

**Institutional Analysis of Dynamics of Disadvantage and Strategies towards
Participatory Governance in Sustainable Urban Development of Nairobi, Kenya**

by

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ABSTRACT

This doctoral research theorizes understandings of disadvantage and offers an original and innovative conceptualization of the ladder of disadvantage. The propulsion for this exploration of inequality and disadvantage was a desire to understand life chances and the capabilities of the most marginalized in relation to power, voice, vulnerability and agency to manage compounded disadvantage. This research revealed the perpetuation of this exclusion and marginalization because of current governance processes and structures. The case is made that dominant groups and structures marginalize those with few social networks and few resources. The doctoral research offers the argument that the needs of the most marginalised are addressed through enhancing democratic agency by presenting strategies to promote active participation at the local and national levels in governance processes.

The PhD addresses the equality gap in the life chances of people living in rapidly urbanising cities. The model developed is in accordance with the UN Sustainable Development Goals to help uphold sustainable development in dynamic cities through informed policy development process. A critical, systemic and intersectionality approach is used to explore life chances of the disadvantaged and discuss the prevailing unequal and oppressive conditions, using Institutional Analysis framework and Capabilities Approach to suggest optimal conditions for social inclusion and economic equity in urban governance. This thesis adopts a sequential, transformative mixed method research design responsive to the needs and contributions of participants. Data collected through interviews, focus groups and a survey was used to develop the ladder as it applies to the most marginalised in the governance and development of the informal sector in Nairobi. Critical System Heuristics, using Ulrich's twelve questions, combined with Kabeer's Institutional Analysis are used as the methodological and philosophical framework to understand, critique, reflect and analyse the contemporary urban governance and development processes of Nairobi. This analytical strategy was deployed to help plot a way forward for a just and sustainable city. SPSS is used as an analysis tool for the analysis of survey data. Synergies and strategies are outlined highlighting roles of stakeholders in '*a priori*' and '*posteriori*' scenarios and routes in the form of pathways to wellbeing, inclusion and sustainable development. The thesis concludes by providing key recommendations and reforms to be adopted by both the Kenya National Government and

Nairobi County Government particularly in the governance framework and economic policies of the informal sector.

Key words: *Urbanization, Participatory Governance, Nairobi, Sustainable Development, Disadvantage, Institutional Analysis*

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DECLARATION

I certify that this thesis does not incorporate without acknowledgment any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Stanley Muchiri Machuki
Candidate

Sign

Date:

I believe that this thesis is properly presented, conforms to the specifications in the university and *prima facie* worthy of examination.

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LIST OF ACRONYMS

AP – Administration Police
AIDS – Acquired Immune Deficiency Syndrome
CBO – Community Based Organization
CID – Directorate of Criminal Investigation
CoG – Council of Governors
CSH – Critical Systems Heuristics
CSO – Civil Society Organization
CSUDP – Civil Society Urban Development Platform
CST – Critical Systems Thinking
FBO – Faith Based Organizations
GoK – Government of Kenya
APDK – Association for the Physically Disabled of Kenya
IEBC – Independent Electoral and Boundaries Commission
ILO – International Labour Organization
HELB – Higher Education Loans Board
HIV – Human Immunodeficiency Virus
JSC – Judicial Service Commission
KARA – Kenya Alliance of Resident Association
KES – Kenya Shilling
KEPSA – Kenya Private Sector Alliance
KICC – Kenyatta International Convection Centre
KLDC – Kenya Leather Development Council
KLR – Kenya Law Review
KNA – Kenya National Archives
KNBS – Kenya National Bureau of Statistics
KNCHR – Kenya National Commission on Human Rights
MCA – Member of County Assembly
MDGs – Millennium Development Goals
MP – Member of Parliament
NACOSTI – National Commission for Science, Innovation and Technology
NASCOP – National AIDS & STI Control Programme
NCC - Nairobi County Council

NCCJR – National Committee on Criminal Justice Reforms
NEMA – National Environment Management Authority
NGOs – Non-Governmental Organizations
PEV – Post-Election-Violence
PPP – Public-Private Partnerships
PrEP – Pre-Exposure Prophylaxis
PWA – People Living with Albinism
SACCO – Savings and Credit Cooperative Organization
SSM – Soft Systems Mapping
SDGs – Sustainable Development Goals
STI – Sexually Transmitted Infection
UN – United Nations
UNGA – United Nations General Assembly
WID – Women in Development

DEFINITION OF TERMS

Baraza – A public meeting place mainly at the Chief’s camp; the term may also mean a public meeting held on a public ground

Huduma – A service, mainly denoting those provided to the public by the government.

