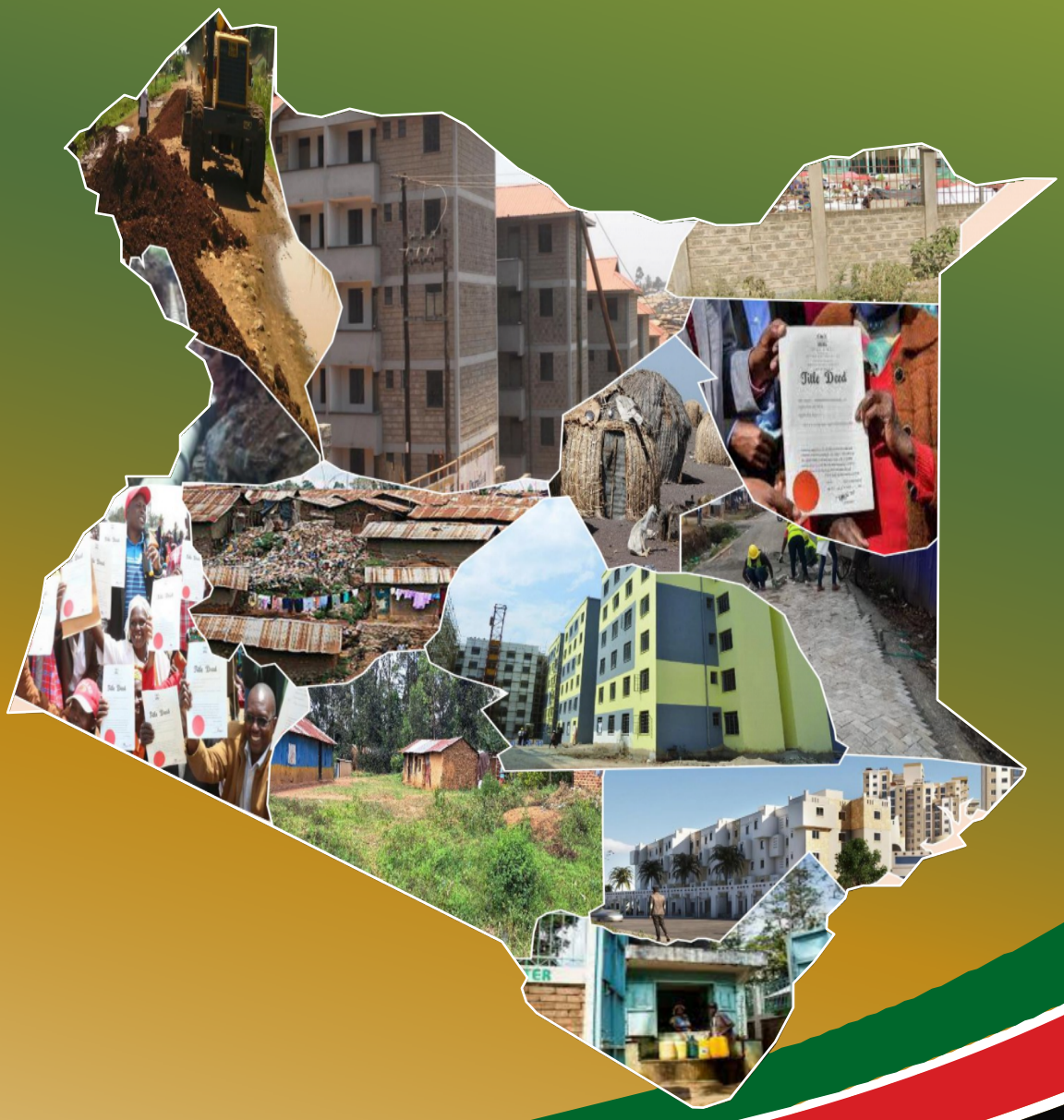
NATIONAL SLUM UPGRADING AND PREVENTION STRATEGY 2024-2034







Ministry of Lands, Public Works, Housing and Urban Development
State Department for Housing and Urban Development

National Slum Upgrading and Prevention Strategy

2024 - 2034

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FOREWORD

It gives me great pleasure to introduce this National Slum Upgrading and Prevention Strategy (NSUPS), which lays out a responsive framework to address the challenge of slums and informal settlements in Kenya over the next 10 year period. The existence of slums and informal settlements has been a global phenomenon that has affected millions of people throughout the history of urbanization. Slums and informal settlements frequently result from a complex confluence of elements, such as rapid urbanization, population expansion, poverty, inequality, inefficiencies in planning and non-responsive urban governance. Thus, their creation persists and, in many cases, even grow despite efforts to address the underlying causes.

Continued proliferation of slums and informal settlements within our urban areas in Kenya poses a serious obstacle to the accomplishment of human rights and sustainable urban development. This is because they are characterized by lack of access to clean water and sanitary facilities, crowding, subpar housing, and restricted access to healthcare and education. These difficulties compromise not only the health of individuals and families but also the resiliency and productivity of our cities and urban areas.

A slum or informal settlement means different things to different people and places. The rural migrant moves in search of a more decent life, and the urban poor without secure livelihood chooses survival in the slums. The logical reasoning is that urban areas have their own magnets to target migrants to use as economic areas in search of hope to try their luck at improving their livelihood status. But, in most cases, this rationale is not supported by either requisite skills required in the job market or, where skills are available, the jobs are not in adequate supply. Hence, the slum area ends up being the only available location to be used as a residence for migrants and the urban poor because it has a low economic value to facilitate use as a residence.

This underscores the importance of this NSUPS, as it offers a plan for addressing the underlying factors that contribute to slum formation and enhancing the living conditions of slum residents. Recognizing that upgrading slums alone is insufficient, it adopts a holistic approach that combines upgrading and prevention measures. Owing to the magnitude of the problem and existence of very low levels of income, the NSUPS aims to complement the Government ‘s Affordable Housing program and specifically, the social housing component which targets those in slums and informal settlements. I note that by addressing the underlying social, economic, and institutional factors that fuel urban poverty and inequality, we will also prevent the emergence of new slums.

The strategy adopts a participatory slum upgrading approach that includes facilitating secure land tenure, in-situ upgrading, social housing, enhancing social inclusion and community involvement, and expanding access to basic services like energy, water, and sanitation. The strategy also underscores the crucial need for the public sector, private sector, civil society, and international development partners to work together. Importantly, this strategy lays the responsibility for slum upgrading with both national and county governments who must work within a collaborative framework to deliver sustained slum upgrading and prevention interventions in all our urban areas.

I urge all stakeholders to collaborate in making sure this Strategy is implemented successfully and to use it as a roadmap for sustained action. Let us create a future where all people can live with dignity and opportunity.

In conclusion, I thank all those who have contributed to the development of this Strategy.

.....

Hon. Alice Wahome, EGH
Cabinet Secretary
Ministry of Lands, Public Works, Housing and Urban Development

ACKNOWLEDGEMENTS

The National Slum Upgrading and Prevention Strategy is a product of the strong dedication of many stakeholders, whose knowledge and expertise helped produce it. The Strategy is a step in the right direction in alleviating the plight of slums and slum dwellers in all our urban areas across Kenya.

The development of this Strategy was supported by the Government of Kenya through a credit from the World Bank and the International Development Association (IDA) and spearheaded by the Second Kenya Informal Settlements Improvement Project (KISIP2) under the stewardship of Dr. Peris Mangira, George Arwa, Mary Ndugu and Cornel Akach.

Special appreciation goes to national government agencies for their involvement in supporting the process of preparation of the Strategy, county government technical teams and county officials who contributed to providing recommendations for practical slum upgrading and prevention interventions. Similarly, key specialists within and without the government scope who shared their knowledge, experience, and perspectives and offered insightful comments have our sincere gratitude.

We would like to express our gratitude to the international development partners who have backed this initiative and offered technical, advisory and knowledge support.

We also acknowledge the participation of the slum residents themselves, whose contribution and engagement were crucial to the preparation of this Strategy. They shared their experiences, aspirations, and solutions for a responsive upgrading and prevention of slums and informal settlements in Kenya.

We submit our sincere gratitude to the consulting team from Silverwind Consultants Limited and Saad Yahya & Associates Limited including Prof. Peter M. Ngau, Prof Saad Yahya, Prof. Collins Odote, Plan. Dr. Philip Olale, Plan. Dr. Emmanuel Midheme, Madi Jimba Yahya, Amina Saad, Ardelline Masinde, Edwin Maina and Belinda Adika.

Finally, we thank everyone who put in so much effort to make this Strategy a reality. Your commitment, hard work, and dedication have made it possible to create a comprehensive document that considers the needs of informal settlements and slums while fostering sustainable urban development.

Together, we can improve the lives of slum residents and contribute to the creation of more inclusive, resilient, and sustainable cities and urban areas.

.....

Charles M. Hinga, CBS, CA(SA)
Principal Secretary
State Department for Housing and Urban Development
Ministry of Lands, Public Works, Housing and Urban Development

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EXECUTIVE SUMMARY

The plight of slums in Kenya has been captured in various government policy and legislative frameworks. Key amongst these interventions is the Constitution of Kenya 2010, under Article 43 on the Bill of Rights, which guarantees all citizens the right to access adequate housing and to reasonable standards of sanitation. Other policy initiatives include Sessional Paper No. 3 of 2009 on National Land Policy, which provides a framework to ensure the provision of security of tenure and efficient land management structures, both in urban and rural areas. Also relevant is the Sessional Paper No. 3, 2016 on National Housing Policy for Kenya, which seeks to arrest the deteriorating housing conditions countrywide and to bridge the shortfall in housing stock arising from demand that far surpasses supply, particularly in urban areas.

The National Slum Upgrading and Prevention Policy 2016 is a direct policy response on the slum challenge in Kenya. It identifies land tenure and administration in slums as the greatest challenge in tackling the slums problem. The policy further recommends the strengthening of the capacity of urban community groups to enable them meaningfully to participate in upgrading processes. It also roots for the enactment of comprehensive slum upgrading and prevention legislation to deal with all the key areas of slum upgrading and prevention. In addition, the government has committed itself to the 2030 Agenda for Sustainable Development (SDGs) and the New Urban Agenda, both of which emphasize the link between urbanization and development and the crucial need for inclusive and sustainable urban growth, with a primary commitment to "leaving no-one behind".

This Strategy is envisioned to guide slum upgrading and prevention in Kenya. It outlines the vision, objectives, and the principles to be adopted, the strategic interventions necessary for the achievement of the slum upgrading and prevention objectives, institutional framework and partnership requirements, capacity building, financing, and monitoring and evaluation processes. The strategy adopts a two-pronged approach by providing specific measures for slum upgrading and those for slum prevention.

Upgrading strategies will focus on improving the current state of slums through resettlement/relocation and in-situ upgrading, depending on the typology. These approaches will be based on a participatory slum upgrading framework and will include aspects such as providing secure tenure, basic services, and housing access. The government's efforts to provide affordable housing mainly to those in wage employment will be supplemented by concerted measures for slum prevention and in-situ slum upgrading for majority of those in very low income, informal employment, and self-employment. The strategy will focus on incremental in-situ housing improvement through use of locally produced or available but appropriate and affordable building materials and technologies; providing access to housing finance; supporting self-help building activities and co-operative development; and engaging the private sector to invest in housing development.

Upgrading of infrastructure and basic services will be addressed through forging public-private sector partnerships in provision and management of such facilities; maintenance of facilities by county governments and the beneficiary community; facilitating community participation through co-management; proactive city/town planning; enhancing the capacity of existing facilities within and in the periphery to carter for the demand within community/civil society/public sector partnership in resource mobilization and provision; and committing county and urban area revenues in improving infrastructure in the slum areas.

The strategy underscores that the continued proliferation of slums is a clear indicator of inadequate and ineffective application of preventive measures. Current slum upgrading initiatives taken without measures to address the wider development of urban areas, including housing development programs, are not likely to succeed in solving the problem and deter the future development of other slums. Thus, the strategy provides measures that will see slum prevention focusing on four sectors including urban planning and development control, provision of affordable land, provision of social housing and socio-economic inclusion.

Slum dwellers are caught in a poverty trap. Most of the economic activities in the slums are informal and this translates to a population with low incomes. Conventional socio-economic inclusion is not felt by the slum dwellers as there are high levels of unemployment especially among the youth and women. Slum prevention will take a holistic approach since the main reason why people occupy slums is the inability to pay for formal housing, particularly in an environment characterized by high unemployment. Sustainable income generating activities will thus be crucial in alleviating poverty and sustaining community participation. Income generating activities will be created through partnerships with the private sector, development agencies and civil society actors in the provision of opportunities for income generation; provision of credit lines and business support services; and a conducive regulatory framework within national and county government agencies to facilitate small-scale and informal economic activities.

In view of the inadequate access to finance and credit among slum dwellers, appropriate micro-finance systems and approaches such as the 'hustler fund' that facilitate financial access by low-income slum dwellers will be sustained. For effective social inclusion of vulnerable groups, measures such as specifically targeted income-generating activities, networking amongst partners and co-ordination of supportive activities; formation of support groups, creation of orphanages and homes for the elderly will be instituted.

Urban planning and development control will form the most useful tool for preventing the proliferation of slums. Urban slums are the result of the general failure of urban development policies and strategies. Addressing this failure will involve combining upgrading with clear and consistent city/town development strategies for urban planning and management, as well as low-income affordable housing development. Other strategies will include reforming regulatory and policy regimes by mainstreaming adaptive planning; facilitating partnerships among investors and service providers; engaging private sector-civil society finance; instituting measures that support small scale enterprise (SSEs); improving urban governance and management; and city-wide provision of basic infrastructure among others. Agencies will also adopt integrated and adaptive city-wide planning in addressing the challenge of slums.

The successful implementation of this Strategy will depend on robust capacity building. Capacity building will be an integral ingredient in the slum upgrading and prevention and will be carried out through the participatory process involving all stakeholders, including private sector, civil society organizations and the beneficiary slum communities. Capacity building is vital given the multiplicity of tasks and actors and complexity of slum upgrading. A capacity assessment will be carried out at national, county and settlement level to identify areas of capacity building, prioritize and action the same. Capacity building measures will include sensitization of stakeholders: training, skills development, education, exchange visits, and communication activities, as well as the provision of logistical support including finance and equipment.

In a bid to cure the institutionalization challenge, this Strategy emphasizes that the sustainability of slum upgrading, and prevention requires structured institutional arrangement, with mutual coordination between the two levels of government and active involvement of multiple stakeholders. The Strategy provides an institutional arrangement where the devolved units in this case county governments and the respective urban authorities (city and municipality boards, and town and market committees) take full charge of their upgrading programs, with the national government providing support on aspects of capacity building, funding, and policy framework. In addition, the settlement communities will also play a critical role through a Settlement Resident Association (SRA) with the responsibility to fully participate in community level, upgrading and prevention activities.

To ensure smooth implementation, continuous monitoring and evaluation will be conducted by both the national and county governments. The progress of the Strategy implementation will be determined, using performance measures and indictors as outlined in the strategy result framework. In addition, continuous research and documentation will inform the implementation process and guide redesign and improvement where necessary.

ACRONYMS & ABBREVIATIONS

ABMTs	Appropriate Building Materials and Technologies
ABMTC	Appropriate Building Materials and Technology Centres
AHP	Affordable Housing Program
CBOs	Community Based Organizations
CCPT	Consolidated Cash Transfer Program
CIDP	County Integrated Development Plans
COG	Council of Governors
DMM	Delegated Management Model
GIS	Geographic Information Systems
HSNP	Hunger Safety Net Programme
KENHA	Kenya National Highways Authority
KENSUP	Kenya Slum Upgrading Programme
KeRRA	Kenya Rural Roads Authority
KFS	Kenya Forest Service
KISIP	Kenya Informal Settlements Improvement Project
KNBS	Kenya National Bureau of Statistics
KPLC	Kenya Power and Lighting Company
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
M&E	Monitoring and Evaluation
NACHU	National Cooperative Housing Union
NCA	National Construction Authority
NDMA	National Drought Management Authority
NEMA	National Environment Management Authority
NHIF	National Hospital Insurance Fund
NGO	Non-Governmental Organizations
NSNP	National Safety Net Program
PAPs	Project Affected Persons
PPP	Public Private Partnerships
SDSP	State Department of Social Protection
SEC	Settlement Executive Committee
SRA	Settlement Resident Association
STDM	Social Tenure Domain Model
SWM	Solid Waste Management
WRA	Water Resources Authority

GLOSSARY OF TERMS

Adaptive Planning:	An approach that capitalizes on doctrines of participatory planning, flexibility, and iterative planning processes to innovate development conditions that support a city's capacity to respond to changing phenomena as opposed to the normally preferred rigid blueprint of conventional planning standards that seeks a predefined action.
Adequate Housing:	Shelter with sufficient privacy; space; accessibility; adequate security; security of tenure; structurally stable; adequate lighting, heating, and ventilation; adequate basic infrastructure; cultural adequacy; suitable environmental quality and health-related factors; and adequate and accessible location regarding work and basic facilities: all of which should be available at an affordable cost.
Absentee landlord:	A person who owns and rents out a profit-earning property but does not live within the property's local economic region.
Affordable Housing:	Refers to a dwelling unit whose total renting, selling and construction cost is considered reasonably priced and within the means of those who have a low/medium household income, but whose monthly rent or mortgage amortization cost does not exceed 30% of a household's gross monthly income.
Dignified Human Settlements:	A human habitation area that provides a standard quality of life of all people, beginning with the satisfaction of the basic needs of food, shelter, clean water, employment, health, education, training, social security without any discrimination as to race, colour, sex, language, religion, ideology, national or social origin or other cause, in a frame of freedom, dignity and social justice.
Housing:	A multi-dimensional product that includes physical shelter, the socio-economic and cultural dynamics, related services and infrastructure and the inputs required to produce and maintain it.
Housing Cooperatives:	Legal entity usually a cooperative or corporation which, owns real estate, consisting of one or more residential buildings, where each shareholder in the legal entity is granted the right to occupy one housing unit.
Housing Demand:	Desire to access housing backed by the ability to pay and includes the number of households seeking for accommodation that they are willing and able to pay for.
Housing Need:	The number of habitable dwellings required to house the county's population adequately.
Housing Supply:	The number of adequate housing units delivered in the housing market in a specific period.
Inadequate Housing:	Refers to housing with severe or moderate physical problems such as poor plumbing, heating system, electrical system, upkeep, or kitchen.

Informal Settlement:	A residential area where a group of housing units have been constructed on land to which the occupants often have no legal claim; these areas are unplanned, and the housing so developed is not in compliance with planning and building regulations.
Land Banking:	Practice of aggregating parcels of land for future sale or development.
Land Readjustment:	A technique where a group of contiguous land parcels in an urban-fringe or in an inner-city neighbourhood are voluntarily brought together or shared for unified planning, servicing and reallocated with project costs and benefits equitably shared between and among landowners.
Low Income:	An income level as provided for in the Consumer Price Index (CPI) Guide of Kenya National Bureau of Statistics.
Overcrowding:	Refers to the situation in which more people are living within a single dwelling than there is space for, so that movement is restricted, privacy secluded, hygiene impossible, rest and sleep difficult.
Security of Tenure:	The right of all individuals and groups to effective protection by the state against forced evictions. Under international law, 'forced eviction' is defined as: 'the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate form of legal or other protection.
Slum:	A human settlement area which has deteriorated over time due to various factors including neglect, decadence, and illegal extensions.
Social Housing:	It is housing provided by a public agency or an accredited entity through public funding mainly for rental purposes targeting low-income segments that cannot otherwise access housing from the market.
Squatter Settlement:	A residential area where a group of people have occupied land without the express or tacit consent of the owner or person in charge.
Tenure Regularization:	Process of transforming slums from settlements with insecure land tenure and poor living conditions into officially recognised parts of the city.
Vulnerable Groups:	Groups susceptible to, exposed or liable to succumb to an afflicting situation such as women, children, the elderly, persons with disabilities, youth, minorities, and the marginalized groups.

Section 1

INTRODUCTION

1.1: BACKGROUND

The terms slums and informal settlements are often used interchangeably. The National Slum Upgrading and Prevention Policy 2016 has however differentiated these terminologies as they apply to Kenya. Slums are defined as human settlements characterized by dilapidated housing structures, overcrowding, abject poverty and unemployment, high insecurity incidences, insecure land tenure, exclusion of planned physical development, inadequate infrastructural services and often located in an unsustainable environment.

Informal settlements on the other hand refer to unplanned settlements, not authorized by the state and often constructed on land that the occupants have no legal claim to occupy. Such settlements also lack formal infrastructure services. However, depending on context, an informal settlement may or may not slip into the category of a slum. Slums and informal settlements are often concentrations of urban poverty, yet not all those living in informal settlements and slums are poor. The term slum is used throughout this strategy to denote both slums and informal settlements in Kenya.

In Sub Saharan Africa, the proportion of urban population living in slums declined from 70% in 1990 to 50% in 2020. However, in absolute numbers there were more people in Sub Saharan Africa living in the slums in 2020 (Table 1). This implies that there is still a long way to go in many countries, to reduce the large gap between slum dwellers and the rest of the urban population living in adequate shelter with access to basic services. Kenya has shown significant decline in proportion of urban population living in slums from 1990 (54.9%) to 2020 (50.8%) However, the absolute number of people living in slums has tripled from 2.15 million (1990) to 7.6 million (2020) reflecting the country's rapid urbanization and the enormity of the challenge.

Table 1: Proportion of urban population living in slums.

Region/ Country	1990	2000	2014	2018	2020
World	723 million (43.3%)	894.9 million (31.2%)	992.1 million (25.4%)	1028 million (24.4%)	1059 million (24.2%)
Sub-Saharan Africa	94 million (70%)	129.9 million (64%)	195.6 million (54.2%)	217.6 million (51.3%)	230 million (50.2%)
Kenya	2.15 million (54.9%)	3.95 million (63.2%)	6.08 million (52.4%)	6.9 million (50.8%)	7.6 million (50.8%)

Source: UNHSP (UN-Habitat), Global Urban Indicators Database 2022

Kenya's Government commitment to slum upgrading and prevention is in line with the country's National Slum Upgrading and Prevention Policy (2016), the National Housing Policy (2016), the Kenya Constitution (2010), and Vision 2030. The Kenya Government has committed itself to the 2030 Agenda for Sustainable Development (SDGs) and the New Urban Agenda which emphasize the link between urbanization and development and the crucial need for inclusive and sustainable urban growth, with a primary commitment to "leaving no-one behind".

The National Slum Upgrading and Prevention Policy (2016) and the National Housing Policy (2016) aim to ensure progressive realization of the right to accessible and adequate housing and to reasonable standards of sanitation as per Article 43 (1) (b) of the Kenya Constitution (2010).

The Affordable Housing Act (2024) provides a framework for development and access to affordable housing where affordable housing means housing that is adequate and costs not more than thirty percent of the income of a person per month to rent or acquire**.** Currently, the Government priority is on home ownership owing to the many benefits of housing ownership.[1] Through the Act, the Government has established the Affordable Housing Levy with the goal to deliver housing on ownership terms for Kenyan citizens. Social housing unit is one of the categories of affordable housing targeted to a person whose monthly income is below twenty thousand shillings. This strategy provides a broad based approach to slum upgrading and prevention looking at all facets of slum proliferation including housing, improvement of infrastructure, tenure regularization, and socio-economic inclusion among others.

1.2: KENYA BASIC HUMAN SETTLEMENT DATA

Kenya has witnessed rapid urbanization over the last six decades. A larger share of the urban population is living in medium cities (between 100,000 and 1 million), especially in cities with 500,000 to 1 million, while the number living in towns of less than 50,000 is expected to decline. Large (greater than 1 million) and medium cities are thus expected to remain the primary location for urban residents. Over the period 1999–2019, cities with populations of between 100,000 and 250,000 had the fastest urban population growth rates. By 2030 it is forecast that Kenya will have five cities with population greater than 500,000 and 31 cities with 100,000 to 250,000 up from 23 in 2014.

Kenya's total urban population makes up 31.1% of the country's population, totaling 14.83 million. According to the Kenya National Housing and Population Census 2019, Nairobi city County ranks highest in urban population with 4.397 million, Kiambu County 1.706 million, Mombasa County 1.208 million, Nakuru County 1.047 million, Kajiado County 622,622, Uasin Gishu county 510,205 and Kisumu 440,906. About 60% of Kenya's urban families live in areas that would be defined as slums and informal settlements. This translates to approximately 8.90 million people living in slums in Kenya. Table 2 provides additional indicators which have an impact on the status of slum upgrading and prevention in Kenya.

Table 2: Kenya basic human settlement data

ELEMENT	STATISTICS
Total Population (2019) **Total Population (2009)** **Total Population (1969)**	**47.5 million** 38.6 million 10.9 million
Urban Population in 2009 (KNBS, 2010) and 2019)(KNBS, 2019)	12,487,375 persons 14,831,700 persons
Annual population growth rates (KNBS 2009) **(KNBS 2019)**	National 2.9% National 2.2%
Number of cities in Kenya	Nairobi, Mombasa, Kisumu, Nakuru
Number of cities with population of 1 million and above - (KNBS, 2019)	Nairobi, Mombasa
Number of counties with above 500,00 urban resident population (KNBS, 2019)	Nairobi, Mombasa, Nakuru, Kiambu, Kajiado, Uasin Gishu.
Number of Megacities with population more than 10 million people	(None)
Slum to urban population	60 to 80 percent

[1] Housing ownership is an asset that can be leveraged for other purposes, housing assets gain equity over time, and housing ownership is a known path out of poverty.

Urban Population with access to improved water (KNBS, 2019)	75.6 %
Urban Population with access to improved sanitation (KNBS, 2019)	68.5 %
Total housing deficit (2016)	200,000 housing unit annually
National GDP (CBK, 2021)	Kshs. 9.40 trillion
GDP per capita (World Bank, 2021)	Kshs. 2,081.8
Percent Contribution of Buildings and construction Sector to total GDP - (KNBS, 2021)	22.4%
Percent of Total Population earning less than $1.25 per day (2015/2016) - (Kenya Economic Update No. 17, 2018).	36.1 %

1.3: GROWTH OF SLUMS IN KENYA

Slums in Kenya owe their growth over time to historical and contemporary factors. Historically, the growth of slums and the corresponding public interventions in Kenya can be grouped into three main periods, namely the colonial period, the post-independence period up to 1974, and the mid-70s up to date.

1.3.1: Colonial Period

When the phenomenon of informal urbanization first attracted the attention of the colonial authorities in Kenya, their responses were mixed at best, ranging from 'active hostility' to 'benign neglect'. Indifference to slums was largely informed by the belief that though illegal, these settlements were only temporary and would disappear with economic growth. Thus, in towns like Nairobi and Kisumu, the most common line of action at the beginning was to ignore slums, when they posed no discernible threats; or to bulldoze them whenever they stood in the way of 'public order, safety and security'.

