Urban livelihoods, institutions and inclusive governance in Nairobi: ‘spaces’ and their impacts on quality of life, influence and political rights
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3. Methodology

3.1. Introduction

This chapter discusses the research methodology for the study. In section 3.2 the central research question is further operationalised into four research questions. In section 3.3 the conceptual framework is explained, while in section 3.4, its main concepts are defined. In section 3.5 the fundamental underlying epistemological and theoretical perspective on knowledge and the ways it was obtained are clarified. Finally, in section 3.6, the strategic research choices concerning selection of case studies, research methods and fieldwork design are discussed.

3.2. Research questions

As already indicated in chapter 1, the central question of this study is:

To what extent and under which conditions do household pathways and negotiation processes in claimed and invited spaces in Nairobi that are accommodated and constrained by formal and/or informal institutions contribute to quality of life, influence and political rights for the poor from the informal settlements of Nairobi?

The four specific research questions derived from this central research question are:

1. Which livelihood pathways are created by households in informal settlements of Nairobi and what are the major access modifying factors which influence their levels of assets and vulnerability?
2. How do interaction and negotiation processes of actors within claimed and invited spaces take place and what is the extent of conflict and cooperation in these processes?
3. How effective are the claimed and invited spaces in increasing quality of life, influence and political rights and how can their effectiveness be increased?
4. What is the influence of international, national and metropolitan institutional contexts on these spaces, negotiation processes and impacts in Nairobi?

The research questions are answered in separate chapters for individually claimed spaces, collectively claimed spaces and invited spaces (chapters 6, 7, 8). However, the first research question is only discussed in the chapter on individually claimed spaces. The overall conclusions (chapter 9) analyse and compare the findings to the research questions with regard to all three types of spaces.
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The first research question explores the composition of livelihoods and their pathways and the influence and prevalence of household variables in Nairobi’s informal settlements at household and community level. Recent literature claims the necessity of a shift in focus which integrates social capital, human and material assets, and structural aspects at micro-, meso- and macro-level. Globalisation can reduce employment possibilities, transform side-activities to main activities for the purpose of diversification, and increase dependency upon social policy programmes. Furthermore, it is likely to influence the balance between households with a regularly employed member and households running HMEs, the percentages of women and men running HMEs, the categories of HMEs run by men and women, and their dependency on social, organisational and political assets versus other assets. These issues are discussed in chapter 6.

The second research question deals with the negotiation processes in claimed and invited spaces and the extent of cooperation and conflict within them. Processes of reciprocity, enforceable trust and bounded solidarity in social, organisational and political relations have positive as well as negative consequences, and influence outcomes of these individually claimed spaces. Their levels vary according to the issues at stake, existing cultural norms, values and relational possibilities. The (inter)national remittances in cash and kind are also increasingly interpreted from the perspective of reciprocity, though often not differentiated in terms of topics of remittances. These issues are part of the discussions in chapter 6.

Processes of inclusion/exclusion, trust and accountability, influence the outcomes in collectively claimed spaces. The core issues are to what extent informal institutions offer enough trust for land acquisition, land transaction and dispute resolution and whether informal and formal institutions are mutually accommodating. With regard to land buying companies, land acquisition and transactions through informal institutions of elders and/or witnesses are found to offer enough tenure security for plot buyers in recent settlements. In consolidated settlements – with eroded trust due to out- and in-migration and increased population densities – often additional security through legal documents is required, leading to gradual formalisation (Musyoka 2004). Gradual formalisation and related payment of land rates and other revenues is often a prerequisite for fulfilling new demands for service delivery in case of well-functioning local government. Dispute resolution through informal institutions of village elders is often preferred above formal institutions (courts, land tribunals, local provincial administrators) for reasons of lower costs, shorter periods to process and resolve disputes, easy accessibility and trustfulness through familiarity with the local situation and shared ethnicity and less intimidating environment (Musyoka 2004). In case dispute resolution through informal mechanisms is unsuccessful, people tend to
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turn to formal state rules by involving state agents, which implies state recognition of informal land transactions and mutual accommodation (Musyoka 2004/6). To what extent the efficiency of informal institutions is also applicable in regard to land buying cooperatives, trusts and societies of the poor in peri-urban metropolitan contexts will be discussed in chapter 7.

Processes of inclusion/exclusion, representation, accountability and meta-governance, influence the outcomes in invited spaces of city-wide governance networks. Core issues are how these mechanisms work for different categories of people and whether systems of accountability and/or meta-governance are mutually reinforcing or leading to excesses in accountability and unbalanced meta-governance. These issues are discussed in chapter 8.

The third research question deals with the impact of claimed and invited spaces on quality of life, influence and political rights. Spaces that are accommodated and constrained by informal institutions are considered to contribute to quality of life more gradually, compared to those underpinned by formal institutions. Influence on rules of the game, policies and processes can potentially widen spaces towards more equal distribution of quality of life aspects, reducing vulnerability and providing a broader range of services and spaces for negotiation. These issues are discussed in the chapters 6, 7 and 8.