Huduma Centre – This is the One Stop Shop where citizens can get government services and information at each County Headquarters. Nairobi as the capital city has three such centres.

Kanju – The local council police officers responsible for maintaining law and order in the county by arresting petty offenders or business persons not conforming to the county by-laws. In some instances, they work alongside the national and administrative police forces in their roles of maintaining law and order.

Jua-Kali – A Swahili word meaning scorching sun. The term is used to denote informal sector workers. It was previously used to refer to artisans working in the open scorching sun since there was no roof on top of their head unlike other formal manufacturing industries.

Hustle – The activity of doing so many non-formal activities for economic survival

Hustler – A person who engages in hustling activities

Mali mali – The wares sold by street vendors in their hawking activities, usually a collection of many items as would be in a souvenir shop.

Mau Mau – An uprising or rebellion by the Kikuyu people in that fought against the British colonial administration in struggle for independence in Kenya.

Mwananchi – A citizen, usually an ordinary person in the general population

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INTRODUCTION

This doctoral thesis conducts an institutional analysis on the dynamics of power and disadvantage in urban development and governance processes of Nairobi. This research makes an original contribution to the literature to mainstream gender and informal sector. This is to address the life chances of citizens across the domains of the household, the community, the market, and the state. This is to help explore the factors that enable people to either move up or down in the continuum of power and advantage. Eight key determinants of life chances are identified, and their intersectionality discussed to reveal their interconnectedness and how they determine ones' capabilities. The eight factors I have identified are income, employment, occupation, education, gender, age, ethnicity and disability and health well-being. These factors are discussed and used to conceptualize an understanding of disadvantage and subsequently develop a ladder of disadvantage for people with different life chances in Nairobi in later parts of the thesis.

Urban development should proceed according to plan. It should also strike a balance between individual welfare and state benefits without compromising the environment under which such development occurs (Machuki & McIntyre-Mills, 2018). On 25 September 2015, at the UN Development Summit a set of 17 Sustainable Development Goals were agreed upon as a remedy to help accomplish what the eight Millennium Development Goals (MDGs) did not achieve (Leal Filho et al., 2019; United Nations, 2015). The goals are to inform and guide the development processes on a global scale in the 2030 Agenda for Sustainable Development. As universal goals of development they primarily aim to end poverty, protect the planet – address climate change, and ensure prosperity for all. The 17 goals have 169 specific targets to be met before 2030 (Leal Filho et al., 2019; United Nations, 2015). These are discussed in chapter two and expanded throughout the remainder of the research. Appendix 1 lists in a table all the goal within this Agenda.

Despite the positive correlation of urbanization levels and national economic development, rapid growth of cities and their populations pose a threat to human welfare. The proliferation of unplanned informal settlements which are home to the urban poor and most marginalized populations is a common phenomenon in Nairobi. Adverse effects of urbanization result in survival means of living as adaptive techniques by the citizens. This in

turn exposes those most vulnerable to more risk and dangers condemning them to forever remain behind by way of being excluded from mainstream society and economy as disenfranchised people. Most often those most at such risk are women, children, elderly, disabled and the poorest of the poor.

Scope of the Study: What the Thesis Addresses and Does not Address

The focus of the research is to assess the life chances of the most marginalized people living in the rapidly developing city of Nairobi following an institutional analysis of social relations. This is to identify the basis of exclusion arising from cumulative disadvantage to develop coping strategies and remedies for inclusion that are human centred in promoting justice, choice, dignity, equality and development for all.

The focus of the thesis is placed on discrimination, marginalization and stigmatization from the lenses of those in power to those who are disadvantaged because of either disability or nature of their work. The thesis seeks to address marginalization, discrimination and stigma associated with disadvantage that in turn results in oppression and exploitation of those most vulnerable. Accordingly, the study is rooted in development studies to discuss and suggest strategies to enhance equality. The thesis uses specific case studies to get a deeper understanding of the social, economic and political aspects of the groups. In this aspect, the thesis is not on disability studies or medical condition of the said groups. However, social aspects of how a medical condition such as disability affects the life chances of people are discussed. The strategies proposed are non-medical.

