

TOWARDS THE JUST CITY IN KENYA

POPULAR VERSION



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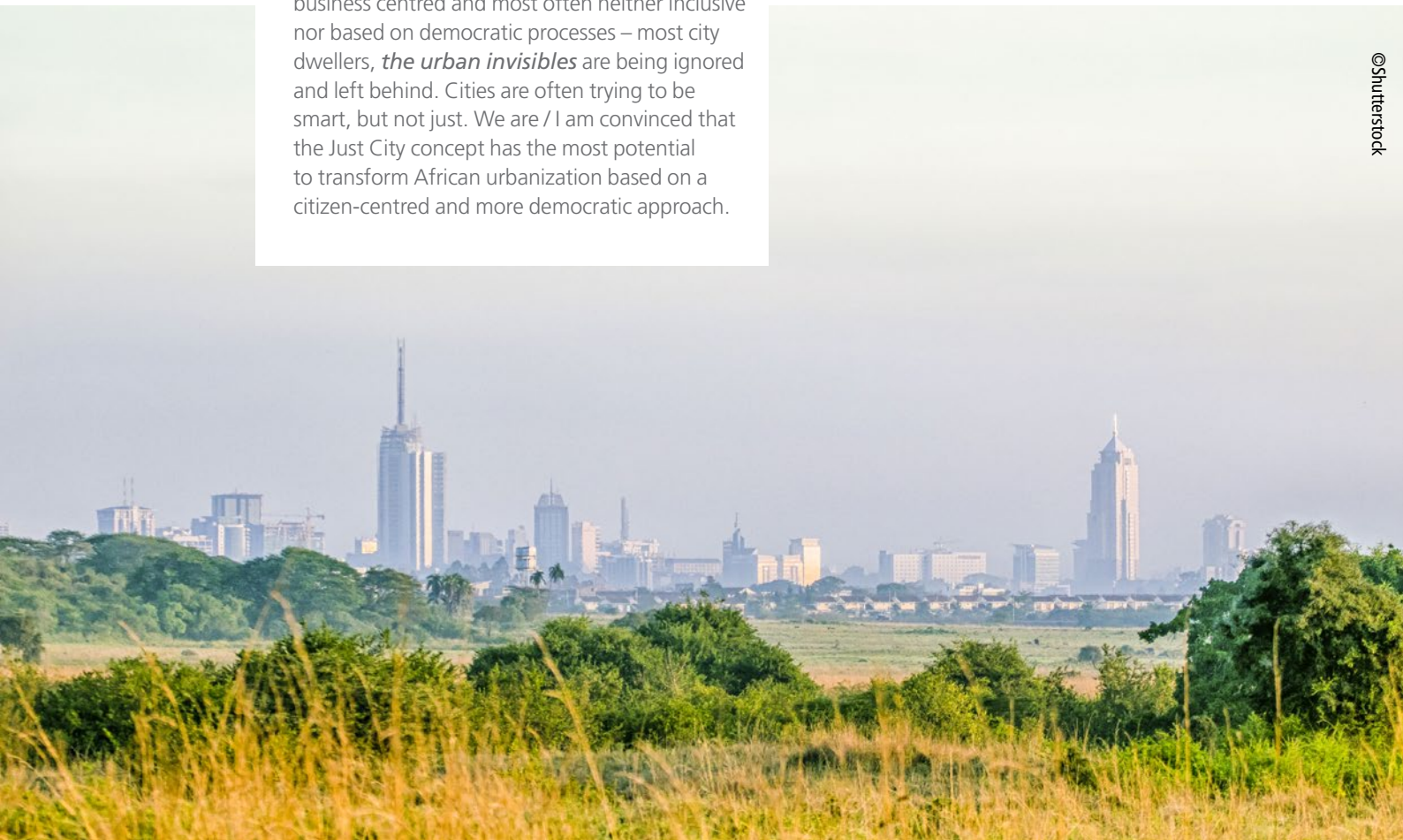
The Just City in the Kenyan Context

Background

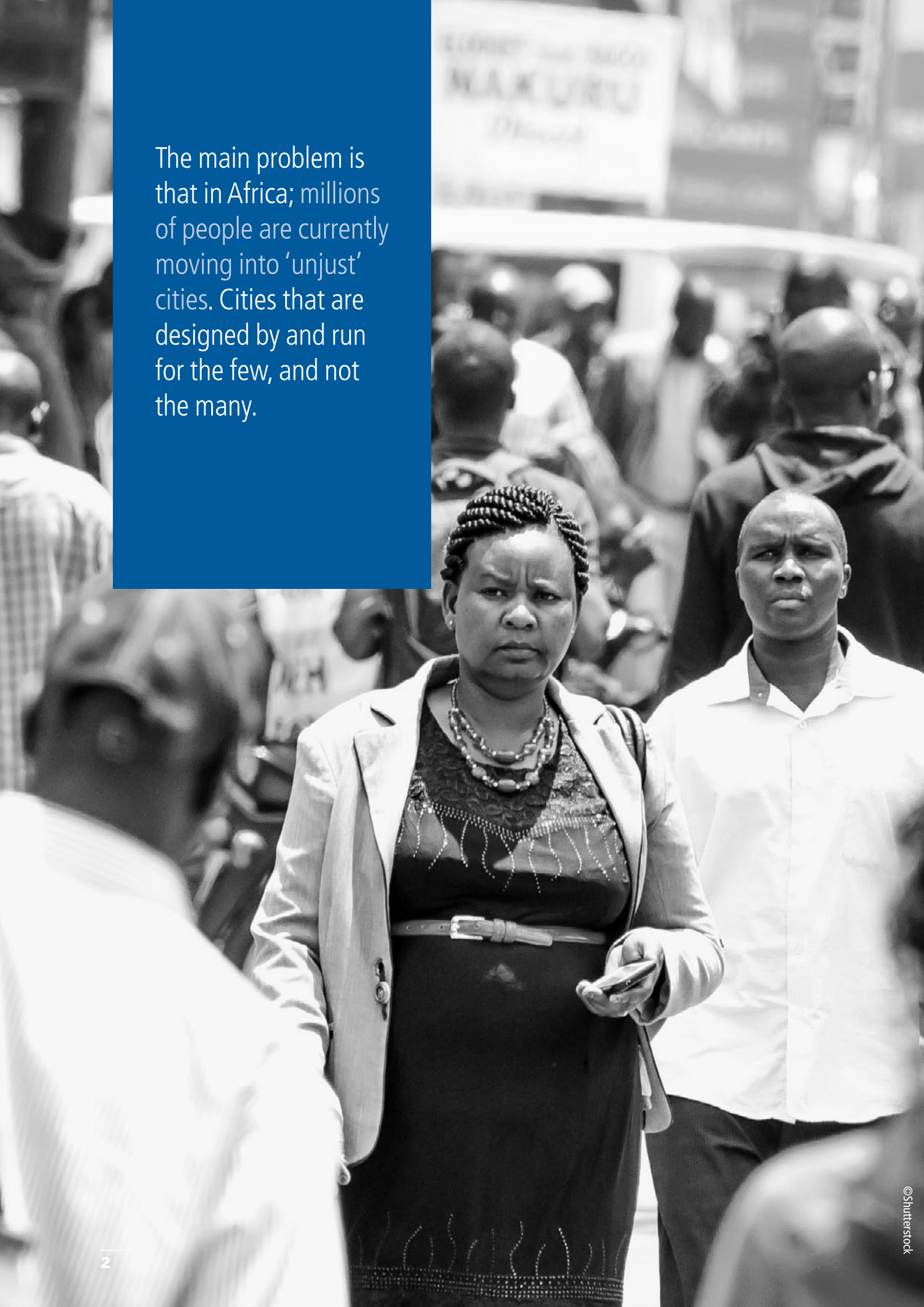
Urbanization comes with many opportunities, not necessarily challenges only. It's an opportunity for citizens to improve their living conditions, an opportunity for them to access public goods and public services, be it health care, education or housing. But it's also perceived as an opportunity to find a job, to support a family and to make sure, that the future of the next generation will be a better one. So, Urbanization in Africa is linked to hopes, the hopes of many.

In the next 25 years, Africa's urban population will double. By 2040, the majority of Africans will be living in cities. By 2050, more than half of Kenya's population will be urban. The main problem is that in Africa; millions of people are currently moving into 'unjust' cities. Cities that are designed by and run for the few, and not the many. Urbanization in Africa is almost exclusively business centred and most often neither inclusive nor based on democratic processes – most city dwellers, *the urban invisibles* are being ignored and left behind. Cities are often trying to be smart, but not just. We are / I am convinced that the Just City concept has the most potential to transform African urbanization based on a citizen-centred and more democratic approach.

Against this background, the Friedrich-Ebert-Stiftung (FES) Kenya Office, under the leadership of its former Resident Representative, Henrik Maihack, and in partnership with the Civil Society Urban Development Platform (CSUDP), convened by George Wasonga, began facilitating the Just City Working Group (JCWG), which is a multi-disciplinary team of urban professionals and practitioners based in Kenya. The JCWG seeks to generate new insights, socio-political perspectives, and concrete starting points for a "people-centered urban transformation" in Kenya through its Just City project, together with the partners of the participating FES projects. This process led to the formulation of a definition of what might constitute "a Just City" and various political interventions in the Kenyan context. Thanks also to Prof. Alfred Omenya, who contributed greatly to formulating the Just City concept.



The main problem is that in Africa; millions of people are currently moving into 'unjust' cities. Cities that are designed by and run for the few, and not the many.





At the core of our work around the Just City in Africa is the provision of and access to affordable public goods, enshrined in the *The World Charter for the Right to the City* (2005) and SDG 11 “Making cities and human settlements inclusive, safe and sustainable” as part of the UNs Vision 2030. Through a strong focus on mobility and housing the JCWG in collaboration with the Socially Just Public Transport Working Group (SJPTWG) has made significant progress in making the Just City a reality for Kenyans but also city dwellers in Africa. Both working groups have adopted the Transform Change Making (TCM) methodology that seeks to first sell an alternative vision for the future, build a compelling narrative and strong alliances around it, and finally demonstrate via catalytic projects the viability of achieving it. The main goal is to form and sustain powerful alliances pushing for the provision of affordable housing as well as socially just public transport in cities like Nairobi and Kisumu but also Nakuru.

One example is the re-design of an informal settlement in Nakuru. President Kenyatta in December 2021 conferred city status on Nakuru making it Kenya’s fourth city after Nairobi, Mombasa and Kisumu. The Just City principles dignity, equity & diversity, rights and responsibilities as well as democracy were introduced via various Urban Dialogues to Nakuru city stakeholders for consideration in developing their Vision 2050 masterplan. The project centers on enabling a community residing in the Kenya Meat Commission (KMC) informal settlement to re-imagine and design it by using a 3-D technological tool and guided by the Just City principles. The project and the cooperation with Nakuru City Board are clear examples that citizen centered and driven urban projects are feasible.

Urbanization has the potential to transformative societies; it is an unstoppable force especially in Africa. For this transformation to improve the living conditions of millions of Africans cities not only have to be made inclusive, safe, resilient, and sustainable (SDG 11), they also have to be made just. The African Union, through its Agenda 2063 clearly acknowledges the urgent need for effective policy responses to Africa’s rapid urban growth, and the acceleration of coherent and systematic implementation of the New Urban Agenda. As mentioned in the beginning, Urbanisation comes with numerous opportunities, it has the potential to drive socio-economic development in Kenya and the region at large.

Bastian Schulz,
Resident Representative, FES Kenya Office.

Kenyan cities will only be just if they achieve good progress in rights, in democracy through effective public participation, and in diversity, not just in governance, management and planning, but also in equitable access to the benefits of urban life.