The fourth research question explores the impact of international, national and metropolitan institutional contexts on processes and outcomes of claimed and invited spaces. Contextual factors make visible underlying explanations or causes of changes in processes and outcomes in both claimed and invited spaces. In addition, contextual analysis can indicate the conditions for formal and/or informal institutions under which claimed and invited spaces can work for the poor. The national and metropolitan institutional contexts are first of all discussed in chapters 4 and 5. The influence of the institutional contexts on the selected claimed and invited spaces is discussed in chapters 6, 7 and 8.

3.3. The conceptual framework

The conceptual framework (Figure 3.1) further spells out the relations explored in the research between actors, capabilities/assets, spaces, processes and impact on quality of life, influence and political rights. First, the framework expresses the concept of a balanced structural approach, by relating all the components (actors, spaces, processes and impacts) to the accommodating and constraining metropolitan, national and international institutional contexts. Second, the framework integrates various types of actors and relations between them at micro-, meso- and macro-level. This concerns donor-, public sector-, private sector- and civil society organisations and households. Third, the framework expresses the direct relation between processes and impact in terms of quality
Figure 3.1: Conceptual Framework

- Metropolitain institutional context (formal/informal)
  - Political: Devolved funds; corruption
  - Socio-economic: Local by-laws and policies; local taxes; market
  - Housing market; infrastructure and transport; planning; enforcement of
  - rules
  - Trends & shocks: Local social-political unrest; evictions and demolitions;
demographic transitions; illness; HIV/AIDS; violence; crime; corruption; fraud.

- National institutional context (formal/informal)
  - Political: Neo-paternalism; decentralisation; constitution review; privatisation; regulatory
  - frameworks; laws & enforcement; land tenure, high-level corruption; APRM.
  - Socio-economic: Macro economic developments; 1994/96: labour market; education;
migration; urbanisation; population growth; income; national taxes.
  - Structure: Ethnicity; gender; Cultural
  - Khosa ties; clan structure; extended family system;
  - Inequality: patriarchy; gender; age-group-system;
  - Trends & shocks: Political violence/post election crisis; drought; corruption; fraud;
demographic transitions; migration; illness; HIV/AIDS.

- International institutional context (formal/informal)
  - Political: Washington Consensus (1990s); Washington High Level Forum (2001); Paris
  - Declaration on Aid Effectiveness (2005); Accra High Level Forum (2006); NEPAD (2001); PSC/African Panel of the Wise (2007).
  - Socio-economic: SAPs (1990s); Preferential trade agreements (ECA/BRICOM;
  - AGOA: 2003-2007); International monetary conditions; SAU Tax; Global Coalitions;
  - Culture: International Law and Rights; Trends & shocks: Global financial; oil; food crises; climate change.

- Donors
  - International donors
  - National donors

- Public sector
  - National government
  - Local government

- Private sector
  - Associations
  - Businesses/companies

- Civil society
  - CBOS
  - Self Help Groups
  - Cooperative/Trusts/Societies
  - Residents Associations
  - NGOs

- Households
  - Characteristics: Life cycle; Length of stay; Household
  - Head; Ethnicity; Size; Spatial profile
  - Previous residents; Household
  - ambitions

- Capabilities
  - To commit and engage
  - To carry out technical, service delivery and logistical tasks
  - To relate and attract resources and support
  - To adapt and self renew
  - To balance diversity and coherence

- Invited spaces
  - Governance network approaches:
    - calculus of conflict
    - calculus of coordination
    - culture/conflict
    - culture/coordination

- Process
  - Inclusion/exclusion
    - Directly affected citizenry
    - Indirectly affected citizenry
    - Accountability
      - Vertical
      - Horizontal
      - Societal
      - Hybrid/Diagonal
      - Excess/Benefit
    - Representation
      - Direct
      - Indirect
    - Meta governance
      - Hands-on/off/on intervention
      - Hands-off/on intervention
      - Hands-off/on intervention
      - Enforceable trust
      - Bounded solidarity
      - Resilience

- Collectively claimed/created spaces

- Individually claimed/created spaces

- Quality of life
  - Vulnerability
  - Resilience
  - Diversification
  - Regularity

- Policy rights
  - Constitutional rights of the game
of life, influence and political rights, rather than looking at processes in an isolated and self-explanatory way. Fourth, the feedback loops of the framework indicate the relations between impacts and the institutional contexts, capabilities/assets, spaces and processes. Political rights can contribute to changes in claimed and invited spaces and processes through structural changes in the institutional context. Influence can contribute to changes of processes or implementation of projects. Vulnerability reduction and service delivery can contribute to the capabilities and/or asset bases of actors and their individual and collective pathways. Finally, the framework also indicates the limitations in this research. Capabilities of organisations are included only from the perspective of contextual conditions influencing the productivity of organisations, rather than from the perspective of internal factors of good management and exceptional leadership. This is indicated by the dotted lines in the figure. Furthermore, intra-household relations were not an explicit topic of research.