To address these injustices and inequalities, I suggest strategies to promote participatory governance which would in turn reduce the power inequalities thus promoting social, economic, political and environmental justice as key ingredients in achieving sustainable urban development in Nairobi.

Discrimination and stigmatization of the disadvantaged by those in power results in exploitation, oppression, and abuse. People with Albinism (PWA) are stigmatized by being associated with superstitious beliefs and myths that reduce them to ghosts, magical beings, curses or gods (Under the Same Sun, 2019). Conversely, sex workers are stigmatized through

the assumption of having HIV/AIDs, condemned and discriminated as immoral and unacceptable people in the society and the associated criminalization of prostitution (Federation of Women Lawyers, 2008; Nnko et al., 2019). The resulting effects of the stigma and discrimination are increased dehumanization of the victims, increased vulnerability and reduced agency and access to support services like health and security (Franklin, Lund, Bradbury-Jones, & Taylor, 2018; Huschke & Coetzee, 2019).

Other informal sector workers such as hawkers discussed in the thesis are discriminated because of the nature of their work which is considered chaotic and disorganized and a threat to public decency due to its unregulated and unprotected environment under which it is practiced (Mitullah, 2003). Subsequently the street vendors, commonly known as hawkers in Nairobi are constantly harassed by the local council *askaris* (Council Police) dubbed as *Kanju* and other units of law enforcements in the city (Dragsted, 2019; Kinyanjui, 2013).

The word hustle is commonly used by the local residents to denote unclassified and irregular activities people engage in to survive. (Thieme, 2013) classifies the term in three spheres of meaning as *hustle* as a last resort to survival mechanisms and also *hustle* as a livelihood strategy and risk management. Others operate small business kiosks in town. The result is an increasing chaotic and disorganized order of operations in the city that is often considered disruptive by the City Council Authorities (Kinyanjui, 2010).

This doctoral thesis therefore attempts to make a case for the need to develop approaches to facilitate inclusive dialogue between vulnerable groups such as hawkers, sex workers and the disabled with planning and governing authorities to develop a safe and inclusive city (Ambole, 2018).

While all the seventeen goals are significant and relevant to this study due to their interconnectedness, this study emphasizes three goals; goal one, goal eight and goal eleven. This allows me to intensively and critically analyse, reflect and study how achievement of the goals would lead to sustainable development in a manageable manner. This is the scope of the thesis. The three goals have been chosen based on their relevance and relation to the objectives, theories and concepts under which the study is based in context of sustainable development.

Prostitution and hawking are discussed as specific case studies. They are selected because these are the livelihoods of the most marginal and they are subject to exploitation and a range of legislative controls. Hawking, also known as street vending, is a livelihood for most poor people of all ages and it is also chosen because the governance around the practice was chaotic at the time of the research. The policies in place are inconsistent and largely shaped by the prevailing political wave rather than sustainable guidelines and frameworks embedded within the constitution. The alternative strategies for making policies must originate from the ideals of human rights and be considerate of diversity and interests of the people. This leads to informed decision-making and supports freedom as an integral part of development (Riswanda, Corcoran-Nantes, & McIntyre-Mills, 2016; Riswanda, McIntyre-Mills, & Corcoran-Nantes, 2017; Sen, 2001).

Currently, primary and secondary data provide the basis for supporting the argument for this thesis. Case studies are presented to further illustrate the contemporary challenges facing the margins in the rapidly urbanising city. Themes of exploitation, survival livelihoods, powerlessness, voicelessness, hopelessness, marginalization and stigmatization are evident presenting a trend of more unequal and unsuitable situations in contrast to both UN SDG goals and Kenya Vision 2030 agenda.

The study develops the ladder of disadvantage as a basis to conceptualize a framework for participatory governance in urban planning and development processes. There is a strong recommendation on the need to balance individual and collective needs and goals of Nairobi residents as they seek to enhance their life chances and improve their capabilities in a rapidly urbanizing environment. This is to ensure that both in the short and long run development occurs sustainably and with justice. Check points for the balances are done on how the state meets national needs and goals, without a compromise of individual needs and goals, and second to establish how the urban governance scheme seeks to uphold justice and equity between the political elites and the urban poor through participatory and inclusionary measures.

Policy perspectives are mainly drawn from The Kenyan Constitution 2010, The Public Participation Act 2016, UN-Habitat, UN Sustainable Development Goals (SDGs), Kenya's Vision 2030, Ministry of Planning and Devolution, State Department of Housing and Urban Development from the Ministry of Transport, Infrastructure, Housing and Urban Development,

Kenya National Human Rights Commission (KNHCR) and the County Government of Nairobi. Special focus is given to thematic hubs of policy, governance and development.