1.2 Four pillars of the Just City

The JCWG defines a Just City as one that is based on four pillars: **dignity; equity and diversity; rights and responsibilities; and democracy**, as defined below:



Dignity

This is the right of an individual or a group to be valued, respected, and treated ethically. It is to recognise the worthiness of a human individual or a group. It implies respect of the individual or a group regardless of their perceived socio-economic or political status.



Equity and Diversity:

An equitable city is one where the city and its benefits are shared equitably among the citizens. A city of diversity is a city where there is an understanding that democratic processes may result in the exclusion of others (especially minorities) so measures should be put in place to ensure justice for all, including minorities and visitors.



Rights and Responsibilities:

A city where the rights of all citizens and visitors are observed. These rights are counter-balanced by citizens taking responsibility in the affairs of the city and in developing their city.



Democracy

A city where citizens make collective decisions on the basis of informed majoritarianism, but in a manner that respects the dignity of all and that considers equity and diversity.



Towards the Just City in Kenya (2020), the first publication of its kind in Kenya, brought together contributions from JCWG's and Socially Just Public Transport Working Group (SJPTWG) members, namely, Prof. Alfred Omenya, George Wasonga, Constant Cap, Dr. Lawrence Esho, Churchill Otieno, Grace Maingi, Florence Nyole, Naomi Mwaura, Dr. Anne Kamau, Erick Manga, Jared Ontita and Rasna Warah. All of the contributions were geared towards jointly, fairly, and democratically shaping urban transformation in Kenya for the common good of urban citizens.

Dignity, equity and diversity, rights and responsibilities, and democracy – the four pillars of the Just City concept – are relevant to the new urban institutional dispensation in Kenya as they are obligated under section 21 (d) of the Urban Areas and Cities Act and are reflected in the Constitution of Kenya 2010. *Towards the Just City in Kenya* analyses Kenya's urban development through the lens of these four pillars and points to directions the country and counties should be taking to ensure that cities are places where all residents – not just the wealthy and the privileged – enjoy the benefits of urban life. This popular version of the publication highlights its key findings and recommendations.



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Kenya's Evolving Urban Landscape

2.1 Urbanisation trends in Kenya

Nearly a third of Kenya's population – roughly 15 million people – lives in urban areas. By 2050, it is projected that more than half of the country's population will be urban.

Kenya's urban history dates back several centuries, as is evident in many towns and trading centres along the country's coastline that have existed for more than a thousand years. The coastal region has been a melting pot of sorts, with Arab, Persian, and Indian influences dating back to the 9th century. By the time the Portuguese arrived at the East African coast in the 16th century, the coastal towns of Mombasa, Malindi, Lamu and Manda were already important urban centres. These towns have not only experienced Arab and Portuguese occupation and contact with travelling groups, but experienced British colonisation as well from the late 19th century. Some of them, like the port city of Mombasa, became important colonial administrative centres.



Nearly a third of Kenya's population – roughly **15 million** people – lives in urban areas.

The emergence and growth of major urban centres like Nairobi, Kisumu and Nakuru in the interior of the country trace their origin and growth to the construction of the Kenya-Uganda Railway, which in Kenya started from Mombasa in 1896 and ended in Port Florence (now Kisumu) in 1902. Although Mombasa was a maritime trading port and urban centre since the 11th century, the railway line increased its commercial value as a port to the colonial economy.

The building of the Kenya-Uganda Railway had a large influence on the development of urban areas in Kenya's interior. Kenya's capital Nairobi owes its existence to the decision by the railway company to establish its headquarters where it now lies. Many East African towns were established around the same time and continued to grow under similar socio-economic conditions and environments. As the railway penetrated the interior, settlements and trading centres formed, thereby influencing Kenya's urban development. Kenya's largest urban centres, such as Naivasha, Nakuru and Kisumu, still lie along the original railway line. The colonial government established some of these settlements as administrative centres, which attracted traders and settlers, and eventually developed them into small towns for social and economic reasons.

When Kenya achieved independence in 1963, the vast majority of the country's population lived in rural areas. Urban growth rates increased rapidly in the post-independence period due to rapid rural-to-urban migration. In 1969, slightly less than 10% of Kenya's population was urban. By 2019, 31.2% of the country's population was living in urban areas.



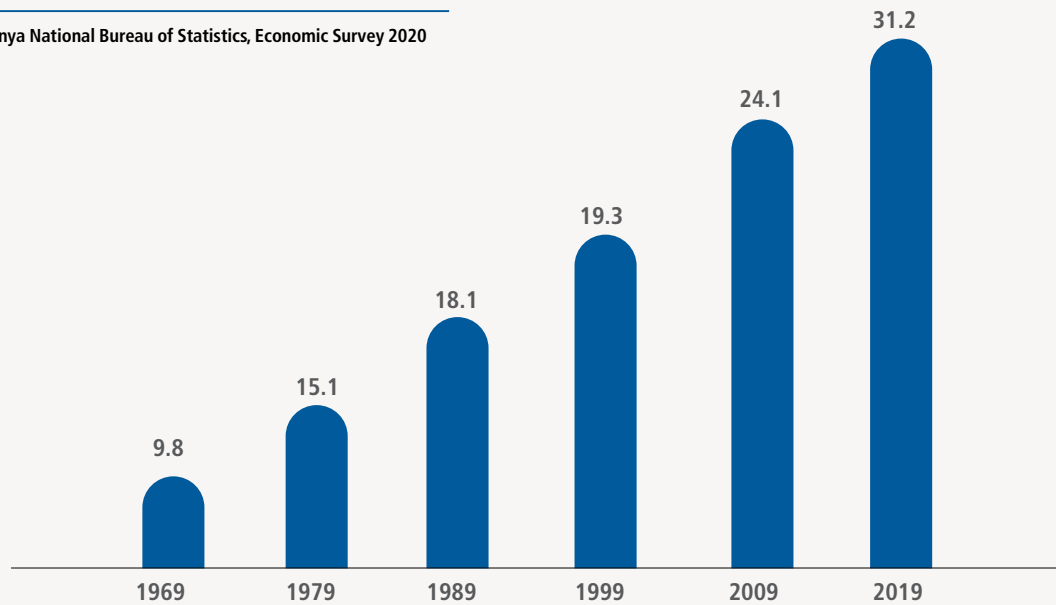
Kenya's urban population increased from 8.8% between 1960 and 1970, to 20.9% between 2000 and 2010, and is projected to exceed 36% between 2030 and 2040. United Nations data on urbanisation trends show that the country's urban population grew at an annual average rate exceeding 7.9% between 1970 and 1980 and was further projected to an average of about 4% beyond 2010 through to 2040.





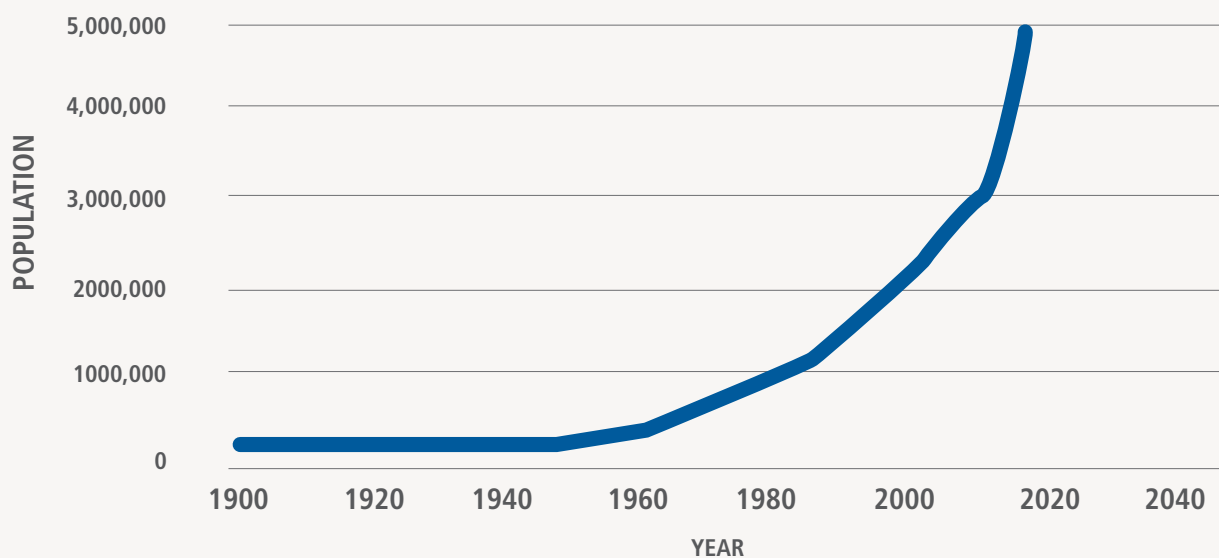
Urbanisation Levels (%) in Kenya, 1969-2019

Source: Kenya National Bureau of Statistics, Economic Survey 2020



Nairobi's Growth, 1900-2020

Source: Population Division, UN Department of Economic and Social Affairs





Nairobi is an important economic hub, accounting for slightly more than 20% of Kenya's GDP. It is among those African cities with a high urban growth rate. National census data show that Nairobi's population more than doubled between 1979 and 1999 – from 800,000 to 2 million. By 2019, Nairobi's population had grown to 4.3 million. More than a third of Kenya's total urban population resides in the capital city. Nairobi is almost four times larger in size than Mombasa and Kisumu, the country's second and third largest cities, with populations of 1.2 million and 1.1 million, respectively.

There are many drivers of urbanisation, the main ones in Kenya being natural population growth and rural-to-urban migration due to changing patterns of demand for and supply of jobs in favour of urban areas. More than three-quarters (76%) of Kenya's urban population is under the age of 35. Young working-age populations dominate urban areas; 43% of Kenya's urban population is aged between 15 and 34 years. Interestingly, females (45%) outnumber males (41%) in this age group. This points to a very youthful urban population. Less than a quarter (24%) of urban residents are over the age of 35.



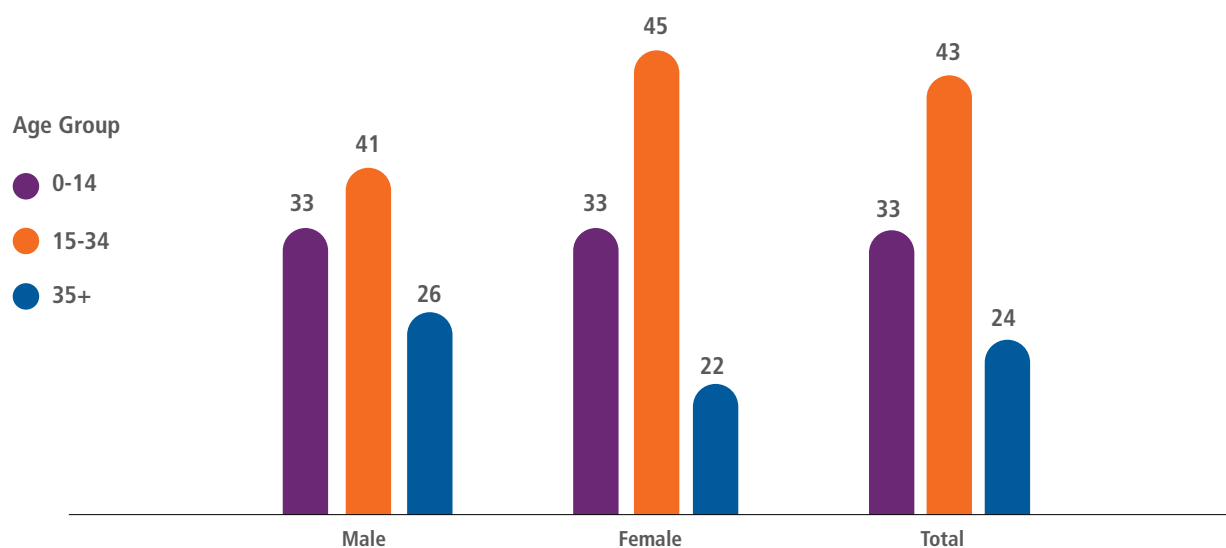
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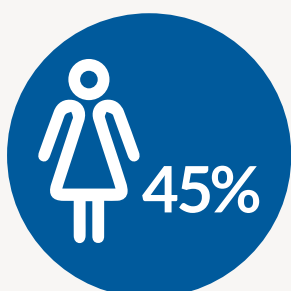
Proportion (%) of Urban Population by Age Groups and Sex, 2019

Source: Kenya National Bureau of Statistics, Economic Survey 2020





Young working-age populations dominate urban areas; **43%** of Kenya's urban population is aged between 15 and 34 years.