With time, a policy of slum clearance was slowly adopted by the colonial administration when it became evident that slums were not about to disappear as predicted by earlier economic models. Spontaneous settlements were simply razed down, and, in their place, new public housing erected to accommodate victims of such demolitions. Thus, in the 1950s and 1960s, the state emphasized construction of public housing estates through a system of centralized planning control and large-scale master plans.

Urban development policies at this time were however restrictive, as they were based on racial segregation. The approach to native African urban housing was premised on a strategy of clearance of slums and squatter settlements, with victims of slum demolitions housed in turnkey projects financed through state funding. The policy was, however, paradoxical as the extent of such demolitions often far outstripped any new constructions, meaning that the state was in fact destroying more low-income housing than it was building.

1.3.2: Post-independence Period to early 1970s

With the relaxation of laws and policies that had prohibited the settlement of native Africans in towns following independence in 1963, there was a major spike in urban housing demand without a corresponding increase in housing provision. Accordingly, the government briefly entertained new immigrant squatters putting up within towns if they were not close to the central business district or other vital installations.

This semblance of tolerance was, however, accompanied by official state action premised on the demolition of slums. Controversial as it was, the slum clearance-public housing policy mix of the colonial era was inherited by the newly formed postcolonial government and practiced well into the 1970s, with the state running the *Turudi mashambani* (Let's return to

the rural areas) campaign, while at the same time implementing an official policy of slum clearance.

Slum clearance as a component of housing policy largely failed to ameliorate the proliferation of slums, mainly because it focused on the symptoms, rather than the root causes of the problem. Slum clearance only succeeded in transferring the squatters from their old locations to some other new site in the city, as demolitions were seldom matched by the provision of alternative shelter to house the displaced victims.

1.3.3: Mid-1970's to Date

Following criticisms of the inhumane treatment meted out on squatters during demolitions, authorities soon mooted programmes featuring a combination of *in situ* slum upgrading as well as relocation and resettlement interventions, in which evicted households were assigned alternative locations on green sites away from their former abode. Thus, in the mid-1970s, especially through World Bank funding, households were allocated new plots on site-and-service schemes on which they were to begin the task of rebuilding their dwellings.

The World Bank's First Urban Project delivered some 6,000 sites-and-services plots in Dandora, Nairobi, between 1975 and 1978. In the Second Urban Project, covering Nairobi, Mombasa and Kisumu, the Bank financed some 14,409 serviced sites as well as *in situ* upgrading targeting the installation of trunk infrastructure and community facilities. The largest of these was the Bank's Third Urban Project completed in 1983, which delivered some 25,000 serviced sites in Eldoret, Nakuru, Kitale, Nyeri and Thika, besides undertaking concomitant *in situ* settlements upgrading schemes in the said towns.

Throughout the 1990s and early 2000s, several interventions were implemented, with many actors contributing to slum upgrading through various initiatives. Notable among these are housing cooperative movements (e.g. NACHU's interventions in Voi, Mavoko and Huruma), *in situ* community-led slum upgrading supported by civil society organizations (e.g. Nairobi's Huruma upgrading supported by Pamoja Trust), faith-based organizations (Mathare 4A funded by the German Government and implemented through the Catholic Church), and the UN-Habitat (the Localizing Agenda 21 Programme implemented in Nakuru).

There have also been public-private partnerships that have facilitated upgrading interventions. For example, in 2002 the 'Adopt-a-light' street and slum lighting initiative, which was a joint venture between the private sector and the then Nairobi City Council, lit up many slums in Nairobi through high-mast security lighting, boosting night-time security and commerce in the targeted areas. These initiatives dovetail into the more recent interventions implemented under KENSUP and KISIP as the latest flagship public programs aimed at addressing the plight of slums spread across the country.

1.4: LESSONS FROM PAST INITIATIVES

While there is more than five decades of experience in slum upgrading, it is also true that every city and slum settlement is unique in some ways. Governments, including Kenya's, have undertaken several approaches to deal with this problem. Several countries have achieved, or are in the process of achieving, reduction, or stabilization of slum growth rates. In Brazil, Egypt, Mexico, South Africa, Thailand, and Tunisia, success is attributed to the political commitment to large-scale slum upgrading and urbanization programs, including legal and regulatory reforms in land policy and land regularization programs.

It is however important to note that there is no explicit best practice in institutionalization of slum upgrading from a global review of slum upgrading and prevention approaches. Each jurisdiction has over time been grappling with different institutional arrangements considering their state governance framework. Nonetheless, numerous cases demonstrate success for a more decentralized approach to slum upgrading and prevention where the

national or central government only deals with broader policy and funding while local governments and other agencies carry out actual implementation of upgrading programs/projects. For example, Egypt has adopted a framework where local administrative units are left with the responsibility of implementing the central government's policy objectives. In the Latin America's, they have tended to also prefer an arrangement where the devolved units in this case municipalities take full charge of their upgrading programs again with national government funding support. This is also the case in other African countries such as South Africa.

In summary, the key lessons learned from both international and Kenya's own past upgrading initiatives include:

a) **Political leadership**. In the Latin American countries such as Brazil, slum upgrading, and prevention has had a clear political leadership where the President took lead in championing the process.

b) **Institutionalization of slum upgrading has succeeded where there is support from law and policy**. Institutional arrangements adopted need to be codified in law with very clear roles and responsibilities including a clear coordination framework. The coordination aspect is important as slum upgrading usually involves different activities such as land use planning, land tenure administration, housing, infrastructure provision all which are under different government agencies. The common practice is to have a nationwide policy on urban development and housing supported by a relevant national law that covers broader urban development issues but also give specific mention to slum upgrading. In some cases, specific slum upgrading arrangements are provided for through regulations.

c) **Aligning and integrating slum upgrading with other public policies, such as public safety, education and health promoting a coordinated strategy for improving the lives of slum dwellers:** Slum upgrading programmes are better integrated with other key urban sectors such as health, education, environment, infrastructure, social programmes, youth initiatives via increased coordination with other key Government departments and institutions for maximum change impact.

d) Slum upgrading programs in the 21st Century reveal a tendency to be encompassing, recognizing the multifaceted nature of poverty, and that broader and **integrated institutional arrangement approaches** increase the likelihood of a successful transformation. Institutionalizing slum upgrading requires a tailored solution given the diversity of context.

e) **A strong preference for use of local administrative systems** in the actual implementation of projects and activities. In this case, the national government provides a bigger role in policy framework and fund mobilization while the local administrative systems are left with the responsibility to implement.

f) **Need for capacity building of local administrative systems:** The national government supports the local administrative systems through capacity building. In many cases, local level staff are unable to implement effective slum upgrading projects due to the lack of technical knowledge and low technical skills.

g) **Community participation** and bottom-up approach is the key and the most featured element in the analysis of the best practices. A favored institutional approach is to limit a centralized and top-down approach and rely on local systems and community involvement as the essential backbone for intervening in specific neighborhoods. Participation increases ownership and acceptance and incorporates the residents' knowledge, ideas, and aspirations in the planning and decision-making processes.

h) **Land tenure regularization.** Slum upgrading programs should also extend tenure security to slum dwellers. There is compelling evidence that family investments and housing improvements are strongly connected to the absence of fear of eviction. Proponents of the

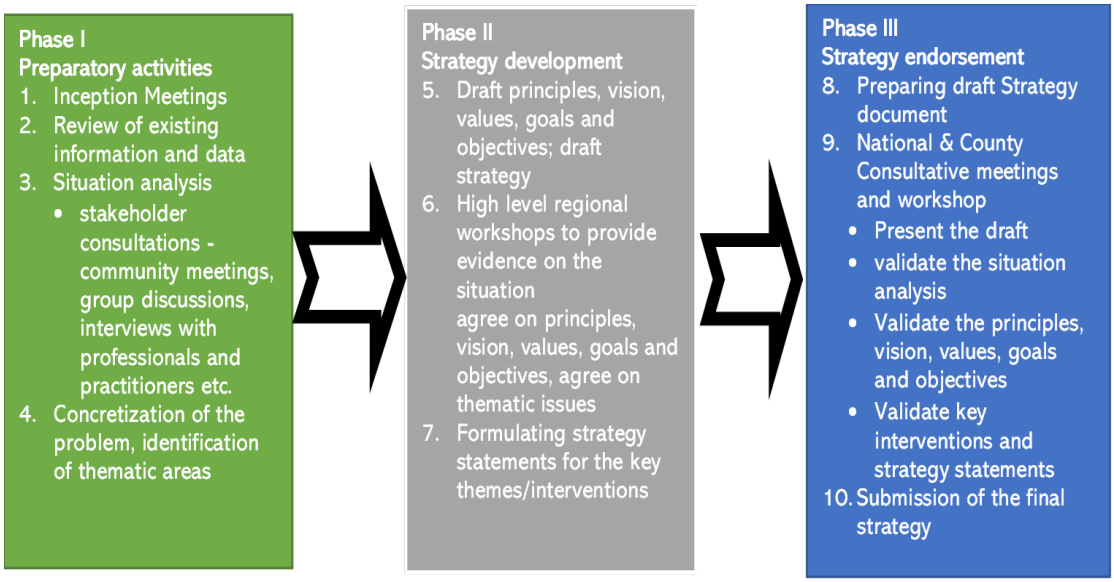
land management literature have argued for perceiving tenure as a social relation that produces different solutions spanning between complete informality and formality and that individual formal property titles are not necessary to unlock investments in slums. Therefore, the current approach of reliance on tenure regularization through individual titling should be discouraged. Experience from the Kenya Informal Settlement Upgrading Project shows that individualization of tenure security in slums is counterproductive and prone to abuse especially in dense settlements. This occurs in situations where the majority tenants who are not target of individual titling are gentrified due to the increased value of the land and the resultant housing. In places where slum dwellers are safe from evictions, the regularization of their property might not be a priority.

i) **Livelihoods.** A focus on opportunity structures may tackle the underlying cause of slum formation. Slum upgrading is an important anti-poverty lever but requires further interventions to be complemented and reduce urban poverty, including sectoral reforms, the engagement of financial institutions, the creation of employment opportunities, improved governance, social capital, and knowledge.

1.5: STRATEGY FORMULATION PROCESS

This Strategy was developed through a participatory and co-production approach that sought to involve all relevant stakeholders. This approach was supported by review and analysis of available literature. The output from the review of literature formed the basis for stakeholder engagement which occurred at the settlement, county, and national levels. Different stakeholder engagement approaches used included conducting joint reconnaissance visits with county government teams in sampled settlements, undertaking focus group discussions, conducting household survey in the sampled settlements, key informant interviews, and conducting regional and national stakeholder forums. Figure 1 presents the phases and steps of the strategy formulation process.

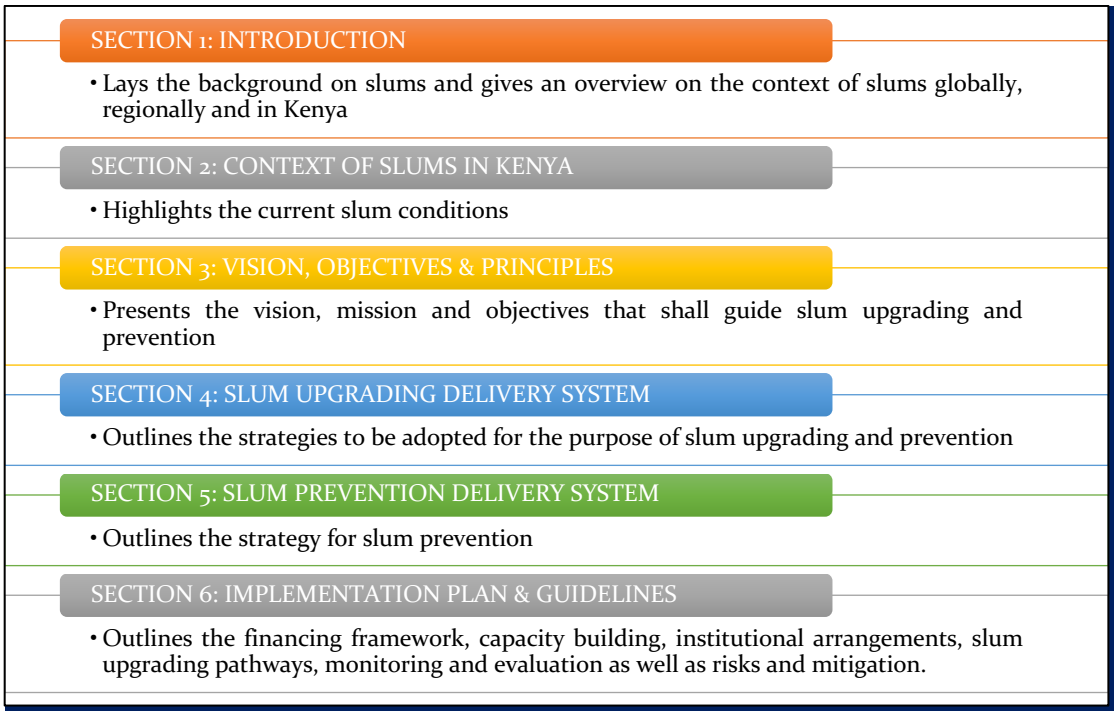
Figure 1: Phases and steps of the Strategy formulation process



1.6: ORGANIZATION OF THE STRATEGY

The strategy is structured in six sections as summarized in figure 2.

Figure 2: Organization of the strategy



Section 2

CONTEXT OF SLUMS IN KENYA

2.1: OVERVIEW

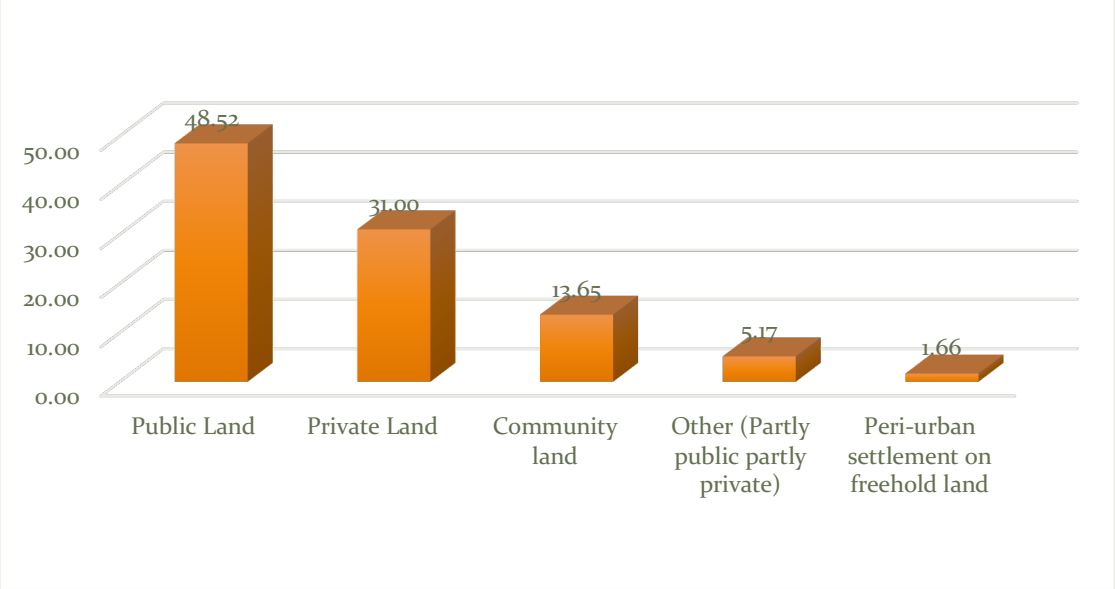
This section presents a contextual analysis of the slum conditions in Kenya. The aspects analyzed include land tenure security, housing quality and affordability, water access, physical infrastructure, sanitation, environmental conditions, economic dynamics, vulnerabilities, and safety. The assessment shows that proliferation of slums is still a challenge despite ongoing upgrading efforts by government and other stakeholders.

2.2: LAND TENURE SECURITY

Provision of secure tenure is essential for a sustainable slum upgrading and prevention strategy. Tenure security is equally a vital element in promoting housing rights. In many cases, residents of slums do not lack resources, skills, or social networks; what they generally lack is secure tenure and/or recognized rights to reside on and fully develop the land they occupy. Unstable and insecure land tenure stifles the mobilization of housing capital, breeds social exclusion, perpetuates poor access to basic infrastructure and services, inhibits effective community participation and establishment of firm roots in a society. It also creates hurdles in accessing income-earning opportunities for slum residents.

Kenya's slum areas occupy land that cannot be easily categorized into any of the three classifications of land provided under the Constitution of Kenya, namely: public, private and community. An assessment of sampled settlements conducted in 2022 revealed that 48% of slum residents were occupying public land, while 31% were on private land (Figure 3). The resultant tenure insecurity is characterized by several challenges that include fragmented tenure regimes, absentee landlordism, uncontrolled land development, lack of accountability and weak local governance in land administration and development. There is also entrenched social inequalities that exclude poor households in slums from effective access to serviced and affordable land for residency and employment creation.

Figure 3: Types of land within informal settlements



Source: Field Survey, 2022

2.3: HOUSING QUALITY AND AFFORDABILITY

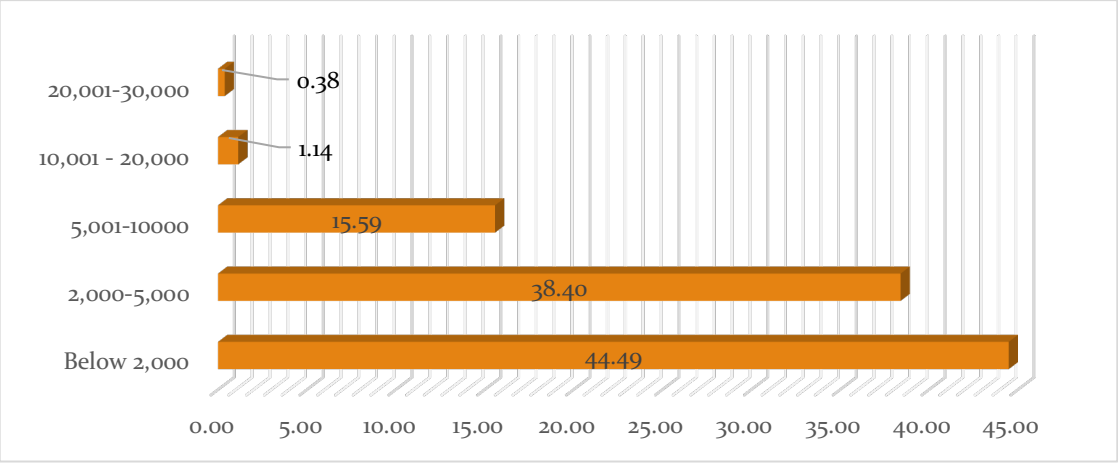
Urban areas in Kenya currently have a demand of 250,000 housing units per year against a provision of only 50,000. Even when provided, most of this housing is beyond the reach of the typical low-income urban resident. In most cases, deficiencies in qualitative housing are much greater than those in quantity. This implies a scenario where there are many dwellings characterized by sub-standard structural and environmental quality. Over 90% of slum residents cannot afford monthly rents of above Kshs. 10,000 (Figure 4), thus greatly complicating the current policy orientation of providing affordable housing for sale instead of social housing for rental.

Surveys conducted in 2022 show that about 62% of the sampled residents occupy at most two rooms each measuring 3x3 metres and typically constructed of poor materials such as cardboards, polythene sheets, reused tins, mud and un-lumbered timber, exposing residents to the weather elements. Most of the housing in slums is provided on rental basis and often belongs to absentee structure owners, despite the facts that as high as 92% of slum residents are rent-paying tenants. From the 2022 survey, approximately 82% of the slum residents pay rents below Kshs. 5,000 (Figure 4). These low rents are mostly paid by households in the more urbanized counties of Nairobi, Mombasa, Kisumu and Nakuru, where the housing situation is often more dire compared to the more 'rural' counties.

To improve the housing situation especially in urban areas, the government targets to facilitate delivery of 200,000 units every year. Out of the 200,000 units, the government plans to allocate half of these units to social and affordable housing. Therefore, the government intends to deliver approximately 100,000 units targeting the low-income groups who ordinarily find accommodation within slums thus contributing to slum prevention.

The approach is to construct 5,000 units in every county through a collaborative framework with county governments who are to facilitate release of land with the national government providing financial resources for comprehensive housing development inclusive of services such as water, sewerage, and roads. For example, in Nairobi, the government is already developing about 25,000 housing units in Mukuru and Kibera which will go towards social housing for the nearby slums. The government intends to provide these units for 5,000/= per month for a 3-room unit and 2,000/= for a single room unit. To build a long-term resource bucket, the government has introduced a housing levy to go towards a housing fund towards provision of affordable housing.

Figure 4: Rent pricing for a housing unit.



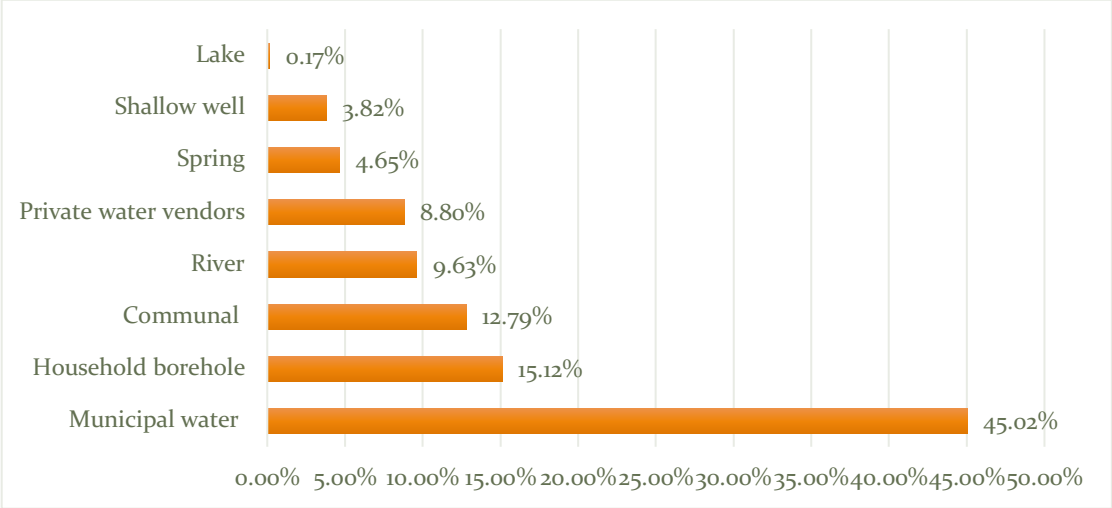
Source: Field Survey, 2022

2.4: SAFE AND CLEAN WATER

Beyond the locational-specific deprivations, slums also tend to suffer infrastructure deprivations at a higher spatial scale. These areas are often spatially excluded from the rest of the city in terms of the main water reticulation network. Such areas often must rely on alternative sources of water of questionable standards. Water sources include shallow wells, unprotected boreholes, roof catchments and unregulated water vendors (Figure 5). Complicating matters further is the 'poverty tax'— the amount of money slum dwellers must pay in excess to afford services their economic status cannot allow them to afford cheaply. For example, in many slums, a 20-litre jerry can of water will cost as high as Kshs 20, while the same quantity goes for less than Kshs 1 for households with in-house piped connections.

Although several slums in Kenya are served with water by their various water and sanitation companies, rationing of the commodity is an acute problem. Within the settlements sampled, the source of household water provision is mainly municipal water as indicated by 45% of the respondents. In some cases, the water supply has been privatized and many residents rely on private vendors who take advantage of the situation to hike the prices of piped water thus increasing the cost of living. There are also incidences where unscrupulous youth groups collude with vendors by tampering with water pipes and causing artificial shortage, so that the vendors can earn more from their business. The lack of a steady water supply and the poor piping system predisposes residents to lack of adequate portable water hence threats of waterborne diseases and poor hygiene conditions.

Figure 5: Sources of water in slums



Source: Field Survey, 2022

2.5: PHYSICAL INFRASTRUCTURE

Slums lack adequate physical infrastructure such as streets and footpaths, sewer systems, drainage, electricity, and street lighting. Where such facilities exist, they are often in a bad state or are a result of illegal connections. The poor state of physical infrastructure in slums limits investment in employment and income-generating activities, in addition to exposing residents to the dangers of disease infection and accidents.

Infrastructure is often the common backbone of interventions in settlement improvement. Many upgrading interventions usually prioritize the installation of basic infrastructure and services. Such an undertaking, however, must be preceded by land use planning to create the necessary wayleaves to facilitate the laying down of infrastructure networks. However,

the acquisition of space to do so has been challenging, especially due to the high density and the organic morphology of housing in the slums.

From surveys conducted in 2022, access to services is not evenly distributed across settlements, resulting in pockets of spatially disadvantaged communities. Internal circulation is mainly through footpaths as indicated by 58% of the respondents in the sampled settlements. The state of access routes is also deficient, especially in settlements that have not undergone any upgrading interventions. Some 72% of respondents indicated that they are not connected to a sewer system, encouraging open disposal of wastewater and other hazardous forms of liquid waste. This poses health and environmental risks.

A major challenge in infrastructure provision in slums is the poor maintenance culture. Communities are not adequately capacitated to manage and provide surveillance on the infrastructure installed as part of upgrading interventions. Besides, county governments do not adequately budget for maintenance of installed infrastructure, while bureaucratic inertia sometimes affects timely repairs of broken infrastructure, even where the requisite resources have been made available.

Photo 1: Burst sewer in an upgraded access road in KCC Slum, Nairobi.



Source: Field Survey, 2022

2.6: SANITATION FACILITIES

Lack of adequate sanitation facilities creates health vulnerabilities, especially among women, children and people living with disabilities. Yet, despite the great need for sanitation improvements in slums, there has been limited progress in realizing this. Although 88% of the respondents sampled said that they have access to toilet facilities within the slums, the challenge still is the adequacy of the facilities.

Most of the sanitation facilities are pit latrines shared by up to ten households. These are inadequate in relation to the demand by users. Some of these facilities are either dirty, have gaping spaces through the superstructure, while some are filled up or almost filling up without any emptying plans. Residents that lack sanitation facilities within their own plots must rely on their neighbors' facilities or resort to flying toilets (human waste deposited in plastic bags and flung away).

Typical with any shared arrangements, some users do not keep the facilities clean leading to conflicts among tenants, or between tenants and landlords. Other latrines located far from

the dwelling units and along dark alleys, which makes their usage at night a security concern for women, children, and the elderly. Most households lack bathrooms and are thus forced to use their one-room units (during the day) or bathe at dawn.