Although the documents from neoliberal institutions such as United Nations and Kenyan Government are used, they are not considered normative benchmarks but as starting points to facilitate discussion of issues. In later sections, discussions with other stakeholders including the government are presented to bring forth the policy measures to mitigate neoliberal challenges of governance and development in urbanization. I argue there remains reasonable effort and logic in realization of UN Sustainable Development Goals (one, eight and eleven) and Vision 2030 in policy and legal guidelines. I seek to establish pathways to achieving sustainable urban development of Nairobi that would be resilient, inclusive and just.

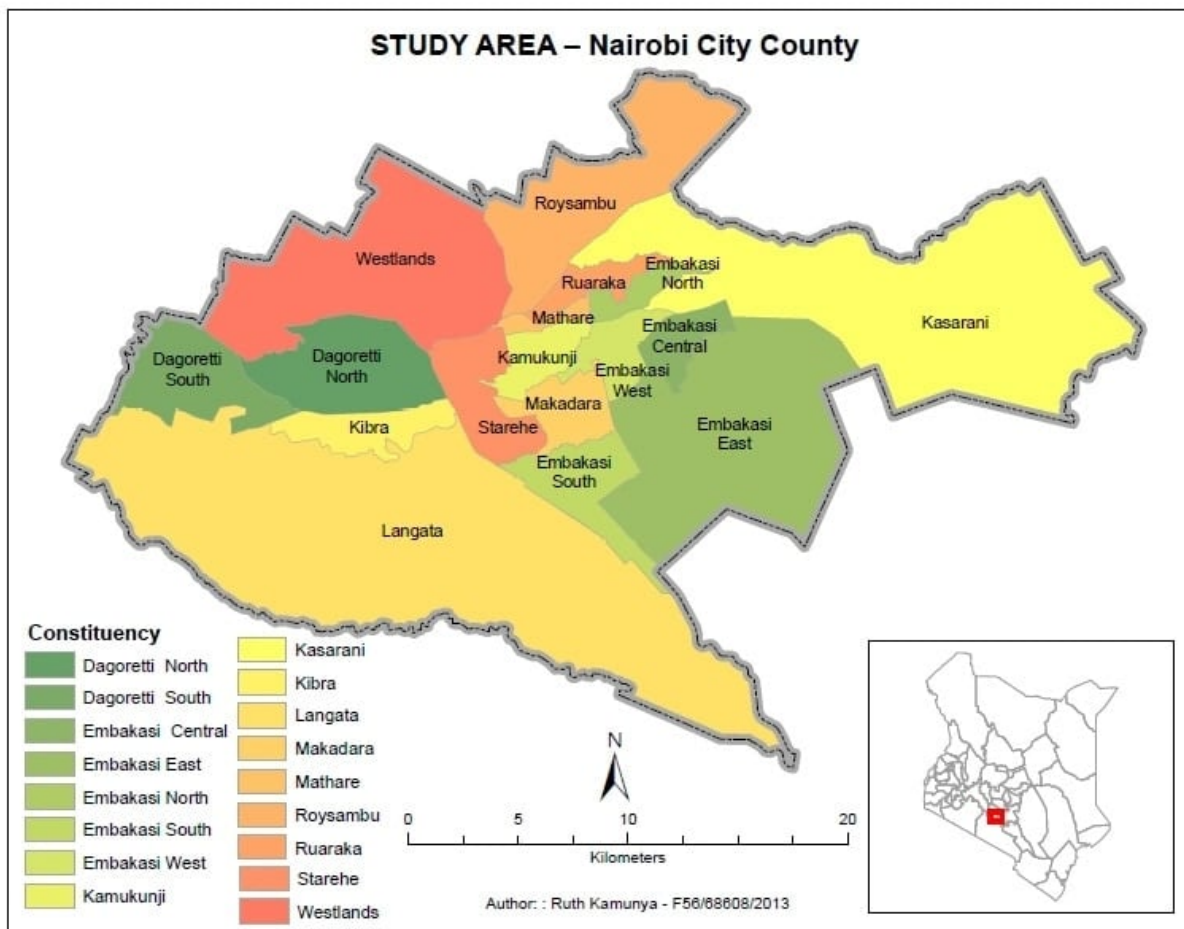
To keep the study within a manageable scope, this study does not cover some areas. These include groups of people, some geographical area of Nairobi, major formal economic activities and studies. In regard to the groups of people the thesis has missing voices of migrant from other communities, the LGBTQ+ people. The study does also not discuss heterosexual male sex workers. Migrants in Kenya, either from Africa or the rest of the world are also excluded. However, these groups are significant people in the society and the choice to exclude them is purely to focus and get a deep understanding of the marginalized communities selected. In some instances, these excluded populations are mentioned but not as a focus. For instance, the mention of increasing male sex workers, which came up during the interview discussions. The missing voices have been considered a limitation in the study and areas of future research.