2.2 The urban planning scene

The British colonial regime in Kenya established centres of administrative, cultural, economic, and recreational activities in certain areas, which gave the regime easy access to railways, ports, and roads for the movement of goods. Most of these urban centres were racially segregated in terms of spatial planning, settlement and service provision.

By 1900, Nairobi had already become a fairly large settlement consisting mainly of railway buildings and separate residential areas for Europeans and Indians, the latter mainly being the labourers employed on the railway's construction. There were European and Indian residential areas, but no areas were designated for the predominantly male African labour that lived and worked in the city, with the result that Africans lived in dense, unplanned settlements with few amenities.

At Kenya's independence in 1963, racial divisions were invalidated, and the urban landscape witnessed a transformation from neighbourhood differentiations based on race to that of social class. The African and Asian elite moved to the predominantly white neighbourhoods in urban areas as masses of Africans from rural areas moved to informal urban settlements. The new municipal authorities in the post-independence period faced challenges of improving housing and services demanded by poorer groups. The housing shortage gave rise to the growth of large informal settlements within cities such as Nairobi. It is estimated that more than half of Nairobi's population currently lives in such unplanned informal settlements.

The first master plan for Nairobi was published in 1948. The 1948 "Plan of a Settler Capital" highly defined how the city appears today. It assigned the land east of the railway station for industrial development, and clearly designated certain neighbourhoods to be inhabited by specific races: European Residential Restricted; Asian Residential Restricted; and Natives and Reserve Areas. This method of zoning also defined how many of the other urban areas in the interior of the country would develop and grow. The land parcels were also distinctively different in size, with lower population densities in the European areas. Hence began Nairobi's evolution as a segregated city.

Ten years after Kenya's independence, the 1973 Nairobi Urban Study Group was put together to respond to the challenges of a growing African capital. At the time,

there was a need for planning in housing, transport, and business. Post-independence policies geared towards desegregation and Africanisation underscored the necessity and desire to integrate urban residents into developing one city as opposed to the racially segregated colonial city.

The 1973 Nairobi Metropolitan Growth Strategy was to guide the growth and development of the city to the year 2000. Some of the recommendations of the strategy included the establishment of a transport authority, setting up the machinery for housing policy formulation, assigning specific planning tasks in the core and outlying parts of the city, and encouraging the growth of satellite towns surrounding the city. In spite of initially aiming to solve some of the evident urban challenges, the 1973 Nairobi Metropolitan Growth Strategy was in essence geared towards the interests of the local bourgeoisie and multinational corporations.

The most notable plan since then has been the 2015 Japanese International Cooperation Agency (JICA)-funded Nairobi Integrated Urban Development Master Plan (NIUPLAN), although before that there were several other strategies and policy documents, such as the 1984-1988 Nairobi City Commission Development Plan, the 1993 Nairobi Forum on "The Nairobi We Want" and the Local Authority Transfer Fund, which was a grant from the central government to improve services in municipalities. However, none of these can be said to have led to much change in the levels of service provision and planning in urban areas.

The NIUPLAN was launched in 2015 and recommends several priority areas. These include:

- central business district (CBD) and sub-centre development;
- road network and public transport development;
- environmental improvement through storm water and sewerage, solid waste and air pollution control; and
- improvement in urban management.

It lists priority programmes like the Railway City Development, the Dandora sub-centre improvement and the Eastlands urban renewal programme.



1900

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Urban Plans

1948

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- environmental improvement through storm water and sewerage, solid waste and air pollution control; and
- improvement in urban management.



As shown above, urban planning in Kenya's has generally taken a top-down approach, quite often assisted by foreign interests and funding, and usually without the participation of low-income residents who form the majority of the urban population in Kenya. Kenya's urban policies have prioritised the demands of the middle and upper classes over the needs of poorer groups. City by-

laws maintain a highly elitist and oppressive approach towards poor and lower-income residents, such as informal traders and public transport and non-motorised transport users. Kenyan cities are thus characterised by alarming spatial and social inequalities. Unless these fundamental issues are resolved, the never-ending class and cultural conflicts will continue to be a challenge in Kenya's cities and towns.





2.3 Urban invisibles

The majority of Kenya's urban residents live a life of shattered dreams as city designs continue to favour the minority. These "urban invisibles", including children, youth, women, and persons with disability, remain unrepresented in urban plans and programmes, and are often only considered through tokenistic approaches. They also remain invisible in the mainstream media.

Despite various provisions in new urban institutions for people's participation, there remain many urban invisibles whose views are never heard, and who are shut out of decision-making spaces. These urban invisibles include:



Demographic invisibles – residents of informal settlements, women, children and youth who are ignored by service providers.



Digital invisibles – the netizens who are digitally connected but are only visible amongst themselves as they exchange banter that hardly excites any reaction from the people, they have elected to leadership positions.



Mobility invisibles – those that find it difficult or impossible to use urban modes of public transport. They include children, women, and people living with disabilities that policy makers have forgotten despite the difficulties they go through to access urban transport.



Media invisibles – those ignored by the mainstream media, which tends to focus on news that is sensational rather than news that highlights the many challenges facing the majority of urban residents.

Inclusion of urban invisibles in cities' decision-making processes, and reflecting their needs in urban infrastructure and planning, would go a long way in engendering "just cities" in Kenya.

Table 1: Delineation of Urban Invisibles by Churchill Otieno

INVISIBLES	NAIROBI	NAKURU
Demographic Invisibles	70 per cent of Nairobi's population are cramped in 5 per cent of the land where residents remain "invisible" to the service regimes and live with glaring basic service deficits.	Children and the youth are the majority, but the political construct of the county has seen sectarian competition for power edge out youth issues at all levels.
Digital Invisibles	The netizens comprise some three-quarters of Nairobi, but they are only visible amongst themselves as they exchange banter that hardly excites any reaction from the people they have elected into leadership positions.	In search of jobs, some youth have resorted to social media influencers to help highlight their concerns, with a resultant short-term approach to fairly complex issues with deeply historical roots.
Mobility Invisibles	The burden of reduced mobility borne disproportionately by women and children raises questions about the city's design to include this invisible population in the socio-economic architecture.	The population avoids movement to cope with violence.
Media Invisibles	Media contributes to the "invisible" tag by putting a premium on sensational news and social calamities as opposed to investing in "community building" discourses for positive social, economic and political development.	
Justice Invisibles	The legal infrastructure predominantly favours the elite and punishes the poor even where rights-based justice would protect the disadvantaged, especially with regard to economic rights.	



2.4 Citizen participation in urban governance and management

Citizen participation in urban governance and planning is relatively new in Kenya's urban sphere. However, this changed with the promulgation of a new constitution in 2010 that requires that people participate in the development process. Article 1 (2) states:

“All sovereign power belongs to the people of Kenya” and “the people may exercise their sovereignty directly or through their democratically elected representatives.”

Recent legislation has attempted to provide for better management of urban areas. The most significant is the Urban Areas and Cities Act (2011) that emanates from the 2010 constitution, which requires that Parliament establish the principles of governance and management of urban areas and cities and provide for participation of residents in the governance of urban areas and cities. The Act provides for the formation of urban boards comprising both public and private sector members who are tasked with overseeing affairs of the municipality, including land use, service delivery infrastructural development, performance management and public transport. Opportunities, platforms and channels for consensus, dialogue and public participation have thus been created in the Second Schedule of the Act, which provides for the participation of residents in the affairs of their city or town.

Apart from urban boards, there are many other ways that citizens can engage with urban authorities. The following have proved to be effective in other cities around the world:

→ **City-wide decision making:** This involves convening some form of city-wide gathering that creates a platform for different stakeholders to express their interests and vision for the city. Many cities rely on this form of action to engineer urban

renewal, reverse declining economic fortunes, or improve the quality of urban life.

→ **Mobilising around priority flagship programmes:** This involves building strategic coalitions around priorities that emerge from a city visioning process. Urban stakeholders agree on a few critical high priority issues, such as building more green spaces or reducing air pollution. On this shared understanding, a flagship programme can be designed with key actors taking collaborative action towards achieving specific goals.

The Constitution of Kenya and existing legal frameworks envisage the active participation and engagement of citizens in processes geared to uplifting their socio-economic and living standards. However, citizen forums and urban boards – the adopted delivery vehicles for mobilising such engagements – are yet to find residence in many urban contexts, while existing ones remain weak. These problems are further exacerbated by an acute lack of social planning and community development professionals at the grassroots level – expertise that could be instrumental in mobilising community support for effective social planning and community development processes and initiatives.

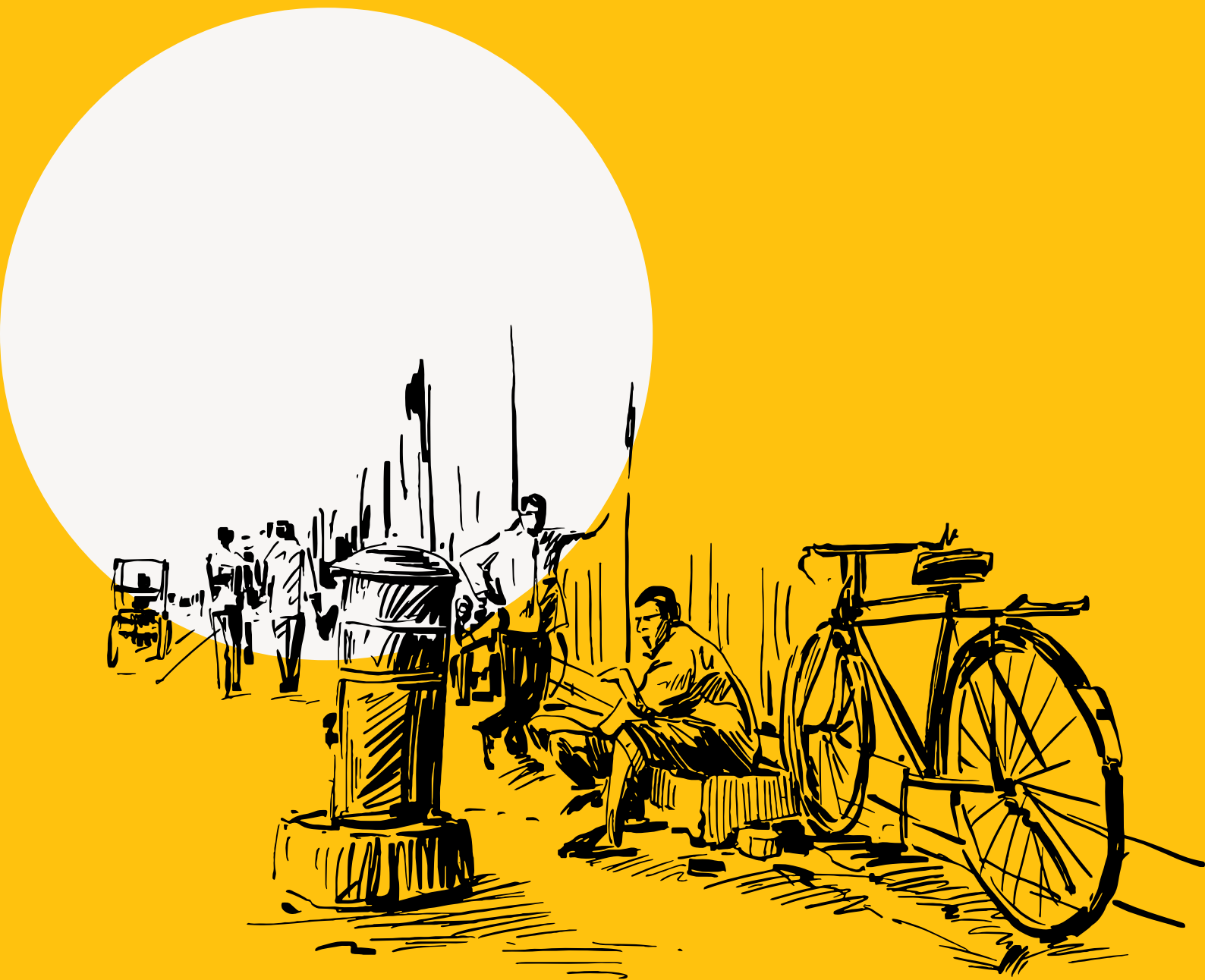
The realisation of the potential benefits of citizen participation and social planning in Kenya is hindered by a number of factors, including a general lack of awareness among citizens about their rights, despite these being enshrined in the country's 2010 constitution – undoubtedly one of the most progressive constitutions in the world. This, together with competing interests in the urban sphere, be they commercial, socio-political, or cultural, has tended to hinder the well-intentioned pursuit for change.