2.7: ENVIRONMENT AND CLIMATE CHANGE

Environmental conditions play a major role in the determination of the vulnerability of slum dwellers. While urban slums have been places of socio-economic disadvantages in the past, they also concentrate risks to both human and environmental health. These settlements face environmental challenges owing to their proximity to industrial sites, city dumpsites, and major highways, or along riparian land where they are susceptible to flooding during rainy seasons, high level of pollution, poor air quality and other environmental hazards. Indoor air quality is further compromised due to the cooking, lighting, and heating with low-quality solid fuels in badly ventilated dwellings.

Owing to low household incomes, which has been identified as one of the determinants of household fuel choice, most households within slums face challenges in adopting cleaner cooking stoves and fuels therefore perpetuating the reliance on dirty fuels. Estimates for Kenya indicate that about 46% of urban households rely on biomass, while about 27% use kerosene for cooking.

The reach of garbage collection both by the county governments and the private actors often does not cover slum areas due to the inability of residents to pay for these services. With no adequate refuse collections, Kenya's slums are awash with rubbish indiscriminately dumped in the open drains and any available open space. The use of shared pit latrines is prevalent as close to 90% of dwellers rely on this mode owing to its affordability. However, waste in these latrines often ends up in the water surface and underground water reserves due to high water levels and poor construction and maintenance of the facilities.

Climate-induced flooding poses a serious threat to high-density urban slums. This is especially the case in slums located on riverbanks and flood plains. The informal dwellings, with their poor structural detailing and materials, are particularly vulnerable to water infiltration and seepage during storms and/or flooding. Flooding also increases the dispersion of sewage, solid waste and other grey water which is disbursed in the pathways and other open spaces. They further lead to the outbreak of waterborne diseases, as well as destruction of property and infrastructure such as bridges.

At the same time, several counties in the Northeastern and other ASAL regions of the country are increasingly having to contend with the challenge of climate-induced settlements, as pastoralist households who lose their livestock due to drought are forced to settle in new rural and peri-urban locations devoid of services, adequate housing and proper land use planning.

2.8: ECONOMIC DYNAMICS

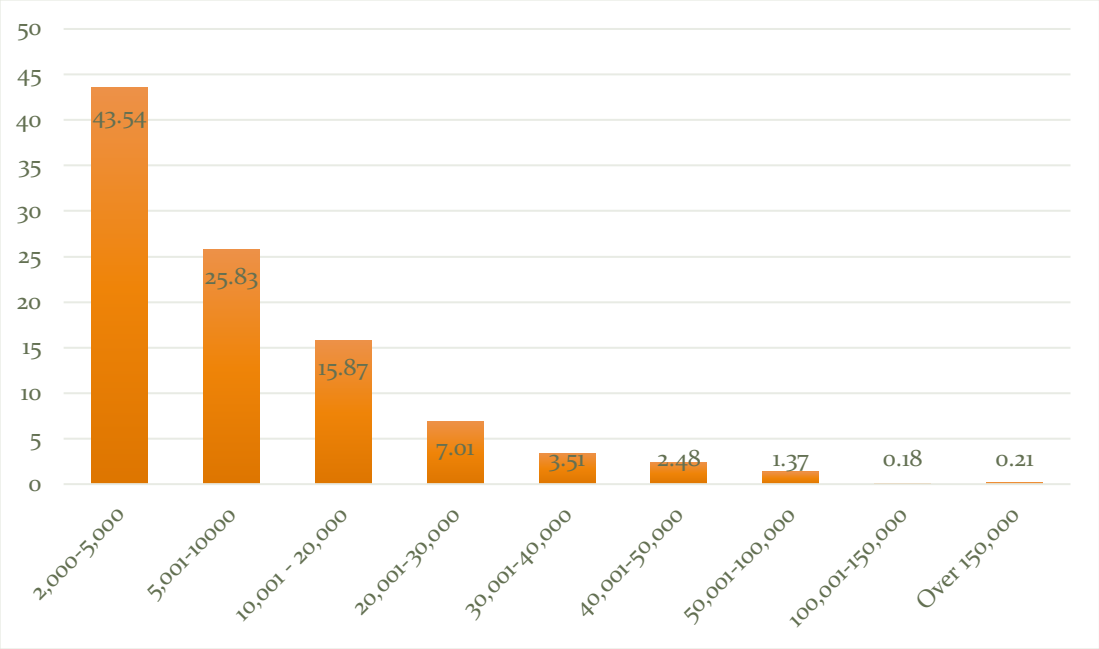
Slums are poverty traps for their dwellers. Most of the economic activities in these areas are informal in nature and this translates to a population with low-income and precarious livelihoods. There are particularly high levels of unemployment among the youth, many of whom are high school and college graduates. Poverty and vulnerability in slums are directly linked and constrain the ability of individuals, households, and communities to improve their living conditions. This, coupled with the challenges of the inability of the state and market actors to provide public services and basic infrastructure, perpetuates the cycle of poverty, vulnerability, and inequality.

A combination of several factors exposes residents of slums to various economic vulnerabilities that compound their poverty. These include inadequate and unstable incomes, payment of high prices for necessities, inadequate protection of rights and

freedoms, and powerlessness within the political system, inadequate provision of infrastructure, lack of collateral to facilitate credit access, high health burdens occasioned by under nutrition and the use of poor-quality, fuel, water, and sanitation.

Most residents in the slums earn below Ksh. 10,000 a month, which makes it very difficult for them to save (Figure 6). This further limit their accessibility to financial credit. However, there exist small savings and credit arrangements called *'chamas'* through which residents save and borrow little amounts of money.

Figure 6 Income brackets within the slums (Kshs. Per Month)



Source: Field Survey, 2022

2.9: VULNERABLE GROUPS, SECURITY AND SAFETY

Slums are occupied by vulnerable groups (children, youth, persons with disability, people living with HIV/AIDS, elderly, indigenous people, refugees, and internally displaced persons). These groups often remain unrecognized to both planners and policy makers. Besides, they face a range of challenges including stigma, criminalization, abuse, lack of documented identity and separation from families. Such groups are often not considered when provisions for public spaces, services, and other amenities are being made.

Most of these groups also lack awareness about existing government programs or facilities. Besides, different groups face different vulnerabilities, for example, youths classified as vulnerable may be susceptible to drugs and substance abuse. Women face vulnerabilities often related to discrimination – within the household, in labour markets, in access to land for housing and credit. People living with disabilities are often forgotten during planning, design, and housing construction processes. Identifying vulnerable groups is increasingly becoming an important tool for targeting policy responses at those groups or geographical areas where problems such as drug abuse are more likely to develop.

Security and safety concerns are a major problem in slums and expose residents to different vulnerabilities. People living and working in these areas are exposed to various adverse security and safety issues that range from violence, rape, floods and fires, among others. There is often little presence of formal security apparatus within the slums, which leaves residents at the mercy of vigilante groups and other criminal gangs.

2.10: OPPORTUNITIES AND CHALLENGES

Overall, slums in Kenya are faced by a myriad of both challenges and opportunities as summarized below.

<table>
<tr><th>Challenges</th><th>Opportunities and Strengths</th></tr>
<tr><td>

Governance and leadership-related issues
High poverty levels
Rapid population growth
High unemployment rate
High inflation rate
Food insecurity
Persistence and sprawl of informal settlements- with deplorable living environments
Moral decay, drug, and substance abuse.
Debt-ridden- Fulizas and betting

Acute Shocks

Fire outbreaks
Collapsing buildings
Floods
Disease outbreaks
Political and ethnic conflicts
Electrocution from illegal electricity connection

Chronic Stresses

Inadequate waste management
Inadequate water supply
High energy cost
Corruption and cartels
Unemployment
Water pollution
Climate change
Financial stress- suicides and hopelessness

</td><td>

Vibrant youthful population
Ready access to credit services for businesses
Development Partners
Private sector/PPPs
Vibrant Middle Class
Under-investment in rural areas
Under-utilized rural assets- poor valuation
A significant number of dilapidated residential estates –ripe for urban renewal
Over 50% of the land in slums is public land.
Underutilized vertical space.

</td></tr>
</table>

Section 3

VISION, OBJECTIVES & PRINCIPLES

3.1: OVERVIEW

Successful and sustainable slum upgrading, and prevention relies on a firm vision which must be clear and supported by all Kenyans. Consequently, this section outlines the vision, the mission, objectives, and the principles for slum upgrading and prevention in Kenya.

3.2: VISION

Secure and dignified human settlements.

3.3: MISSION

To improve the living conditions for residents of slums through responsive and innovative urban planning, urban development, service provision and management of human settlements.

3.4: OBJECTIVES

a) Inculcate a culture of land use and development planning that is responsive, adaptive, and inclusive.

b) Provide appropriate security of tenure for persons living in slums.

c) Provide improved infrastructure and social amenities in slums.

d) Facilitate provision of adequate social housing in both urban and rural areas.

e) Mainstream climate change and environmental stewardship in slum upgrading and prevention.

f) Promote participatory and collaborative approaches/practices for comprehensive slum upgrading and prevention.

g) Harness diversified and sustainable resource base for slum upgrading and prevention.

h) Promote sustainable livelihoods for persons living in slums.

i) Establish an effective multi-stakeholder institutional framework for slum upgrading and prevention.

3.5: SLUM UPGRADING & PREVENTION PRINCIPLES

a) Equity and inclusivity

The strategy recognizes the diversity of the slum dwellers, the different culture and heritage. The strategy implementation will be fair to the slum dwellers without discriminating against various affected parties including structure owners and tenants in the provision of improved housing, basic services, security of tenure, and livelihoods. All slum upgrading initiatives will also be gender sensitive and include all disadvantaged groups.

b) Responsive urban planning

The strategy will apply innovative and appropriate urban planning that recognizes slums and slum dwellers/ residents as resources and ensures an integrated approach to slum upgrading. Where appropriate, there will be adaptive application of standards in upgrading of slums. Implementation of upgrading initiatives will take cognizance of the need for

application of flexible legal and institutional framework that allows local initiatives in slum upgrading.

c) Sustainability and resilience

Slum upgrading, and prevention will balance sound economic and environmental needs of present and future generations through commitment to poverty reduction, reconciliation of divergent interests for the common good, integration of informal/slum settlements in the urban fabric, spatial planning, agreement on acceptable levels of resource use and private/public partnerships in service delivery and settlement development. Slum upgrading initiatives including provision of both land tenure security and housing tenure security among others will enhance and spur investments. This will be complemented with preventive actions that prevent the emergence of new slums. Hence there will be a twin track approach towards existing and potential future slums.

d) Transparency and accountability

To ensure that both national and county governments are accountable to their citizens and settlement residents, the principles of transparency and accountability will be observed. Adequate access to information will be provided to ensure clarity about who is benefiting from decisions and actions. Laws and public policies relating to slum upgrading will be applied in a predictable manner, while community participation will be enhanced through regular, organized, and open consultations.

e) Devolution

Slum upgrading, and prevention will embrace processes that guarantee subsidiarity of authority and resources to the closest appropriate level. This will include allocating the responsibility for provision of services and decision making to the closest appropriate level consistent with efficiency and cost effectiveness, and thus improving responsiveness of policies and initiatives to the priorities and needs of slum dwellers. National government agencies, county governments, urban area authorities and institutions delivering services to the slum dwellers will be empowered through capacity building and resource endowment.

f) Flexibility and adaptability

Slum upgrading and prevention strategies will be flexible and adaptable to changing circumstances and emerging needs of the slum dwellers. This includes the ability to respond to economic, social, and environmental changes that affect the living conditions of slum residents. The strategy will also be adaptable to different contexts and be gender responsive, considering the diversity of slum settlements and the varying needs of their residents. This principle emphasizes the importance of continuous monitoring and evaluation of the slum upgrading initiatives to ensure that they remain relevant and effective over time.

g) Participation and partnerships

Successful slum upgrading and prevention will be the result of convergence between stakeholders who live, work, or deliver services in the slums and development partners. Multi-sectoral as well as tri-sectoral partnerships will be used. Slum dwellers will be empowered to participate in the slum upgrading process actively and effectively, with due recognition of their capital, gender, and comparative advantages to ensure both ownership of the slum upgrading projects as well as long-term sustainability. Contribution from beneficiaries gives them commitment, sense of responsibility and rewards, and makes them partners in the process. The strategy will help slum dwellers in building voices and consensus, encouraging formation and growth of community organizations to achieve collective decision-making, community driven development and focused service delivery.

Section 4

SLUM UPGRADING DELIVERY SYSTEM

4.1: OVERVIEW

This section presents the delivery system that will guide the national and county governments and other stakeholders in undertaking slum upgrading. The overarching strategy is to use adaptive and participatory slum upgrading approaches that recognize the need by slum dwellers to have an opportunity to participate in improving their own lives, livelihoods and living environments. This section starts by outlining the various typologies of slums found in Kenya. It then presents key slum upgrading approaches that will be used, the phasing of slum upgrading interventions, and concludes with a guidance note on the generic upgrading phases.

4.2: TYPOLOGIES OF SLUMS

A typology of slums found in Kenya is deemed important in understanding the nature of the slums and the resultant strategies proposed for each type of slum. Slums worldwide can be categorized into various typologies using diverse criteria like physical, spatial, socio-cultural, and economic, among other criteria. Under this Strategy, a two-pronged approach has been used in categorizing slum typologies for purposes of upgrading programming. This approach categorizes slums either based on the land category and/or based on the density of the slum in question. It is important to note that these categorizations are largely heuristic and not mutually exclusive. As such, each county will have to tailor their upgrading programme accordingly, by adopting either of the approaches based on its needs, practical realities on the ground, and objectives of settlement upgrading.

4.2.1: Density-Based Slum Typologies

The density categorization is based on assessing the built-up ratios in the slums. In this case the built-up ratio means the ratio of the total built up area to the total plot area or the total land occupied by the entire slum.

Table 3: Density-based slum typologies

	Typologies	Characteristics
1.	Low-density slums	▪ Slums that have densely configured structures with built-up ratios of below 60%. ▪ Mostly found in small urban areas and market centers. ▪ Have ample potential for in-situ upgrading.
2.	Medium-density slums	▪ Slums that have densely configured structures with a built-up ratio of between 60% and 80%. ▪ Mostly found in medium-sized urban areas and municipalities. ▪ Have some potential for in-situ upgrading.
3.	High-density slums	▪ Slums that have densely configured structures with built-up ratio of above 80%. ▪ Found in major urban areas such as Nairobi, Mombasa, Nakuru and Kisumu mainly in old inner-city areas. ▪ In-situ upgrading is a challenge due to difficulty in providing services such as drainage, water, and sewerage on small plots. ▪ Resolving land rights contestation between residents who are socially divided into two main groups: the minority structure-owners (people who own shacks/buildings on land); and the majority tenants, who in most settlements comprise over 70% of the residents also a challenge.

4.2.2: Land Category-Based Slum Typologies

The land-based categorization looks at slums from the point of view of where they are geographically situated and the type of land they occupy. It therefore encompasses aspects such as the site and the tenure of the land occupied by the slum in question, as summarized in Table 4.

Table 4: Land category approach to slum typologies

	Typologies	Characteristics
1.	Settlements on infrastructure reserves	▪ Some of slums in Kenya have encroached onto various infrastructure wayleaves, especially roads, railway, and electricity transmission reserves. ▪ Upgrading such settlements proves a challenge as wayleaves are protected under the Land Act 2012 sections 143, 144 and 148. Wayleaves are public rights of way which cannot be claimed by an individual. ▪ As such, the law prohibits regularizing tenure or in-situ upgrading for settlements occupying registered wayleave land. ▪ Any upgrading intervention would lead to total displacement of the persons affected, which would then trigger the need to seek alternative land to re-settle such persons.
2.	Settlements on environmentally-sensitive zones	▪ There are cases where part of or the entire settlement occupies land which is considered environmentally fragile. ▪ Such areas are environmentally fragile because they exhibit a relatively steep gradient where the ground surface is observably unstable to support development; they are part of a riparian reserve or wetland; are susceptible to landslides and/or flooding; or are part of a gazetted forest.
3.	Settlements on public land with incomplete adjudication and allocation processes	▪ Some of the settlements have some form of prior government intervention, but which was not completed. For example, there are settlements where a Part Development Plan (PDP) had been prepared as a basis for allocating land. ▪ However, these PDPs were never followed by land surveying to clearly demarcate road reserves and individual plot boundaries. ▪ Beneficiaries have subsequently constructed their structures haphazardly and beyond the PDP boundary due to lack of survey beacons. ▪ There are also scenarios where letters of allotment issued to the original beneficiaries have undergone informal transfer and sale. This is despite conditions in the letters of allotment that prohibit sale and/or transfer of such land. ▪ The ensuing informal land market has led to double claims as some unsuspecting buyers purchase land that had already been sold to other parties.
4.	Settlements on private land	▪ There are also numerous settlements found on private land. These could be settlements located on land that was originally leased out to individuals or corporate entities for various activities such as industrial use. ▪ However, due to the land being left idle for a long period, it was invaded by squatters and has since metamorphosed into a dense slum. ▪ Mainly manifested in major cities such as Nairobi and Mombasa. ▪ There are also cases where boundaries of urban areas were revised to include adjacent rural land as is the case in Kisumu.

		Here, customary ancestral land became part of the city, but the ensuing housing typology remained rural. Over time, and due to proximity of these areas to the city centre, unplanned developments have continued to proliferate leading to slums.
5.	Dilapidated municipal quarters	▪ These include formally planned neighbourhoods characterized by old, dilapidated buildings and high population densities not matching the planned levels of servicing. ▪ They are old, inner-city neighbourhoods that may have been once planned and serviced, but which have since deteriorated over time, owing to neglect or obsolescence of structures and services hence suitable for redevelopment and renewal. ▪ The informality of these settlements mainly lies in the status of the tenants (e.g., lack of an official lease from the county government, verbal contracts between tenant and 'landlord', etc.); non-compliance with health and sanitation norms (e.g., poor drainage, broken sewer systems or occupation densities beyond authorized thresholds); and public safety issues (mainly dilapidated structures).
6.	Settlements located on irregularly subdivided private or community land	▪ These generally occupy freehold or communal land, which has been divided up into plots and subsequently built, sold, or rented out. ▪ The informality, however, lies in the fact that such developments are never sanctioned by the planning authorities, whose standards they seldom muster. ▪ They also happen to occur in areas not specifically zoned for residential development. ▪ This is the type of slum prevalent in the peri-urban areas of Kenya, where owing to weak planning and development control mechanisms, urban development has expanded onto land previously held under customary tenure regimes.
7.	Disaster-induced settlements	▪ These are settlements that come about in situations where people are forced to leave their homes or places of habitual residence because of a natural or man-made disaster. ▪ People could be displaced by natural disasters such as floods, droughts, landslides, or pestilence. ▪ Displacement could also be caused by political turmoil, wars, or terrorist threats, leading to the occurrence of unplanned refugee camps and/or camps for internally displaced persons. The latter are common in the bandit-infested regions of the Rift Valley. ▪ In many ASAL areas of Kenya, particularly in the Northeastern Region, there is a proliferation of climate-induced informal settlements, as rural populations displaced by prolonged droughts settle haphazardly in (peri-)urban locations within major towns.

4.3: PRIORITIZATION AND PROGRAMMING OF UPGRADING INTERVENTIONS

Owing to paucity of resources, upgrading interventions must be prioritized to achieve efficiency in resource use, capitalize on multi-stakeholder synergies, achieve socio-spatial equity, and to reflect socio-political realities in each county, city or municipality concerned. Prioritization here can be operationalized at two different levels.

First, prioritization of settlements to upgrade can be informed by the typology developed above, in which case individual settlements can be prioritized based on their situation in terms of structure density, or with respect to precarity of location. At a second level, prioritization can proceed based on upgrading approach employed. Broadly speaking,

upgrading interventions can employ tenure regularization, infrastructure provision, or a combination of both. These are developed further in Section 4.4 below.

As can be expected, the approach employed in each local context will largely depend on several criteria that necessarily span the divide suggested by the typologies developed above. For example, past interventions have prioritized settlements located on public land, away from infrastructure wayleaves and in areas not deemed environmentally fragile. In future, it will be necessary to adopt a more comprehensive intervention programming that captures the full spectrum of slum typologies outlined above.

Accordingly, each county, city or municipality will need to undertake a locally appropriate interventions programming informed by the realities of politics, existing policy, resource availability, climate change and other locally contextualized practical considerations.

There will be developed county programme-based strategies for all major counties and urban areas (cities and municipalities) to guide investment in slum upgrading and prevention and as provided in the implementation framework in Section 6.

4.4: SLUM UPGRADING APPROACHES

Slum upgrading will be based on participatory and adaptive approaches that will include all affordable strategies that leverage existing realities to improve the living conditions of slums. The approaches focus on mainstreaming the integration of slums into the social and economic fabric of the urban areas.

Adaptive measures that are affordable, practical, locally appropriate, resilient, and sustainable will be applied to improving the wellbeing of slum dwellers in all urban areas in Kenya.

To ensure resilience and climate responsiveness, slum upgrading intervention projects' implementation will:

a) Safeguard critical facilities, infrastructures and services and maintain functionality, especially health services, potable water supply and settlement access.

b) Ensure reliable access to safe water.

c) Mitigate risk of food insecurity

d) Mitigate risk of settlement flooding

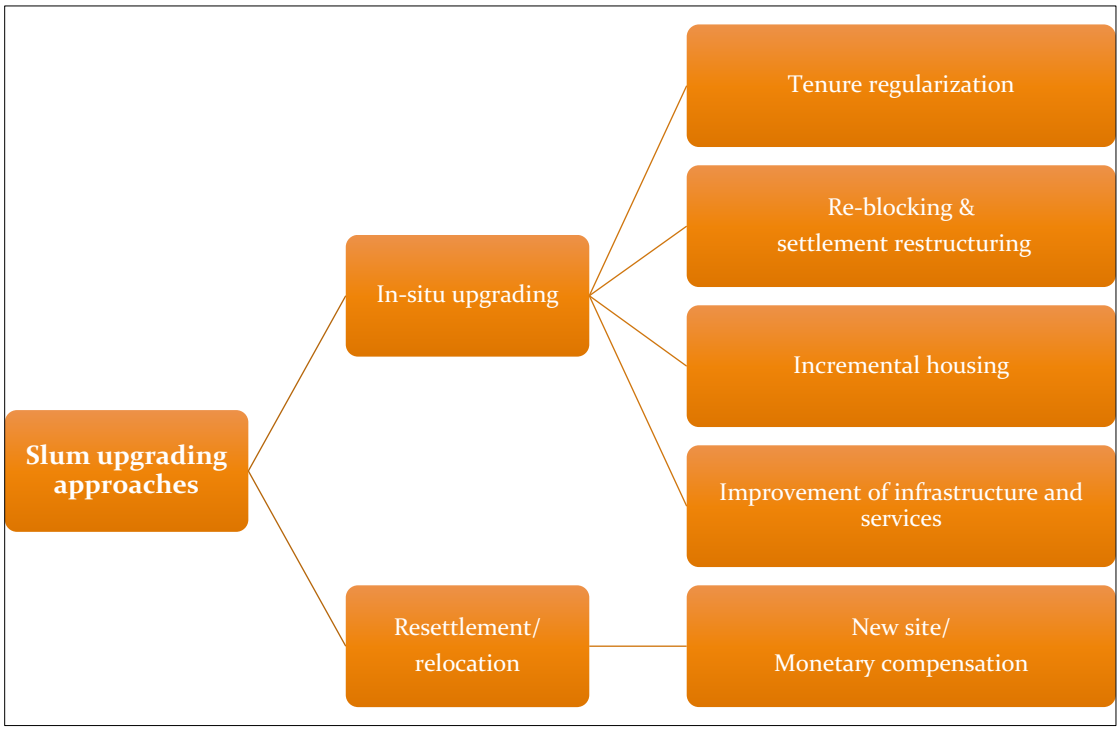
e) Mitigate risk of accidents from landslides and ground instability

f) Mitigate soil, water and crops pollution from sewer/pit overflows and other hazardous materials.

g) Help identify local economic opportunities, help access finance, and assist in identifying non-hazardous locations.

The strategies will encompass approaches for upgrading the level of urban services (physical, social, and economic) in the slum through either resettlement/relocation or in-situ upgrading and pragmatic ways of resolving the land and tenure security question (Figure 7).

Figure 7: Slum upgrading approaches.



4.4.1: Resettlement/Relocation

This approach involves acquisition of land in another site by the government and moving the residents of a target slum to the new site. The approach can also take the form of giving monetary compensation to residents who would then look for their preferred place to relocate. However, this being a case of landlessness that is being addressed, a land–for land approach will be prioritized in accordance with the provisions of existing social safeguards.

A resettlement/relocation approach should be carefully implemented to avoid common pitfalls such as sudden breakdown in the community spirit that often results in impoverishment of those relocated. It is also important to reckon that resettlement may precipitate changes, which could dismantle settlement patterns and modes of (re)production, disrupt social networks and diminish people's sense of control over their lives. When poorly implemented it may also provoke local resistance and foster political tension, leading to significant delays in project execution.

Conditions for Resettlement

Resettlement will be managed by the National Land Commission on behalf of national and county governments and in accordance with the provisions of Part IX of the Land Act 2012. Resettlement will be a viable option in circumstances where:

i. Life, liberty, safety, health, or other fundamental rights are at risk.

ii. The government wishes to move slum-dwellers into a higher standard of accommodation and use the land they had previously occupied for other purposes.

iii. The land currently occupied by the slum-dwellers is unsuitable for human habitation.

iv. The land currently occupied by slum-dwellers is overpopulated.

v. The land has high environmental value to the larger ecosystem; or

vi. The land is required for the development of critical public purpose utilities for which alternative land is not available.

Resettlement/Relocation Guidelines

In pursuing a resettlement/relocation approach, the government will comply with sections 175 and 211 of the National Land Policy 2009. The implication of sections 175 and 211 is that the Government will be expected to, among other things, provide alternative and appropriate land for the resettlement program, give compensation and subsidies at an early stage of the exercise to enable those affected to sustain themselves, enhance infrastructure provision, as well as initiate preferential policy on aspects such as tenure (Box 1).

Box 1: Resettlement process

The initiator of the resettlement process must:

a) Take an inventory of genuine squatters and people who live in informal settlements.
b) Determine whether land occupied by squatters is suitable for human settlement.
c) Establish appropriate mechanisms for the removal of squatters from unsuitable land and their resettlement.
d) Facilitate planning of land found to be suitable for human settlement.
e) Ensure that land subject to informal settlement is developed in an ordered and sustainable manner.
f) Develop, in consultation with affected communities, a slum upgrading and resettlement programme under specified flexible tenure systems.
g) Put in place measures to prevent further slum development.
h) Facilitate the carrying out of informal commercial activities in a planned manner.
i) Regulate the disposal of land allocated to relocated households.
j) Establish an appropriate legal framework for resettlement based on internationally acceptable guidelines.

