Managing conflicts in slums within a relocation project. Case study of Soweto East, Kibira, Nairobi

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MANAGING CONFLICTS IN SLUMS WITHIN A RELOCATION PROJECT. Case study of Soweto East, Kibera, Nairobi.

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Introduction

In developing cities, many slum dwellers have settled down in valuable road and railway reserves due to the lack of affordable housing. In Nairobi, the railway line which passes at the edge of Kibera has been heavily encroached upon. Willing to expand the national railway network, Kenya Railway Corporation (KRC) faced the challenge of recovering the space occupied by slum dwellers. The expansion being funded by the World Bank[1], KRC was not allowed to simply evict the population. However, with the support of Pamoja Trust, a Kenyan NGO working in informal settlements, KRC decided to develop and implement a Relocation Action Plan (RAP) to move the 9005 project-affected persons (PAP) in Kibera and Mukuru, from the reserve to newly built houses few meters away.

Nevertheless, implementing large relocation projects in informal settlements can be particularly difficult. Indeed, slums are often characterized by complex and tense relations. Kibera is no exception, as the settlement has known various episodes of violence such as the post-election conflict in 2007-2008 or more recently the clashes around the National Youth Service program in 2015[2]. The case of the Railway RAP in Soweto East, a segment of the railway line in Kibera, is interesting to study as it provides the example of a rather successful relocation project implemented in a slum. In Soweto East and Laini Saba, 1680 residential units and 1740 business units as well as an underpass are being constructed. This article wishes to contribute to the better understanding of informal structures in Kibera and their interaction within large urban projects. Based on 18 interviews of implementing staff, community members and KRC engineers as well as participative observation, this article will look at how the project reveals intertwined conflicts in Soweto East and to some extent in Kibera and how such conflicts were apprehended to minimize the risk of obstruction or violence.
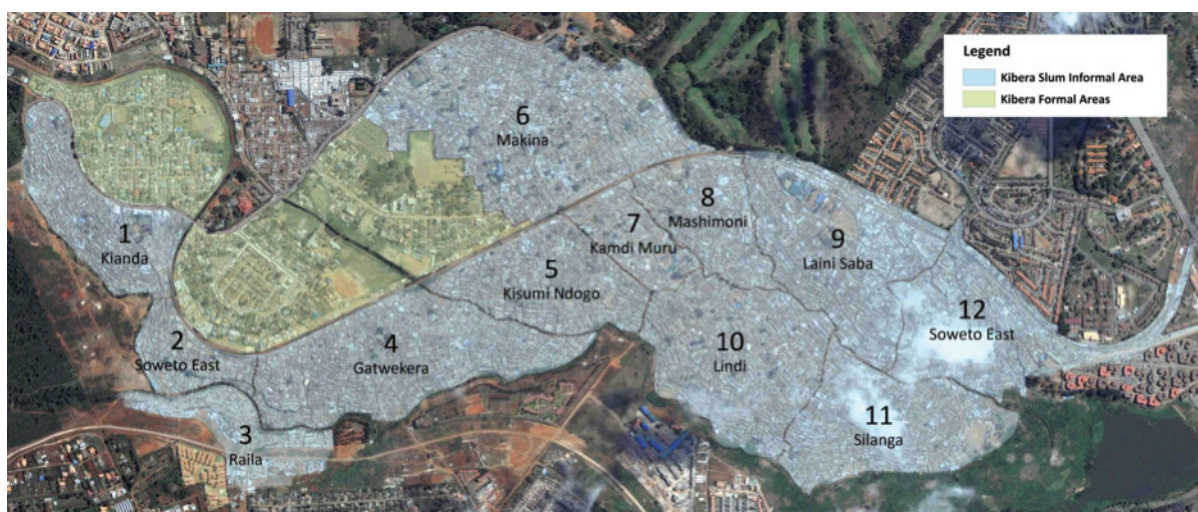
Map of the railway line in Kibera (one error, N°2 is Soweto West)
Source: Research Centre of the Slovenian Academy of Sciences and Arts.

1. Out of the total cost of the project (82 million USD), the World Bank is providing 38 million, the Ministry of Transport 38 million and KRC 6 million.
2. Kibera groups in fight over projects'', Daily Nation, 23 June 23 2015.