Moreover, even where the social and community planning exercise has led to desired improvements, factors such as the subsequent rise in property values and gentrification deny targeted groups and communities the enjoyment of the accruing benefits, with the result that a large majority of urban residents continue to live in inadequate housing that lacks basic services and amenities.



2.5 Policy recommendations

- Urban areas in Kenya should start to reflect on social planning and utilise local expertise in the planning process so as to come up with realistic plans that reflect the aspirations of ordinary citizens rather than prioritising the needs of the wealthy, who constitute a minority in urban areas. Social planning necessarily involves community participation in the planning of programmes and projects that are in the public interest and that benefit the majority. Both the national government and the county governments ought to utilise participatory tools through community groups and organisations to reach out to the most vulnerable and voiceless in urban areas.
- Urban institutions need to be aware of social planning approaches that place people at the centre of the planning and execution process. While this is a constitutional order, its practical realisation can be facilitated through the formal adoption of democratic social planning approaches that enable communities to actualise the spirit of the Kenyan constitution. Such planning approaches will ensure that the development plans for city prosperity embrace the diverse interests of the citizenry, including those characterised as “invisible” i.e. those excluded from the city not just physically, but in spaces of participation and planning.
- Public participation tools that match the objectives of the participation process should be developed. These tools would help to inform, engage, and build consensus among the public and would assist in ensuring public input into decision-making. Surveys, workshops, focus group discussions, social media, public forums, and mass media are avenues that can be used to improve the process of public participation.
- Issues that affect “urban invisibles” need to be highlighted in the media. Journalists and media houses should give a voice to these invisibles by highlighting their plight in order to influence urban policies that are more responsive to their needs and aspirations.
- Regular forums for dialogue in urban institutions that lead to actual deliberation with citizens is key to unlocking citizens’ potential and innovation in addressing urban challenges. Accessible information and channels of communication are important ingredients in the institutional mechanisms for coordination. Citizens must be made aware of their rights and responsibilities through the media and other communication channels so that they can effectively participate in urban affairs.





Governing Just Cities

3.1 Devolved urban development

In 2010, a new constitutional order came into force, effectively repealing CAP 265 of the Laws of Kenya that governed local authorities in Kenya. The 1963 Local Government Act had created 175 local authorities in Kenya, which were abolished under the Constitution of Kenya 2010, paving the way for a devolved system of governance and the establishment of 47 county governments in 2013.

While many argued that the removal of local authority institutions was a positive step for urbanisation, devolution has so far proved to not be favourable to urban areas and to urban-focused development for the following reasons:

- **First**, the entire first five-year cycle of devolution (2013-2017) witnessed a clawback on urbanisation gains, with a recentralised institutional arrangement that saw urban areas suffocate under the reign of county governments. In this period, the focus of development was mainly constructed along a sectoral approach, ignoring the integrated multi-sectoral configurations that drive urban development.
- **Second**, the policy environment for renewed urbanisation in the devolution era suffered a setback with the delayed formalisation of an urban policy. Despite its early formulation in 2013, the National Urban Development Policy (NUDP) only received formal consent in 2018, five years into devolution, leaving a policy void for progressive urban development.
- **Third**, the Urban Areas and Cities Act of 2011, while enacted in good time to anchor the establishment of urban institutions in the devolution era, was not accompanied by regulations to guide its effective implementation. The continued absence of these regulations has impaired the performance of new urban institutions.

→ **Fourth**, the facilitative role envisaged in Section 91 of the County Government Act of 2012 and Section 22 of the Urban Areas and Cities Act of 2011 for citizens' engagement forums has been significantly downplayed. Therefore, accountability of public institutions has been regularly questioned and exposed through the Auditor General's reports, while citizens' "self-organising" capacity has also been put under scrutiny.

Moreover, despite the constitution having a firm grounding in democratic governance, including a devolved system of governance, Kenyans struggle with the internalisation and practice of constitutional principles and norms. The national government and many county governments have frequently violated the national values and principles of governance, such as people's participation, for private gain and expediency.

Unfortunately, this also relates to the application of various laws in Kenya, which are either ignored or not applied. For instance, despite constitutional requirements to increase women's participation in governance institutions, the national government and counties have yet to fully implement what is known as the "two-thirds gender rule".

Article 27(8) of the constitution states that "the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender". Yet, this benchmark has not yet been achieved; women remain under-represented in the National Assembly and in county governments. The majority of elective and appointive bodies have less than one-third of members who are women.



3.2 New legal frameworks and urban institutions

The laws and institutional frameworks that underpin Kenya's urban development strategies have the potential to deliver just and democratic cities in Kenya, if only they were applied successfully. The most significant of these laws and frameworks include:



Constitution of Kenya 2010

Public participation is now a guaranteed process because the Constitution of Kenya 2010 requires that public participation be undertaken at both the national and county levels of government before government officials or state bodies and agencies make and implement official decisions. Anchored in the constitution is the placing of citizens at the core of decision making on matters that affect them. Article 10 of the constitution recognises "participation of the people" as a core national value and principle, along with patriotism, national unity, sharing and devolution of power, the rule of law and democracy. In addition, Articles 174(c) and 174(d) on devolution emphasise the role of the public in governance. Article 174(c) gives "powers of self-government to the people and enhances "the participation of the people in the exercise of the powers of the State and in making decisions affecting them". Article 174(d) recognises "the right of communities to manage their own affairs and to further their development".

Further to the constitutional declaration, the government has taken significant steps towards the institutionalisation of public participation through the development of public participation guidelines and policies, as well as by strengthening institutions that act as vessels through which inclusion of citizens in urban governance takes place. These have been formulated into law specifically under Sections 13, 21 and 22 and the Second Schedule of the Urban Areas and Cities Act of 2011. The formation of "urban boards" and "citizen forums" constitute a significant effort to ground the participation of the public in urban matters. These efforts should hopefully result in a citizenry that is engaged in the development of urban areas at both national and county levels, thus improving the outcome of government initiatives.



Urban Areas and Cities Act 2011

Article 184 of the Constitution of Kenya 2010 states that national legislation shall provide for the governance and management of urban areas and cities, and shall, in particular:

- a) Establish criteria for classifying areas as urban areas and cities;
- b) Establish the principles of governance and management of urban areas and cities; and
- c) Provide for participation by residents in the governance of urban areas and cities.

The Urban Areas and Cities Act 2011 operationalises Article 184 of the constitution. It provides for a system of city or municipal boards and town committees that are tasked with adopting urban policies and strategies, including on service delivery and land use. Section 12 grants the board of an area of authority to operate as a body corporate. Sections 13 and 14 provide for the establishment and composition of the city and municipal boards, respectively, while Section 22 provides for citizens' forums.

The municipal and city boards established by the Urban Areas and Cities Act to manage a city or municipality have to be constituted in a manner to ensure gender equity, and representation of persons with disabilities, youth and marginalised groups. They are also expected to promote constitutional values and principles and to ensure participation of residents in decisions regarding activities and programmes that affect them.

The Second Schedule of the Act spells out the rights of and participation by urban residents in the affairs of their city or urban areas. This includes the right to "contribute to the decision-making processes of the city or urban area by submitting written or oral presentations or complaints to a board or town committee through the city or municipal manager or town administrator" and the right to "regular disclosure of the state of affairs of the city or urban area, including its finances". On its part, a city or urban area "shall develop a system of governance that encourages participation by residents in its affairs".





National Urban Development Policy

Kenya is among few African countries to have developed a national urban development policy. The National Urban Development Policy (NUDP) provides a framework for sustainable urban development in Kenya and seeks to promote effective governance and management of urban areas. This policy sets the principles and recommends strategies that guide decisions to achieve rationale outcomes.

Of significance is that the NUDP is a central element in the design of the World Bank-funded Kenya Urban Support Programme (KUSP), and hence a catalyst for the establishment of new urban institutions. As such, there is an inherent potential for the NUDP to influence the performance of urban institutions and to guide their decisions towards the delivery of just outcomes of urban development.



Kenya Urban Support Programme

The World Bank's Kenya Urban Support Programme (KUSP) funds counties for the establishment of municipal and city boards, as envisioned in the Urban Areas and Cities Act. The objective is to establish and strengthen urban institutions and improve accountability to deliver improved infrastructure and services in participating counties in Kenya.

KUSP has identified 59 urban areas for establishing and/or strengthening the capacity of urban institutions to enhance the quality and efficiency of urban service delivery, including the creation of urban boards. In 2018, the World Bank announced that it would not release funds to counties unless they established municipal and city boards. However, according to the World Bank's Annual Performance Assessment (APA) report of June 2019, none of the 59 urban areas have made any significant progress towards the establishment of these boards. A question to ponder is whether externally led urban development is sustainable in the long term, and whether support to Kenya's urban areas will dwindle after KUSP ends.



Vision 2030 and the Third Medium Term Plan

Vision 2030, Kenya's long-term development blueprint, aims to transform Kenya into an

industrialised middle-income country offering a high quality of life to all its citizens. The Vision is being implemented through successive five-year medium-term plans, with the third Medium Term Plan (MTP III) 2018-2022 currently in force.

Under the social pillar of Vision 2030, MTP III targets to deliver 500,000 low-cost affordable housing units through budgetary allocations and partnerships with financial institutions, private developers, cooperatives, and manufacturers of building materials. Other programmes and projects planned for implementation are the development of urban mass transport infrastructure and solid waste management infrastructure in cities and urban centres. These plans envisage a strengthened urban institutional framework to support service delivery.



Public Finance Management Act

The Public Finance Management Act, which provides for the effective management of public finances by the national and county governments, states in section 10(2) that the Parliamentary Budget Office shall observe the principle of public participation in budgetary matters. Section 137 provides for the establishment of a County Budget and Economic Forum (CBEF) for county budget consultation processes.



The New Urban Agenda

The New Urban Agenda (NUA), adopted in 2016 at the Third United Nations Conference on Human Settlements (Habitat III), sets the foundation for a shared vision for a better and more sustainable future in which people have equal rights and access to the benefits that cities can offer. It highlights the connection between the New Urban Agenda and the 2030 Agenda for Sustainable Development (Goal 11).

NUA embraces a vision of "Cities for All", offering an opportunity for equal use and enjoyment of cities and human settlements. It explicitly identifies with the production of "just" cities and human settlements as a core tenet of cities for all. Importantly, it propagates for cities that fulfil their social function, and which are participatory and promote civic engagement while engendering a sense of belonging and ownership among all inhabitants.