A resettlement/relocation approach will therefore entail:

a) *Community participation:* This will involve consultations with the slum community and all parties with an interest in the land in question. It will include agreements on the mode of compensation to be given to the community. This will help to ensure that compensation measures, relocation site, development programs and service provision all reflect the needs, priorities, and development aspirations of the slum community. NGOs and other CBOs operating within the area will be roped in to provide valuable assistance in ensuring appropriate mobilization and viable community participation.

b) *Eligibility and entitlements/beneficiary identification:* A household level enumeration will be done to have a clear definition of the project affected persons (PAPs). PAPs will be grouped by socio-economic and gender category; household or family considerations; the cut-off dates for eligibility for relocation; assets to be compensated at replacement cost; and the development projects proposed. It is particularly important that the Constitution of Kenya and other national and international laws such as resettlement guidelines and social safeguards are adhered to. The definition of the unit for compensation (family or household) should anticipate and accommodate the land and housing needs for all.

c) *Compensation procedure:* The legal basis and the procedures for expropriation and compensation at full replacement cost where appropriate shall be clarified to all affected parties. The project implementers, in consultation with the community, will describe land and property, as well as criteria for assessing the value of land, housing and other property connected thereto, which must be standardized and transparent. In addition, dispute resolution procedures must also be defined, and appropriate and accessible grievance redress mechanisms also put in place.

d) *Relocation planning and criteria:* The criteria for site selection will be explicit and discussed in detail with the affected families. Land-for-land resettlement should occur on sites of equal or better in quality, including access to infrastructure and public services such as access roads, community centers, education and health services and access to employment

opportunities. The procedure for allocation of plots will be context-specific and must be discussed with the affected families or households in a transparent manner.

e) *Establishment of legal and institutional framework:* The resettlement plan will be consistent with the national legislation as well as other resettlement guidelines defined by international laws. Formal structures to oversee and manage the process must also be defined at this stage. Responsibilities of different actors and stakeholders will also be well defined at this stage to avoid institutional conflicts and duplication of efforts.

4.4.2: In-situ Upgrading Approach

In-situ slum upgrading approach will involve a process of improving the living standards of slum households by providing tenure security and upgrading their current homes or giving them new improved housing, upgrading physical infrastructure, social amenities, and economic livelihoods on the same land they currently occupy.

Settlement Upgrading Plans

a) In-situ slum upgrading will be based on approved slum upgrading plans prepared to provide for orderly, harmonious development of the land as well as ensure safety, convenience and aesthetics and provide a basis for provision of both physical and social infrastructure and amenities.

b) Declare as appropriate, slums and informal settlements as special planning areas (SPA) as provided under section 52 of the Physical & Land Use Planning Act, No. 13 of 2019 to facilitate preparation and approval of slum upgrading plans and development control.

c) Implementation of the slum upgrading plan will adopt a phased incremental approach to allow government and residents spread costs of settlement upgrading over time, reduce market pressures on the settlement and limit market-instigated evictions and gentrification thus preventing proliferation of slums.

d) Where appropriate, use adaptive planning approaches to prepare in-situ physical and land use upgrading plans for upgrading high density slums.

e) Formulate minimal/adaptive standards through rationalization of conventional planning standards for infrastructure, internal access road networks, community services, building materials, and construction techniques & technology to enhance adoption of fit-for-purpose standards to regulate space use allocation, building and construction materials, as well as infrastructure design standards.

Strategies for In-situ Slum Upgrading

a) *Land tenure regularization*

This strategy involves giving slum residents security of tenure and legal recognition by defining their interests to land and housing they occupy, with the aim of encouraging investment in housing and infrastructure upgrades.

Options for improving tenure security encompass the process of transforming informal settlements from settlements with insecure land tenure and poor living conditions into officially recognized parts of the urban area in which they are located. This will include:

i. The juridical process of formalizing land rights such as access rights, use rights, transfer rights and control rights, through an identifiable legal form, including but not limited to recorded statements or deeds.

ii. Tenure regularization capable of contributing to the improvement of livelihoods, economic opportunities, and empowerment, including security lighting within the settlements, spaces for retail markets, *jua kali* sheds, as well as institutionalized opportunities to allow residents to engage commercially in local service provision such as solid waste management within their locality.

iii. Compliance with appropriate and responsive land use planning including adaptive planning standards in terms of plot size and morphology; standards for services and utilities; roads or public access; determination of appropriate and affordable housing models, such as rental versus home ownership; social housing (cooperative, subsidised rental housing); as well as appropriate housing standards including approved and ready to build prototypes where necessary.

Land tenure regularization will focus on improving tenure security as opposed to conferring individual title to land, especially on public land and where public resources are used to acquire land for settlement of squatters. In such cases, the government shall mainstream and institutionalize innovative tenure systems including but not limited to block titles; sectional properties; community tenure; cooperatives; and Certificates of Occupancy. The specific options and guidelines for tenure regularization are provided in section 4.4.3 of this Strategy.

b) *Improvement of infrastructure and services*

In this strategy, slum areas will be given access to physical infrastructure services such as electricity, water supply, roads, footpaths, sanitation, wastewater drainages, sewer systems, and street lighting. By offering these services, slum dwellers' living conditions will be improved, health risks addressed, and their economic opportunities enhanced. The goal in all cases will be to provide efficient and equitable services, taking the pressing needs of slum dwellers into consideration.

Physical infrastructure services will be categorized as on-plot, on-site, and off-site.

i. On-plot services are those that are used privately by households. These will include individual sanitation facilities, water connections, or electricity.

ii. On-site services are those that are used collectively by the slum residents. They will include public sanitation facilities, public standpipes for water supply, footpaths, communal parking, and street lighting.

iii. Off-site services are those that are used collectively by the slum residents and the city at large. These services typically integrate the slum into the larger infrastructural networks of the city or urban area. They will include national or city roads, municipal water and sanitation networks, transportation services, hospitals, and markets.

Basic services will be provided at rates affordable to slum dwellers, through appropriate design and innovative structures of tariffs and subsidies. Large savings and improved access will be gained by involving the communities concerned in infrastructure design, implementation, and maintenance.

National and county infrastructure and basic services agencies will adopt innovations such as 'social connection' policies to enhance water and sewer connections, prepaid water meters, independently supplied boreholes and aerial water piping systems where ground space is limited. Another innovation in the water supply sector is the 'Delegated Management Model' through which water is sold via bulk meters to Master Operators who then forward-sell this water at a fixed rate to consumers and sub-vendors. In the sanitation sphere, innovations will include the adoption of adoptive standards and alternative piping systems to facilitate connection into the sewer mains and use of the bio-centre concept.

Strategies for solid waste management (SWM) will include providing technical support and other forms of facilitation for community-based organizations and youth groups to provide localized SWM services within their respective neighbourhoods.

Strategies for community buildings, public spaces, sports facilities, schools, health services and other social amenities will include partnering with government agencies, bilateral donors, NGOs, and corporate sponsors to put up or renovate community facilities. Special purpose facilities and spaces will be provided to cater for vulnerable groups in society. These

will include rehabilitation centres, homes for the elderly, orphanages, etc. As far as is practicable, the management and maintenance of such social amenities will be vested in the recipient community.

To ensure adequate maintenance of access roads, drainage courses, security lighting, public toilets, community markets and solid waste transfer stations, beneficiary communities will be involved in the management of these assets following the upgrading interventions through the establishment of project maintenance committees to enhance longevity and sustainability of community infrastructure projects after implementation.

Infrastructure upgrading will use community-based resource mobilization and construction systems in the development process to promote ownership and responsibility for future management and maintenance.

Infrastructure upgrading will be based on climate-proof infrastructure that strengthens disaster responsiveness.

With the proliferation of disaster and climate-induced settlements, especially among pastoralist households who have fallen victims of prolonged droughts and loss of livestock-dependent livelihoods, the state will partner with other actors to provide temporary shelter and the requisite infrastructure and services to ensure dignity of lives and minimize disruption of livelihoods among affected households.

c) *Incremental housing*

This refers to housing that is improved gradually over time by giving slum dwellers access to basic services, secure tenure, and improved livelihoods. This strategy acknowledges that many slum residents do not have the resources to build or buy new housing all at once. Instead, as their financial resources allow, they might have to gradually upgrade the homes they already have.

This Strategy will facilitate the offering of microloans to slum residents for the renovation or construction of housing by leveraging facilities offered by NGOs, cooperatives, banks, and other financial institutions3.

A participatory house-modelling approach where community residents work to create the most appropriate building design given their space constraints and the needs of their community will be used in preparing housing plans. This will enable residents, civil society actors and the government to co-develop a design appropriate to local needs and financial resources available.

To ensure standardization, manuals and guidelines will be developed and made accessible to households participating in incremental housing.

Households will be trained in basic construction skills to enable them to provide labour in the construction of their houses thus reducing the overall costs.

d) *Re-blocking and settlement restructuring*

Re-blocking, also referred to as land readjustment, is the division of a large plot of land into smaller blocks, the construction of new streets, and the rearranging of the current land uses. It is a typical method of urban planning and development in informal settlements where land tenure is frequently unstable and urban growth has happened in a haphazard and unplanned manner. Re-blocking land can facilitate better access to essential services like electricity, water, and sewerage as well as more equitable and sustainable urban environments. It may also lead to planned densification which involves rehousing the community in a smaller area in higher/increased residential densities, while freeing up space for other activities.

The process of land re-blocking will encompass the following steps:

i. Engaging the community and learning about its needs, priorities, and concerns. Community gatherings, workshops, and other participatory methods can be used to accomplish this.

ii. Surveying and mapping: This will entail surveying and mapping of the settlement's current land uses, buildings, and infrastructure. With the help of this data, a new settlement layout and potential re-blocking locations are found.

iii. Design and planning: The settlement's new layout, which includes new blocks, streets, and public spaces, is created in response to the survey and community feedback. The need for both densification and reconstruction necessitate the preparation of a special area physical development plan to clearly illustrate aspects such as the level of densification, plot ratios and setbacks, housing typologies preferred, among others. For the settlement to be able to grow and change in the future, the design needs to be adaptable.

iv. Negotiations are held to address any issues or objections after the community is presented with the new layout. The new design is then completed and given the necessary authorities' approval once an agreement has been reached.

v. Construction of new infrastructure is the next step, which involves creating new roads, water supplies, sewerage systems, and electrical systems in accordance with the new layout.

vi. Block subdivision and issuance of tenure: In accordance with the new layout, the existing blocks are divided, and new lots are created.

vii. Monitoring and evaluation: As the new layout is put into place, it is continually assessed to determine its effects and what, if any, adjustments are required.

A phasing approach that divides the process into smaller, more manageable phases will be used when implementing re-blocking in slum upgrading. Phasing aims to keep slum dwellers in their homes where they can continue to live and work as the re-blocking process is underway. The slum is divided into smaller blocks using this method, and each block is redeveloped separately. New roads and foundational infrastructure, like water and sewer lines, are frequently built in the first phase.

Where necessary residents might be temporarily moved to neighboring communities or other decantation sites during the phasing process while their homes are rebuilt or renovated. This guarantees that during the redevelopment process, residents won't be left without housing or access to basic services.

4.4.3: The Land and Tenure Security Question

In many slum upgrading programs, the major challenge has been the matter of land tenure for the intended beneficiaries and the resultant administration system. Of importance especially in crafting tenure strategies for the slum inhabitants should not be much the type of tenure type adopted, but the security associated with that tenure system. To be further considered will be the historical, political, cultural, and religious factors associated with a particular target group or area.

The overriding principles applicable regardless of the tenure regularization option adopted shall be that the tenure option facilitates efficient land use; eradicates established inequalities and unequal opportunities; preserves the cohesion of the beneficiaries; and protects them against market pressures that may lead to gentrification during and after the tenure regularization and slum upgrading process.

Strategies for Accessing Land for Slum Upgrading

Options for accessing land and securing tenure will include:

a) *Settlement schemes*

Settlement schemes will be implemented by the National Land Commission on behalf of the national and county governments as provided by section 134 of the Land Act 2012.

Identification of beneficiaries of settlement schemes for purposes of slum upgrading will be carried out and verified by a committee comprising:

i. Deputy County Commissioner who shall be the Chairperson.
ii. A representative of the Commission who shall be the Secretary.
iii. A representative of the County Government appointed by the Governor and approved by the County Assembly.
iv. A representative from the national government from the state department responsible for slum upgrading and prevention.
v. The representative of a local Slum Residents' Association.

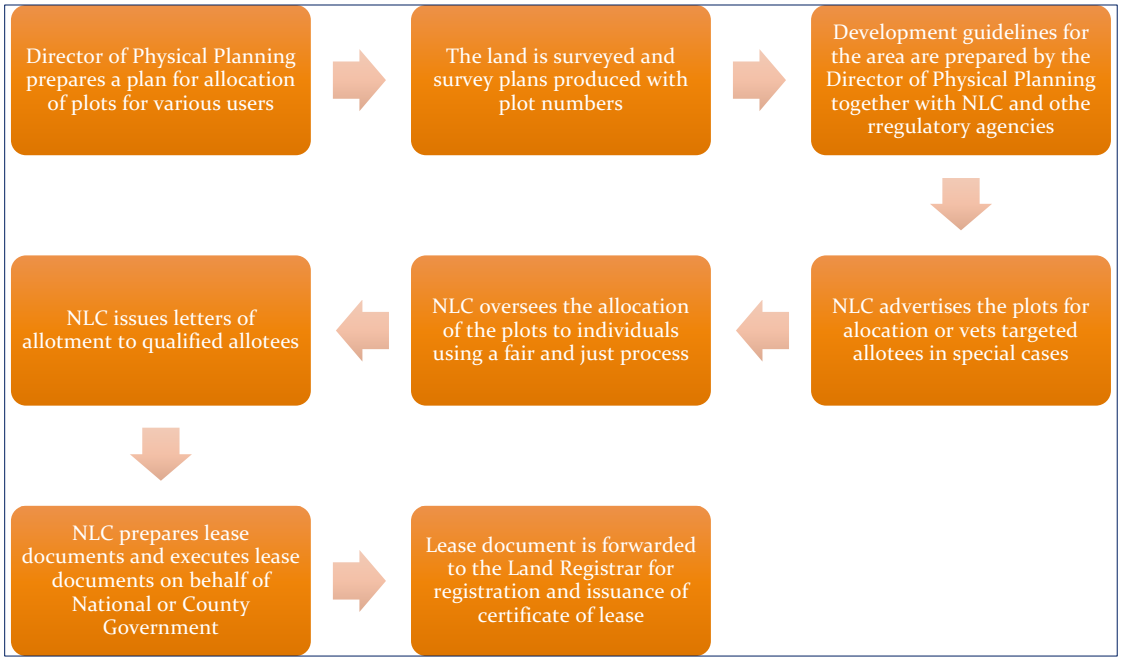
Land acquired through settlement schemes for slum upgrading will not be transferred except through the process of succession as provided by section 134 (7) of the Land Act 2012.

Settlement schemes will be funded by the Land Settlement Fund and the Slum Upgrading and Prevention Trustee Fund.

b) *Allocation*

The Land Act 2012 recognizes the conversion of land from one category to the other. As part of tenure regularization of slums on public land, the state shall opt to convert public land to private land especially for allocation to genuine documented squatters. This involves transfer of public land to private citizens as prescribed by the Land Act 2012 section 12 (Figure 8).

Figure 8: Public land allocation process



c) *Land restitution and redistribution*

Land restitution and redistribution will apply to slums whose claims relate to historical land injustices, and those found on land claimed by absentee landlords. Such settlements are found mainly in the Rift Valley and Coastal regions.

This process will entail reverting the land to those who claim to be historically entitled to the land but had been dispossessed in line with the provisions in the National Land Commission Act.

The implementation of this option will require preparation of regulations and procedures for identifying, verifying, and recording genuine land use needs, and clear and equitable criteria for restitution and/or redistribution.

d) *Adverse possession*

The option of adverse possession will only be available with respect to settlements on private land, where occupants meet the requirements set out in the Limitation of Actions Act, Cap 22. The Act provides that such persons apply to the Environment and Land Court for an order that they be registered as proprietors of the land or lease in place of the person then registered as proprietors of the land.

Such occupants will need to prove that they have taken a sufficient degree of physical custody and control of the property openly for a period of over 12 years. This will require an enumeration and mapping exercise to document the respective claims, and capture tenure conditions, including size of land being occupied, who occupies it, the current use of the land, among other criteria.

e) *Compulsory acquisition*

The government will invoke the power of compulsory acquisition in accordance with Articles 40 of the Constitution and Part VIII of the Land Act 2012 to enable slum communities on private land to attain tenure security.

The acquisition will be justified on the grounds of public interest or public purposes and will take effect upon prompt payment in full just compensation to the landowner.

Land acquired compulsorily to be used for public purposes will remain as public land. Through land tenure regularization, beneficiaries will receive a negotiated bundle of land rights in the form of communal tenure or any other legally binding document for an agreed period, with the necessary conditions to guard against gentrification and resale of the land.

f) *Purchasing land*

The option of purchasing the land inhabited by slum dwellers and applying for individual titling will be applicable for settlements on private land. In such a case, the squatters, with the support of the government, will negotiate with the landowner to purchase the land either at market price or any other agreed price. The government will strive to protect the interests of slum residents in the process by guarding against unfair pricing in such land sales.

Once they have purchased the land, the community of slum dwellers will apply to the government to be issued with individual titles in accordance with the provisions of the Land Registration Act. They may also apply for registration of the land as community land and obtain a communal title for the same.

g) *Land sharing*

Land sharing will be a compromise solution where the owner(s) of encroached land, and legitimate occupants of the land mutually agree to divide the land between them.

Depending on the negotiated arrangement, the occupants of the land may buy, lease, or receive as a gift the area they occupy or an agreed portion thereof, while the titleholder retains the remainder of the land for his own use. Land sharing creates a 'win-win' solution in a situation where the landowner seeks to repossess his land, and the squatters contest their eviction from the same.

The option of land sharing will not be used in such a way as to encourage groups to occupy land that they have no claim to in the expectation that they will subsequently assume rights through tenure regularization.

The option will only be available when it has been established that the occupation of the land by the squatters was done in good faith, and subject to fulfilment of other conditions of implementation of tenure regularization.

The following conditions must be met for a land sharing option to be viable:

i. *Community organization and consensus* must be sought, as land sharing will not be successful where communities are weak.

ii. *A land sharing agreement* should be developed in a structured, inclusive, and open manner.

iii. *Some form of restructuring* of the current land use through spatial planning and organized *densification*.

iv. *A reconstruction process* will be necessary because of changes in density and the need to clear part of the site; and

v. *Financial feasibility* is necessary for the success of a land sharing deal.

Strategies for Tenure Security

Land tenure security in slum upgrading will be guided by the following strategies:

a) Tenure security options and approaches will vary according to local contexts, but the objective everywhere will be to increase the supply of legal urban land in a range of tenure options, locations, and prices to suit the varying needs of different socioeconomic groups.

b) The target beneficiaries for tenure regularization will be those who live in the slums, whether as tenants or structure owners by ensuring that the benefits of tenure regularization are not captured by well-off non-resident structure owners, who are essentially investors taking advantage of the situation of the urban poor.

c) Structure owners with multiple structures will surrender any surplus structures and assert claims only to those that are consistent with the claims of other residents in the slums, in compliance with the principle of equity. The aim is to ensure equitable distribution of benefits arising from tenure regularization, by recognizing the reality that no one individual has a greater claim to public land than the rest of the citizens.

d) Each individual resident household will be entitled to one claim, whether of a structure or a parcel for construction of a structure. Where an individual household has occupied and/or utilized more than one structure or parcel prior to the commencement of tenure regularization, mechanisms will be put in place for ascertaining their entitlements subject to the principle of equity. Such mechanisms will include size of family or household, number of units occupied, length of stay, ownership of land and property elsewhere, incomes and employments, ownership status, and quality of the housing unit.

e) Tenure regularization options preferred for a particular case will respond to and address the entire spectrum of interests in land occupied by a slum, which include:

i. Government's interest to control development and regulate the use of land in terms of Article 66 of the Constitution.

ii. Slum dwellers' interest to continue enjoying the benefits of their current location such as access to jobs, schools, and their social capital.

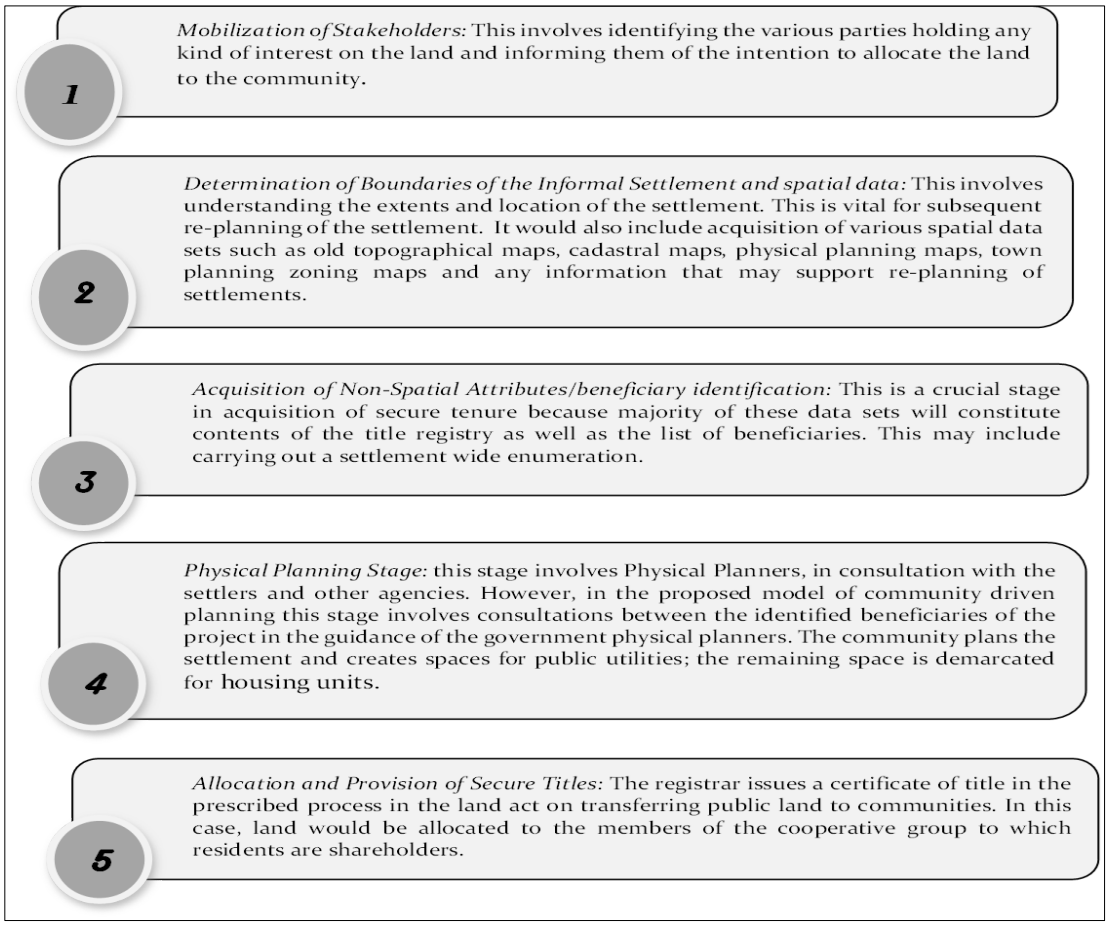
iii. The landowners' interest to develop the land; and

iv. The general public's interests in achieving justice, safety, health, clean environment, and equity.

f) A negotiated approach will be used to reconcile the various interests in slums. Choice and implementation of tenure regularization options will respect the right to property enshrined in Article 40 of the Constitution. Specifically, Article 40 protects proprietary rights, prohibits arbitrary deprivation of property or right to property and provides for compensation in instances where the property is compulsorily acquired for public purposes or in the public interest. The constitutional protection of right to property extends to instances where occupants of land do not have title deeds, if they occupy the land in good faith, and the land has not been acquired illegally.

g) To ensure sustainability and to guard against gentrification, the preferred tenure system will be communal land ownership through a registered cooperative society or community land trust. The community will establish a cooperative society or trust that can hold collective land rights which then exercises management authority over communal land or resources. Such a structure allows a representative body to develop and oversee localized rules for land use and transfers. All user groups and prominent stakeholders will have a voice in the development of the usage framework. This tenure model will provide the slum community with both rights and obligations over the land. The process for communal land tenure is outlined in Figure 9.

Figure 9: Process for communal land tenure



Strategies for Tenure Administration

The focus of this strategy is to provide seamless, less bureaucratic, and adaptable tenure administration systems for slum upgrading based on the following guidelines:

a) The tenure administration system will depend on the prevailing circumstances in respect to each settlement undergoing tenure security regularization. Such a system will be as far as practically possible be innovative, affordable, and sustainable.

b) Flexible Land Tenure System such as the Social Tenure Domain Model (STDM) will be the preferred land administration and management system for the settlements under regularization and will describe relationships between people and land focusing on land and property rights, which are neither registered nor registerable, as well as overlapping claims, that may have to be adjudicated both in terms of the 'who', the 'where' and the 'what' right.

c) Following tenure regularization, every structure or parcel in the settlement will be clearly identifiable with a unique number, its ownership clearly stated, and its specifications noted in a publicly accessible GIS-based database.