Main concepts and definitions

Households

Households are often considered the basic unit of social analysis in research on Africa and conventionally defined as spatial units characterized by shared residence and daily reproduction, primarily cooking and eating. However, many authors agree that the concept of households is complicated, contains many aspects that are difficult to combine in one definition (Van Vuuren 2003) and question whether the search for one universal definition is feasible and desirable (Chant 1998; Beall et al. 1999). Households are not “natural” units with fixed forms and meanings across space and through time but are socially constructed and inherently variable. In Kenya, a household is usually considered to consist of a person or a group of persons who live together in the same compound/homestead but not necessarily in the same dwelling unit, have common housekeeping arrangements and answer to the same head of household (Kenya 2002b). The head of the household is that person living in the same household who is acknowledged by the other members as its head. Such a person holds some primary authority and responsibility of the household’s affairs, mainly economic and cultural (Otieno 2001). This conventional definition has been used over the years in Kenya for population census purposes and as such has been easily adopted by many researchers (Owuor 2006). In the context of urban households with (strong) rural links, the above definition of a household is not really satisfactory. The strong ties and reciprocal support between urban-based and rural-based individuals and units suggest that in many instances households are better defined as ‘multi-spatial’ (see Potts 1997; Beall 1999). Membership can then be defined on the basis of
the commitments and obligations individuals maintain towards units in which they may not reside, either temporarily or even on a semi-permanent basis. Because of this a number of researchers in this field have developed different terminologies to refer to urban households that go beyond the urban sphere. Rakodi (1995b) uses ‘separated or split households’ when the wife and/or one or more of the children live in the rural area. Smit (1998) refers to ‘multiple-home households’ when the household maintains both an urban and rural base. For Tacoli (1998), it is the widely used ‘multi-spatial households’, with some members residing in the rural areas and others in town. In another example, Muzvidziwa (2001) refers to the practice of ‘split-household residential patterns’ as a form of mobilizing both rural and urban resources. As such, (some) individuals are no longer necessarily or strictly organized as co-resident groups (i.e. concentrated in space) but instead resemble individual cells or units connected to each other by social networks, along which flow remittances, information and food (Kaag et al. 2004; De Haan & Zoomers 2003). In an attempt to capture the spatial dimension highlighted above and because of the focus of the present study, a household comprises (1) all individuals, who at the time of the survey, were considered to be resident in the same house or compound as the household head, and (2) the family members who were living in the rural area/home, in as far as they had an impact on the household’s activities (production, consumption, reproduction and livelihood) (Owuor 2006). As such, this study distinguishes between (a) the urban (part of the) household, and (b) the rural part of the household. Mono-spatial households in this study are defined as households in which all members were regularly living in Nairobi’s informal settlements at the time of the study. Multi-spatial households are defined as households with reciprocal ties between urban-based and rural-based individuals and units.

Informal settlements and slums

Since it first appeared in the 1820s, the word slum has been used to identify the poorest quality housing, and the most unsanitary conditions; a refuge for marginal activities including crime, ‘vice’ and drug abuse; a likely source for many epidemics that ravaged urban areas; a place apart from all that was decent and wholesome. Today, the catch-all term ‘slum’ is loose and deprecatory. It has many connotations and is seldom used by the more sensitive, politically correct, and academically rigorous. But in developing countries, the word lacks the pejorative original connotation, and simply refers to lower quality or informal housing. The term ‘slum’ is used to describe a wide range of low-income settlements and poor human living conditions. (UN Habitat 2007a). A simple definition of a slum, as used by UN-Habitat, is ‘a heavily populated urban area characterised by substandard housing and squalor
and lacking in tenure security’ (UN Habitat 2003). Slums have come to include the vast informal settlements that are quickly becoming the most visible manifestation of urban poverty in developing world cities. Such settlements are known by many different names and are characterized by a variety of tenure arrangements. In all cases, however, the buildings found there vary from the simplest shack to permanent and sometimes surprisingly well-maintained structures, but what most slums share in common is a lack of clean water, electricity, sanitation and other basic services. A UN Expert Group recently recommended to policy makers and international bodies what they consider to be a more ‘operational definition’ of a slum, one that is intended to enable better targeting of improvement programmes aimed primarily at resolving the physical and legal problems faced by slum dwellers. According to these experts, a slum is an area that combines to various extents the following characteristics: inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structural quality of housing; overcrowding; and insecure residential status (UN Habitat 2007a/b). These characteristics have been proposed because they are largely quantifiable and can be used to measure progress toward the Millennium Development Goal to significantly improve the lives of at least 100 million slum dwellers by 2020.4

In Kenya the concepts of slums and informal settlements are often used interchangeably and there is no official definition of slums or informal settlements (Mitullah 2003a). Slums in Nairobi are generally of two types: squatter settlements and those that arise out of illegal subdivision of either government or private land. A number of slums are located on land unsuitable for construction, especially of residential housing. Various works have provided characteristics of slums and informal settlements in Kenya (Matrix 1993; see also Syagga, Mitullah & Karirah-Gitau 2001), similar to the characteristics mentioned in the definition of the UN Expert Group. A rapid assessment with 30 households in a slum in Nairobi indicated that the concept slum is also predominantly used by the slum dwellers. They do not however put emphasis on lack of basic services and infrastructure as characteristics of slums (Mitullah 2003a).

A recent World Bank study proposed a narrow definition of slums, focusing on households that score poorly on all four dimensions of the Living Conditions Diamond - tenure, infrastructure, unit quality and neighbourhood conditions (Gulyani & Talukdar 2008). Defined as such, Nairobi’s informal settlements are considered a subset of informal settlements. The authors suggest that the framework allows for a more comprehensive or multi-dimensional approach to slums, a more dynamic understanding of living conditions based on interactions between underlying variables, and move beyond a simplistic notion that slums are universally homogeneously poor in quality to more
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context-specific explanation of variation in quality of living conditions amongst slums (Gulyani & Talukdar 2008). The World Bank’s analytical framework is however moving too quickly from the wider slum development diamond (welfare, employment, living conditions, education) to the living conditions diamond and leaves out further contextual and structural constraints. This might provide some more insight in differences in levels of components of slum development and access to services in slums in different countries, though is accompanied by problems in explanation of differences and suggested interventions, which is part of the discussions in chapter 6.