PARTICIPATORY BUDGETING IN BRAZIL

The city of Porto Alegre in Brazil has been hailed as the birthplace of an innovative process known as “participatory budgeting”, which makes decision-making about a city’s finances more transparent, accountable and responsive to citizens’ needs. Over the last three decades, citizens have been encouraged to participate in multiple rounds of debates and discussions on issues that affect them, and to vote on how a certain percentage of the municipal budget will be spent.

Participatory budgeting in Porto Alegre was a response to the city’s rapid growth and inability to provide services to its residents. In 1989, the newly elected Workers’ Party inverted the decision-making process so that citizens could decide on how a portion (between 15% and 25%) of the city’s budget is spent. The process gave a voice to the urban poor, who were usually excluded.

As a result, there was a more equitable distribution of services. By 1997, sewer and water connections had gone up from **75%** to **98%**; health and education budgets had increased from **13%** to about **40%**; the number of schools had quadrupled; and road building in poor neighbourhoods

increased five-fold. Importantly, participation in budgeting meetings grew from fewer than **1,000** people per year to about **40,000** in 1999. By then, over **70** cities across Brazil were implementing their own participatory budgeting processes based on the Porto Alegre example.

However, political shifts in the federal government have threatened to derail the process. In the 2000s, new sources of funding from the federal government came without any requirement for citizen participation. Over time, more conservative groups took control and prioritised other policy areas, including large infrastructure projects, which were not subject to participatory budgeting. While the official promise is that this process will continue to be supported by the Brazilian government, there are fears that it may be eventually be dismantled.

Despite the political shifts, participatory budgeting continues to remain a powerful tool in Brazilian cities to incorporate the priorities of underserved citizens into a city’s agenda.

Source: World Resources Institute www.wri.org



By 1997, sewer and water connections had gone up from **75%** to **98%**; health and education budgets had increased from **13%** to about **40%**; the number of schools had quadrupled; and road building in poor neighbourhoods increased five-fold.



THE RIGHT TO THE CITY

The World Charter for the Right to the City (2005) defines the city both from a physical and organisational perspective, laying emphasis mainly on the usufruct of the city, the dignity of the urban citizen and the quality of life in both urban and rural spaces. The right to the city encompasses “negations”, such as freedom from discrimination, and positive rights, such as the equitable use of urban resources, the right to self-determination by urban residents, respect for socio-cultural diversity and minorities, access to work and social services, and environmental rights.

The Charter defines the right to the city as “the equitable usufruct of cities within the principles of sustainability, democracy, equity and social justice”. This right is “the collective right of the inhabitants of cities, in particular of the vulnerable and marginalised groups, that confers upon them legitimacy of action and organisation, based on their uses and customs, with the objective to achieve full exercise of the right to self-determination and an adequate standard of living”. The “right to the city”, is, therefore, the collective right to “habit and to inhabit”. Participation is the right that enables the citizen to influence production and reproduction in the urban space.

The concept of the “right to the city” is based on the French philosopher Henri Lefebvre’s writings, which challenged the exchange value and commodification of the city. Lefebvre considered the city as an “*oeuvre*” – a complete body of work, with meaning and wealth beyond use and exchange values. This *oeuvre* is made up of political life and histories, culture and the arts, wealth and knowledge, and places and spaces that give the city a distinct identity. He believed that urban citizens should have complete and unfettered access to this *oeuvre*.

The right to the city is, therefore, the collective right to the city as a whole beyond the individualist commercial relations the city enables through markets. It means participation in production and appropriation of urban spaces and places, which in turn enable control of socio-spatial relations beyond urban areas as economic systems or spaces. The right to the city implies that private rights to property should not emasculate the public use value of cities.



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3.3 Policy recommendations

- Citizens' responsibility to engage in governance regimes is well grounded in legal frameworks and in Kenya's constitution. However, the exercise of such a mandate is obscured by the encumbrances to their self-organising capacities. Tested models for citizens' self-organising, such as local urban forums, can serve to inspire formations of effective citizens' forums, as provided for in law and in Kenya's constitution.
- Municipal charters, in their current form, should be expanded to incorporate a citizens' charter that binds the institutions and citizenry to agreed ethical edicts and performance measures. On the strength of the trust and confidence built through the charter, urban institutions can benefit from the innovative potential of the citizenry in pursuing and promoting their aspirations.
- More should be done to increase women's participation in decision-making bodies, not just because this is a constitutional requirement, but also because women's representation has shown to have tangible benefits on the ground. Counties should ensure that the constitutional requirement on gender is adhered to, including in urban boards and urban planning institutions.
- Citizens have a responsibility to take part in county planning, including in the development of County Integrated Development Plans, County Spatial Plans, County and Urban Level Sector Plans, Integrated and Sustainable Urban Development Plans, Annual Development Plans, County Finance Bills, etc. These are the spaces where development is shaped, and resources are allocated and spent. Citizens have been empowered by the Constitution of Kenya 2010 and various pieces of legislation, including the County Government Act, the Public Finance Management Act, the Urban Areas and Cities Act, and various legislation and guidelines at the county level to influence these processes. These are spaces that can either produce justice or injustice; therefore, the citizen must occupy these spaces and use them effectively towards the realisation of just cities.



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Affordable Housing in the Just City

4.1 Housing demands of a growing urban population

Article 43(b) of Kenya's constitution clearly states that every person has the right to

"Accessible and adequate housing, and to reasonable standards of sanitation".

Despite the recognition of the right to housing in the Bill of Rights, Kenya has struggled to provide adequate housing to its growing urban population. Kenya has a housing deficit of 2 million units that continues to grow at a rate of about 200,000 a year. Kenya's housing production is estimated to be at 50,000 units a year, which is well below the annual demand of 200,000 units. With production catering for only one quarter of housing demand, the question is: where do the other three quarters get their housing demands met? In addition, housing affordability continues to be a key challenge in Kenya given the current high cost of housing and unavailability of financing amid rising property prices

Low-income housing in Kenya's urban areas is characterised by informality. There is a proliferation of informal settlements in urban areas, with more than half of the urban population living in overcrowded homes, typically in one room with poor ventilation and inadequate access to sanitation. This can be attributed to social exclusion, which continues to force the majority of urban residents to seek housing in slums as they are the only affordable option available to low-income households. These informal settlements or slums remain largely invisible to policy makers even though they accommodate the majority of the urban population. It is estimated that nearly 70 per cent of the Nairobi's population is squeezed into just 5 per cent of the total residential land.

Living conditions in informal settlements are extremely poor. A survey of more than 800 households in the Mukuru slum in Nairobi found that just 3.6% had access to adequate bathrooms, only 7% had access to adequate toilets, and 29% had access to adequate water provision. National data indicate that pit latrines are used by slightly more than half (51.4%) of the urban population in Kenya. They exemplify the great socio-economic divide in urban Kenya.



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THE INDIGNITIES OF SLUM LIFE

Kibera, a highly dense informal settlement in Nairobi, with a population of around 200,000, is characterised by severe poverty, poor access to clean water, overflowing open sewers, and overcrowded mud and tin shacks. Loss of privacy due to overcrowding and poor sanitation are common features of the informal settlement. It is estimated that the average household in Kibera comprises seven people.

A social mapping survey of Kibera by found that inadequate and often overflowing pit latrines are the main mode of sanitation and that one pit latrine is typically shared by up to 75 people. As a coping mechanism, people tend to defecate in polythene bags at night and dispose the excreta in open drains, rivers or garbage heaps. This practice – dubbed “flying toilets” – exposes residents to health and environmental hazards.

As in other slums in Nairobi, women and girls in Kibera have safety concerns when it comes

to accessing sanitation. Going to the toilet at night is a security risk as women and girls have to venture down narrow, unlit alleyways to make their way to the nearest latrine. The threat of sexual violence severely impedes women's and girl's mobility and access to sanitation.

Women's domestic roles also place them at a disadvantage. Women are burdened with providing water to their families. In informal settlements, long queues of women waiting to draw water from private or community-owned water kiosks are common. The majority of slum residents in Kenya buy water from such vendors.

Government-initiated slum upgrading initiatives in Kibera have had mixed results and have remained limited in scope. This calls for a different and more radical approach to addressing the appalling and undignified living conditions of people living in Kibera and other informal settlements in Nairobi.

Source: Research International, 2004; 2009 Kenya census

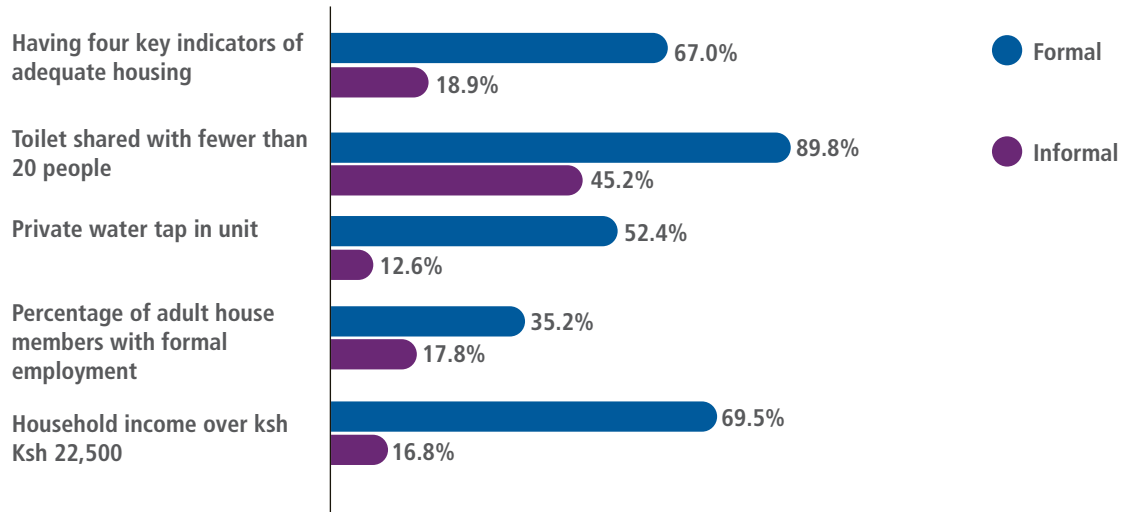


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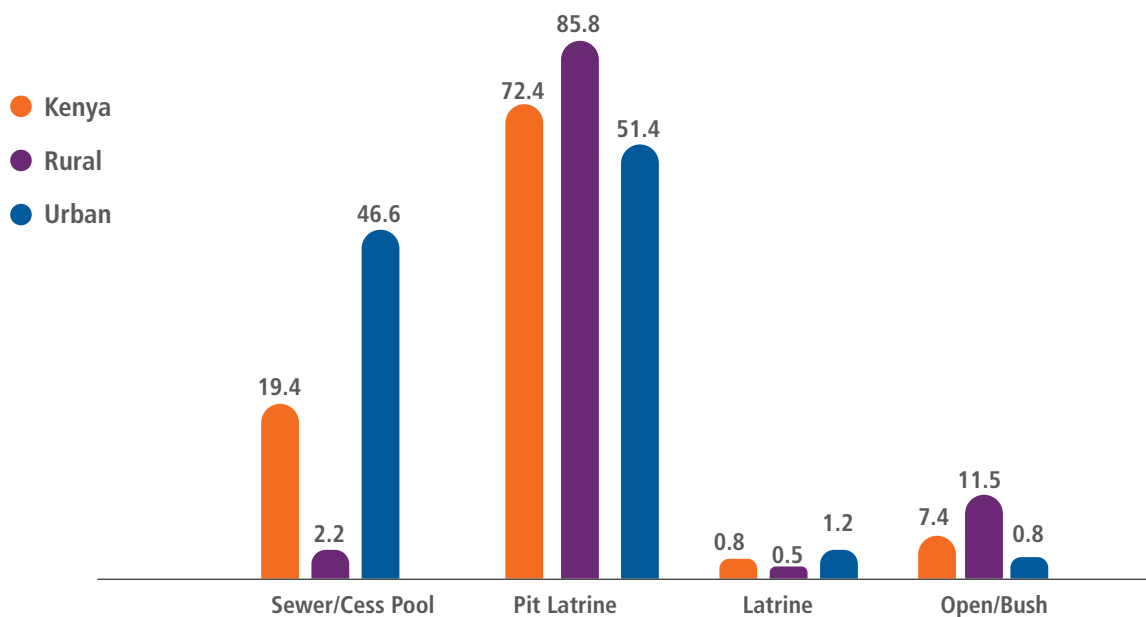
Living Conditions in Formal and Informal Urban Areas in Kenya

Source: World Bank, Kenya State of the Cities Baseline Survey, 2014



Percentage of Households by Main Mode of Human Waste Disposal, 2019

Source: Kenya National Bureau of Statistics, Economic Survey 2020





Government-initiated slum upgrading initiatives have had mixed results and have remained limited in scope. Housing for the urban poor has not been given sufficient attention by successive Kenyan governments, although there have been efforts to upgrade or improve informal settlements. Examples of this are the Kenya Slum Upgrading Programme (KENSUP), the Kenya Informal Settlement Improvement Programme (KISIP) and the National Slum Upgrading and Prevention Policy (NSUPP). This calls for a different and more radical approach to addressing the appalling and undignified living conditions of low-income people living in cities.