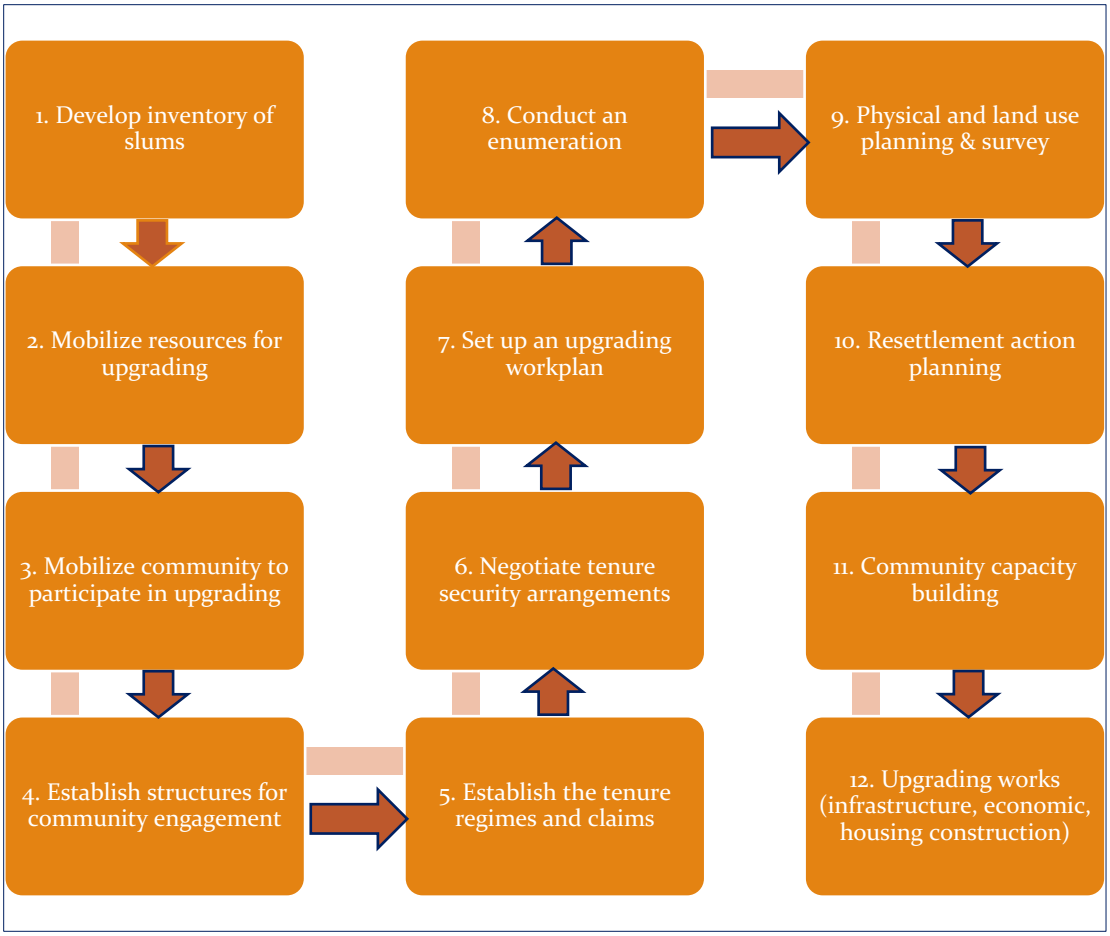
d) Enforce negotiated restrictions on the transfer of interests in structures or parcels for a period, but this will not be done in a manner that frustrates the objective of using tenure regularization to promote economic activities in slums or otherwise undermines the property rights of residents.

e) There will be deliberate efforts to monitor tenure beneficiaries and blacklist them from benefiting from similar interventions in other locations within the country.

4.5: PHASING OF SLUM UPGRADING INTERVENTIONS

Slum upgrading interventions will proceed through twelve (12) steps. These steps will, among others, include undertaking an inventory of all slums, establishing the existing tenure regime of the slums, and mobilizing resources for slum upgrading, community mobilization, enumeration, physical and land use planning, capacity building and construction/housing improvement (*Figure 10)*. It is important to note that these phases may not proceed in a chronological manner and their implementation and utility will be slum specific.

Figure 10: Slum upgrading phases.



4.5.1: Develop an Inventory of Slums

It is important that a detailed mapping of all slums in Kenya be undertaken to inform the slum upgrading process. The mapping will capture the geographical extent of the slums, unique features, and the resident's population data. The National Land Policy commits the Government to conduct an inventory of genuine squatters and people who live in slums to form the basis for planning and upgrading.

The National Government will collaborate with County Governments to undertake this inventory to establish the number of slums in the country and in respective counties and to plan for upgrading. This process will be underpinned by a commitment to prevent further proliferation of slums.

Upon completion of the inventory, the complete list of slums in the country and where they are located will be published in the Kenya Gazette. This will serve to discourage those who invade property with the expectation that they will in future assume rights to the same through tenure regularization.

4.5.2: Mobilize Resources for Upgrading

Slum upgrading will require resources to undertake. These resources will be mobilised from national government, respective county governments, development partners, civil society actors and slum communities.

To take lead in championing slum upgrading, it is important that Government (at national and county level) set aside adequate resources. This will enable a reduction on any charges that residents are required to pay as part of the upgrading process.

When some payment is to be levied, the amount of payment should be established in advance and explained to the residents, taking into consideration affordability and the need for flexible financing arrangements to ensure that no resident is denied access to the services by reason of their inability to pay.

Resource mobilization at community level will be based on saving schemes. These savings schemes will give slum dwellers a safe avenue for obtaining small loans for livelihood and housing improvement. The schemes will target organized groups for men, women, and youth with support from community-based civil society actors who will support community mobilization, facilitating exchange visits between savings schemes, and acting as a facilitators of information flow, besides offering strategic advice.

4.5.3: Mobilize the Community to Participate in Upgrading

Public participation is key to the process of slum upgrading. Apart from being a constitutional imperative, public participation ensures that decisions are owned by the people affected, and that the outcome of the process is agreeable and sustainable. To this end, the target slum community will be mobilized, informed, and trained for effective participation in the upgrading process.

Community awareness will be created about the entire process of slum upgrading: the objectives and purposes of upgrading; the procedures for upgrading; the rights, roles, and responsibilities of community members; and the appropriate dispute resolution mechanisms.

To ensure effective participation of all members of the community, personnel performing the upgrading activities such as surveying, physical planning, spatial enumeration, infrastructure upgrading, and housing construction will adopt flexible work hours, and endeavour to accommodate the needs of women and other vulnerable groups in the planning of meetings and activities.

4.5.4: Establish Structures for Community Participation

Settlement Residents Associations (SRA) will be established to coordinate the interactions between the community members and other stakeholders in the tenure regularization process. These may take the form of, or improve upon the structures, of the Settlement Executive Committees (SECs) currently in place in some informal settlements or the *Muungano wa Wanavijiji* associations mostly found in urban slums.

The process of electing the SRA must be such as to ensure that it enjoys legitimacy among the community members and is representative of all categories of members including the representation of women, minorities, persons with disability, and other vulnerable groups.

Clear procedures for conduct of meetings and for decision-making will be specified and publicized to the residents of the slums as agreed among the residents during their general meetings, including election cycles and procedures.

4.5.5: Establish Tenure Regimes and Claims

Before upgrading can commence, it is important to establish whether the land on which the slum stands is public, private, or community land. It is also important to undertake a preliminary assessment of the slum conditions to establish baseline data and information about its physical, social, economic, and other characteristics, to determine what form of upgrading will be most appropriate: either to relocate it or carry out in-situ upgrading.

4.5.6: Negotiate Tenure Security Arrangements

This phase will involve negotiating for legalized land tenure, based on the prevailing type of land occupied by the slum. This phase will focus on respective government agencies such as the National Land Commission working in collaboration with slum communities to dialogue for secure tenure.

4.5.7: Set an Upgrading Work Plan

A clear work plan for the upgrading process, with timelines and benchmarks, will be established and shared with the residents of the slum. The work plan should be reviewed periodically as part of the monitoring process, and adjustments made where necessary.

4.5.8: Spatial Enumeration and Socio-economic Profiling

Proper identification of beneficiaries of slum upgrading is critical for ensuring that only the intended persons benefit from the process. Socio-spatial enumeration will involve identification of households, socio-economic profiling, environmental characteristics, physiographic factors, existing infrastructure and community facilities, population and demographic dynamics, identification of climate hazard risks and vulnerabilities in the slum location among others.

The enumeration of beneficiaries should be done in the field simultaneously with mapping, so that each person is linked to a structure or a parcel on site, and each structure or parcel is identified with a specific individual or group of claimants. The team conducting the enumeration should be accompanied in the field by representatives elected by the community. Neighbours and community leaders should be on hand to authenticate every claim to a structure or parcel.

A complete listing of the individuals identified with the structures or parcels to which they lay claim will be displayed in a public place and members notified to inspect it and to raise any objections they may have. The list will be visually presented on the maps with the linked spatial enumeration data in a manner that is easy to understand. Clear timelines for filing of objections and addressing should be provided with the same notification.

Once all the disputes have been addressed, the spatial plan will be adopted formally by the residents of the slum in a public meeting convened specifically for that purpose.

Advantage should be taken of innovations in Information and Communications Technology (ICT) to establish a comprehensive information management system for slums that can track beneficiaries so that once they have been allocated land or structures in one settlement, they cannot lay claims in another.

Upon completion of the spatial enumeration and approval of the report, the county government will declare a moratorium on any developments upon or transactions involving the subject land until completion of the specific upgrading activity being undertaken.

4.5.9: Detailed Land Use Planning and Survey

Slum upgrading shall be based on approved slum upgrading plans that shall be prepared to provide for orderly, harmonious development of the land as well as to ensure safety, convenience and aesthetics and therefore provide a basis for provision of both physical and social infrastructure and amenities.

A settlement upgrading plan will be prepared through a participatory planning process, with the effective and informed participation of all the relevant stakeholders.

Slum upgrading will adopt a phased incremental approach to allow residents spread costs of settlement upgrading over time, reduce market pressures on the settlement and limit market-instigated evictions and gentrification thus preventing proliferation of slums.

Adaptive planning approaches will be used to prepare in-situ physical and land use upgrading plans for upgrading dense slums.

Where communities are highly vulnerable due to inadequate land use and settling in areas that are not adequate for human occupation, the slum upgrading process should consider the following:

a) If the area is exposed to flooding /flash floods, identify all structures within natural storm water flow paths where there is high likelihood of flooding, flash floods and landslides.
b) Create awareness of the health and safety risks.
c) Identify options of nature-based interventions that may reduce the risk, such as increasing vegetative cover, increasing infiltration areas.
d) Identify options of physical correction in the private realm and train residents
e) Identify measures to prevent pollution from the existing structures.
f) Where risk reduction will not be possible, discuss options for gradual resettlement.
g) Locations within flash flood flow paths in conjunction with clayey soils must be considered as extremely high-risk areas and not be settled.
h) Level of exposure to pollution

Where risk and vulnerability reduction will not be possible due to the exposure levels and the origin, options for gradual resettlement will be used.

If necessary, the area may be declared a special planning area under section 52 of the Physical Planning and Land Use Act to facilitate the accommodation of its unique characteristics into an existing physical and land use development plan for the wider urban area.

Tenure security documents will be based upon completion and approval of the settlement upgrading plan and survey plan.

4.5.10: Resettlement Action Planning

Where the physical and land use planning of the slum for purposes of upgrading results in individuals having to be moved, a Resettlement Action Plan will be developed and implemented in a participatory way having regard to the constitutional and legal rights of those affected.

Every effort will be made to ensure that all PAPs are duly informed, provided with the opportunity to participate in planning, implementation, and monitoring of the Resettlement Action Plan, and their claims and interests recognized and processed in a transparent and accountable manner.

Particular attention will be paid to the protection and securing of the rights of women, the elderly, children, minorities, and other vulnerable groups.

4.5.11: Community Capacity Building

Community capacity building will focus on assisting the slum community to effectively engage in the upgrading process. Areas for capacity building will include resource mobilization schemes, housing models and livelihood enhancement skills. All efforts should be made to allow for both male and female participation in capacity building initiatives.

4.5.12: Upgrading Works

This will involve carrying out of the infrastructure and/or housing construction works. Upgrading works can be (and often will be) undertaken incrementally throughout the upgrading process in a settlement. This process will also depend on the availability of funds. In some cases, the community may progressively carry out upgrading activities such as through incremental housing based on resources mobilised by themselves.

Section 5

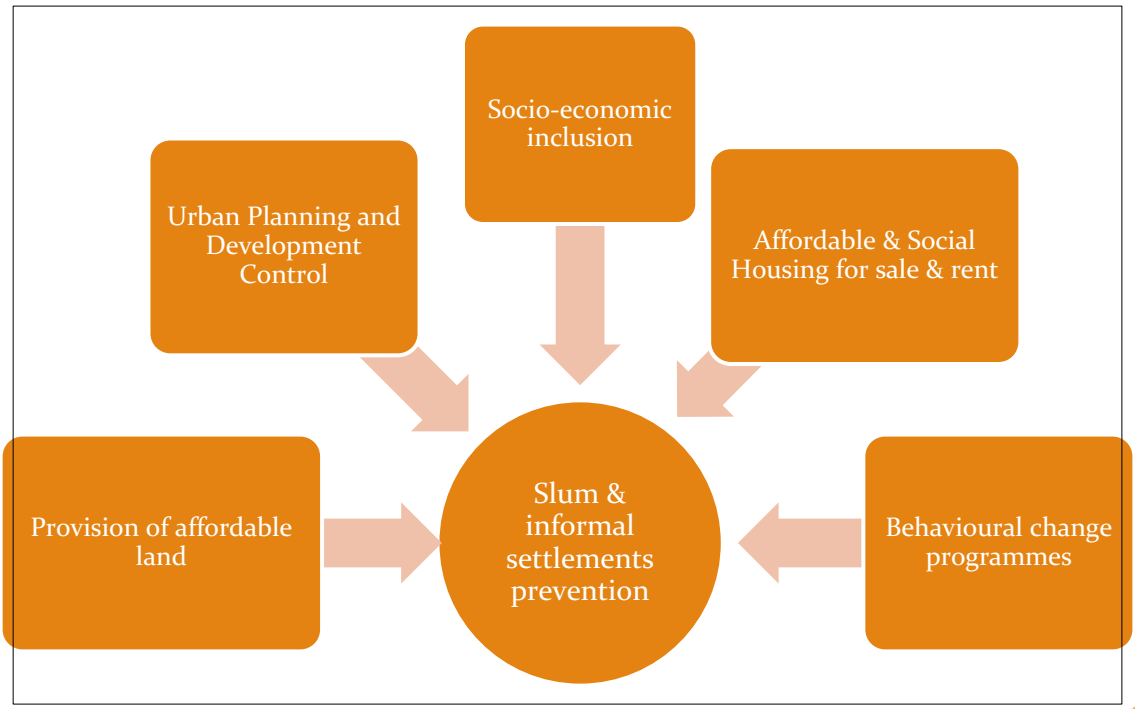
SLUM PREVENTION DELIVERY SYSTEM

5.1: OVERVIEW

The continued proliferation of slums is a clear indicator of inadequate and ineffective application of proactive approaches. Proactive approaches can be in the long run cost-effective, affordable, and easier to implement than retroactive approaches. Slum upgrading initiatives taken without measures to address the wider development of urban areas, including housing development programs, are not likely to succeed in solving the problem and deter the future development of other slums. This section presents slum prevention strategies which focus on four city-wide development strategies including: adoption of physical and land use planning in managing human settlements, provision of affordable land for housing development, adequate development of social housing, and socio-economic inclusion.

Kenya has established an appropriate planning framework for managing urban development. They include the Urban Areas and Cities Act (2011, rev. 2019), the County Government Act, 2012, and the Physical and Land Use Planning Act, 2019. More recently, the Affordable Housing Act, 2024 has provided the framework for large scale development of affordable housing across the country. The Act provided for five categories of affordable housing units, social housing units targeted to a person whose monthly income is below twenty thousand shillings, affordable housing units targeted at a person whose monthly income is between twenty thousand and one hundred and forty-nine thousand shillings, affordable middle class housing units targeted at persons whose monthly income is over one hundred and forty-nine thousand shillings, rural affordable housing unit targeted at persons living in any area which is not an urban area, and institutional housing (Armed Forces, Police, and University Student Housing). These urban area wide development strategies form the foundation and agenda for effective, participatory, and comprehensive city management.

Figure 11: Framework for slum prevention

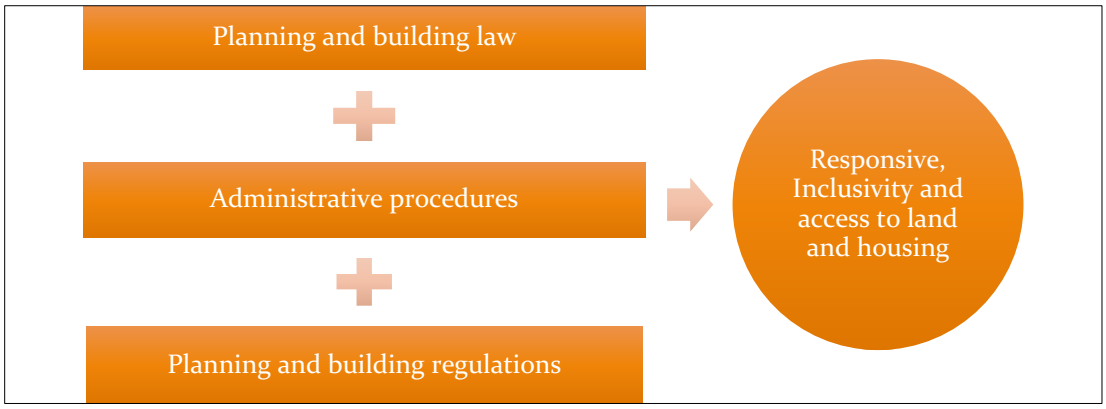


5.2: URBAN PLANNING AND DEVELOPMENT CONTROL

Managing the process of urban expansion and development through city wide participatory urban planning and development control will be critical to slum prevention. Urban planning and development control is an effective instrument through which urban areas organize, orient, and initiate their response to challenges and opportunities posed by urbanization.

Slum prevention will be steered through a responsive regulatory framework for urban development that consists of three main elements: planning and building law, planning, and building regulations, and administrative procedures. All three elements will need to be responsive to the needs of the poor and to facilitate the inclusion of the poor into the urban system. Unrealistic standards, regulations, and lengthy administrative procedures deepen urban poverty and stifle the economic growth of urban areas.

Figure 12: Framework for adaptive planning and development control



Guidelines for urban area wide planning and development control include:

a) Adopt an integrated, responsive, and adaptive land use and physical planning approach in addressing the challenge of slums. This will require reconceptualization of the efficacy of urban planning as a tool for integration and inclusivity and not as an agent of exclusion. Slums which have been hitherto excluded from urban planning and development control due to their "informal" status shall be included within the urban areas land use zoning guidelines.

b) Develop urban resilience plans focusing on climate-induced risks and other disaster risks as well as the mitigation measures, especially among vulnerable communities living in slums in line with the National Climate Change Framework Policy, 2016 and the Climate Change Act, 2016.

c) Demarcate urban growth limits and regulate subdivisions of agricultural land to manage urbanization from high potential agricultural areas.

d) Prepare physical and land use development plans and development control guidelines to manage development of human settlements in urban, peri-urban and rural areas. To avoid duplication of efforts, all service providers will align their investment plans with the physical and land use development plans to facilitate coordinated urban development.

e) Prepare resilience plans in collaboration with communities in the arid and semi-arid areas to identify potential hazards and threats, and establish adaptation, mitigation, and recovery approaches to prevent establishment of disaster and hazard-induced slums.

f) Adopt a collaborative approach in preparing settlement scheme plans for persons displaced due to natural and human induced disasters to ensure that such schemes do not transition to slums.

g) All government agencies and public institutions will demarcate and prepare physical and land use plans for all land under their jurisdiction to deter invasion and the formation of slums.

h) Mainstream slum prevention by using innovative development control mechanisms to implement the physical and land use development plans and monitor all development activities especially within residential areas to prevent proliferation of unapproved and substandard developments. This will be through:

   i. Ensuring that planning departments have adequate technical staff, sufficient field vehicles, equipment, and GIS-based data, as well as sufficient budgetary allocations for land use planning and development control.

   ii. On regular basis monitor, profile and map the proliferation of informal settlements through the nationally established frameworks, tools, and systems such as the National Geodatabase of slums.

   iii. Institutionalizing public participation in planning processes to promote user buy-in and joint co-production of services and facilities with the affected communities.

   iv. Forming partnerships with local resident communities and the national administration local representatives (Chiefs and Village elders) based on an appropriate whistleblowing framework that facilitates reporting and action.

   v. Decentralizing physical planning and development control units to ward level.

   vi. Forming a development approval committee comprising all relevant statutory agencies, county departments, professional associations, and private sector among others.

   vii. Integrate and mainstream upgraded slums into the realm of routine development control and municipal service provision to ensure they do not relapse into pre-upgrading conditions.

5.3: AFFORDABLE AND SERVICED LAND

Guidelines for supply of affordable and serviced land include:

a) Use responsive planning to manage the ongoing process of urbanization to provide viable alternatives to the formation of slums requires making available land and trunk infrastructure for the construction of low-income housing as well as devising strategies for providing healthcare, education, access to employment opportunities, and other social services in these areas.

b) Adopt guided land development, which uses the provision of infrastructure as a mechanism to guide urban development. This will be done in partnership with landowners who pay for the cost of servicing their land through dedication of land for public infrastructure and payment of a betterment levy.

c) Prepare and adopt law for transferring unutilized land and land belonging to absentee landowners to squatters and people living in slums in line with section 209 of the National Land Policy.

d) Adopt a land sharing approach in negotiating the release of land for both social housing schemes and for redevelopment in slums with resolved tenure security. In such a case, the community will release part of the land for an investor to build commercial residential units and in exchange the investor will build social housing.

e) Partner with private landowners through issuance of development incentives including use of flexible densities, and tax rebates.

f) Redevelopment of dilapidated public housing land through densification thus releasing additional land for more housing.

g) Use land value capture tool during approval of development applications and in valuation rolls to make available resources for servicing more land.

5.4: AFFORDABLE & SOCIAL HOUSING

Situation analysis and reviews of socio-economic surveys on slums and informal settlements for this strategy show that there are a few residents who would benefit from the current Government housing ownership scheme. For the bottom 40 percent, earning Kenya Shillings 5,000 and below per month, and paying rent Kenya Shillings below 2,000, their income can hardly allow them to benefit from affordable housing purchase scheme, and will require rental housing under AHP. Hence, three models of social housing are expected, rental, rent to own, and purchase (mortgage). Rental is also required for those seeking employment or on temporary employment, and those close to retirement with own housing in rural areas,

Guidelines for provision of affordable and social housing include:

a) The affordable housing programme aims to provide social housing through development of low-cost rental housing and affordable housing for purchase in the urban areas. The programme has established a transparent online criterion for allocation and access of social and affordable housing.

b) Adopt a socio-economic integrative approach in the provision of both rental and purchase social and affordable housing, to eliminate exclusion and isolation of vulnerable groups.

c) To retain the affordable housing stock within the intended scope of beneficiaries, restrictions to owners of affordable housing units as provided under section 54 of the Affordable Housing Act of 2024 shall apply, where it is provided that "except with the prior written consent of the Board, a purchaser of an affordable housing unit under this Act shall not by contract, agreement or otherwise, sell or agree to sell his or her unit or any interest therein to any other person."

d) In line with the provisions of article 10 of the Constitution of Kenya, such consent as contemplated under 5.4.(c), shall not prejudice public interest and social justice rights related to the affordable housing unit. Where consent is given, the beneficiary shall forfeit all funds used for development of the house to the government. In the alternative, a beneficiary seeking to sell a unit will be required to sell it back to the government where a refund of an equal amount of purchase price will be given back.

e) All social and affordable housing units shall seek to provide and/or be within reasonable walking distance to public transportation; maximize residents' opportunity for quality education and employment; and maximize the use of appropriate building materials and technology.

f) Large-scale housing development schemes will adopt a mixed-use development that dedicate at least 20% of the new developments for social rental housing to mainly target domestic workers and contribute to the county social housing pool. Appropriate development incentives will be given to such developers during approval of the proposed developments.

g) Private investors shall be engaged to design, finance, build, own, operate and transfer the social housing units and recover their capital expenditure and returns through Annual Service Availability Payments (ASAP) from the County Government over a period of between 15 to 50 years.

h) Re-plan and or re-develop all existing county housing estates that do not provide for maximum permissible or highest and best use of land to increase the social housing stock.

This will be through engaging private investors to develop housing units through joint venture partnership model governed by a Joint Venture Agreement in which the County Government will lease land to a special purpose vehicle (the project company) for construction of social housing units and the Development partner will contribute finances to meet the capital expenditure.

i) Adopt a social cooperative housing model based on three pillars namely self- management, mutual aid, and collective property to aid in implementation of incremental slum upgrading approach. Self-management focuses on capacity building of the cooperative to make their own decisions, according to a process of discussion, consensus, and democratic decision. Mutual aid pillar plays a decisive role addressing the affordability questions and in the running of the project by the beneficiaries. Each family is responsible for the contribution time per week which goes towards collective construction of the housing project regardless of those who will be assigned a particular house. It is a legal guarantee of tenure in time of use for the family.

j) Adopt a responsive taxation regime to moderate the cost of building materials where developers seek to provide affordable housing.

k) Adopt alternative construction technology such as interlocking blocks, expandable polystyrene systems, and bamboo construction, among others.

l) Adopt public-private partnerships to help establish Appropriate Building Materials Technology Centres (ABTC) as a measure of funding low-cost housing production.

m) Prepare and adopt building and development control regulations that encourage prospective homeowners and landlords to use appropriate technologies and local building materials.

n) Use of cheap locally available resources and labour in housing projects and standardization of affordable building designs and components in terms of design, construction, and long-term maintenance.

o) Provide temporary housing needs for pastoral communities and households impacted by environmental factors thus exposing communities to vulnerabilities such as the lack of adequate housing, water, and sanitation.

p) Adopt green technologies in social housing projects aimed at strengthening resilience. These should include use of green buildings that consume minimum energy, water and natural resources and provide good air quality and reduce waste. Other technologies to be adopted include the use of solar, water harvesting technics, and the production of biogas from waste.

q) Develop Social Housing Development and Design Guidelines (SHDGs) to offer practical advice and design standards for the development of adequate and affordable social housing.

5.5: SOCIO-ECONOMIC INCLUSION

Guidelines for socio-economic inclusion will include:

a) Prepare and implement periodic livelihood restoration plans.

b) Enhance the national governments socio-economic inclusion programmes such as National Safety Net Program (NSNP), Consolidated Cash Transfer Program (CCTP) 25 under the State Department of Social Protection (SDSP) and Hunger Safety Net Programme (HSNP) under the National Drought Management Authority (NDMA), the National Hospital Insurance Fund (NHIF), to deliberately target persons in slums.

c) Integrate stronger livelihoods components including relaxing zoning regulations to allow for home-based enterprises and other forms of land use mix within upgraded settlements; eliminate restrictions and unreasonable burdens on local enterprise development by reducing the costs and increasing the benefits of formalization (by enhancing security, for

example, and increasing access to public procurement and relevant information on market opportunities and business development support).

d) Incorporate financial literacy training to enable beneficiaries of social programme funds to set up alternative livelihood ventures and use the funds for the intended purpose.

e) Adopt micro finance and credit systems by facilitating the establishment of micro-finance institutions such as the Hustler Fund, which can offer small and short-term loans designed to suit repayment abilities of low-income families.

f) Formulate regulations which recognize a wide range of collateral, including co-signers, paralegal titles, legal titles, durable goods and pension fund contributions.

g) Adopt community based innovative financing systems revolving around community groups (*table banking*) in partnership with micro-finance institutions such as, Housing Finance, KWTF, Faulu Kenya, cooperatives, savings and credit schemes.

h) Provide income generation activities through partnerships with private sector, development agencies and civil society to provide facilities such as markets (open markets and stalls), Micro small and medium enterprises shed (Jua Kali sheds and Kiosks), skills enhancement centres, power supply for income generating activities, shopping centres and micro finance. Micro finance institutions (MFIs) will be enjoined in the development of small and medium enterprises (*Jua kali*) in slums through provision of credit lines, business support services and appropriate technologies to enhance human resource development and employment opportunities.

i) Support community led housing approaches (housing cooperatives, savings & credit cooperatives, self-help groups, table banking groups) and networking to be the main entry points for project activities, security for borrowing and flow of information to help in stimulating ability to contribute to the upgrading as well as to afford housing outside the informal areas.

j) Inclusion of vulnerable groups to focus on providing specifically targeted income generating activities and other social measures (e.g., education for these groups); collaborating with partners in supporting widows, orphans, elderly, and persons with disabilities to improve their lives; technical, financial, and social support derived from activities such as the formation of support groups, creation of orphanages and creation of homes for the elderly.

k) Provide homes for the elderly, vulnerable children, and street families and rehabilitation centres for alcohol and victims of drug abuse.