The complex and tense land tenure claims in Kibera

The RAP originated from the need of KRC to recover the railway reserve, which has been largely encroached upon by slums dwellers. This land has a complex history of ownership, revealing the controversial use of urban land in Kenya by political leaders. The land around the railway lines does not formally belong to KRC; it is public land reserved for railway operation and maintenance. Part of the surrounding territory was informally granted to the Nubian community, descendants of the Sudanese soldiers at the beginning of the 20th century. However, from the 70's, a large influx of people arrived from all over Kenya to Kibera settling down on the railway reserve and Nubian territory (de Smedt 2009a).

Such an expansion was condoned by local authorities and traditional chiefs who progressively allocated land to newcomers. One community member, who arrived in the 80's, described the process through which he was granted the permission to construct a structure in Kibera: *"Yeah, by then, whoever was concerned as elder of the village, he was the one concerned with the railway line kind of land. So some of us we were asking can you give me a portion where I can put a structure. He said well thank you, but you bring something small. So we were giving him or whoever that person was, who was by then the chairperson "Kitu kidogo" [something small][3].* Such testimony is consistent with the well-known phenomenon of land-grabbing in Kenya (Obala and Mattingly 2014), whereby private entities seized large portions of the country's public land. Yet, at the individual level, many slums dwellers constructed their wealth and patrimony by progressively building structures and renting them out (Goux 2003).

However, when KRC decided to concession the railway line in 2004, the massive encroachment on the railway reserve became a major issue. Obliged to clear the space, KRC asserted its claim over the land, disrupting the informal organization put in place and generating numerous conflicts. As one of the KRC's engineer put it *"It was not about the people around here […], these people don't get here by themselves, they go through the chief, the DC, so we were not fighting the people who are actually living cause they would say, I have been given this by the DC, so you find you are fighting the district commissioner, the provincial administration, the chief. So those are people who are involved in allocating someone else's piece. […] These are powerful groups. So even today you cannot go there put up a structure."*

The RAP project jeopardized the informal cartels, which are mainly constituted of the political and administrative authorities, the traditional leaders and the structure owners. Indeed, KRC was to destroy their structures ie. their source of income and of political influence in the settlements. Many structure owners and leaders gained an important power over their tenants as they could chase them away easily thus forcing them to remain loyal (Goux 2003). Such power could also be used by political leaders to gain votes and mobilize people. To make it worse, the government of Kenya was very reluctant to compensate absentee structure owners ie. people who own structures but do not live on the railway lines. It argued that they had already recovered their money and that they had collected income illegally without paying taxes. Within the RAP, absentee structure owners are thus only entitled to financial compensation but not to a housing unit. This difference of compensation was negatively received by absentee structure owners who organized themselves and opposed the RAP, but without really managing to change their compensation scheme.

In addition to the land claims of the informal cartels, the Nubian community saw the RAP as intruding on their ancestral land. Indeed, after independence, most of the land granted to the Nubians had been informally allocated to newcomers from different ethnic communities. In the absence of formal title deeds, the Nubian community was unable to stop the land allocation (de Smedt 2009a). Since then, the Nubian community has been demanding a formal and legal recognition of its rights over part of the Kibera territory. Within the RAP, the Nubians have constantly asked to be considered and consulted as beneficiaries in the segments of Mashimoni and Kisumu Ndogo areas. To discuss their claims, a seminar was organized by REMU, the Railway Implementation Unit, with the Kenyan Nubian council of elders where it was agreed that more Nubians would be included in the community structures. One of Pamoja Trust's staff working on the RAP explained the conflict in these terms:

"The conflict about Nubians as it was the Nubians have always laid claim for ownership of the entire Kibera. […] And so when it came to projects in Kibera, they would see them as sometimes as interference on their land or rather as also they want to, by virtue of the claim they lay on the land, they also want to benefit from whatever project, regardless of whether it is targeted for them or not. […]. They were even flouting that from every 5 PAPs, the ratio should be 2 Nubians and 3 non-Nubians."

People carrying their baskets on the day of relocation in Soweto East, September 2015@Adèle Charbonneau

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[3] . Who was the recipient of the money is not very clear in the quote, but it seems to have been the traditional local chief or one local political authority.