4.2 Current housing policies and models

On 12th December 2017, President Uhuru Kenyatta launched “The Big Four Agenda” as a plan for economic development in Kenya.

The Agenda prioritises four areas expected to bolster strong inclusive economic growth: universal healthcare; affordable and decent housing; food and nutritional security; and employment creation through manufacturing. Urban areas form the largest platform on which these four areas will play out to enable the delivery of the Big Four. The housing pillar focuses on the provision of 500,000 units of affordable and decent housing by 2022.

The debate around housing in Kenya is biased towards affordable housing, so little attention is given to the provision of social housing (also known as public housing). The government’s Big Four Agenda separates “affordable housing” from “social housing”. This approach defines housing purely from a cost perspective that emphasises home ownership. It also refers to housing in informal settlements as social housing. This interpretation has led to differing responsibilities between national and county governments, with the national government focusing on social housing as low-cost housing development in informal settlements and counties focusing on the redevelopment of old council estates.

A closer look at the current social housing models in Kenya highlights challenges that have hindered their implementation by both the national and county governments. These are associated with inadequate policies, market demands and community responsiveness to the programmes. It is clear that the intersection among the three has largely impacted the model of social housing delivery in Kenya’s urban areas and cities.

The Kenyan government’s affordable housing model is more focused on home ownership rather than on the provision of affordable rental facilities for a rapidly growing urban population. Yet, for most urban dwellers in Kenya, renting remains the most affordable and accessible housing option. A World Bank survey in 2014 showed that 91% of people living in Nairobi were tenants. The prevalence of rental housing is evident in most cities and towns across the country, including Mombasa (87%), Kisumu (73%) and Nakuru (88%). Kenya Population and Housing Census reports indicate that in 2019 only 21.3% of households in urban areas owned the home they lived in; the rest (78.7%) were tenants. The vast majority of rental housing in urban areas (89.3%) is provided by individual investors, not by the government or private companies.

The Big Four Agenda prioritises four areas:



Universal healthcare



Affordable and decent housing

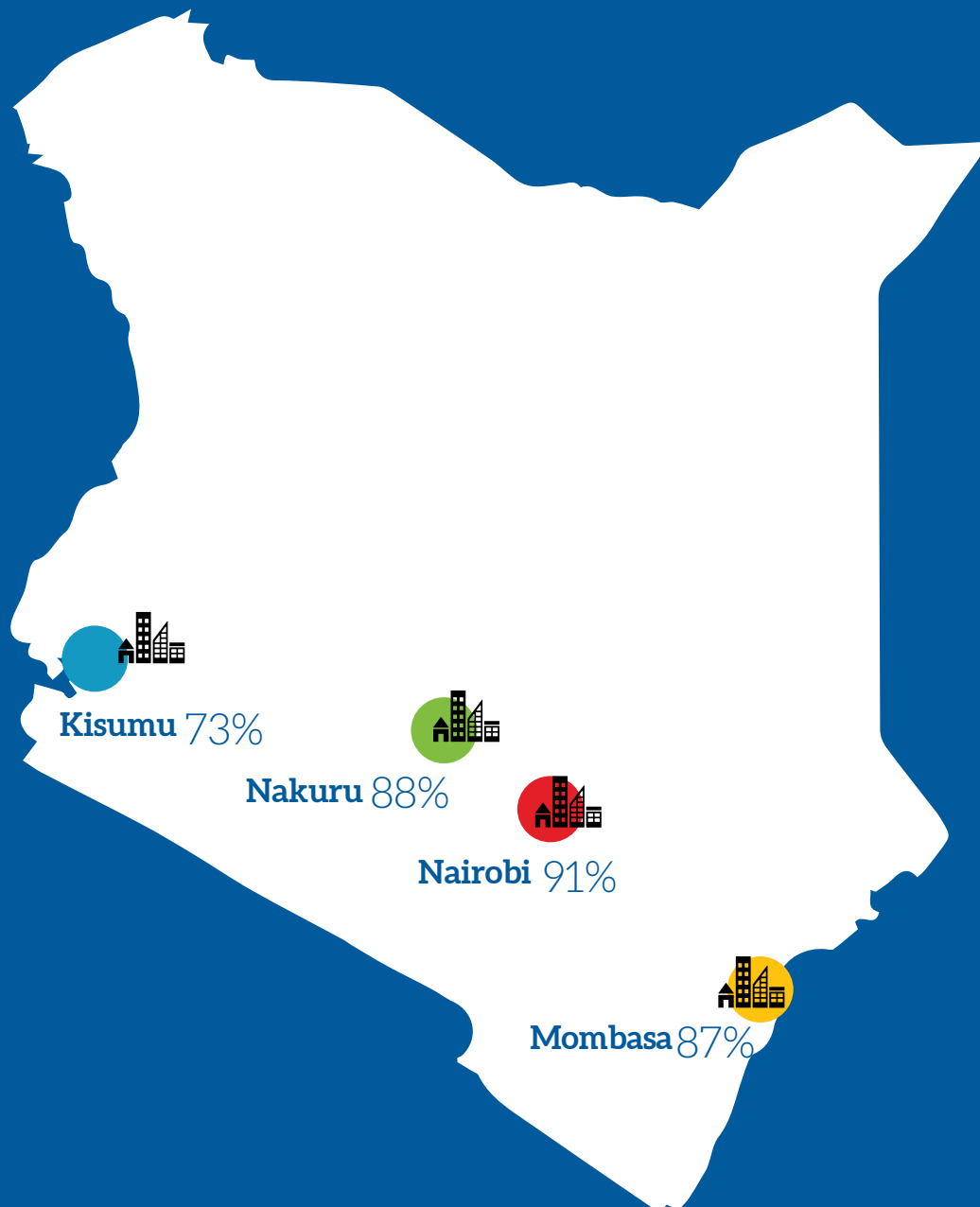


Food and nutritional security



Employment creation through manufacturing

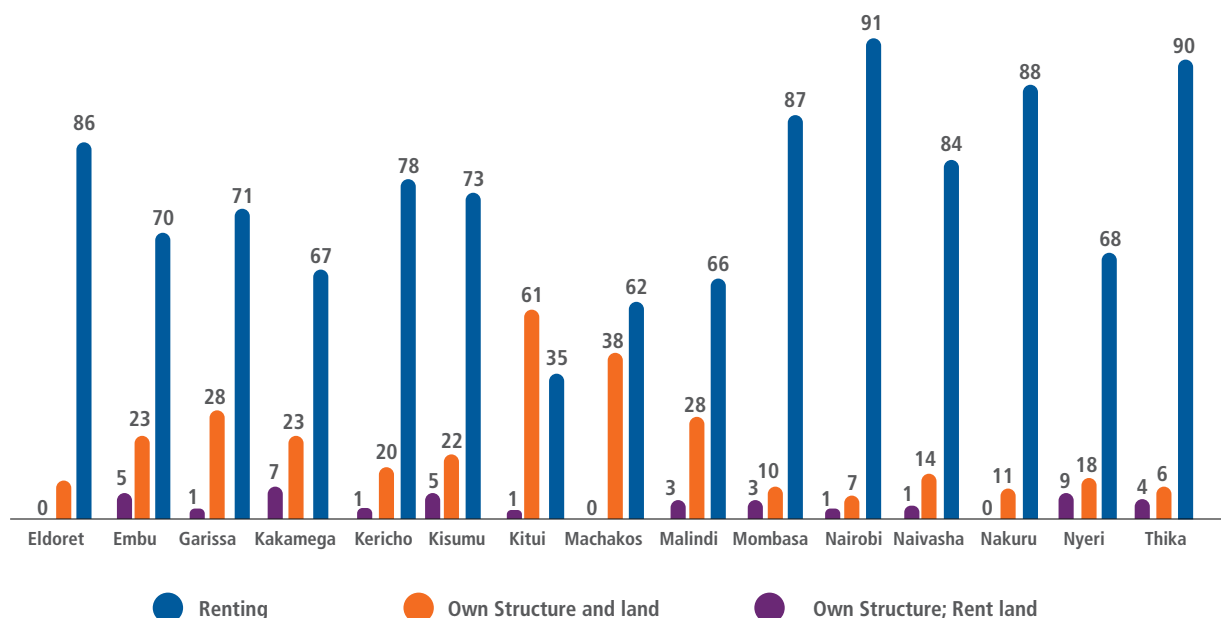
The prevalence of rental housing is evident in the major cities across the country.





Renting vs. Home Ownership (%) in selected Kenyan Urban Centres

Source: World Bank, Kenya State of the Cities Baseline Survey, 2014



In the models proposed by the government, none have approached affordable rent as a path to provision of adequate social housing. Most low-income urban residents do not have purchasing power to buy a house or an apartment, yet affordable rent has not featured in the current social housing model. Most low-income households in urban areas are not in a position to obtain loans or to find other sources to buy houses, though there are a variety of microfinance institutions that could cater for their needs. But lack of steady formal employment and high interest rates have made access to such loans and mortgages difficult not just for low-income groups, but also for the middle classes.

The success of the government's social housing model should, therefore, be pegged on intended beneficiaries and not on the government's cost perspective approach, which further reinforces social exclusion.

4.3 Policy recommendations

- The government should factor in affordable rental housing for low-income groups in its affordable housing programme. There is also a need to give

room to other stakeholders, such as civil society organisations and other interest groups, who can make alternative contributions towards the provision of affordable housing. This may include factoring in affordable rent or rent control into well-known housing models, such as assisted self-help housing and enabling approaches.

- The government should create an enabling policy environment on land administration, registration, acquisition, valuation, security of tenure, and financing of affordable housing by introducing incentives, exemptions, and subsidies.
- Vulnerable groups, such as the physically challenged, children and the elderly, should be catered for in housing. The planning and design of neighbourhoods should be universally accessible for comfort and mobility around living spaces. Young children should have access to open green spaces for playing and interaction.