Also, the study seeks to suggest strategies that can enhance participatory governance and sustainable development in urban contemporary urban regeneration. In so doing, it uses data from the field and literature to point deficiencies in policy that need to be addressed. The thesis however, does not go into the depths of how each of the strategy could be operationalized in real life. This includes the advancement of discussion on trust, decency, morality, legalization and removal of barriers associated with disability. The findings and discussions lay a foundation that future research could look into to specifically tailor each of the strategy to a given case. Within the confines and constraints of this study, this is a task beyond the resources and technical aspects to go into such depths. Essentially, the work does not focus on the implementation of the strategies, but rather suggests the ingredients that could be a starting point towards social justice and economic growth of Nairobi for a sustainable development to occur.

Area of Study – Nairobi City County

Nairobi County is the capital and largest city of Kenya. The name Nairobi is derived from Maasai phrase ‘Enkare Nyrobi’ meaning ‘Cool Water’ Nairobi County Council, NCC, 2020). Nairobi County covers an area of 69,491 square kilometres and is situated in South-Central Kenya at 140 kilometres south of the equator (NCC, 2020; Kwach, 2018). There are seventeen constituencies in Nairobi that are further subdivided into 85 electoral wards (Kwach, 2018) Formerly as a province before New Devolved Constitution of 2010, Nairobi had nine districts, namely Westlands, Kasarani, Dagoretti, Starehe, Langata, Embakasi, Kamukunji, Njiru, and Makadara (Nyanchama, 2018; Kwach, 2018). See the map below showing the constituencies of Nairobi each represented by a Member of Parliament in the National Assembly.

Figure 1: Political map of Nairobi County showing the 17 Constituencies



Source: (Nyanchama, 2018). Map reproduced with permission.

According to 2019 census, the city of Nairobi has a population of 4,397,073 people making it the most populous county in Kenya (Mosoku, 2019). The population has incurred a 40 per cent growth from 3,138,369 in 2009 to 2019, an increase of 1,258,704 people according to the census data (Kenya National Bureau of Statistics, KNBS, 2019). There are 2,192,452 male and 2,204,376 females and 245,000 intersex people with Nairobi (KNBS, 2019). The city accounts for 9.2% of the national population in Kenya (Mosoku, 2019). Nairobi is the most populous city in East Africa and 14 largest in Africa (NCC, 2020). Based on estimated metro population of 6.5 million people Nairobi is the fifth largest city in Africa by population of which 22% of the city residents live in poverty (World Atlas, 2020; World Population Review, 2019). Recent estimates approximately thirty six percent of Kenyans live below poverty of US\$1.90 per day a decline from highs of approximately forty-three in mid and late 2010s of which only 20.9% are in extreme poverty (Hamel, Tong, & Hofer, 2019; UNICEF, 2018; World Bank, 2018). Though there is reduction in poverty incidence, it is unlikely that poverty will be eradicated by

2030 in Kenya (World Bank, 2018). However, Kenya is projected to get 3.5 million people out of poverty leaving those in extreme poverty to only 4.3% (Hamel et al., 2019).

Nairobi is a city with its suburbs socially segregated mainly based on income as an indicator of inequity. This segregation can be traced back to the colonial era where areas north and west of the railway line were inhabited by the Europeans due to their favourable topographic and climatic conditions. The eastern and southern areas were occupied by Indians and Africans. These areas were unhealthy due to frequent flooding, high incidence of malaria and neglect of municipal services (Achola, 2001). The racial segregation created in the city during its early stages of development resulted in the organizational structure of the city characterized by social patchwork with very high territorial segregation (Owuor & Mbatia, 2012; Machuki & McIntyre-Mills, 2018).