Structure owners versus tenants, negotiating compensation

The process of land grabbing described earlier created a long lasting division in Kibera between two categories of people: the structure owners and the tenants. Jane Weru, the former executive director of Pamoja Trust, stated in her interview that 92% of slum dwellers in Kenya are tenants. Such division has been manipulated by political leaders to consolidate their domination. Conflicts between structure owners and tenants in Kibera have been progressively ethinicized (de Smedt 2009b, Goux 2003). Indeed, before 2007-2008, structure owners were overwhelmingly Kikuyu while tenants were mostly Luo, both communities vying for power at the national level. Luo tenants had been arguing since 2001 that rents were too high and denouncing the economic and political domination of the Kikuyu. Politicians such as Raila Odinga were keen in using those quarrels to gain votes and mobilize the youth in the settlements. Such conflict came to a climax in 2007-08 when violence erupted and more than 1,100 people died and 350,000 were displaced all over Kenya (de Smedt 2009b, 581). In Kibera, the post-election violence triggered a re-organization of the power structure; many Kikuyu landlords were chased away by Luo tenants who took over the structures and became de facto owners. Henceforth, the power balance in Kibera shifted, particularly in the segments of Gatwekera, Kisumu Ndogo and Kianda. Luo structure owners started establishing alliances with the local political leaders to the detriment of tenants. As one of the engineers explains it: *"Yes poverty can be used to get votes so if you are poor as a tenant, you have nothing of your own, you are vulnerable to evictions but if I have my own house that becomes a non-issue to me and my family. You can't evict me."*

The RAP project was implemented in such a complex context. Yet, it acknowledged from the beginning different interests be it between structure owners and tenants or between residential, business and institutions uses. Such understanding and recognition of the situation helped mitigate the ongoing conflicts. The RAP did not repair the damages done by the post-election violence but its principle of 1 PAP equals 1 unit contributed in cooling down tensions. Structure owners living along the lines benefit from 1 housing unit, regardless of their original number of structures. They are also financially compensated according to the number of their structures. Tenants on the other hand get one housing unit. Such principles set up earlier by Pamoja Trust emanated from the realization that tenants were the most vulnerable population as they were the ones living in the worst conditions (Weru 2004). However, that arrangement was not easily accepted and as many interviewees testified, it required continuous negotiations with the local communities especially structure owners whose multiple units were not considered for compensation.

The creation of community structures integrating both categories contributed to the reduction of tensions. From my interviews, it appears that the ethnic dimension of the conflicts was partly neutralized. Such a claim must be nuanced by the fact that I conducted interviews mainly in Soweto East, which is ethnically less polarized compared to segments such as Kianda or Gatwekera. The project shifted the distinction from ethnic or economic groups to being a beneficiary or not. The list of PAP was developed after enumeration and verification and counted every person living along the railway line before the cut-off date. One of the REMU staff described the attitude used by the team leader to evaluate an individual request: *"He will treat people equally despite the tribe, the class, all people tenants and structures owners are always treated equally. And what he always refers to is the data."* In addition, the composition of the community structures as well as the REMU team seem to have included various ethnic groups, diminishing the potential claims of ethnic bias.

Yet, the project did not escape claims of irregularities during enumeration. Many interviewees testified of the numerous conflicts arising during the counting process. Common stories are related to tenants presenting themselves as structure owners and vice versa and people being absent during enumeration. Most of the issues were settled during the process of verification of data, which was presented to the communities or through the three-tier grievance mechanism. The grievance process allows claims to be raised and referred to the grievance segment committee, composed of community members supported by a REMU law clerk. Each case is heard and investigated according to a pre-established questionnaire and a decision is made and communicated to the concerned individuals.

The new units in Soweto East, Kibera, January 2016@Adèle Charbonneau

Power relations and corruption

The RAP project, being one of the few successful government projects within Kibera, attracted a lot of attention and envy from exterior actors trying to benefit. There were continuous attempts by political leaders to be included in the list of beneficiaries or to acquire large number of units to redistribute to their electoral support. For example, politicians would frequently call REMU leaders to ask if they could get houses in exchange of their support. As a KRC engineer explained: *"But more important to the politician, he would like to be the one to get the credit of giving out the houses. That way he gets fruits because he has given something. [...] Of course he wants to give to his supporters."*

The solutions found by the staff to counteract this negative influence were quite simple. They had to be firm on the project principles while maintaining a dynamic of awareness creation and sensitization among the political leaders. Yet, as the railway engineer puts it *"That one, you know for us we get our instructions from KRC, if KRC tells us we give 300 units to the MP for Makadara [Mukuru], we do that. But KRC is not prepared to negotiate with them."*