Socially Just Public Transport

Pillars of Socially Just Public Transport

AVAILABLE

- Does not delay people's travel
- Connect the city to majority of its citizens



PILLAR

01



PILLAR

02

ACCESSIBLE AND AFFORDABLE

- Safe for all (lighting, crossing)
- Secure for all
- Affordable for low income earners

INCLUSIVE

- Does not leave anyone behind
- Makes arrangement for PWDs, children, pregnant women, the elderly
- Involves all in planning design and meets their needs

PILLAR

03



PILLAR

04

HUMAN RIGHTS AND EQUITY

- Non-discriminatory
- Safe alternatives to all
- Routes cover all areas including informal areas
- Promote decent work to the public transport workers



SUSTAINABLE

- Meets the needs of future populations as the city grows.
- Does not pollute environment
- Does give space for pedestrians and bicycle users

PILLAR

05





5.1 Progress and challenges in the urban transport sector

The pillars of a socially just public transport system are: availability; accessibility; inclusivity; fairness; affordability; reliability; sustainability; and safety. Kenya continues to experience rapid urban growth, yet public transport provision is still wanting in terms of these key pillars. Whereas significant progress has been made, for example, in the gradual introduction of non-motorised transport across Kenya and the building of new roads, these gains are minimal and mainly concentrated in major urban areas.

Moreover, the competing interests and prevailing power relations among key actors within the transport sector mainly favour public service vehicle owners (mostly private entities) at the expense of users and workers. Realising a socially just public transport systems in such a context becomes a mirage.

Kenya's public transport services are largely informal and privately owned. Most public transport in the country is run commercially and is in private hands (commonly known as paratransit). The paratransit are mainly privately-owned public service minibuses (known as matatus). In Nairobi, matatus and buses are used by about 40% of residents. Walking is the only form of

transport for many urban low-income earners, either due to lack of public transport services in areas where they live or because they cannot afford to use public transport. A survey in 2013 found that more than 40% of trips in Nairobi are made on foot. Compared with other African cities, Nairobi has the largest share of people for whom walking is the main form of transport. In Dar es Salaam, for instance, 26% of trips are made on foot, while in Accra, just 12% of trips are made using this mode of transport.

Differential provision and access to public transport services in Kenya has perpetuated preference for private car ownership over public transport. Urban planners and policy makers plan for wealthy car-owning residents and motorised transport, not for pedestrians, who tend to be the poor working classes. Hence the emphasis is on highways and other road infrastructure. This is in sharp contrast to trends in Europe where citizens are reclaiming their streets as public spaces by re-designing streets so that they are accessible only to pedestrians and cyclists. For example, London made parts of the famous Trafalgar Square inaccessible to cars while cities such as Copenhagen and Amsterdam encourage the use of bicycles.

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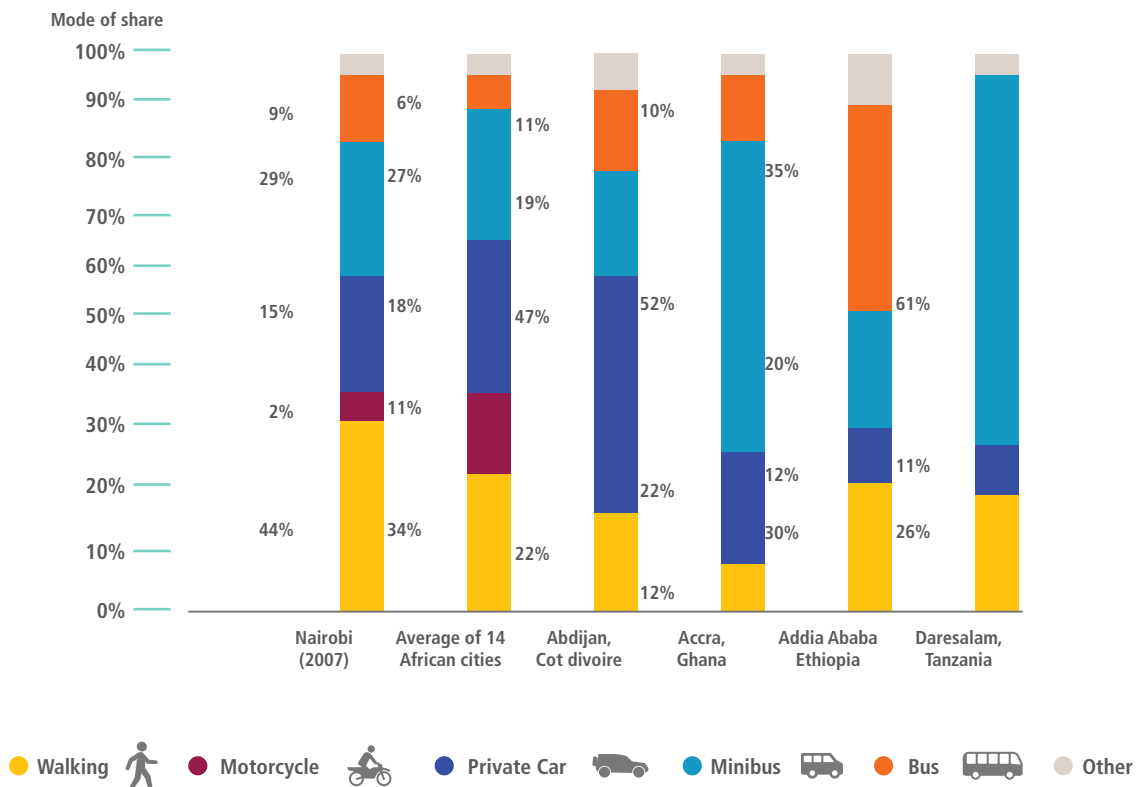


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Mode of Transport in Selected African Cities

Sources: JICA, 2006; JICA 2014



Notable achievements across major urban centres in Kenya include opening up of urban and rural areas through construction of new roads and improving existing ones, installing and maintaining street lighting to enhance visibility at night, ongoing provision of infrastructure for non-motorised transport (NMT), particularly foot paths as is evident in Nairobi, Kisumu and Mombasa cities, in addition to developing an NMT policy framework.

There are other notable initiatives, such as the expansion of pedestrian walkways within Nairobi City aimed at decongesting traffic. These Nairobi Metropolitan Services initiatives are aimed at promoting non-motorised transport and putting pedestrians at the core of city planning by replacing the on-street parking spots with pedestrian walkways and cycling lanes. These initiatives are part of the wider Kenya government and development partners municipal development initiatives aimed at addressing the urban transport challenges within Nairobi and its environs. An example is the

Nairobi Metropolitan Services Improvement Project (NaMSIP) which emphasises promoting growth, equity, environment, and governance in improving services in the metropolitan area, including transport systems, which are critical for economic development.

However, whereas historically, public transport provision favoured certain areas of the city, these differences persist, thus raising the question of fairness and justice in the provision of public transport in Kenya's urban areas. The paratransit's are often excluded from city and town planning, including in the latest Bus Rapid Transit (BRT) plans for Nairobi. Discussions on BRT are often directed towards removal of matatus from major city routes and replacing them with high-capacity vehicles. While significant progress has been made in the public transport sector, there are still many challenges that undermine the realisation of a socially just public transport system in Kenya.



LUTHULI AVENUE URBAN REGENERATION PROJECT

There are success stories in Nairobi that demonstrate that it is possible to achieve socially just public transport and public spaces that can drive urban transformation. A case in point is the Luthuli Avenue regeneration project undertaken in Nairobi City by UN-Habitat in 2019 that redesigned the avenue and converted it into a one-way street. The Luthuli regeneration project sought to make the street a safe, inclusive, and vibrant retail corridor that provides a unique and quality urban environment for Nairobi's residents.

The project's creative features sought to promote mobility, accessibility, and safety along the street. The redesigned street features include: **construction of a pedestrian walkway and crossings**, including for persons with disabilities; painting of road markings; **lights installation**; **traffic calming**, **intersection treatment** and **signalling to reduce vehicular carriageway**; and **enlarged non-motorised space** – all

of which ensure easy and safe human and vehicular traffic flow.

Other features are aimed at making the street healthier and inclusive by having multifunctional street spaces that include **exhibition spaces, small parks** and **commercial spaces, street furniture, functional landscaping** and **planting of trees** to improve the general aesthetics and promote air quality. There are also **Pop-Up public space installations** to foster interaction with experts through dialogue and capacity building sessions like hackathons.

Documented ripple effects catalysing the urban corridor regeneration project include improved image of the city centre, opening up of new businesses and re-establishment of old ones, increased revenue for the city, improved urban safety and security, road safety, improved air quality and community ownership of the project.

Sources: Youth Café 2019; Mwangi 2019. 1st UN-Habitat Assembly Council of Governors.

There are also major shortcomings in realising safe access due to, for instance, lack of level-boarding facilities and seats for passengers with special needs, inadequate security provision at bus stations and drop-off points, lack of or invisible demarcations at pedestrian crossings and intersection points within busy roads, and indiscipline among public transport crew, especially conductors and drivers.

Air and noise pollution are other key concerns that are linked to poorly maintained vehicles, use of adulterated fuel and loud music. Other shortcomings include poor waste management at bus stations and along streets and main roads, poor hygiene and sanitation due to inadequate facilities, and inadequate provision of basic social amenities, such as public toilets, benches and shades at bus stations.

Overall, a political economy analysis of how the public transport sector is organised in Kenya is necessary to understand the challenges that undermine the realisation of a socially just public transport system. For instance, it is important to raise the following key questions:

- Who are the main actors in the public transport sector?
- What are their interests and how do they affect provision of public transport from a socially just perspective?
- What should be done to address such impediments and by whom?
- What are the necessary incentives?



Such an analysis should be done with the understanding that the main actors in the public transport sector are:

- the government (which plays a regulatory role besides providing the infrastructure),
- the private sector (which predominately owns the transport modes),
- the operators (who are key in driving the sector),
- civil society organisations (that should act as watchdogs or a countervailing force within the sector),
- donor agencies (both multilateral and bilateral, which fund infrastructure projects), and lastly,
- users (who access these services).

5.2 Gender-just transport and public spaces

Women and men experience cities differently. Kenyan cities remain unfriendly to women at multiple levels, which increases their vulnerability to sexual and physical violence. The right to mobility is intrinsic to women's access to transport and public spaces. Yet, this right cannot be taken for granted. Much has been written about the high rates of sexual and domestic violence that women experience in private spaces, particularly in the home. Less understood, however, is the unique form of sexual violence that women are vulnerable to in the public urban sphere. This threat is especially prevalent on public transit systems, spaces that are governed by the power relations of a patriarchal society.

Sexual violence – or the threat of it – severely hinders women's mobility in urban areas and negatively impacts their contribution to urban economies. Women's mobility is severely curtailed due to lack of gender-sensitive public transport and public spaces. Women face the constant threat of intimidation, sexual harassment or rape in public spaces and on public transport.





Studies point to four main reasons why women experience urban areas as hostile, unsafe environments:

- **Poor infrastructure**, particularly insufficient lighting on streets and in public spaces like bus stops and train stations, which makes walking at night a risky prospect for women. Lack of clean and safe public toilets also impedes women's mobility.
- **Public transport itineraries** are not sensitive to women's needs. Not having enough stops on a route, for instance, means women have to walk longer distances to get to their destination. This exposes them to potential violence.
- **Zoning laws** are woman unfriendly. They do not recognise that women need to balance their income-earning and domestic activities. If zoning allowed women to work from or near their homes, women would not spend so much time commuting and would also be able to take care of their families while earning an income.
- **Lack of childcare at work** further limits women's mobility and employment opportunities.

Sexual violence severely hinders women's mobility in urban areas and negatively impacts their contribution to urban economies. Women's mobility is severely curtailed due to **lack of gender-sensitive** public transport and public spaces.



The increasing quest for justice, the right to public spaces and the "right to cities" approach have compelled urban residents and urban authorities to examine the relationship between urban spaces and gender, and to question how and why the "invisibility" of women is seen as a normal aspect of city life.

Several studies have revealed that women's and men's transport usage and experiences differ and are influenced by their gender roles and responsibilities, which are often invisible to transport planners and providers. While many cities in developing countries like Kenya make their claim towards building "world class cities", in reality, these cities remain unfriendly to women at multiple levels, which contribute not only to physical violence against women but to symbolic and psychological violence too.