Nairobi is linked to other towns such as Thika by the Thika Super Highway. On its own, Nairobi has several satellite towns which form the larger Nairobi Metropolitan. These towns include but Rongai in Ngong Hills, Kitengela, Ruiru, Kiambu among others. Kiambu, however as a town it is also the county headquarter of Kiambu County which comes second as the most populous county in Kenya.

Poor housing summons slums, encasing a large population of unemployed people began filling up the city. This was the beginning of the current crisis that faces Nairobi city today, among others like congestion and a poor transport networks (Owuor, 2009). This reality manifests in shanty towns where infrastructure and housing availability cannot meet the demands of a growing population and salaries do not permit any improvements in that situation (Machuki & McIntyre-Mills, 2018). The proliferation of informal settlements continues to thrive in Nairobi making it home to some of Africa's largest slums (World Atlas, 2020). Usually poor suburbs are located close and sometimes adjacent to the high end residential. This facilitates availability of cheap labour to the elites. The dwellers of informal settlement can easily walk to work and at the same time they can sell goods as hawkers to those with higher income. Poor suburbs include Mathare, Kibra, Huruma, Jua-Kali, Korogocho, Mukuru and Kayole. High income suburbs include Muthaiga, Lavington, Karen, Kileleshwa and Runda. Each of these high-end suburbs have a nearby informal settlement even though not very big to be classified as a full estate but significant to make a sizeable ghetto.

Nairobi hosts over three quarter of national government offices (Njeri, 2019). The city is also home to many regional and international offices. Notably, it hosts the United Nation world headquarters of the United Nations Environmental Programme (UNEP) and the UN-Habitat (United Nations Human Settlements Programme, (Machuki & McIntyre-Mills, 2018). Nairobi is estimated to accounted for an average of 21.7 per cent of the national GDP between 2013 to 2017 (Africa Check 2019). This indicates the economic, political and social significance of Nairobi as a national and regional pivot Njeri, 2019. This has resulted in the city of Nairobi becoming a centre of interest due to its numerous functions, including being a commercial centre, a regional hub in East and Central Africa and a headquarters for many regional and international organizations (Owuor, 2009).

However, Nairobi as a large metropolitan city, has surprisingly been the subject of few comprehensive studies. It is indeed the subject of a pioneer analysis of the labour market, including the informal sector industry the International Labour Organization (ILO) team in the early 1970s (Agwanda, Bocquier, Khasakhala, & Owuor, 2004). However, the International Labour Organization study that was informed by research in Nairobi influenced a series of other studies that were seeking to describe the level of unemployment and underemployment in the urban labour market (Bocquier, 2005). The city has however not been well researched with regard to development despite its regional influence as a development hub. More specifically, the studies done based on Nairobi have mainly focused on labour; informal labour markets (Macharia, 1997) and formal sectors and urban labour market (Bocquier, 2005).

The city is also a tourist centre as the safari capital of Africa (Kenya Tourism Board, KTB, 2014). It hosts Nairobi National Park which occupies 113 square kilometres, a home to a wide range of wildlife animals (NCC, 2020; KTB 2014). There are many other sceneries around Nairobi with a great mix of culture. Kenya has been positioned third largest tourism economy in Sub-Saharan Africa by World Travel & Tourism Council at a growth of 5.6% above global average of 3.9% (Owino, 2019). Nairobi as one of the tourist destination and as major point of entry for international tourists using the Jomo Kenyatta International Airport is a big economic beneficiary of growth in tourism.

This study concentrated on mainly on two constituencies of Nairobi as the main study area. The constituencies are Starehe and Roysambu. The two areas explored were considered suitable because of their diverse demographic factors, role in Nairobi and proximity to the

researcher area of residency during data collection. The other 15 constituencies are deliberately left out to keep the study within a manageable scope. However, some of the participants are from the other constituencies. This is because of the overlap of their activities of work and where they live. For instance, Starehe Constituency which has Central Ward, is the area in which Nairobi Central Business is located. Accordingly, very many people come to the city centre for work daily. These workers include those in the formal and informal sector.