In this study the terms slums and informal settlements are used synonymously. The study recognises the differences and heterogeneity of slums or informal settlements in different contexts and even within the same country and also the difference in structural and contextual explanations for differences.

Spaces

In the theoretical chapter it was indicated that the concept of spaces originated from 20th century German (Habermas, Arendt) and French (Lefebvre, Foucault, Bourdieu) social theorists (cf. Cornwall 2002). Spaces for participation were defined ‘in abstract terms as the ways in which opportunities for engagement might be conceived or perceived, and in concrete terms of the actual sites that are entered and animated by citizens’ (Lefebvre 1991). Towards the end of 1990s the notion of spaces was introduced in the international development literature in the context of the growing attention for (local) governance and accountability, viewing inclusive governance as a right for all citizens as opposed to earlier need based conceptions of participation (Gaventa & Valderama 1999; Cornwall 2002). Invited spaces are defined as inclusive spaces legitimately provided ‘from above’ by government, donors and/or NGOs in which people are invited to participate (Cornwall 2001/2/4). Invented or claimed spaces are defined as relatively autonomous spaces more organically created ‘from below’ by people for themselves (Cornwall 2001/2/4).

More recently the notion of spaces for participation was adapted in the context of the growing recognition of the importance of power relations and globalisation (Gaventa 2006b). In the so called ‘power cube’ the dimension of power is explicitly added next to the dimensions of spaces and places, while redefining them as the levels, spaces and forms of power. Levels consist of global, national and local places. Spaces are divided in closed, invited and created/claimed spaces. Forms of power, based on Lukes (1974/2005), are divided in visible, hidden and invisible power (Gaventa 2006b/7a/7b). Spaces
are then seen as ‘opportunities, moments and channels where citizens can act to potentially affect policies, discourses, decisions and relationships that affect their lives and interests’ (Gaventa 2006b). In this study the core differentiation between claimed and invited spaces is used. Claimed spaces are additionally differentiated into individually and collectively claimed spaces, respectively created by individual households and collectives of multiple households or representatives. It discusses spaces at the local/metropolitan level and their intersections with spaces at the national level. The added dimensions in the ‘power cube’ are in the research captured more dynamically through the process analysis and inclusion of metropolitan, national and international formal and informal institutional contexts.

Livelihood and livelihood pathways

The literature distinguishes narrow and wide definitions of livelihood, either including or excluding external elements that contribute to or affect the household’s ability to ensure a living for themselves and their household. In this research a livelihood is defined as the ‘capabilities, assets (including both material and social resources) and activities required for a means of living’ (Carney 1998). The wider concept of livelihood is here referred to with the term of ‘livelihoods framework’. This framework comprises four basic components: 1) the livelihood assets that people draw upon to make a living; 2) the vulnerability context that refers to the long term stresses and short term shocks that affect people’s options and puts their resilience to accommodate these threats to the test; 3) the institutions that structure people’s access to and control over assets together with the transformations that may result from people’s individual or collective agency; and 4) the livelihood strategies people adopt and their outcomes’ (Rakodi 2002). The concept of livelihood pathways as differentiated from livelihood strategies includes structural components and regularities in the analysis of livelihoods, in line with the shift from a neo-liberal approach of Giddens towards a more structural approach of habitus’ of Bourdieu (see also chapter 6). Pathways are here defined as ‘patterns of livelihood activities which arise from a coordination process among actors. This coordination emerges from individual strategic behaviour embedded both in a historical repertoire and in social differentiation, including power relations and institutional processes, both of which pre-structure subsequent decision-making’ (De Haan & Zoomers 2005). This study differentiates between individual pathways and collective pathways, expressing the difference in pathways of individual households and actors and collective actors.
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Civil society, collective action and social movements

In this study collective action and social movements refer to the direct collaboration of two or more individuals and/or organisations and/or their indirect collaboration through representing organisations for a common purpose. Collective action and social movements are however difficult social phenomena to define (Tilly 1995). One distinguishing characteristic is the association with contention and disagreement (Belbin 2009). Another distinguishing characteristic is the diffused identity of multiple actors (ibid.). Social movements are understood as a larger entity, and nonetheless composed of organisations, ideas, social networks, technologies, repertories of action (ibid.). The notion that social movements are differentiated from social movement organisations is longstanding among some social movement theorists (McCarthy & Zald 1977). This especially refers to the role of movements to provide for resources which localised or informal social networks are unable to mobilise on their own (Crossley 2002; McAdam et al. 1988; Ballard et al. 2005). While specific organisations within movements might make claims based on their own interests, movements as a whole mostly make claims for principles more than interests (Belbin 2009). In Kenya major types of civil society actors involved in collective action and social movements are CBOs, SHGs, Societies, Cooperatives, Trusts, Residents Associations and NGOs. Besides, also private sector companies and their associations can be involved in collective action. At least since the colonial period collective action and social movements have played a role in Kenya.