5.6: BEHAVIORAL CHANGE PROGRAMMES

a) Include both social development and social norms activities in programmes targeting slum upgrading and prevention. Social development activities to focus on development of prosocial skills (eg. training; capacity building; workshops). Social norms activities aim to shift community-wide norms towards mindset change (eg. group discussion and debates; peer leaders/mentors modelling behavior; advocacy and policy making/media campaigns; social marketing; mobilization).

b) Choose from and work with multiple channels from mass media, interpersonal and group communication, folk and local media, and digital media and interactive technologies categories in engaging slum communities.

c) Development of Prepare for Change (PfC) training manuals / programmes and their application in all slums upgrading and prevention.

d) Development of mentorship and innovation centers within slum areas and in the wider urban setup.

Section 6

IMPLEMENTATION PLAN & GUIDELINES

6.1: OVERVIEW

The efficacy of this Strategy in slum upgrading and prevention depends on a commitment to implementation by not only national and county governments but also other stakeholders and development partners including the slum communities. This section outlines the implementation plan and guidelines to be used by decision makers at various institutional levels. The section presents key implementation enablers including a financing mechanism, capacity building, an institutional framework, generic upgrading pathways, communication framework, risks and mitigation, monitoring, and evaluation framework. The section concludes by outlining various legal reforms required to anchor slum upgrading and prevention.

6.2: FINANCING GUIDELINES

6.2.1: Sources of Funding for Slum Upgrading

Over the years, the national government has been funding slum upgrading and prevention at an estimated US$10 million annually. These funds have been allocated to the Slum Upgrading Department (SUD) that has been implementing national slum upgrading programmes. To augment national government funding, there is also support from development partners who continue to support specific projects and programmes such as KISIP and KENSUP. For example, in the financial year 2021, KISIP II funding was about US$153million comprising of IDA loan ($100million), AFD loan ($33 million), SIDA grant ($10million), and GOK financing ($10 million). Looking at KISIP financial activity from 2011 to 2022 the average annual disbursement from development partners was US$8.5 million. The KENSUP programme received support from UN-Habitat amounting to US$30 million per annum to cover both recurrent and development expenditure.

Other funding for slum upgrading occurs indirectly through project support by national ministries and agencies, such as health, education, Kenya Power, Water and Sanitation, Kenya Railways, etc. Similarly, at county level, different directorates and departments provide support for some services needed in slum areas, such as water supply, solid waste management, security lighting, and access roads. For example, in the financial year 2021/2022 Nairobi County Government allocated expenditure to Mukuru Health Centre (Kshs. 10.3 million), Access roads in informal settlements (Kshs. 19.6 million) and drainage rehabilitation (Ksh. 7.5 million). It is estimated that these indirect funding sources in the country contribute US$4 million per annum.

There is also a parallel slum upgrading support done through efforts of non-state actors (NGOs, faith-based organizations, relief organizations such as Red Cross) and community self-help groups. However, such funding is hard to quantify as it largely consists of relief (medical and food), mobilization and information sharing.

Overall, the total estimated direct and indirect funding for slum upgrading in Kenya is US$22.5 million annually.

6.2.2: Demand Analysis and Projection

Kenya population census 2019 showed 47.5 million, and urban population at 14.8 million (31%). There have been varying estimates of percentage of urban population living in slums, from 33% (Housing Survey 2012/13) to 60% (UN-Habitat). Taking a conservative estimate of 40%, about 6million urban residents in Kenyan cities live in slums. At a growth rate of 3.9%/p.a., the number of slum dwellers will be 9 million (2033), and 13 million (2040).

Using the current KISIP II per capita cost of US$115 per person for a comprehensive slum upgrading, Kenya requires approximately US$ 1.035 billion (Ksh 134.5 billion) to meet the upgrading demands for the projected 9 million slum dwellers by 2033.

If the vision of slum upgrading is to be realized by 2033, then the country needs approximately US$46 million (Ksh 6,384,800,045 billion) annually. This demonstrates an annual deficit of about US$23.5 million. With the current annual funding of US$22.5 million it will take about 60 years to provide basic services to the current Kenyan urban slum population.

6.2.3: Funding for Slum Upgrading

Kenya requires a dedicated fund and political goodwill to address the challenge of slums. This strategy proposes to enhance the utility of the slum upgrading fund in place of the present piecemeal and minimalist system of funding. In December 2006, the country established the Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund (Gazette Notice No. 51, Legal Notice No. 168). It is proposed that the Fund be restructured to align with the Constitution 2010, including the current structure of devolved government. As currently constituted, the Fund focusses on housing development rather than the holistic approach to slum upgrading proposed in this strategy.

The trust fund will be based on a two-pronged approach: a conditional grant for infrastructure and other common goods, and a revolving fund for members to borrow and repay for house improvement, training and income generating activities. Both will be funded by the national government (from the national development budget and/or the housing levy), county governments (from own-source revenue), and development partners (matching funds). The slum communities and civil society will make in-kind contributions and minor operational expenses.

In 2021/2022, national government development expenditure was about Ksh. 400 billion and the total annual own source revenue for counties was around Ksh. 40 billion. The proposed national share of the slum upgrading fund is 0.05% of national development allocation and county government share of 0.05% of own source revenue. At the current levels, the total national contribution would be Ksh. 20 billion (i.e., 0.05 x 400 billion), while counties' total share would be Ksh. 2 billion (i.e., 0.05 x 40 billion). Development partners' share for the fund would match the overall government share, as Ksh. 22 billion. Alternatively, and on the basis of a strong political will, the Government would commit 30 percent of the Housing Levy to slum upgrading.

The annual total fund raised would be Ksh. 44 billion. With this level of funding, it would take about less than 3 years to meet the basic needs of current 7 million slum dwellers in Kenya. More importantly, the funds would help pull out 40% of the urban population in Kenya out of slum conditions within five years.

Kenya is urbanizing rapidly, and urbanization has emerged to be a prime contributor to both national and county GDP, socio-economic transformation and employment. It is high time the country establishes an Urban Development Fund (UDF) to support investments in urban infrastructure and slum upgrading[2]. Alternative sources of raising funding for UDF include: (i) Private sector under PPP/Bonds, (ii) Green Climate Fund[3], (iii) Development Partner Funding.

[2] Examples of UDF are found in Rwanda, South Africa, and India.
[3] https://www.greenclimate.fund/countries/kenya

6.2.4: Guidelines for Slum Upgrading Fund Utilization

It is proposed that the Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund contemplated in the Housing Act be restructured as the Slum Upgrading Fund and form the basis for consolidating resources for slum upgrading and prevention. The fund will consist of conditional grant and a revolving fund. Beyond conditional grants and revolving funds, the communities will be expected to raise funds for minor maintenance and operational expenses. This will reinforce ownership and sustainability among communities benefitting from slum upgrading.

Conditional grant guidelines

Conditional grant will be a fund with restrictions on expenditure. These funds will be provided to government agencies both at national and county level to cover slum upgrading infrastructure and tenure regularization in slums as these are common goods. The funds will also be provided and used for the provision of social rental housing.

The cost share for slum upgrading and prevention will be based on four broad components with funding aligned as follows:

a) Component 1: Strengthening institutions and program management 10%
b) Component 2: Enhancing tenure security 8%
c) Component 3: Investing in infrastructure and service delivery 78%
d) Component 4: Planning for urban growth and slum prevention 4%

Revolving funds guidelines

Revolving funds will enable community groups or members to borrow funds to support housing development or renovation, training costs and income generating activities. The fund will charge minimal interest at nominal rate or lower than the market rate.

When revolving funds are requested for house improvements, the beneficiaries will be required to have 10 – 20 percent of the requested amount and a demonstrable savings culture.

The revolving fund will require slum communities to register a legal entity to access and manage the fund in terms of disbursements, repayment, accounting, and reporting. A housing cooperative society will be the preferred legal entity vehicle for slum communities to handle revolving funds on behalf of communities living in slums. The fund manager will provide timely Annual Accounts and Reports.

6.3: CAPACITY BUILDING

The slum upgrading process involves several different tasks, which will need to be executed by different stakeholders and entities at different levels. The successful execution of such tasks requires availability of adequate institutional framework, human and material resources, adequate preparation, implementation, and replication. Limited capacity of technical capabilities and understanding of the subject matter within both national and county level can be an obstacle in creating an enabling environment.

Currently, the national government capacity consists of technical staff at the slum upgrading department, and the staff deployed at KISIP project. In FY 2022, slum upgrading department had 19 technical staff (in post) out of an establishment of 86 staff. At county level the departments of housing, planning, roads/works, lands, survey, and social work each have approximately three technical staff, a total of 18 technical staff per county.

At the national and county level, the current programmes greatly rely on consultants to carry out various slum upgrading tasks. Consultants will continue to provide support to national

government and participating counties. They include engineers, physical planners, land surveyors, and institutional development experts.

The Strategy conceptualizes capacity building as the process of developing and strengthening the skills, instincts, abilities, processes, and resources that all stakeholders, including the slum communities need to survive, adapt, and thrive to execute the suggested strategies.

Alongside capacity building initiatives, there will be sensitization exercises that will increase awareness of the processes, needs and actions to be taken towards achieving the mission of the strategy document and will be addressing all levels and roles of various stakeholders.

Capacity will be enhanced or built at settlement level, county level and national level based on guidelines contained in *box 2*.

Box 2: Capacity building guidelines

To institutionalize capacity building, the following actions will be mainstreamed at all levels of institutions:

a) Develop county specific slum upgrading toolkits.
b) Continuously sensitize and engage all stakeholders on the slum upgrading and prevention strategy (on the strategic interventions, proposed action plans, institutional framework, communication strategy, financing mechanisms, performance measures, monitoring and evaluation).
c) Carry out needs assessments and analysis of key government agencies and professionals to inform the identification of priorities for institutional strengthening and opportunities for multi stakeholder collaboration.
d) Enhance peer exchanges and exposure to other relevant best practices and development activities.
e) Use the theory of change to articulate the pathways to capacity development, that is, the explanations of why certain results and activities are believed to lead to increased capacity.
f) Formulate programmes and projects with capacity development as an underpinning factor for the achievement of development results.
g) Develop a capacity implementation plan informed by the capacity needs assessment that will focus both on the capacity of the people and their organizations.
h) Counties shall develop partnerships with both state and non-state actors to take up the role of dissemination of knowledge and skills through integrating resource centers into capacity-building work.
i) Raise awareness among decision-makers, politicians, and senior officials, through critical support forums, whose support is critical to the success of the capacity-building program as well as other relevant stakeholders.
j) Building capacity within the communities to form formally recognized residential associations to assist in maintenance roles within their settlements.
k) Counties shall include capacity needs assessments as mandatory requirements within their CIDPs.
l) Counties shall develop capacity implementation plans that are continuous, innovative and progressive and not affected by end of governance tenures.
m) Sensitization exercises to be undertaken in communities that are affected by modernization and climate change. inculcating a change in social behavior to mitigate the risks already envisaged such as introducing domestication of livestock vis a vis herding, to mitigate new settlements coming up due to the failing of pastoralism to adapt to climate change.
n) Focus on cross cutting aspects including climate mainstreaming, gender sensitive and partnership approach with community.

6.3.1: National Level

Capacity building at national level will focus on the following:

a) Carry out a capacity needs assessment to identify areas of capacity building, prioritize and action the same. There is a need to identify all the key stakeholders/ academic institutions and donors and identify unattended capacity-building needs that pose an obstacle for better housing and neighborhoods for all. Institutional and procedural aspects should be reviewed to facilitate the implementation of upgrading activities and enhance local communities' participation in all upgrading activities. Adequate structures should be in place to facilitate the capacity-building process right from this level to the community.

b) Mobilize adequate resources and contribute financially to address structural problems faced by slum dwellers. They should focus on poverty reduction through capacity building for vulnerable groups.

c) A virtuous cycle of desirable capacity development should be developed. This shall include a strategy paper that will lead to the development of a practical guide to capacity building entailing designing, planning, managing, and executing upgrading projects.

d) Develop a toolkit and training modules building on the experiences of KENSUP, KISIP and work done in the Universities, for participatory settlement mapping, planning, design, and execution, and management of upgrading projects.

e) Training of trainers shall then be carried out leading to the transfer of knowledge and skills.

f) Depending on the contracting level, the capacity of contractors shall be built to ensure that they have enough resources to carry out their work and to communicate effectively with all stakeholders.

6.3.2: County Level

Capacity building at county level will focus on the following:

a) Carry out annual capacity needs assessments to guide capacity building activities.

b) Capacity building related to slum upgrading should be an integral component at this level and should target all county officers dealing with housing and related thematic areas to build the capacity of the different departments in the counties that plan, design and implement upgrading of slum areas.

c) The capacity-building efforts of the county level should focus more on improving their planning capacities to cater for the sprawling slums in their urban areas.

d) Relevant policy documents and training packages should cascade from the national to the county level.

e) Tailor made capacity building toolkit should be developed to meet specific county needs.

f) Develop training programmes for county officers on rapid settlement assessment (*RSA*), and preparation of upgrading strategies and plans.

6.3.3: Community Level

Community level capacity building will be implemented by the county governments in collaboration with the national government based on a capacity needs assessment for slum communities. The local NGO's, Social Movements and CBO's will be key in the process of implementing capacity building initiatives.

Capacity building at community level will focus on the following:

a) There will be sensitization programs targeting the communities and capacity building focusing on leadership, effective communication, and interaction areas. This will enable them to raise awareness of pertinent issues related to the upgrading process.

b) Capacity development will not only be about the training of individuals for knowledge acquisition. It will focus on ensuring they know how to apply that and that the capacities of the organizations and individual community members are also developed.

c) Building the capacities of the local communities, for instance in organizing themselves and negotiating with the authorities about their needs and priorities will be crucial.

d) The capacity of the communities will be built to effectively plan and implement land use development plans through regular sensitization clinics on land use planning and development control among landowners and community leaders.

e) Capacity building at this level will also focus on enabling the beneficiary communities to manage and maintain upgraded infrastructure.

f) Resource centers will be provided to enhance continuous learning.

g) Building the capacities of the community on livelihood and economic enhancement skills.

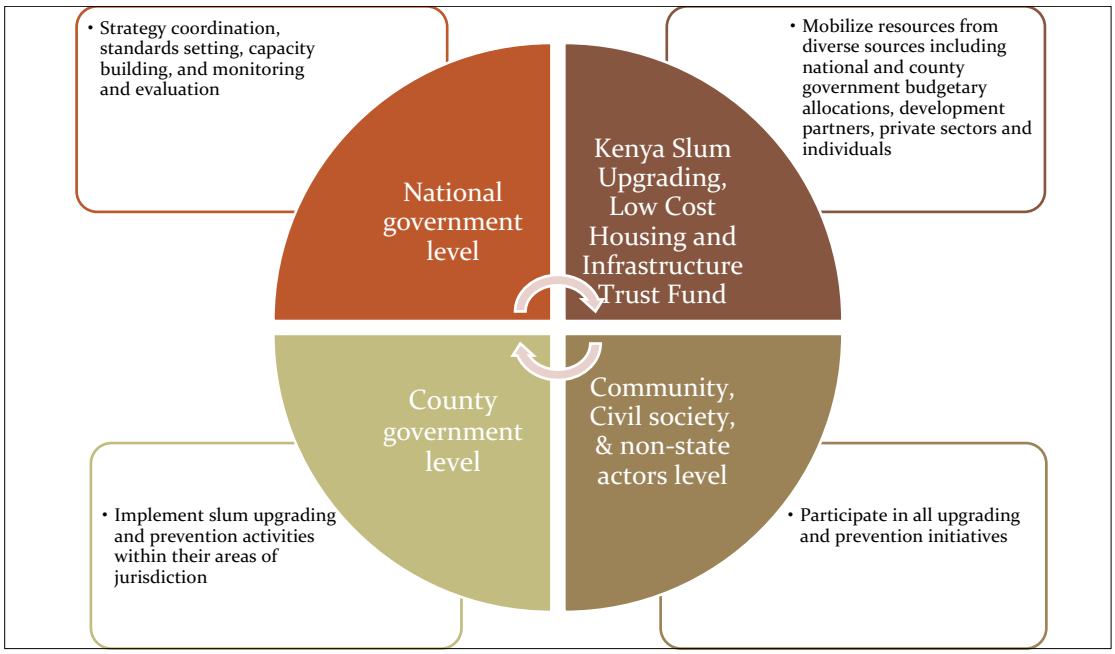
6.4: INSTITUTIONAL FRAMEWORK

6.4.1: Institutional Arrangement

In Kenya, the sustainability of slum upgrading, and prevention requires structured institutional arrangement, with mutual coordination between the two levels of government and active involvement of multiple stakeholders. The institutional arrangement for the implementation of the strategy is based on the constitutional governance framework of devolution and participation of the people.

The institutional design provides for an inter-agency relationship which allocates distinct responsibilities for each level of government, stipulates areas for shared responsibilities and avenues for stakeholder involvement and public engagement as demonstrated in figure 13.

Figure 13: Institutional arrangement



The institutional design for slum prevention and upgrading is structured as follows:

National Government Level

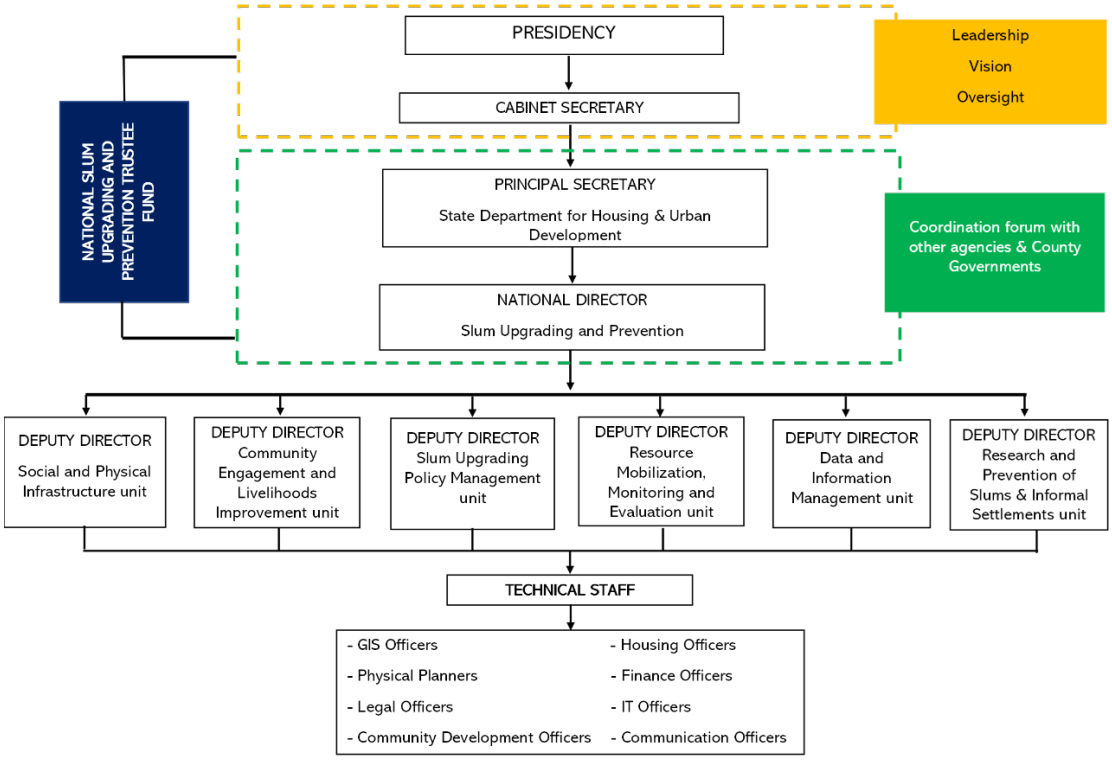
National government shall have overall responsibility, policy direction and coordination of slum upgrading, prevention and formalization.

The office of the President will play a vital role in providing political leadership and goodwill for effective implementation of slum upgrading and prevention.

Day-to-day implementation of slum upgrading, and prevention at the national level will be under the ministry in charge of Lands, Public Works, Housing, and Urban development. The responsibility for slum upgrading will be under the State Department for Housing and Urban Development.

For effective implementation and delivery of the national government functions, this strategy provides that the **Department for Slum Upgrading and Prevention** should be given national status, through the establishment of the office of National Director for Slum Upgrading and Prevention**.** The justification for this is based on the magnitude of the slum proliferation challenge where over 60% of urban residents live in slums and informal settlements. It is also important to note that slum upgrading, and prevention is multi-faceted involving different sectors such as land, infrastructure, livelihoods, and housing thus the need to have a dedicated department to effectively deliver on the national government responsibility of strategy coordination, resource mobilization, standards settings, capacity building, and monitoring and evaluation.

Figure 14: National level implementation structure.



Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund

This level recognizes that the effective implementation of preventive and upgrading strategies requires structured collaboration and funding between national and county governments and other non-state agencies. The National Slum Upgrading Policy had proposed the establishment of a trust fund for resource mobilization. Consequently, through legal notice 168 of 2006, the Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund was established.

This Fund will be under the State Department for Housing and Urban Development. Its membership will comprise nine trustees composed of 4 representatives of National Government (Permanent Secretary in the Offices of the Presidency; Lands, Housing and Urban Development; Infrastructure and Public Works; National Treasury), 3 representatives

of County Governments (nominated by the Council of Governors), 1 representative of Private Sector; and 1 representative of Civil Society.

Its mandate will be to mobilize resources from diverse sources including national government budgetary allocations, national housing levy, development partners, private sectors and individuals.

County Government Level

Aligning with the provisions of the 4th Schedule of the Constitution, the Strategy vests primary implementation responsibilities on County Governments. Counties will be expected to cascade the Strategy to their respective level, design delivery programmes and projects and lead prevention and upgrading measures within their countries.

Counties will establish dedicated departments for slum upgrading and prevention, and for political goodwill this should be domiciled in the office of the governor.

Under the Urban Areas and Cities Act, the functions of county governments will be further decentralized to cities, municipalities, towns and markets. Each city and/municipality within a county shall have a board and manager who will be responsible for specific functions including controlling land use, while for every town there will be a committee with similar functions as those of boards in cities and municipalities.

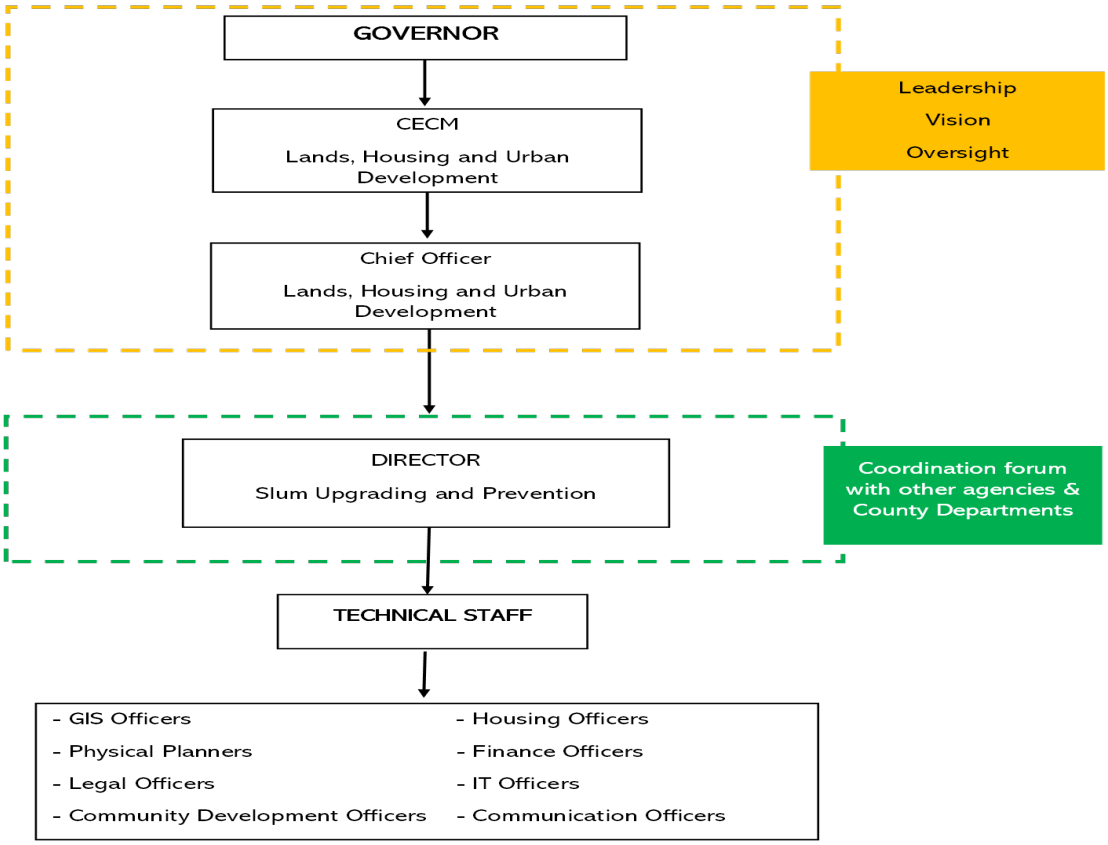
The Counties, as part of the principle of subsidiarity, will charge these bodies with the tasks of ensuring that planning is adhered t, emergence of slums is prevented and strategies to upgrade slums within their areas of jurisdiction are undertaken in collaboration with local communities.

Counties will be required to establish a Slum Upgrading and Prevention Unit within the larger department in charge of Lands, Physical Planning, Housing, and Urban Development and equip it with relevant and sufficient personnel. Slum upgrading requires the mobilization and facilitation of capacity across the whole of the County establishment. Thus this department will largely play a coordination role. If some departments are not mobilized to play their role this impedes the whole programme.