Apart from politicians and their desire to gain votes, the project highlighted conflicts within the community (Rigon 2014). A hierarchy was created among the community structures to organize their work. At the highest level, the chairman of the segment is the head of the segment executive committee (SEC). He or she is seconded by a vice chairman. Then in each segment, cluster leaders are responsible for the neighborhood level. In parallel, the federation of slum dwellers Muungano Wa Wanavijiji is headed by a chairman as well as the federation of railway dwellers Ngazi Ya Chini. Such groups can get into battles to gain influence or money. For instance, I attended a meeting marked by a conflict between the SEC chairman and his vice chairman, the latter trying to create a competing community cooperative for its smaller estate and thus collecting the community fees. Yet the RAP only recognizes one community organization for each segment, the vice chairman was thus asked to join the acknowledged cooperative.

Throughout the political conflicts, one similarity remains: the importance of rumors. (Osborn 2008; De Feyter 2015) For instance, many stories circulated of agents or local leaders illegally selling houses to people. To counter such practices, the implementing team continuously conducted meetings and public baraza, each staff being allocated a particular segment to facilitate trust and exchange. The location of the REMU office, near the Kibera Railway Station, also guaranteed certain proximity. Finally, the team decided to hang a paper in their office stating that they did not sell houses. The KRC engineer explained the decision: *"That's why we have the paper at the entrance, we are not selling cause people have said they have bought and they are coming here to ask. […] They think there is an office running that where they can say, I have paid the house, where are the papers?"* Considering the complex political context and the numerous claims, the REMU leaders also expressed their will to finish the project before the beginning of the electoral campaign: *"That is why we must finish as soon as possible cause by, anything past June 2016, that will be campaign time and a lot of political activities can start happening, a lot of political interference can affect a project"*

Conclusion

The RAP project was implemented in a complex environment characterized by numerous and intertwined conflicts from land issues, to economic and political clashes. Yet, despite those tensions, most beneficiaries I have interacted with, had a positive opinion of the project. What matters most for them was that PAPs were actually relocating to the new houses. A community member expressed her feelings the day of the relocation in Soweto East: *"Now I am happy, what you have done for me, you have not ashamed me. I was dumped by the husband, just imagine. I thought that Railway, Kenya Railways they are going to just throw me away with my iron sheets. But now, I am very happy."*

The risk of obstruction was partly mitigated by constant campaigns of awareness creation and dialogue within the community and the political stakeholders, by the efficient community structures and the stringent criteria of eligibility. In that sense, the implication of actors such as Pamoja Trust helped in the good apprehension of the community and in the neutralization of those conflicts. As Jane Weru expresses it: *"In all settlements, there are groups and sub-groups and complex micro-politics that may act to exclude or hide some of the poorest households. Not all community processes are positive, and while surveys are being undertaken, mediation and negotiations are needed to ensure everyone is included – this is a vital role of the larger federation and the NGOs that assist such activities"* (Weru 2004, 54). Finally, the constraint of KRC to get the space back for developing the railway lines without evicting the population guaranteed a strong and continuous political and administrative will from the government.

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Bibliography:

de Feyter, Sophie. "'They Are like Crocodiles under Water': Rumour in a Slum Upgrading Project in Nairobi, Kenya." *Journal of Eastern African Studies* 9-2 (2015): 289–306.

de Smedt, Johan. "'Kill Me Quick': A History of Nubian Gin in Kibera." *International Journal of African Historical Studies* 42-2 (2009a): 201–20.

———. "'No Raila, No Peace!' Big Man Politics and Election Violence at the Kibera Grassroots." *African Affairs* 108-433 (2009b): 581–98.

Goux, Marie-Ange. "Guerre Des Loyers Dans Les Bidonvilles de Nairobi." *Politique Africaine* 91-3(2003): 68-82.

Obala, Luke M., and Michael Mattingly. "Ethnicity, Corruption and Violence in Urban Land Conflict in Kenya." *Urban Studies* 51-13 (2014): 2735–51.

Osborn, Michelle. "Fuelling the Flames: Rumour and Politics in Kibera." *Journal of Eastern African Studies* 2-2 (2008): 315-327.

Rigon, Andrea. "Building Local Governance: Participation and Elite Capture in Slum upgrading in Kenya." *Development and Change* 45-2 (2014): 257–83.

Weru, Jane. "Community Federations and City Upgrading: The Work of Pamoja Trust and Muungano in Kenya." *Environment & Urbanization* 16-1 (2004): 47–62.