The Research Challenge

There is a rapid growth of cities in Africa. The economic growth and overall development in the cities are also rising exponentially, attracting people from the rural areas into the city. International development agencies are also shifting focus into the region and setting up operational and commercial centers. The city of Nairobi is one of the fastest growing cities in Africa and exhibiting numerous dynamics of growth for development, manifesting both positively and negatively. The dynamics have attracted public policy debates globally in pursuit of sustainable development. However, there remains apparent challenges hindering public policy stakeholders from identifying and nurturing effective instruments to achieve implicit and explicit desired policy goals (Cashore et al., 2019). The lack of proper public policy understanding and limited scholarship in Kenya has in turn undermined the development of policy guidelines and governance framework particularly so in reform agenda of getting institutions right (Boone et al., 2019). To improve public policy and achievement of policy goals such as SDGs and Vision 2030, there is a need to foreground public perception and harmonization of institutional arrangements (Mathews, 2019)

A balance needs to be achieved between individual needs and benefits from those of the state and also between rural and urban environments and their populations in the phase of development (Machuki & McIntyre-Mills, 2018). However, modernity is characterised by rapid urbanization (especially in developing countries). Sustainable development is not as apparent. In 2014, 54% of the world population was urban and by the end of the century 80% of the world population will be urban (Chaudhuri, 2015; Sivam, 2012). Hence, good urban governance mechanisms must be put in place to ensure that cities are liveable and sustainable during and after the development process. The mechanisms are discussed in the analysis

sections and presented as remedies for pathways to wellbeing in the policy recommendations section.

Furthermore urbanization, which brings a change in the social and economic development of humankind – is an important index of prosperity and social progress in a country and regionally (Wang & Prominski, 2016). However, in Nairobi and other developing countries this important index does not occur in a just and equitable manner. It therefore has more adverse effects for the urban poor who often are voiceless and victims of marginalization. The interests of a few political elites who possess power tend to overrun the welfare of the less powerful by discriminating against their interests and involvement in decision making processes in governance, planning and development processes.

Consequently, urban development is increasingly becoming an aspect of focus in sustainable development agendas as nations continue to fight sustainability challenges (Mutisya & Yarime, 2014). Some urban planners, drawing on the works of Paul Mees on public transport, continue to advance the need for urban development and planning as complex issues to be sustainable with citizen participation to ensure emerging cities and urban environs are just, ideal and resilient (Black, 2018; Gleeson & Beza, 2014; Gurran, 2018; Legacy, 2018; Mees, Stone, Imran, & Nielson, 2010). In terms of Mees’ ideal sustainable urban idea, we need to count on a watchful, confident, and well-informed citizenry to work collaboratively in a quest for fair and just cities (Gleeson & Beza, 2014; Mees et al., 2010). In pursuit of a sustainable urban development arising from participatory and inclusive governance of citizens, this research examines the governance and development process of Nairobi from the pre-independence era through to independence time under the old constitution to the current day under the new constitution.

The problem of governance and development associated with accelerated growth in Nairobi is twofold.

1. Deficiencies in policy guidelines and legislative framework
2. Lack of political commitment, accountability and responsibility by the elites

Urban development in Nairobi should align with the UN Sustainable Development Goals, the Constitution of Kenya and align with Kenya Vision 2030 agenda. The gaps in policy are

widespread especially in legislation of the informal sector with significant clarity lacking in both the policy guidelines and in the constitution. Specific provisions are consciously missing in the legal framework of the informal sector and elsewhere there is no consistency between the county by-laws and the national laws. The country's penal code is still largely colonial and discriminatory in classification and criminalization of various activities and even people thus undermining delivery of justice especially for the poor people (National Council on Administration of Justice (NCAJ), 2016). Despite the existence of some good policy documents informing the development tools, there is reluctance by the political elites to follow the guidelines and policies stipulated by the UN and the national goals set by Kenya Vision 2030 and the Constitution. This is due to presence of issues associated with non-conformance to the rule of law, flawed and inconsistent manner in policy formulation with a strong culture of impunity (Wasilwa, 2017).

Research aims and objectives

The overarching aim of this doctoral research is to understand dynamics of disadvantage in context of power and capabilities. The imperative of this understanding is to enable the development of an urban governance framework for Nairobi. The framework is to be used as a policy analysis tool and a legislative guideline to inform and operationalize participatory governance to promote justice, democracy and agency to achieve sustainable urban development. The three specific objectives are as follows:

- (1) Understand institutional dynamics of disadvantage in the context of urban governance and development in relation to promoting capability, voice and agency of the marginalized.
- (2) Uphold justice and equity as central concerns in policy development and legislation to promote adherence of rule of law, respect of human rights, democracy and constitutionalism
- (3) Facilitate sound decision-making processes through collaborative and participatory stakeholder engagement centered on welfare of those most affected by the decision(s).