Community Based Organisations (CBOs) are administratively registered with the Provincial Administration or the Department of Social Services under the Ministry of Culture and Social Services. The civic organisations ordinarily registered under this option consist of community groups operating in fairly limited administrative areas such as locations and divisions within the district, i.e. at grassroots level. The majority of these organisations are self-help groups and women groups involved in commercial or developmental activities for the benefit of a community in a geographical area. These organisations operate in a relatively ad-hoc manner and often do not have a functioning constitution or any rules that govern them. The requirements for registration of SHGs in Nairobi were: the group’s constitution; completion of four copies of registration forms (with name of group, area of locations, membership, officials and other committee members, activities to be undertaken, sources of income); list of all members (minimum of 10 members) and their identity card numbers; minutes of how the group elected its officials and their names; and payment of registration fee of Ksh 300 and annual renewal fee of Ksh 100 (Chitere & Ombati 2004, based on DSS 2003). Renewal of the registration is required to be made annually, although the District Social Development office
rarely enforces this requirement. Whereas CBOs are not registered as societies under the Societies Act, where the activities of a particular CBO are deemed by the Registrar of Societies to be of a nature requiring that it be registered as a society, then the Registrar may, by notice, require that the CBO applies for registration as a society under the Act.

Societies are registered under the Societies Act (Cap 108 of the Laws of Kenya, section 10) by the Attorney General’s Office. A society is defined as ‘any club, company, partnership or other association of ten or more persons, whatever its nature or object, established in Kenya or having its headquarters or chief place of business in Kenya.’ A branch of a society also qualifies as a society. The definition specifically excludes trade unions, cooperatives, corporations, and certain other entities. Types of organisations that are registered as societies include self-help groups, resident/neighbourhood associations or alliances and a wide variety of charitable associations. Most political parties are registered as societies. Other types of societies can engage in political activities if their governing documents permit it. No society in Kenya can affiliate with any political organisation or group outside Kenya. (Societies Act, s. 11(1)(a)). Registration is often easily granted to most such organisations, except for political parties, which are thoroughly scrutinized and vetted before they are registered or refused registration.

Cooperatives or Cooperative Societies in Kenya originate from the time immediately after independence, playing an important role in wealth creation, food security, employment creation and poverty reduction (Gunga, 2008). Cooperatives are registered under the Cooperative Societies Act (2004, No. 12 of 1997 as Amended, in 2004; Cap. 490 Laws of Kenya), by the Registrar of Cooperative Societies. A cooperative is universally defined as an ‘autonomous association of persons united voluntarily to meet their common economic, cultural and social needs and aspirations through a jointly owned and democratically controlled enterprise’ (Recommendation 193, ILO 2002; see also www.ica.coop). Cooperatives undertake business activities with the prime objective of providing services to the members. They pool available resources from the members, utilise it in the best possible manner and share its benefits. Cooperatives in Kenya can be differentiated into service and producer cooperatives. Producer cooperatives’ objectives are to promote the use of modern technology and contribute to national development through production. Service cooperatives are responsible for procurement, marketing and expansion services, loan disbursement, sale of consumer goods and member education (Gunga 2008).5

Trusts are entities created to hold and manage assets for the benefit of others. Trusts can be established under the Trustees (Perpetual Succession) Act only
for religious, educational, literary, scientific, social, athletic, or charitable purposes (Trustees (Perpetual Succession) Act, Chap. 164, s. 3(1)). Charitable purposes may also be affected by forming a trust by way of a trust deed. There are no requirements for a minimum number of members and minimum capital for the organisation.

Resident/Neighbourhood Associations in Nairobi either take on the legal status of societies or associations (42.4 percent), Self Help Groups (21.1 percent), Limited Companies (3 percent) or operate informally without having registered (33.3 percent) (Chitere & Ombati 2004).

NGOs are registered under the NGO Coordination Act (1990). An NGO was originally defined as ‘a private voluntary grouping of individuals or associations, not operated for profit or for other commercial purposes but which have organized themselves nationally or internationally for the benefit of the public at large and for the promotion of social welfare, development, charity or research in the areas inclusive of, but not restricted to, health, relief, agriculture, education, industry and the supply of amenities and services.” (NGO Coordination Act, s. 2, as amended by legal notice 11 of 1992). Recently the definition of NGO was widened to include all Voluntary Service Organisations. An NGO has been redefined as ‘a voluntary organization or grouping of individuals or organizations which is autonomous and not-for-profit sharing; operating in the voluntary sector; organised locally at the grassroots level, nationally, regionally or internationally for the purpose of enhancing the legitimate economic, social and/or cultural development or lobbying or advocating on issues of public interest or interest of a group of individuals or organizations; but shall not include Trade Unions, social clubs and entertainment sports clubs, political parties, private companies or faith propagating organizations’ (GoK 2006b).

Companies are registered under the Companies Act Cap. 486 of the Laws of Kenya, with the Registrar of Companies at the Attorney General’s Office. Companies under the Companies Act are divided into (private and public) companies as Companies Limited by Shares, Companies Limited by Guarantee, Unlimited Liability Companies and Foreign Companies.