Differences in gender also impact transport choices, which, in turn, influence women's employment decisions. Women tend to have access to slower transport modes. After walking, public transport is the most important transport mode for women who can afford it. The lack of safe and accessible transport for female workers, especially those with low incomes, limits their labour force participation, which confines them to a smaller pool of potential employers and jobs and reduces their ability to bargain over and improve the terms and conditions of employment. Where caring responsibilities are not adequately met, the lack of available transport only exacerbates women's dependency on a smaller set of job opportunities. If women are to participate fully in the urban economy, their mobility needs should be addressed. However, currently little attention is paid to the role of public transport in shaping women's labour and employment activities.

Managers of public transport systems need to be aware of the security needs of female passengers. The "whole journey" approach to safety (door-to-door) can be helpful to highlight aspects of the transit journey for women passengers that require the special attention of transport providers, local governmental authorities, policy makers and researchers.



USING NEW TECHNOLOGIES TO FIGHT GENDER-BASED VIOLENCE IN PUBLIC SPACES

New technologies, such as digital platforms for reporting and analysing cases of violence, can be an alternative to using crowd sourced data to respond to gender-based violence. Although the use of these new technologies is still in its infancy in Kenya, it has shown promising results in addressing sexual harassment and assault on public transport. A case in point is the Report It Stop It crowd mapping platform by Flone Initiative that provides an opportunity to report cases of harassment on public transport in Kenya.

Social media has also played a part in exposing cases of sexual harassment and gender-based violence on public transport and in public spaces. Images of women being stripped in matatus (minibuses) for wearing “indecent” clothing have sometimes led to social media campaigns and resulted in the arrest of the perpetrators. In November 2014, for instance, women gathered in Nairobi to rally in support

of a woman who had been assaulted by a group of men outside a bus stop. The attackers accused the woman of “tempting” them by wearing a miniskirt. The protests were the result of public outcry after a video of the incident was posted on YouTube. Under the hashtag #mydressmychoice, Kenyans on social media began a campaign to bring the culprits to justice. The woman who was assaulted did not report the case, but the campaign helped to highlight the issue of violence against women in public spaces.

However, social media alone cannot be relied on to deter such cases; there need to be gender-sensitive policies, laws and regulations for the transport sector in place as well, and a commitment to implement constitutional requirements on gender equity and equality.

Sources: DW.com; Flone Initiative

5.3 Policy recommendations

- There should be a multifaceted approach to public transport policy formulation, planning and implementation that takes into consideration the input of various stakeholders and which is devoid of manipulation and domination by both foreign and local elites.
- There needs to be more direct involvement of the government in public transport ownership to alter the power relations, which currently favour private owners.
- Innovative approaches that take into consideration local contexts during conceptualization, planning and implementation of public transport infrastructure and systems should be adopted.
- The transport system should have regulated and standardized fare charges that cushion the poor and vulnerable.
- There must be clear regulations and proper enforcement mechanisms to ensure compliance by providers, operators, and users in line with the socially just pillars. Such a task cannot be realized instantaneously; it has to be progressive and, in most cases, involve a continuous struggle between progressive forces and those who prefer the status quo.



- Public spaces, including transport infrastructure, should take women's and girls' safety and other concerns into consideration. This includes installing streetlights at bus and train stops, setting up emergency hotlines, carrying out sustained campaigns on women's safety in public spaces, and enforcing laws to protect women and girls from gender-based violence.
- Available transport should be responsive to the needs of all users, both rich and poor, as well as vulnerable groups like children, the elderly, pregnant women, persons with disability, and the sick who find it physically challenging to access public transport.
- City streets should be planned for cyclists and pedestrians to encourage the use of non-motorised transport and to cater for those who do not have the means to use private vehicles or public transport.
- Public transport should be made more environmentally sustainable. Specific measures should be adopted to reduce air and noise pollution caused by motorised transport. These include promoting clean energy within the sector, encouraging citizens to rely on non-motorised transport, increasing green areas and public spaces, reducing travel hours and distance through adoption of mixed land use approaches in urban planning, introducing electric buses, and discouraging the use of private cars by providing safe, reliable and comfortable alternative transport modes.







The Future of Just Cities in Kenya

The COVID-19 pandemic has had a profound impact on cities around the world, which bore the brunt of the global public health crisis. The pandemic underscored the vulnerability of dense urban populations to infection and led to a lot of soul-searching on the future of cities in a post-pandemic world.

Low-income people living in urban areas were disproportionately affected as they had the least access to treatment and lived and worked under conditions that did not allow them to self-isolate. In addition, millions of people in both the formal and informal sectors lost their jobs as unemployment rates soared across the world. National data showed that 1.7 million Kenyans lost their jobs in the first few months of the pandemic after strict lockdowns and curfews were enforced. By the end of June 2020, 4.64 million people were jobless, compared to 2.94 million at the end of March. The majority (63%) were aged between 20 and 29. Joblessness exacerbated food insecurity and increased the threat of homelessness. Nationally, 30% of Kenyan households said they were unable to pay rent on time.

Loss of jobs and income have increased poverty levels across the globe, particularly in low-income countries. United Nations estimates indicate that between 90 million and 120 million people in the developing world will be pushed into extreme poverty as a result of the pandemic, and 300 million will face food insecurity over the coming years.

The pandemic has forced urban planners, policy makers and ordinary citizens to rethink the form and function of their cities to enhance their resilience. New models of urban living are being proposed, with more green spaces and sustainable forms of transport, and more flexible work environments.

COVID-19 has also highlighted the glaring inequalities in cities. This has prompted many cities and local governments to address the systemic poverty and inequalities in urban areas that make poor or marginalised groups particularly vulnerable to disasters and health crises. There is now a recognition that there needs to be a multisectoral, integrated approach to disaster management, particularly at the national and local government levels.

COVID IMPACT



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Even though many sceptics predict a bleak future for cities in a post-pandemic world, it is becoming evident that cities have not lost their allure despite the pandemic and will continue to be centres of opportunity and prosperity. What the pandemic has shown us is that cities need to build their resilience if they are to survive similar disasters in the future.

Kenyan cities have the potential of being wonderfully healthy urban spaces that foster innovation, creativity, equity and prosperity. Unfortunately, like in many African cities, this potential is hampered by several challenges, including poor infrastructure, high unemployment, insecurity, inadequate housing, and a lack of urban community.

Diversity and equity are key to creating just cities, but they are thinly supported in law. Kenya's urban policies have prioritised the demands of the middle and upper classes over the needs of poorer groups. Kenyan cities thus have alarming spatial and social inequalities that are most evident in the housing and public transport sectors. The majority of urban populations in Kenya live in unplanned informal settlements. Living conditions in these settlements are extremely dire, with the majority of residents having little or no access to basic services. In addition, public transport is unsustainable and unaffordable for the majority as public transport provision has been left largely to the private sector. Urban planners and policy makers plan for wealthy car-owning residents and motorised transport, not for pedestrians and cyclists. Hence the emphasis on highways and road infrastructure, not on bicycle and pedestrian pathways.

For Kenya to achieve socially just cities and towns, there is a need to address the inadequacies in the policy arena that will facilitate the delivery of affordable housing and sustainable transport to the rapidly growing urban population. The housing and public transport models should focus on intended beneficiaries, not costs and profits, which further reinforce social exclusion. Rental affordable housing, rather than ownership, should be given priority given that most low-income earners in urban areas cannot afford to buy a house and tend to work in the informal sector, where jobs are precarious. More environmentally friendly and affordable public transport modes should also be explored to make urban areas more livable and sustainable.

Kenyan cities are still not cities of "rights" where the "right to the city" can be enjoyed, or even claimed. Urban residents in Kenya do not easily claim their right to the city, with the result that their voices and concerns are largely ignored by the authorities, even though citizens' rights are well articulated in the Constitution of Kenya 2010, and in various laws. It is clear that these rights need to be situated in the urban context for them to be meaningful to the urban citizen.

Chapter One of the Kenyan constitution entrenches fundamental socio-economic rights and freedoms. Central to these rights is the assertion that sovereignty is vested in the people. The people may choose to practise their right to self-governance directly or through an elected government. However, the constitution creates only two levels of government – national and county – making the exercise of self-governance at other levels, especially at the city level, quite vague, with the result that public urban spaces and infrastructure are usually designed for an abstract generic user. In most cases, even persons with different physical abilities are considered neutral when planning cities. Infrastructural provisions that discriminate against some groups, including women and people living with disabilities, not only create everyday problems of accessibility for them but also amplify their marginalised position in society, rendering them invisible and reducing their opportunities to participate in the urban economy.

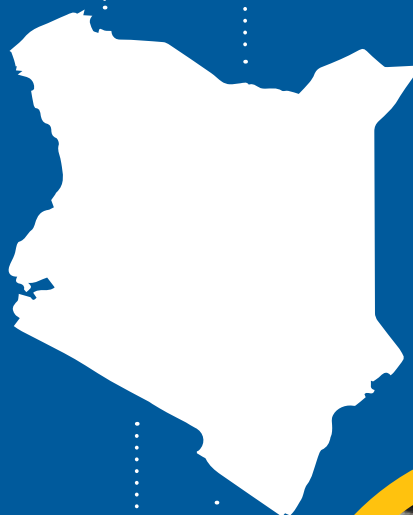
However, democracy in the Kenyan city is taking shape, thanks to the legal requirement of public participation at the national and county levels. Unfortunately, the structures for strengthening the implementation of these laws are still weak or absent. This is an area where the newly formed urban boards can focus on to achieve true democracy in Kenya's urban areas.

Since the implementation of devolution in 2013, there have been tangible benefits felt in Kenya's 47 counties, but also some setbacks. The first cycle of devolution witnessed a clawback on urbanisation gains, with a recentralised institutional arrangement that saw urban areas suffocate under the reign of county governments. In this period, the focus of development was mainly constructed along a sectoral approach, ignoring the integrated multi-sectoral configurations that drive urban development.

This potential is hampered by several challenges, including poor infrastructure, high unemployment, insecurity, inadequate housing, and a lack of urban community.



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Devolution may accelerate the rate of urbanisation as counties establish administrative capitals, triggering rural-to-urban migration. Citizens' responsibility to engage with the county governance regimes is well grounded in legal frameworks. County governments now have a unique opportunity to look to the future and strive for greater heights in the implementation of state-of-the-art urban governance practices. Tested models for citizens self-organising, such as local urban forums, can serve to inspire formations of effective citizen participation in urban development.

Dignity, equity and diversity, rights and responsibilities, and democracy – the four pillars of the Just City concept – are relevant to the new urban institutional dispensation in Kenya as they are obligated under section 21 (d) of the Urban Areas and Cities Act and are reflected in the Constitution of Kenya. Urban institutions must uphold the constitutional values and principles in the exercise of their powers as envisaged in the Act and in the Kenyan constitution.

For there to be just cities in Kenya, the focus needs to be on developing the principles espoused in the "Just City" concept. This would call for a deliberate effort to ensure that Kenyans understand these concepts and appreciate the value of ensuring that they are implemented in urban planning. This can be undertaken by demonstrating the benefits of a Just City not only to decision makers but also to the electorate, especially vulnerable and marginalised groups, the business community and young people. Viable solutions, premised on the Just City concept, that address the current challenges to urbanization and devolution can also be offered in order to build confidence in the principles.

Kenyan cities will only be just if they achieve good progress in rights, in democracy through effective public participation, and in diversity, not just in governance, management and planning, but also in equitable access to the benefits of urban life.



Kenyan cities will only be just if they achieve good progress in **rights**, in **democracy** through **effective public participation**, and in **diversity**, not just in governance, management and planning, but also in **equitable access** to the benefits of urban life.





About the Authors

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TOWARDS THE JUST CITY IN KENYA

POPULAR VERSION