The Governor will champion slum upgrading and prevention within the county and task the slum upgrading and prevention unit with the role to coordinate multi-stakeholder steering committee with representatives from key departments including lands, housing, planning, education, social services, roads and infrastructure, environment, and finance.

In the past many counties have cited lack of finances as the reason for non-institutionalization of slum prevention and prevention measures. The national government through the Trust Fund shall allocate resources to support every county build the capacity of this unit and to implement slum upgrading and prevention.

Figure 15: County level implementation structure



Community Level

The efficacy and sustainability of the strategies requires the active involvement and support of the local communities. At the core of the implementation process will be active mobilization and engagement of community members (*Wanavijiji*). A holistic approach to slum prevention and upgrading requires the involvement of the beneficiary communities from the onset through formalized process.

Each community in slums will organize into a Settlement Resident Association (SRA) commonly referred to as *Muungano wa Wanavijiji* with the responsibility to oversight community level, upgrading and prevention activities and to respond to and be involved in the implementation of initiatives that seek to respond to their social and economic challenges and ensure that their lives are bettered, and livelihood needs addressed.

The aim is to ensure that slum prevention and upgrading and implementation of this strategy is participatory and inclusive with community members being at the center of the process of identifying their problems, suggesting solutions, and initiating actions that lead to change. That way they will own and support all projects that are initiated and implemented in their localities.

The process of formalization of communities to enable them collectively to organize and engage must be community owned and led. This is to avoid a top-down and government-imposed process, reduce designation of the communities into different small groups competing. Identifying the appropriate framework for registering the Settlement Resident Association is important due to the myriad registration options that exist including under the Community Groups Registration Act, 2022.

Once registered, communities are required to be mobilized and to have their capacity built. Key elements of community mobilization will include bringing people together; raising

people's awareness; assisting in the delivery of resources and services and facilitating community participation.

Box 3: Guidelines for formation of SRA

Each SRA will have office bearers to manage day-to-day activities of the association based on the following:

i. The office bearers should not exceed 20 including a chairman, secretary, organizing secretary and treasurer.
ii. They will be elected through a democratic process.
iii. The election mode will depend on the stakeholders and the numbers in the group.
iv. Representation must have gender balance.
v. The representatives seeking election must be bona fide residents and members of that community.
vi. The elected members should have good leadership skills and integrity.
vii. The secretary should/must be good in communicating in English and Kiswahili
viii. The other positions of the leadership will be drawn from representation of:
   - Tenants
   - Landlords or structure owners
   - Youth
   - Widows
   - Persons with Disabilities
   - Child-headed households

6.4.2: Mandates of Key Institutions

Department of Slum Upgrading and Prevention

The National government through the Department of Slum Upgrading and Prevention shall have the responsibility for policy coordination, capacity building, monitoring and evaluation and resource mobilization and allocations. Specific tasks in furtherance of these include:

a) Prepare a countrywide inventory of slums.

b) Formulate the grant framework regulating the transfer of upgrading funds from the National to county level.

c) Propose annual budgetary allocations for approval by Parliament for the operationalization and sustenance of the slum upgrading and prevention.

d) Carryout a capacity needs assessment and lead capacity building for national level and county governments

e) Develop and gazette adaptive and responsive planning standards and guidelines.

f) Provide direct funding to county level slum upgrading.

g) The national government shall allocate resources for the establishment of the National Hub on slum information within the slum upgrading department. Amongst other responsibility, the data hub shall:

- Manage the national database on slums and informal settlements.
- Develop innovative approaches to slum mapping, profiling, and data management.
- Support counties in monitoring the proliferation of slums and informal settlements.
- Provide capacity building to counties on slum data management.

h) Facilitate coordination of slum upgrading and prevention approaches, guidelines and knowledge sharing across counties.

i) Establish and administer a nationwide land settlement programme for all upgraded slums and beneficiaries.

j) Institutionalize innovative tenure options including block titles, communal tenure and certificates of occupancy.

k) Formulate specifications for County Level Informal Settlement Upgrading Strategies and provide technical support to the selected Counties to formulate plausible County Level Informal Settlement Upgrading Strategies.

l) Support county governments develop county slum upgrading strategies and toolkits.

m) Provision of all national level functions for slum upgrading as provided under fourth schedule of the Constitution of Kenya 2010.

County Governments

County Governments will have primary responsibility for designing and implementing prevention and upgrading interventions at the county/urban area level. Specifically, Counties shall:

a) Develop county specific programme strategy for slum prevention and upgrading thus localizing this National Strategy to their specific context and circumstances.

b) Allocate financial resources as part of their annual budgetary process for Slum Upgrading and Prevention activities.

c) Enact county policies and laws to support slum prevention and upgrading.

d) Settlement identification, categorization, and prioritization for upgrading.

e) Prepare, approve and implement county slum upgrading plans strategies that are responsive and adaptive.

f) Undertake incremental settlement upgrading and relocation in collaboration with the national government.

g) Coordinate slum upgrading delivery from other county departments and national government agencies.

h) Support communities in their engagements and socio-economic activities

i) Approve, implement, and ensure compliance with land use zoning, spatial management strategies and development proposals outlined in the County Spatial Plan (CSP) and lower-level local physical development plans (LPDPs) by ensuring that these proposals inform the County Integrated Development Plans (CIDPs) and the Annual Development Budgets.

j) Integrate the provision of services to slum areas in their routine development programmes, in addition to ensuring that the said settlements have adequate infrastructure (sewer systems, water supply and sanitation, accessibility, electricity, drainage system, security and street lighting etc.) based on a commitment of at least 10% of the development budget to slum improvement.

k) Ensure that planning departments have adequate technical staff, sufficient field vehicles, equipment, and GIS based data, as well as sufficient budgetary allocations for land use planning and development control.

l) Adopt zoning and development control regulations that cater to the needs, security, comfort, and economic activity of slum dwellers through innovative strategies for land use

mix, multifunctional use of space (school, church, streets as markets, playgrounds) in which complimentary users shall be allowed alongside the main residential land use.

m) Carry out slum settlement profiling and information management as a prerequisite to any development interventions to ensure that planning is supported with accurate and up-to-date information.

n) Coordinate community-based, participatory mapping, profiling, and planning of informal settlements.

o) Prepare an inventory of all slums that shall capture among others the extent of the slum, the residents of slum, typology of the slum, and tenure situation and shall form the basis of identifying genuine squatters for purposes of provision of tenure security.

p) Strengthen the capacity of co-operative offices at county level to promote social housing co-operatives.

q) Establish linkages with the National Social Protection unit (SNP) in updating and using the database for vulnerable people detailing who the poor are, how their numbers are expanding, where they live, what their needs are and what obstacles are faced in asserting their rights.

r) Facilitate development of income diversification strategies for the pastoral communities to mitigate against climate induces slums.

Legislature

The legislature has in the past not been fully involved in slum upgrading and prevention. This Strategy recognizes that the National Assembly, the Senate, and County Assemblies play important roles through their legislative, representation and oversight functions. They will be engaged expressly to allocate adequate resources for slum prevention and upgrading; to enact appropriate laws, support implementation of activities within their wards and constituencies; oversight the utilization of funds in the Trust Fund and the implementation of various initiatives and support local communities through their constituency and ward funds.

To enable them to discharge their role, there shall be targeted awareness for legislatures on this Strategy and its implementation, regular briefs by the executive at the national and county level to the respective house committees tasked responsibility for slum prevention and upgrading be provided, and they be involved in capacity building and stakeholder meetings.

Council of Governors

Established under the Inter-governmental Relations Act 2012, the CoG comprises all the Governors of the 47 counties. The Council is established to promote consultation, coordination, and cooperation amongst the 47 county governments on matters of common interest. Importantly, the CoG provides a forum for sharing best practices and information on matters devolution. Finally, the Council also serves as the link between the 47 counties and the national government and is thus the link through which intergovernmental relations are conducted. In this regard, the CoG will be crucial in rallying all the 47 counties in institutionalizing slum upgrading and prevention through advocating and facilitating the establishment of the requisite institutional structures, development planning and programming, as well as dedicated financing to facilitate sustainable urban development at the local level.

National Land Commission

The National Land Commission is established under the Constitution and is responsible for among others managing public land on behalf of the national and county governments; recommending a national land policy to the national government; advising the national government on a comprehensive programme for the registration of title in land throughout

Kenya; and monitoring and oversight responsibilities over land use planning throughout the country.

Section 160(2) of the Land Act vests the National Land Commission the powers to facilitate the regularization of existing squatter settlement found on public and community land. In cases where land is left unattended to by absentee Landlords, the Land Act gives the National Land Commission the powers to transfer the land to squatters.

It also has the responsibility to deal with historical land injustices. Its responsibility over acquisition of public land and determination of compensation is important for slum prevention and upgrading and so are the powers of renewal of leases.

Regulatory Agencies

Other sector agencies such as the National Environment Management Authority (NEMA), Kenya Forest Service (KFS), Kenya Wildlife Service (KWS), Water Resources Management Authority (WRMA), and National Construction Authority (NCA) also play their respective roles where necessary and based on relevant statutory frameworks. Agencies such as KWS and KFS have been involved in prevention activities geared towards protecting the natural resources under their jurisdiction from encroachment. Hence, they play an important prevention role.

Urban Entities

While policy and strategy formulation may take place at the national and county levels, the actual implementation of these instruments can only find practical meaning at the local level (in cities, municipalities, and towns as per the Urban Areas and Cities Act). It is therefore important that the functions assigned to various city/municipal boards and town committees are clearly identified and their capacities built to enable them to discharge these functions, many of which relate directly to slum upgrading and prevention. It is noted that many of these entities have the responsibility over local land use planning, development control and service provision. It is therefore necessary that effective technical, financial and administrative capacities are strengthened to enable these urban governance institutions make their critical contribution to slum upgrading and prevention.

Service Providers

They have the role of providing support services and infrastructure development that accompanies tenure regularization. The agencies include Kenya National Highways Authority (KeNHA), Kenya Urban Roads Authority (KURA) Kenya Rural Roads Authority (KeRRA), Water and Sewage Companies, Kenya Power and Lighting Company (KPLC) among others.

International Development Agencies

a) Technical support in development of policy and regulatory frameworks; and

b) Provision of multilateral and bilateral financial support to the government for development of social rental housing and related infrastructure and social amenities for slum upgrading.

Research Institutions

a) Initiate, encourage, promote and conduct research related to slum upgrading, planning, design, construction and performance of social housing buildings.

b) Explore social, economic and technical problems in housing and community planning and help to establish appropriate standards for slum upgrading.

c) Conduct research in the use and development of indigenous and innovative building materials and construction technologies.

d) Provide reference and documentation services to parties interested in slum upgrading.

e) Provide research-based advisory services to both levels of government on research, training and innovative development work.

Civil Society Organizations

a) Mobilise resources and financial services including support to micro-finance, housing micro-finance and cooperatives.

b) Facilitate community participation in strategy analysis, formulation and localization; community mobilization and building of voices.

c) Support delivery of incremental housing and physical infrastructure, education, water and sanitation and legal representation.

d) Facilitating communities to access land suitable for social housing development.

e) Dissemination of appropriate building materials and technologies through demonstration units, exhibitions and support for building materials production enterprises.

f) Mobilising and organizing communities and community groups to participate in slum upgrading initiatives.

g) Empower and build capacity of communities for participation in housing development, identification of their own needs and priorities and decision making.

h) Generating local level knowledge and information on the target groups' needs, priorities and capabilities, existing social conditions, levels of community organization and their absorptive capacity; and

i) Intermediating between government, finance institutions and communities to initiate interaction, exchange information and ideas, make collective stands and help to deliver services.

Settlement Communities

a) Organize themselves and establish housing cooperatives and other savings and credit arrangements for purposes of developing or otherwise acquiring their own housing from the revolving fund.

b) Establish action groups to promote awareness about rights and duties, the conservation of wetlands and other fragile ecosystems, and enforcement of environmental laws.

c) Establish groups, especially of youth and women to engage in environmental management and livelihood enhancement enterprises.

d) Actively engage duty bearers to deliver on their mandates and monitor the implementation of this Strategy.

6.4.3. Multi-Stakeholder Collaborative Framework

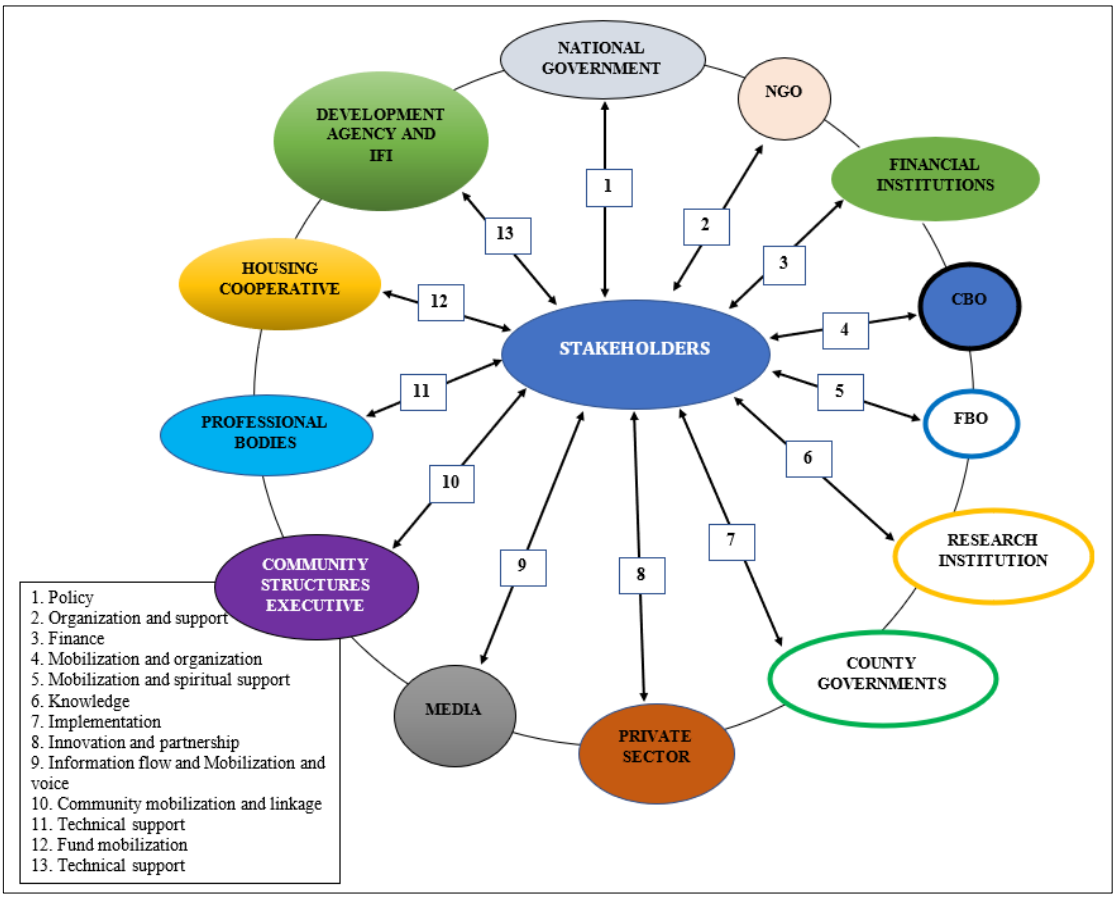
The implementation of this Strategy and the envisaged programmes and activities for slum prevention and upgrading will be based on a multi-stakeholder collaborative model. This recognizes that while the roles of the key institutions have been elaborated on in the institutional design above, there are many stakeholders with an interest in and capacity to support and partner with national and county governments and communities.

Stakeholders include private sector, civil society, community-based organizations, universities and research institutions, media, cooperatives, small and micro enterprises, faith-based organizations and traditional leaders and their institutions. Development partners too have been extremely supportive of previous slum upgrading and prevention strategies. Their role will continue to be important into the future.

Given the diversity and multiplicity of issues that affect slum dwellers, initiatives of slum prevention and upgrading will be better implemented based on a collaborative framework with each actor being mobilized and engaged to complement Government leadership at the national and county level and community efforts at the resident areas level.

This will not only ensure greater success but also enable efficiency in resource mobilization and utilization. Figure 16 captures the roles of the key stakeholders in the implementation of the Strategy.

Figure 16: Stakeholder matrix



Source: NSUPP, 2016

6.5: UPGRADING PATHWAYS

Selection and choice of an upgrading approach to be implemented will be based on the following guidelines:

a) **County slum upgrading enablers:** County-wide slum upgrading programme requires six enablers, (i) Land Services Frameworks (Planning and Surveying), (ii) Design and Engineering services Frameworks, (iii) Tenure/Legal/ Communication services Frameworks (iv) Relocation policies and systems, (v) Community Participation Frameworks, and (vi) Housing Consolidation Frameworks.

b) **Settlement categorization**: Categorizing settlements based on the developmental pathways is a foundational activity related to the formulation of a plausible County/Municipality/Town-wide slum Upgrading Strategy and individual Settlement Upgrading Plans. The framework for this categorization will be based on the Rapid Assessment and Classification (RAC) tool (box 4).

Box 4: Settlement Rapid Assessment and Classification (RAC) tool

Settlements will be assessed for categorization using the following criteria:

1. **Land tenure status:** assess the tenure security aspects of the slum including land ownership status.
2. **Housing tenure status:** assess the tenant/structure owner ratios.
3. **Location:** assess the geographical location of the slum including aspects such as location on high risk and hazardous site, in an environmentally fragile area or within wayleaves.
4. **Level of vulnerability:** among the settlement prioritization criteria for decisions on slum upgrading at National scale, high vulnerability of communities due to the climate hazard and hazard risk shall be weighted in.
5. **Settlement density:** settlement density will determine whether relocations and/ or dwelling repositioning will be required as a component of the upgrading pathway.
6. **Scale of potential displacement of residents:** physical upgrading of the settlement should not entail large-scale displacement (and, thereby, relocation) of residents.
7. **Community Readiness/Capacity to participate in, and enable, the envisaged upgrading actions on the upgrading pathway:** participation by a community will be voluntary, and to depend on its willingness to follow a participatory process to identify priority activities. Community leaders will be consulted regarding the interest of the community in participating. The community will then be required to create and register a settlement resident association that would lead the participation of the community in the project.

c) **Slum upgrading prioritization criteria**: Large-scale slum upgrading backlogs, ongoing settlement growth and the currently slow rates of settlement upgrading completions indicate that all the counties need to approach informal settlement upgrading as a long-term programme spanning 10+years.

This, in turn requires a system to guide the selection of what upgrading actions are taken, in what sequence, in which settlements, over the medium to long term. A key component of such a system is the prioritization criteria which are applied to the selection of (i) types of upgrading actions, and (ii) the categories of settlements for upgrading (*table 5)*.

Table 5: Slum upgrading prioritization pathways.

	Typology	Upgrading Pathways
1.	Slums on High-risk zones	▪ Provide limited temporary services. ▪ Implement the resettlement/relocation upgrading.
2.	Low density slums	▪ Phase 1: Provide basic services. ▪ Phase 2: Provide tenure recognition. ▪ Phase 3: Improve level of basic services and tenure regularization based on available funding. ▪ Phase 4: Implement in-situ upgrading as appropriate

3.	Medium density slums	▪ Phase 1: Provide basic services. ▪ Phase 2: Provide tenure recognition. ▪ Phase 3: Improve level of basic services and tenure regularization based on available funding. ▪ Phase 4: Implement in-situ upgrading through re-blocking, densification, and incremental housing
4.	High density slums	▪ Phase 1: Provide limited temporary basic services preferably on site or near the slum. ▪ Phase 2: Planning and demarcation of resettlement/relocation sites. ▪ Phase 3: Develop main infrastructure, access roads, and basic services. ▪ Phase 4: Relocate households based on the resettlement plan. ▪ Phase 5: Provide tenure security. ▪ Phase 6: Develop housing

6.6: COMMUNICATION AND KNOWLEDGE MANAGEMENT

Effective communication is crucial for the timely exchange of information between various actors and participants in the slum upgrading process. It is important in creating awareness and preparing all stakeholders to take part in the implementation of planned interventions. Indeed, a clear messaging and communication strategy is required to instill discipline, and to enhance performance, transparency, and accountability with clear understanding of stakeholder roles and responsibilities.

Such a strategy is also necessary in building trust and ownership of the interventions by all stakeholders, including government agencies, donors, contractors and service providers, consultants, and local communities, as well as ensuring timely feedback and adherence to established guidelines. A clear communication strategy also helps protect against overburdening the grievance address and conflict resolution mechanisms as well as minimizing disinformation about the goals of slum upgrading.

Forms of communication will involve published project objectives, project reports, investment plans, project budgets, implementation plans, community engagement reports, monitoring and evaluation reports, partnership and financing agreements, expenditure accounting as well as feedback mechanisms though grievance and case management systems. The intended recipients for such communication will be the community, financing partners, county and national governments, the academic community, the private sector and all kinds of development partners.

Various means of communication will include staff meetings, stakeholder engagements, sensitization and validation workshops, citizens' fora, cabinet memos, policy briefs, public archives and central information and document repositories. Additional channels have included community complaints mechanisms, as well as the use of other structures defined by both national and county governance instruments. There is also widespread use of radio, television, posters, brochures, handbills, and the increasingly ubiquitous social media platforms. Chief's barazas, caretaker meetings, seminars and institutional websites have also been used to disseminate project information. Communication, learning and knowledge management will be fostered by leveraging technology to document processes and enable sharing of information, ideas, and replication of good practices.

6.7: RISKS AND MITIGATION

The implementation of this Strategy may be impacted by several risks. An effective risk assessment will be undertaken periodically to ensure that appropriate mitigation measures are taken to address and minimize or eliminate the negative impacts of the identified risks on the successful realization. The task of risk analysis and mitigation will be incorporated into the monitoring and evaluation exercise to ensure that it is continuous and leads to corrective action.

Table 6 summarizes the key risks that have been identified as having the potential of impairing the Strategy and the measures proposed to be taken in mitigation.

Table 6: Risk matrix

Risk Category	Anticipated Risk	Rating	Mitigation Measures
Financial	• Reduced resources for the slum upgrading and prevention fund due to scarcity of resources arising from economic pressures.	High	• Deepen resource mobilization from multiple sources as captured in the Strategy.
	• Changing Donor interest thus reduced support from development partners.	Medium	• Continued donor engagements: diversify sources of funding strategy including local philanthropy and private sector to complement Government and Development partners.
	• Financial Mismanagement	Low	• Capacity building for trustees of fund and implementors at national, county, and local level; regular audits by Auditor General and implementation of findings
Political Risks	• Lack of Political Will	High	• Continued engagement of political leaders on the strategy and the implementation process
	• Weak Intergovernmental Relations	Medium	• Regular discussion of strategy implementation as part of National Government and Council of Governors Intergovernmental Relations Summit
	• Interference from Elected Political Leaders	High	
	• Politicized land invasions	Medium	• Strengthen oversight role of land institutions such as National Land Commission, Land Boards, County Lands departments and local chiefs
Legal Risks	• Court Injunctions stopping or slowing implementation.	High	• Involvement of Public in implementation process and adherence to legal requirements

	• Failure of Legislature to pass required legislation	Medium	• Engage relevant departmental committee and leadership of legislature; identify champions in legislatures at national and county level.
Institutional Risks	• Inadequate staff capacity amongst implementing agencies.	Low	• Hire more resources and continue training and capacity building.
	• Silo Mentality and rivalry from Government agencies	High	• Formation of multiagency teams for implementation, political leadership
	• Disinterest from stakeholders and opposition from citizens	Low	• Continuous sensitization

6.8: KEY PERFORMANCE INDICATORS FOR M&E

The progress of the implementation of the strategy and its related activities will be constantly monitored, documented, and reported to various levels as is required by the institutional framework. Monitoring and reporting will facilitate evaluation and reviews. This shall be achieved through the following sets of activities:

a) Facilitating communities to conduct monitoring and evaluation of settlement project activities.

b) Using a centralized GIS platform on national slum upgrading and prevention.

c) Enabling the environment for other stakeholders to monitor, document, evaluate and review their own as well as partner activities within the frame of program operation, objectives, and coordination arrangements.

d) Reporting to and offering guidance from higher level program operations, objectives and coordination arrangements.

e) Convening of stakeholder's consultative meetings including communities and interrelated stakeholders

Effective monitoring of the strategy will begin at the approval stage and continue throughout the life of the strategy. Projects and programmes proposed therein will be monitored using performance measured and indicators, through direct observation and feedback from the settlement communities, partnering agencies and local administration, etc. The performance of the slum upgrading, and prevention programs will be measured according to the realization of the set objective and indicators outlined in annexed strategy result framework.

The flow of information will be managed using quarterly progress reports prepared nationally by the director of slum upgrading and prevention and at the county level by the respective directors of slum upgrading and prevention. These reports will indicate the progress made so far, and the challenges encountered in achieving the desired result.

Midterm and end term evaluation will be incorporated into the design of all implementation strategies to build upon the successes and mitigate the failures, and to provide input into the development of adaptive tools for monitoring and evaluation. This will also provide further directions on future exercises of a similar nature. The information and data collected

during the strategy duration will be documented and preserved in annual reports and will be used for reviews of the approaches undertaken if the need arises.

Table 7: Key Performance Indicators

	Strategic Targets	Tactic	Milestone
1.	Provide adequate social housing	• Development of new social housing units • Incremental housing improvements where owners live within the slums with low density. • Re-blocking and settlement restructuring to release 60% of the land for densification of social housing. • large scale private developers to contribute 20% of the social housing stock.	• 100,000 social housing unit stock delivered nationally each year. • 100,000 affordable housing units delivered nationally by the end of each year. • 5,000 social housing units in each of the counties each year • Cumulatively 2 million social and affordable housing provided by the end of the 10 years (by 2033) • 40% of urban population pulled out of slums within 5 years
2.	Provided tenure security	• Discourage individual titling in slum upgrading to more communal/collective approaches. • Develop inventory of slums.	• All the current estimated 6 million households in slums have acquired tenure security by 2033.
3.	Socioeconomic inclusion	• Mobilize communities to organize resident associations. • Community capacity building. • Support communities to join saving schemes. • Integrate livelihood enhancement aspects in all social housing schemes.	• 70% women, youth and other vulnerable groups transitioned out of slums with specialized skills and livelihood placements by 2033. • 70% of slum communities organized in membership savings institutions.
4.	Infrastructure upgrading	• Provide on-plot services used privately by households. • Provide on-site services used collectively. • Provide off-site service linkage of the upgraded slum area with the urban area wide services.	• All access roads in slum areas will be upgraded by 2033. • 100% length of upgraded reticulation systems i.e., water, sewerage, electricity, and storm water drainage by 2033 • All the 6 million households with access to quality roads, water, electricity, wastewater management, solid waste management, sanitation facilities

5.	Funding and institutional framework	• The national government to contribute 0.05% of annual national budget. • County government to contribute 0.05% of own source revenue. • 50% of housing levy to contribute towards social housing.	• Approximately Ksh 6 billion annual budget allocated for slum upgrading and prevention. • Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund restructured and operational. • Level of staffing, funding and equipping the department
6.	Capacity building of communities and counties to champion upgrading and prevention.	• Develop county specific upgrading and prevention toolkits. • Raise awareness among all duty bearers. • Build capacity of communities • Build capacity of county governments	• 47 counties with functional slum prevention and upgrading coordinating units. • 47 counties with localised slum upgrading and prevention strategies. • 47 counties with active Settlement Resident associations

6.9: LEGAL AND POLICY REFORMS

Slum upgrading as a concept is aimed at improving the lives of Kenyan citizens. It is predicated on the Bill of Rights Under the Constitution and commitments under international human rights instruments to which Kenya is a party. The Bill of Rights seeks to ensure that every person's dignity is protected and that there is equal treatment and benefits of the law. All Kenyans are guaranteed a set of rights that they are to enjoy and for which the state has a responsibility to respect, protect and fulfil. The foundational right is that of life and which links to all other rights. The basis of slum upgrading is the linkages between the right to life and the related rights to property and socio-economic rights.