 Governance

The term governance became a core concept in the context of the debates on the changing relationships between state, private sector and civil society, characterised by a reduced role of the state and increased importance of markets in providing goods and services to citizens. This was often
accompanied by a shifting importance of different levels of government with
the role of national government being reduced vis-à-vis that of local
government on the one hand and international governing institutions on the
other hand (Baud & Post 2002). Governance takes on the form of multi-actor
arrangements and has been described as ‘a notoriously slippery term that
vaguely refers to non-hierarchical attempts at coordinating public and private
interests, actions and resources’ (Pierre and Peters, 2000). These multi-
stakeholder arrangements or public-private partnerships are increasingly meta-
governed through systems of regulatory frameworks and supervisory agencies.
In this study governance is defined at the meta level and refers to ‘the
formation and stewardship of formal and informal rules that regulate the public
realm, the arena in which state as well as economic and societal actors interact
to make decisions’ (Hyden et al. 2004). This definition emphasises the
importance of the constitutive side of politics and governance, in addition to
the distributive and allocative sides. Additionally, the definition explicitly
includes both formal and informal rules of the game or institutions.

Institutions

Institutions are generally defined as ‘regularised patterns of behaviour between
individuals and groups’ (Leach 1999), ‘the humanly devised constraints that
shape interaction’ (North 1990) and ‘social practices that are regularly and
continuously repeated, sanctioned and maintained by social norms and have a
major significance in the social structure’ (Abercombie et al. 1984). More
popularly institutions are defined as ‘rules of the game’ (North 1990).
Institutions can be formal and informal. Formal institutions are formal rules
and conventions and include constitutions, laws, regulations, property rights,
markets and enforcement characteristics like sanctions (Ellis 2000; Jütting
2003). Informal institutions are codes of behaviour like traditions, customs,
moral values, religious beliefs and all other norms of behaviour that passed the
test of time. Recently informal institutions were conceptually more
distinguished from formal institutions and defined as the ‘socially shared rules,
usually unwritten, that are created, communicated and enforced outside
officially sanctioned channels’ (Helmke & Levitsky 2004/6). Formal
institutions by contrast are defined as ‘the rules and procedures that are created,
communicated and enforced through channels that are widely accepted as
official’ (Helmke & Levitsky 2004/6). Neo-institutionalists introduced the
definition of institutions as ‘rules of the game’ (Coase 1991; North 1993)
predominantly from the perspective of constraints to realisation of actor
preferences and how these rules can be changed to lower transaction costs and
reduce other constraints associated with implementing policy. This definition
optimistically supposes that institutions can be instrumentally designed and
reformed with little or no attention paid to underlying politics and power dynamics (Hyden 2008). This study includes both constitutive and allocative/distributive rules of the game. It builds on these notions for a clear differentiation between influence and political rights (see also definitions on influence and political rights).

Organisations

Organisations must be distinguished from institutions. The relative confusion in the use of terminology in everyday speech, which is characterised by referring to organisations as institutions, predominantly stems from the fact that organisations as categories are also rooted in institutions. This is consistent with the earlier statement that the ‘rules must be separated from the players’ (North 1990). Most definitions of organisations emphasise the aspect of an overriding and unifying objective (Sorensen & Torfing 2007), common goals or set of goals (Robbins 2004); some common purpose to achieve objectives (North 1990). In addition, some authors add the defining aspects of (political) leadership, capable of imposing formal sanctions on the participants and a chain of command permitting governing by decree (Sorensen & Torfing 2007).

Governance networks

Governance networks are defined in this study as ‘relatively stable horizontal articulations of interdependent but operationally autonomous actors; who interact with one another through negotiations; which take place within a regulative, normative, cognitive and imaginary relatively institutionalised framework; that is self-regulating within limits set by external forces and which contributes to the production of public purpose (Torfing 2005; Sorensen & Torfing 2007; Marcussen & Torfing 2003; see also Rhodes 1997; Jessop 2002). The relative institutionalisation of governance networks, which facilitates and constrains negotiated interaction, permits to draw on institutional theory in order to understand the dynamics of governance networks (Sorensen & Torfing 2007). The relatively institutionalised framework is an amalgam of contingent ideas, conceptions and rules. It is shaped and reshaped in the course of action, but it also conditions future interaction among the networks actors. As such it has a regulative aspect (providing rules, roles and procedures), a normative aspect (providing norms, values and standards), a cognitive element (providing codes, concepts and specialised knowledge) and an imaginary aspect (seeing as it produces identities, ideologies and common hopes) (Torfing 2005).
Governance networks must be differentiated from organisations and institutions in a strict and narrow sense of the terms (Sorensen & Torfing 2007). Governance networks generally lack the defining characteristics of organisations in terms of an overriding and unifying objective, a (political) leadership capable of imposing formal sanctions on the participants and a chain of command permitting governing by decree. Governance networks also lack the defining characteristics of institutions, as they are marked by a profound institutional ambiguity since, at the beginning, there are no clearly defined and commonly accepted rules, norms and procedures and no formal constitution that predetermine how legitimate decisions are made (Hajer & Versteeg 2005).

