Ouma Akoth, Executive Director PT
08:45 - 09.10 (25mins)	Overview of PASGR/Utafiti Sera: Prof. Tade Aina, Executive Director, PASGR
09:10 - 09:30 (20mins)	About Stakeholder mapping: Martin Atela, Program Manager, PASGR
09:30 –10:30 (1hr)	Reflections on Urban Governance in Nairobi Moderator: Dr. Steve Ouma Panellists Mr. John Sasia, Team Leader, Infrastructure, World Bank Adrian Cutler – Lead Development Specialist, World Bank Philip J. Mainga, Project Manager, Relocation Action Plan Tom Kanyimbi, Commissioner, National Land Commission Eng. Peter Mundinia, Director General, Kenya National Highways Authority Waikwa Wanyoike, Executive Director, Katiba Institute University of Nairobi (TBC) Reflections: 30 mins Q&A: 30 mins
10:30 10:45 (15mins)	Health Break
11:45 12:30 (45mins)	Group work Issue Identification Facilitator: Dr. Steve Ouma Martin Atela
12:30 -13.00 (30mins)	Group presentation and feedback Presenter: Group Representative
13.00 – 14.00	Lunch Break
14:00 –15:30 (1hr 30min)	Plenary and Consensus
15:30 -15:50 (20mins)	Conclusion and Closing Remarks Dr. Steve Ouma Akoth, Executive Director, PT Martin Atela, Program Manager, PASGR
15:50	Afternoon Tea and Departure

Annex 2: List of participants

Utafiti Sera Forum on Urban Governance and City Transformation
in Nairobi at Amber Hotel

29th January, 2018

Attendance Form

No.	Name	Organization	Female	Male
1.	Joyce Nyambura	Neighbourhood Housing	√	
2.	Lilian Muturi	Muongano Kabete	√	
3.	Robai Naliaka	CSUDP	√	
4.	Ezekiel Rema	Muongano		√
5.	Humphrey Otieno	Ksm		√
6.	Ongwae Alderin	Pamoja Trust		√
7.	Patrick Ndegwa	WGBU		√
8.	Marion Ouma	UNISA	√	
9.	Prof. Tade Aina	PASGR		√
10.	Martin Atela	PASGR		√
11.	Warega Fredrick	Geodev Ltd		√
12.	Dr. Tom Konyimbih	National Land Commission		√
13.	Steve Kapombe	Patifa Solutions		√
14.	Steve Ouma	Pamoja Trust		√
15.	Happy Alphonse Were	MPI-K		√
16.	Davinder Lamba	Mazingira Institute		√
17.	James Njoroge	KASWESHA		√
18.	Miruri Sally	Pamoja Trust	√	
19.	Daniel Ondieki	Pamoja Trust		√
20.	Hussein George			√
21.	Hodge Lawrence	Mukuru Reli Market		√
22.	John Mwangi	USIU		√
23.	Samuel Olando	Haki Jamii		√
24.	Ezekiel N. Chege	Housing Department		√
25.	Wanjiku Kimari		√	
26.	Kyatu Robert	Muongano		√

27.	Jeckoniah onyango	Kibra		√
28.	Anthony Otiende	Pamoja		√
29.	Erastus Mgari	Pamoja Trust		√
30.	James Mwangi	Housing		√
31.	Ruth Nekura	MCT-Academic	√	
32.	Vitalis Ongongo	Krc		√
33.	Margaret Manyani		√	
34.	Ann Wanjiru	MLAHRA SEC	√	



Source: Nairobi Planning Innovations

Partnership for African Social & Governance Research (PASGR)

6th Floor, I & M Building
2nd Ngong Avenue, Upper Hill
P.O. Box 76418-00508 Nairobi, Kenya
Email: research@pasgr.org

Tel: +254 (0)20 2985000; +254 (0)729 111031 or +254 (0) 731 000 065

www.pasgr.org