The key right that underpins addressing the challenge of slums is that of housing. Article 43 of the Kenyan Constitution guarantees everybody the right to accessible and adequate housing. The obligation to ensure that the living conditions of those in slums meet this constitutional standard is vested in the state and has been reaffirmed by several court decisions. However, in practice there is tension between this right and the right to property provided for under Article 40 of the Constitution. The Constitution protects the right to property, prevents its arbitrary deprivation and provides for compensation to landowners in instances when the right is interfered with. Slums bring into fore the tension between legality and legitimacy in tenure rights. The process of regularization of tenure, and the related measures to prevent and upgrade slums are anchored on and respond to the reality that every Kenyan has the right to property.

In practice, the process of harmonization of property tenure rights and the rights to housing is critical to successes of preventive and upgrading efforts of slums. The greatest challenge in this quest is the continued tension and variance between the rights of structure owners with those of tenants. Efforts to secure one invariably impairs the enjoyment of the rights of the other. Legislative innovations are necessary to help support prevention and upgrading measures to ensure that both the slum structure owners and tenants are able to enjoy their constitutional rights. This will also reconcile property rights with the rights to housing in a manner that prevents the proliferation of future slums while enabling upgrading initiatives for the benefits of the entire population in Kenya and the different category of interest holders, ranging from structure owners, tenants, and owners of land.

A key contributor to the emergence of slums is the lack of a planning culture and adherence to plans within the Country. Article 66 of the Constitution explicitly captures the state's regulatory powers over property rights. Development control, also referred to as police power is articulated as one of the reasons for regulating the use of land. There are several reasons for exercising that power, one of which is planning with a view to ensuring order, provision of basic services, health and sustainable development.

In addition to the Constitution, there are several laws that have provisions that affect the process of slum upgrading and prevention. The key ones at the national level, include the Physical and Land Use Planning Act; County Governments Act; Urban Areas and Cities Act; National Land Commission Act; Land Act, 2012; Land Registration Act; Community Land Act; Sectional Properties Act; Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act; Public Finance Management Act; Climate Change Act; Housing Act; Rating Act; and Valuation for Rating Act. Relevant policies include the National Slum Upgrading and Prevention Policy; National Housing Policy for Kenya; National Land Use Policy; National Land Policy; National Urban Development Policy and the National Spatial Plan of 2015-2045.

Under the Constitution, there are two levels of Government, each with distinct functions. In the discharge of their respective mandates, there is the requirement for consultation and collaboration out of the constitutional design principle of interdependence. County Governments are vested with the functions of county planning and housing, making slum prevention, and upgrading part of their constitutional design. While there is a paucity of county laws and policies, several counties have adopted laws and policies on climate change, waste management, and some on rating and housing which impact on slum prevention and upgradation. Most of the counties, however, neither have dedicated laws or policies on slum prevention and upgrading nor institutional anchorage and financial allocations for the same. This is despite the clear constitutional mandate for housing vesting in county Governments under the fourth Schedule of the Constitution. The need for county specific legal and policy frameworks on slum upgrading and prevention and accompanying implementation strategies therefore is urgent.

Despite the existence of a myriad of laws and policies many citizens living in slums do not fully realize their human rights and fundamental freedoms. In addition, several slums emerge frequently leading to violation or lack of full implementation of the rights guaranteed to citizens under the Constitution. There are several gaps and limitations with the current legal and policy framework.

First, there lacks a comprehensive and dedicated law addressing the question of sum prevention and upgrading. The existing legal provisions are scattered in a myriad of statutes leading to overlaps, inconsistencies, and contradictions. An example to demonstrate this includes the lack of harmony between the interpretation and operationalization of the constitutional right to property and that to housing. While the land laws protect the right to property, the laws and policies on housing guarantee everybody a dignified and affordable living condition. The two legislative prerequisites lead to conflicts between those living in slums and those who own the land on which the slums have been erected.

The other challenge is the gaps in the law. While tenure regularization has been implemented for several years now, the Land Act lacks comprehensive provisions that would translate to secure tenure rights out of the regularization process in a manner that protects the upgrading process and prevents subsequent gentrification. While the Community Land Act has provisions that would be useful for supporting innovative registration to secure rights, including in urban dwelling, and support regularization of tenure, its provisions are yet to be tested due to the culture of preferring private tenure rights with individual title deeds. The Housing Act on its part does not fully support innovative financing and rollout of adequate housing for those living in slums. This Strategy underscores the need to rethink

the model of affordable housing and explores social housing as captured in the regulations under the Act to better respond to the housing needs of those living in slums.

The next challenge is the variance between legislative and policy requirements and reality on the ground. There is a pervasive culture of lack of full adherence to the requirements of the law. A key contributor to the proliferation of slums is the non-conformity with the planning requirements in law. The Constitution has mainstreamed participatory planning across all urban planning and development processes and closely tied it to funding allocation as per the County Urban Integrated Development Plans. The constitution and related governance, planning and financial management legislation require budgets based on plans and structured stakeholder engagement. They also make it mandatory that no development should take place on any land without being preceded by planning. However, this requirement is breached in many instances and partly accounts for the many slums that mushroom across the country.

The provisions on planning and their regulation are anchored under Article 66 of the Constitution, the County Government Act, the Public Finance Management Act, and the Physical Planning and Land Use Act which makes planning the basis for budgeting and ensures orderly development is not fully implemented. Many counties do not have approved plans in their counties and further, the planning process is not flexible or attuned to the realities of slums. The example of innovations in Mukuru once it was declared a special planning area, while supported by law is not appreciated and applied in other slums across the country.

Resolving the problem of slums requires close collaborations between national and county governments as envisaged under the Constitution. Since slum upgrading and prevention efforts started before the adoption of the 2010 Constitution, the legal and policy leadership and focus is still largely national level led and focused. Although the current programmes have implemented collaborative measures between national and county governments, there lacks an institutional design anchored in law that ensures structured coordination and collaboration in the implementation of slum upgrading and implementation. The current legal and policy framework is the lack of institutionalization of slum prevention and upgrading. Instead, initiatives have been carried out by KENSUP and KISIP, which have been created and continued to operate as projects and whose lifespan and future is predicated on the implementation of the stated projects. They lack legal anchorage and thus operate largely as short-term interventions.

The above situation continues to persist despite the recognition of the need for an institutional design embedded in law. The National Slum Upgrading and Prevention policy for example recognized that a successful slum upgrading process needs a strong political stewardship and partnership among all stakeholders. Indeed, as one of its key objectives, the Policy seeks to provide a legal and institutional framework to guide coordinated and accountable implementation of slum upgrading and prevention at national and county levels. The policy recognizes that there are limited initiatives by multiple sector players which are usually uncoordinated resulting in duplication and wastage of resources with little or no participation of slum residents.

The Policy proposed the establishment of an agency that would ensure that slum upgrading, and prevention programmes are institutionalized and undertaken thorough intergovernmental collaboration and multi stakeholder engagement approaches. However, the lack of lack of enactment of a specific law on slum upgrading and prevention has jeopardized any attempt at actualizing the provisions of the National Slum Upgrading and Prevention policy.

In the absence of an Act of Parliament establishing the institutional arrangements as envisioned in the National Slum Upgrading and Prevention policy, the challenge of institutional stewardship still abounds. Therefore, there are numerous institutions, agencies

and programs and projects that implement different aspects of slum upgrading and prevention. The key point to note that the lack of an institution buttressed by law, the government has relied on administrative directives to different government departments and agencies to carry out isolated aspects of slum upgrading and prevention. This has mainly been based on a project and programme approach. Slum upgrading and prevention in Kenya has largely been driven and championed by the national government with the support of donor agencies. Past slum upgrading has involved different institutions, programmes and projects.

These government led initiatives have adopted a relatively similar institutional approach where the program or project is domiciled in the ministry in charge of housing and urban development. In their operations they have collaborated with and even incorporated other agencies such as the Department of Physical Planning and Department of Land and Survey, National Land Commission, Council of Governors (CoG), and county governments. However, this arrangement has not been based on a clear statutory framework but mostly structured through administrative tools where respective staff are seconded to the slum upgrading initiatives.

Table 8: Summary of envisaged reforms

Number	Name	Action
1.	Land Act	Amend the Land Act to Provide for rights of structure owners in slums borrowing from the current practice in tenure regularization
2.	Affordable Housing Act 2024	Amend section 54 to reflect the need for regulations to guide the restrictions to owners of affordable housing units
3.	Housing Act	Amend the Housing Act to Capture Social Housing as Distinct from Affordable Housing, and provide for distinct roles for Department for Slum Upgrading
4.	National Slum Prevention and Upgrading Policy	Revise Policy to Capture aspects such as social housing, housing levy and institutional framework as provided in this Strategy
5.	County Slum Prevention and Upgrading Policy	Each County to develop a County Policy and Strategy to cascade the National Policy and Strategy
6.	Slum Prevention and Upgrading Trust Fund Bill	Develop a new Bill to provide for the establishment and operations of a slum Prevention and Upgrading Trust Fund
7.	Legal Notice No. 168	Amend the membership of the Kenya Slum Upgrading, Low-Cost Housing and Infrastructure Trust Fund to reflect devolved governance system
8.	County Housing and Slum Upgrading Bill	Legislative Framework at the County level for Slum Prevention and Upgrading including provisions on mandate for counties, county institutional arrangements, Settlement Resident Associations
9.	Adaptive Planning and Standards Guidelines	Develop and gazette Adaptive Planning and Standards Guidelines
10.	Tenure Regularization Guidelines	Develop, Adopt and Gazette Tenure Regularization Guidelines
11.	KISIP 2	Restructure the approach for delivery of tenure regularization under KISIP 2 to

		discourage provision of individual titles to more collective approaches that also assure government of its role to facilitate housing provision

APPENDIX: ACTION PLAN

Objectives	Strategies/ Activities	Outputs/Results	Indicators *(measure)*	Actors	Timeframe	Cost per annum Sh. Billion
1. To inculcate a culture of land use and development planning that is responsive, adaptive and inclusive	Prepare countrywide inventory of slums	• Database on slum settlements Profiles	• Number of Slum profiles prepared per county.	National Slum Upgrading and Prevention Department Council of Governors County governments Settlement communities	Short Term	3
	Prepare, approve and implement slum upgrading plans that are responsive and adaptive	• Slum upgrading and prevention programs and projects. • Slum upgrading development plans prepared by counties	• Number of plans prepared. • Number of plans approved. • Number of plans implemented. • Amount of Funding available	County governments Settlement communities	Short Term/ Medium Term	10
	Develop and gazette adaptive and responsive planning standards and guidelines	• Adaptive and responsive planning standards and guidelines gazetted and adopted by counties.	• Adaptive and responsive standards and guidelines prepared and gazette by National Government • Number of counties that have adopted the standards and guidelines	National government Council of Governors County governments	Short Term	01
	Designate slums as special planning areas	• Slum areas designated as special planning areas.	• Number of slums designated as special planning areas per county	County governments	Short Term & Medium	0.86
	Build the capacity of national and County slum upgrading departments, city and municipal boards and town planning departments	• Capacity build for national and county SUP, Boards, Committees, and Town Planning Departments	• Number of planning departments equipped and staffed as per approved establishment in each county	National government Council of Governors County governments	Short Term/ Medium term/ Long Term	1.0
	Collaborate with local administration and resident associations to provide	• Local administration and resident associations	• Number of counties with development control reporting frameworks	County governments	Short Term/ Medium Term	4

	surveillance and adherence to development control standards	sensitization to provide surveillance and adherence to development control standards	• Number of grievances reported. • Percentage of grievances resolved		and Long Term &	
	Engage legislatures to approve plans and allocate budgets for implementation	• Plans approved and budgets allocated.	• Number of plans approved by county assemblies. • Percentage of county budget allocated for slum upgrading implementation	County governments	Short Term/ Medium Term	1.3
2. To provide security of tenure for persons living in slums	Institutionalize innovative tenure options including block titles, communal tenure and certificates of occupancy	• Innovative tenure options Institutionalized.	• Number of slum households who have acquired tenure security	County governments	Short Term	3
	Support negotiated settlements between private landowners and occupiers	• Negotiated settlements between private landowners and occupiers	• Number of slum households settled through negotiated agreements for slums on private land	County governments	Medium Term and Long Term	4.7
	Sensitize Communities on land rights and alternative dispute resolution mechanisms	• Sensitization on land rights and ADRM	• Number of disputes reported and resolved through ADR per county.	County governments Judiciary Local administration	Short Term/Medium Term	0.12
	Develop a beneficiary digital mapping and inventory database	• Database on beneficiaries of slum upgrading	• Number of beneficiaries	National Slum Upgrading and Prevention Department County governments	Short Term and Medium Term	1.6
	Secure public land to facilitate social housing and resettlement	• Public land secured for social housing	• Acreage of public land available for social housing	National government National Land commission County governments	Short Term/ Medium Term	0.52
	Develop and gazette land tenure regularization guidelines	• Gazetted land tenure regularization guidelines in place	• Land tenure regularization guidelines developed at the National level and adopted at the County level	National Government County governments	Short Term	0.214

	Promote the use of Social Tenure Domain model to protect the interests of tenants	• Social Domain Model adopted by counties	• Number of counties adopting STDM • Number of slum dwellers benefitting from STDM	County government Communities Civil society	Short Term/ Medium Term and Long Term	0.21
3. To provide adequate social housing for vulnerable groups	Set aside and preserve land for social housing (same as 2.4)	• Land for social housing set aside and preserved.	• Acreage of land preserved for social housing	National Government National land Commission Council of Governors County Government	Short Term/ Medium Term	0.52
	Construct social housing for rental (at least 30% of all new public or PPP housing)	• Social housing for rental constructed.	• Number of social housing unit stock	National government Council of Governors County governments	Short Term and Medium term	7.6
	Advocacy to promote uptake of social housing	• Social housing promotional material in place.	• Number of counties adopting social housing • Availability of policy documents supporting implementation of social housing	County governments	Short Term and medium Term	0.5
	Adopt use of Appropriate building Materials and technologies (ABMTs)	• Adoption of ABMTs by counties. • Establishment of ABMT production centres in the counties.	• Number of ABMTC • Types of ABMTs approved by Kenya Bureau of standards. • Number of buildings developed by ABTMCs	County governments National Construction Authority KEBS Community	Short Term/ medium Term/ Long Term	7.22
	Promoting housing cooperatives for improved access to social housing	• Housing cooperatives adopt model of social housing	• Number of housing cooperatives adopting the model for social housing per county	State department of Cooperatives Cooperatives	Short Term/ medium Term/ Long Term	2.1
	Setting a percentage of affordable housing projects for social housing	• Policy on Social housing Stock established	• Proportion of social houses built over other housing typologies	National Government Council of Governors County governments Community	Short Term	0.64
4. To upgrade infrastructure & social amenities	Develop and gazette appropriate and adaptive standards for the provision	• Use of adaptive and responsive standards and guidelines	• Gazetted standards and guidelines	National government Council of Governors County governments	Short Term	0.5

	of infrastructure and facilities.		• Number of upgrading plans prepared based on the guidelines			
	Adopt participatory planning in determining priorities to enhance the capacity of existing facilities and to carter for the demand within settlements.	• Involvement of communities and stakeholders in planning	• Number of communities and stakeholders involved in infrastructure upgrading	National government County government Settlement communities	Short Term/ Medium Term / Long Term	0.47
	Establish public-private partnership in the delivery, maintenance and management of infrastructure investments.	• Public private partnerships established and implemented	• Number of active public private partnerships developed. • Number of infrastructure projects implemented through PPPs	National government Council of Governors County governments Private sector Service providers Settlement communities	Short Term/ Medium Term / Long Term g	0.2
	Construction of new and upgrading of existing roads; water, sewerage and storm water reticulation; sanitation facilities; electricity distribution as well as social amenities	• Improved state and access to roads and linkages; water, sewerage and storm water drainage infrastructure; sanitation facilities; electricity as well as social amenities	• Length of roads upgraded. • Length of upgraded reticulation systems i.e., water, sewerage, electricity, and storm water drainage. • Number of sanitation facilities constructed. • Number of social facilities constructed or upgraded. • Number of households with access to quality roads, water, electricity, wastewater management, solid waste management, sanitation facilities	National government County governments Development partners Service providers Settlement communities	Short Term/ Medium Term	5.1
	Allocation of specific budget lines for upgrading and maintenance of infrastructure	• Budgets developed for capital infrastructure projects and maintenance.	• Percentage of budgets allocated for capital infrastructure projects and maintenance.	National government Council of Governors County governments Development partners	Short Term/ Medium Term	5.1

	Establish community-led project maintenance committees and build their capacity to oversee and undertake infrastructure maintenance.	• Adoption of maintenance responsibilities in communities	• Number of periodical maintenance inspections • Number of active community-led maintenance committees formed. • Number of infrastructures with high levels of service	National government County governments Service providers Civil society Settlement communities	Short Term / Medium Term	0.04
5. To mainstream climate change and environmental stewardship in slum upgrading	Prioritize allocation of resources to climate-proof infrastructure, adaptation planning and implementation	• Effective development control • Adoption of climate resilient infrastructure and planning	• Number of settlements implementing use of climate proof infrastructure • Number of slums relocated from environmentally sensitive areas. • Number of slums (and number population respectively), in which the quantified climate risk and vulnerability level has reduced. • Percentage of upgrading interventions that have been selected and engineered under the aspect of minimizing adverse impact on Climate Change (*Target: 60 % (2028), 100 % (2033)*	National government Council of Governors County governments Settlement communities	Short Term/ Medium Term	7.22
	Strengthen disaster response and build capacity to support mitigation	• Capacity for disaster response built at all levels. • Reduced number of settlements affected.	• Percentage of budget going towards disaster response and mitigation • Number of active units established for disaster response and mitigation	National government Council of Governors County governments	Short Term/Medium Term / Long Term	1.7

	Adopt clean and greener sources of energy	• Clean and greener sources of energy adopted	• Number of households adopting use of greener sources of energy	National government County governments Private sector Settlement communities	Short Term / Medium Term	3
	Regular cleaning of rivers, dams and open drains within slum areas	• High quality of environment and cleanliness i.e., rivers, dams and open drains	• Number of slums involved.	County government Settlement communities	Short Term/ Medium Term	10
	Develop a solid waste management strategy for each major city and town/municipality.	• Improved solid waste management	• Level of implementation of solid waste management strategies	National government County governments	Short Term/ Medium Term	0.05
	Devise community led SWM solutions.	• High quality of environment and cleanliness	• Number of active community-based groups involved in SWM • Number of households with access to SWM	County government Service providers Settlement communities	Short Term and Medium Term	0.04
6. To promote participatory and collaborative approaches/practices for comprehensive slum upgrading and prevention	Institutionalize participatory planning in slum upgrading initiatives	• Stakeholder involvement in slum upgrading initiatives.	• Extent of involvement of stakeholders in upgrading initiatives • Feedback from participants in slum upgrading workshops	National Government Council of Governors County Government Community	Short Term/ Medium Term/ Long Term	0.55
	Capacity building for participatory planning among stakeholders	• Programs to empower community. • Adoption of skills enhanced in planning	• Involvement of stakeholder in planning • Number of stakeholders trained on participatory planning processes.	National Government Council of Governors County Government Community	Short Term/ Medium Term/ Long Term	0.47
	Enhance peer to peer learning and exposure	• Peer to peer learning enhanced	• Number of peer-to-peer visits and programs • Documentation of lessons learnt from peer-to-peer visits programmes	National Government County Government Community	Short Term/ Medium Term/ Long Term	0.047
	Organize multistakeholder consultative forums	• Multistakeholder consultative forums	• Number of functional multistakeholder fora in place	County Government Settlement communities	Short Term/ Medium	0.094

					Term/ Long Term	
	Engage legislators on slum upgrading and prevention initiatives	• Awareness of legislators on slum upgrading and prevention	• Number of policy gaps identified. • Number of projects financed through ward/constituency development funds and other sources	National Government County government Community	Short Term/ Medium Term/ Long Term	0.094
	Develop and implement county participation policies, laws and strategies	• County participation policies, laws, and strategies in place	• Responsive policies, legislation, strategies, guidelines and plans amended, approved and implemented for slum upgrading.	County government Council of Governors Community	Short Term/ Medium Term/ Long Term	0.47
	Integrate slum upgrading plans with county spatial and sectoral plans	• Integrated plans in place	• Number of Integrated slum upgrading plans in CIDPs • Number of Integrated slum upgrading plans in CIDPs implemented	County government Community	Short Term/ Medium Term/ Long Term	1.0
	Encourage and recognize community engagement	• Community engagements taking place	• Improved voluntary community engagements i.e., Volunteer groups • Extent of community ownership of projects	County government Community	Short Term/ Medium Term	0.094
7. To harness diversified and sustainable resource base for slum upgrading and prevention	Allocation of specific budget lines for slum upgrading and prevention to the slum upgrading trust fund	• Slum upgrading Fund under trustee established. • Grants allocated for slum upgrading and prevention.	• Percentage of budget allocated for slum upgrading and prevention • Establishment of the slum upgrading trust fund • Expenditure against the planned budget	National Government Council of Governors County government Community	Short Term/ Medium Term/ Long Term	5.0
	Establish and implement public-private partnerships for slum upgrading and prevention	• Public-private partnerships established and implemented.	• Number of PPPs/ bilateral/multilateral arrangements established.	National Government County Government Civil society Community	Short Term/ Medium Term/ Long Term	0.2

	Mobilize funds from bilateral and multilateral financing arrangements	• Bilateral and multilateral financing for slum upgrading established	• Amount of funds mobilized through PPPs and bilateral/multilateral arrangements	National Government County Government Bilateral and multilateral agencies	Short Term/ Medium Term	0.2
	Leverage capital market instruments including County and Municipal bonds; and REITS	• Capital market instruments for slum upgrading in place	• Amount of funds raised through capital markets	National Government County Government Community	Short Term/ Medium Term	0.2
	Promote Land value capture in support of slum upgrading and prevention	• Share of Land value capture dedicated to slum upgrading established	• Amount of funds mobilized through Land value capture	National Government County Government Community	Short Term/ Medium Term	0.047
	Support development of active micro-finance organization including SACCOs etc.	• Active micro-finance organizations in slum upgrading.	• Number of micro- finance institutions established. • Number of slum dwellers in active micro finance organizations • Amount of funds mobilized • Amount of funds accessed by slum dwellers	National Government County Government Civil society Community	Short Term/ Medium Term	0.94
	Encourage and recognize community contributions in kind	• Community contribution towards slum upgrading initiated.	• Amount of land, time and utility spaces donated by communities for upgrading projects	Community	Short Term/ Medium Term	0.094
8. To promote sustainable livelihoods for persons living in slums	Incorporate a livelihoods component in all slum upgrading interventions	• Income generating activities incorporated in SUP	• Number of persons engaging in income generating activities	National Government County Government Vocational institutions Community	Short Term/ Medium Term	0.47
	Training and skills development for youth, women and other vulnerable groups etc.	• Training and Skill development programs	• Number of women, youth and other vulnerable groups with specialized skills within slum community	National Government County Government Vocational institutions Community	Short Term / Medium Term	0.094

	Educate beneficiaries on savings culture and investments in alternative livelihoods opportunities	• Training programs on savings and investment	• Amount of money saved by communities.	National Government County Government Micro-finance institutions	Short Term/ Medium Term	0.047
	Operationalize local savings groups, SMEs and table banking	• Local savings groups established	• Membership in savings institutions	National Government County Government Micro-finance institutions	Short Term/ Medium Term	0.047
	Sensitization on drugs and substance abuse	• Programs on sensitization on drugs and substance abuse • Support groups established	• Number of persons sensitized and rehabilitated. • Functioning rehabilitation facilities and rescue centers • Number of victims supported by support groups	National Government County Government Community	Short Term / Medium Term	0.047
	Promoting access to Markets for locally produced products	• Market for locally produced products established	• Extent of markets linkages • Volume of locally produced goods sold	National Government County Government Business Community	Short Term/ Medium Term	0.094
9. To establish an effective multistakeholder institutional framework for slum upgrading and prevention aligned with devolved framework of governance	Enhance and support the National department responsible for slum upgrading and prevention	• National Department of Slum Upgrading and Prevention enhanced	• Level of staffing, funding and equipping the department	National Government Council of Governors	Short Term	2.2
	Develop a legislative framework for the Kenya slum prevention and upgrading trust fund	• Legislation for Kenya SUP Trust Fund in place	• Legislation on slum upgrading and prevention trust fund	National Government Council of Governors County governments	Short Term/ Medium Term	0.16
	Operationalize the Kenya slum prevention and upgrading Trust fund	• Trustee for Kenya SUP Trust Fund established.	• A functional Trust Fund • Extent of intergovernmental coordination • Amount of funds mobilized and disbursed	National Government Council of Governors County governments	Short Term/ Medium Term	5.01
	Support the establishment of settlement Resident Associations	• SRA established	• Number of active Settlement Resident associations	National Government County Government Community	Short Term/ Medium Term	0.04

	Establish County slum prevention and upgrading coordinating units in every county	• Coordination Units for SUP established in every county	• Number of counties with functional slum prevention and upgrading coordinating units	National Government County Government	Short Term/ Medium Term	0.03
	Support inter-county slum upgrading initiatives	• Support provided for inter-county SU initiatives	• Number of intercounty slum upgrading projects	National Government County Government	Short Term/ Medium Term/ Long Term	0.03
	Support establishment of partnership and networks in slum upgrading and prevention	• Partnerships and networks for SUP established	• Number of partnerships	Development partners Community Civil society Private sector County Governments National Government	Short Term/ Medium Term/ Long Term	0.04
TOTAL						**101.33**

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