Governability literature emphasises the complementarity of levels of governance with regard to governance networks (Kooiman et al. 2000/8). First-order governance takes place wherever people and their organisations interact in order to solve societal problems and create new opportunities. Second-order governance focuses on the institutional arrangements within which first-order governing takes place. It constitutes the meeting ground for those being governed and those governing, and implies the reconsideration and adaptation of the parameters of first-order governance. Meta- or third-order governance feeds, binds and evaluates the governing exercise. In meta-governance, governors and governed alike take each other’s measure in formulating norms by which to judge each other and the measuring process too (Kooiman et al. 2008; see also Kooiman 2000; Jessop 2002). This study includes all levels of governance relevant for governance networks. The internal capacities of (government as well as civil society) organisations are considered external factors influencing the processes and impacts of governance networks.

Quality of life

The theoretical chapter presented an overview of six main families of research approaches to quality of life (QoL) and well-being (WB), ranging from more individualistic to more social approaches (Phillips 2006; Gasper 2009). It indicated the importance of conserving this richness of approaches, rather than attempting to formulate a uniform definition of QoL and WB and ‘making well-being assessment to a form of mental temperature-making’. This study uses a social conception of quality of life, combining the approaches of poverty studies, community studies and societal quality of life constructs. Quality of life is conceptualised on the one hand by the vulnerability of households and collectives and on the other hand by service delivery to the wider society. Vulnerability refers to the ability of households, individuals and communities to bend and bounce back when confronted with adverse situations (Moser 1998). Service delivery to the wider society concerns the variety of urban
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services that can be delivered. The concept of quality of life as such then serves as an expression of the extent to which impacts are both serving the poor and matching the scale and the scope of the problems.

Political rights and influence

The theoretical chapter indicated the importance to clearly distinguish influence and political rights. For the purpose of this study the definitions of influence and political rights have been formulated on the basis of citizenship literature and the different conceptualisations of institutions. Influence was earlier defined by citizenship literature as ‘a tangible impact on policy making and the organisation of service delivery’ (Goetz & Gaventa 2001). Influence in this study refers to the tangible impacts on the allocative and distributive rules of the game. This is measured through the impacts on policies, processes and implementation of services. Political rights refer to the tangible impacts on the constitutive rules of the game. This is measured through the impacts on the widening and/or narrowing of spaces. The analysis in terms of political rights is especially relevant for invited spaces, while to a lesser extent for the collectively and individually claimed spaces included in this study.

3.5 Strategic research choices and limitations

This section discusses the strategic choices and limitations regarding the research methods, fieldwork design and selection of case studies. The chapters 6, 7 and 8 discuss these issues in further detail.

The study areas

Fieldwork was carried out in different sections within and around the metropolitan city of Nairobi. For each type of space relevant study sites were selected. For the study on individually claimed spaces the informal settlement of Mathare Valley in Nairobi was selected. Mathare Valley was chosen as it is one of the two largest and oldest slums in Nairobi, with residents from the four major tribes inhabiting the city, furthermore the researcher has an in-depth familiarity with the area. For the study on collectively claimed spaces, pre-selection of the three issues of land and tenure, education and solid waste management took place in a bottom-up way by the slum residents themselves on the basis of outcomes of a household survey and four focus groups of fifteen to twenty people (one focus group for women; one focus group for men; two mixed focus groups). Final selection of the collectively claimed spaces in
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peri-urban land and tenure were based on the findings in the preparatory research that these spaces would become increasingly important in the near future, the contribution they could make to the international development debate on social and economic impacts of access to land and tenure, and the inherent inclusion of both consumptive and political rights collective action in issues of land and tenure. For the study on invited spaces the mechanism of citywide governance networks was selected, as these provided new spaces of inclusion beyond consultation and opportunities for analysis of both impacts on influence and political rights. These citywide networks cover the period from the time of introduction of multi-party election in Kenya in 1992 up to 2008. The selected case studies are further discussed in chapters 6, 7 and 8.

Research methods

The study used a combination of quantitative and qualitative research methods to answer the formulated research questions. Below is a description of the major methodologies used in this study. A more detailed description of the case studies, research population and methods is presented in the subsequent findings chapters 6, 7 and 8.

To answer the first research question on the household pathways of the poor in informal settlements, the research methods of a household survey and focus groups were selected. This provided the possibility of combining quantitative and qualitative observations at individual and community level and to analyse livelihood pathways in a comprehensive way. The focus groups of 15 to 20 persons consisted of one focus group for women, one for men and two mixed groups from the slums of Mathare Valley. They provided additional information on questions that arose during the research and discussion over the relative importance and weighing of assets and asset-components. The original aim to weigh and rank assets on the basis of the opinions of the poor was however not realised, as they found it difficult to differentiate between relative importance of assets and actual ownership of assets. Therefore, it was finally decided to primarily rank and weigh assets on the basis of expert information, in combination with relevant inputs from the focus groups.

To answer the second research question on negotiation processes different methods were used with regard to the individually claimed spaces, collectively claimed spaces and invited spaces. Negotiation processes in individually claimed spaces were covered by the household survey, providing comparative information and data at household and community level. Negotiation processes in collectively claimed spaces were explored through semi-structured interviews with the leaders of the selected housing initiatives, support
organizations, government and key-experts. Furthermore, focus groups with members of some of the housing initiatives – the initiatives which had already selected the people that were to relocate - were held to collect information on these processes, their hindrances, and ways to overcome them. Negotiation processes in invited spaces were researched through key-informant and in-depth interviews with many key stakeholders (public sector, private sector, civil society, donor), in order to reflect the multiple perspectives and interpretations. Whenever possible, complementary secondary data were gathered to complete the picture and refer to official documents.

To answer the third research question regarding impacts on quality of life, influence and political rights, also different methods were used to research the different types of spaces. Impacts of individually claimed spaces were measured through the asset- and vulnerability-index created on the basis of the data from the household survey. Next to these impacts of the claimed spaces of social, organizational and political relations, also the impacts of household characteristics, household ambitions and structurally accommodating and constraining institutions were gathered and analysed. Impacts of collectively claimed spaces of housing initiatives of the poor were measured in detail through a second household survey, among members of the one housing initiative that had already moved. Mapping of present and former ownership of plots occurred through meetings with members of the committee and control questions in the survey questionnaire and follow up checks. For the other housing initiatives, impacts were measured through interviews with leaders of the initiatives and support organizations on key indicators that could provide information on potential beneficiaries, poverty reduction and gaining influence and political rights (once the move had been made). This provided the opportunity to make worthwhile conclusions in terms of potential impact for these channels of access to land and tenure. Impacts of the invited spaces were measured through interviews with key stakeholders and detailed secondary data sources of public and private sector, civil society and donor organizations.

The fourth research question regarding impacts of international, national and metropolitan institutional contexts on spaces, processes and impacts, was explored on the basis of interviews and literature study. During the various fieldwork periods many secondary sources were collected from libraries and resource centres in Nairobi. These included the libraries of the Housing and Building Research Institute (HABRI) and International Development Studies (IDS) at the University of Nairobi. Resource centres of Institute of Policy Analysis & Research (PIAR), UN-Habitat, World Bank, Institute of Economic Affairs, AMREF, Mazingira Institute, Ministry of Education, Kenya Human Rights Commission (KHRC) and Transparency International (TI). Statistics were gathered from the Central Bureau of Statistics (CBS) and the Kenya
Institute for Public Policy Research & Analysis (KIPPRA). In addition, many secondary resources were collected through public, private and civil society organizations. During the entire research period information was also collected from internet editions of Kenyan Newspapers like the Daily Nation, Standard and East African. In addition, whenever necessary and unavailable online, secondary sources were sent by mail.

Fieldwork design

The research data was collected during five fieldwork periods between 2002 and 2008. This allowed for a more historical and longitudinal approach to the research with regard to the study on invited spaces, observing spaces over a longer period of time and identifying underlying explanatory patterns.

The first fieldwork period took place in the months of June, July and August 2002, just before the Kenyan general elections of December 2002. During this period the first household survey in the slums of Mathare Valley was carried out, which also served as a selection mechanism for collectively claimed spaces. Unfortunately, recurring unrest in Mathare Valley did not allow for a longitudinal study through a second household survey. In addition a first round of interviews on invited spaces was held and preliminary orientation on other sectors started.

The second, third, fourth and fifth fieldwork period took place from May to June 2004, January to March 2006, October to November 2006 and October to November 2007, respectively. In these periods the collectively claimed spaces as well as the invited spaces were explored in depth. Some additional research took place from a distance through phone calls, internet and resource persons. In all fieldwork periods a research team of 4 to 5 local research assistants was formed, with changing composition through the years. Major consideration for the use of local research assistants was the avoidance of a cultural bias in interpretation and answering of questions. The research teams consisted of Kenyan men and women with various ethnic, professional and geographic backgrounds. In general the research teams performed well, were committed, and appreciated the learning experiences and income. With regard to the household survey on individually claimed spaces, one research assistant was let go due to irregular practices, which were discovered through control measures. This research assistant was dispelled immediately after the discovery and a small number of questionnaires were destroyed. The research teams were trained in advance on conducting questionnaires, and on the context of the research, which was followed by a period of piloting the questionnaire. During the research, the teams were provided with close and daily supervision and
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detailed monitoring of the collected data for quality results, which also contributed to the team spirit and learning. The research assistants were especially employed for conducting the household surveys, as well as to take on additional research with regard to the collectively claimed spaces. Interviews with key stakeholders of invited spaces were completely carried out by the Ph.D. researcher, as these required more open questions and full awareness of the overall perspective of the research.
Notes

1 Conflicts, disputes and negotiations can be between landlords (over spillage waste and flood water, boundaries, illegal occupation and blockage access roads), between landowners and municipality (over illegal occupation and payment infrastructure costs) and internally between sellers and buyers and kin (over boundaries, dubious sales, ownership and inheritance) (Musyoka 2004/6).

2 The definition of households is largely based upon Owuor (2006).

3 UN-Habitat defines a slum household as a group of individuals living under the same roof in an urban area lacking one or more of the following: durable housing, sufficient living space, easy access to safe water in sufficient amounts at an affordable price, access to adequate sanitation, and security of tenure that prevents forced evictions (UN-Habitat 2003).

4 UN-HABITAT analyses show that Sub-Saharan Africa’s slums are the most deprived; over 80 percent of the region’s slum households have one or two shelter deprivations, but almost half suffer from at least two shelter deprivations (UN-Habitat 2007a).

5 In Kenya cooperatives are among others thriving in agriculture, banking, credit, agro-processing, storage, marketing, dairy, fishing and housing (Gunga 2008). This study specifically discusses housing cooperative societies.