Research Questions

This study seeks to answer an exploratory question rather than offer definitive answers to a finite inquiry. The complex nature of the research means that explanations can rarely be finite or definitive. As such, this poses three questions in line with its research aims and objectives as follows:

1. How does disadvantage of life chances affect participation and shape marginalization in the urban governance and development of Nairobi?
2. What are the barriers to participatory and inclusive governance in sustainable urban development processes, especially in the informal sector in Nairobi?
3. How can participatory governance be operationalized in social, economic and political contexts of development as understood in the notions of sustainability in Nairobi?

Significance of this Study

The significance of this doctoral research is threefold. Firstly, I investigate the policy contribution in which the significance is contributing towards the achievement of UN Sustainable Development Goals (SDGs) and the realization of Kenya's Vision 2030. The SDGs were adopted in the UN Sustainable Development Summit on 25 September 2015 as the 2030 Agenda for Sustainable Development (United Nations, 2015). The Kenya Vision 2030 had been launched eight years earlier on 10 June 2008 and comprises three pillars; economic, social and political (Davis et al., 2018; Government of Kenya, 2007; Kenya Vision 2030, 2019). To significantly contribute to this agenda, this project assessed the development and governance process of Nairobi from perspectives of state officials, community members and those most marginalized and vulnerable in terms of inclusion or exclusion in decision making. Focus was urban governance to critically investigate the role participatory and inclusive governance can play in enhancing sustainable development to beyond 2030 and in accord with UN Agenda 2030 and Kenya Vision 2030. The aim is to make a policy contribution to mitigating development challenges facing Kenya such as poverty, diseases, unemployment and negative civic engagement among others (Mwenzwa & Misati, 2014)

The doctoral research focuses on sustainability to uphold the sustainability standards by enhancing better understanding of institutionalization process at micro and macro levels (Loconto & Fouilleux, 2014). Institutional fitness is critically examined through institutional analysis to uphold local and global standards of sustainability as essential components that determine legitimacy of the standards and their dynamics (Johnson, 2019). These standards are applied assess the suitability of Kenya Vision 2030 and UN SDGs to determine their influence in informing and guiding development policies and frameworks in Kenya.

The second significance is the methodological contribution. The study established how mixed method research can be used to transform social justice in urban governance and development processes (Mertens, 2007). Transformative effects are to be experienced both at a personal and society levels (Mertens, 2017). As such this thesis advances the understanding of the dynamics of disadvantage in continuum of power drawing upon multiple theories and adopting mixed method research design with an understanding that methodology should not be fixed but rather adaptable to each iteration of the study (Burns, 2018). The study creates a platform further research would draw upon to develop soft system methodologies and system dynamics modelling can be used in empirical model development for urban regeneration in developing countries. This doctoral research therefore advances the use of methodological pluralism as an evolution of research methodologies to enable extensive and meaningful participation of marginalised people in the research process as active participants (Burns, 2018). Such modelling methods result in the development of less complex models as tools of guiding, analysing, monitoring and evaluating complex phenomena especially in the fields of sustainable development and urban political economics.

There is a prevalence of complex economic models in development discourses. Though they are impressive, they are too complex and strain ones social, economic and environmental intuition (Mitra-Kahn, 2008). Also, they lack standard empirical testing, and this is a challenge to end users. See for instance the Computable General Equilibrium Model (CGE) of third world urbanization built around Harris Todaro migration mechanism (Hertel, Keeney, Ivanic, & Winters, 2007; Mitra-Kahn, 2008; Purdue University, 2011). This study therefore aims to advance the use of mixed methods in data collection, analysis and integration of the findings to develop a participatory urban governance model that is less complex to users and one that can be empirically tested.

In an urbanizing world where current problems are a result of unintended and unforeseen consequences of past solutions, modelling can be a tool to effectively design high-leverage policies for sustainable development in urban planning (Sterman, 2001). Urban environments are subject to rapid changes as they are constantly undergoing physical and human development. In developing the urban governance framework of Nairobi as the aim of this study, one has to consciously be considerate of the ease of modifying the framework in response to the dynamics of the systems (Ahmad & Simonovic, 2000).

The aim of the framework developed by this research is to help key stakeholders in the urban development process of Nairobi to understand the dynamics of disadvantage for informed decision. The goal is to have a participative and collaborative stakeholder engagement to arrive at sustainable solutions that take into account the welfare of those most marginalized and voiceless in the society. As such holistic efforts have been adopted to allow integration of pluralistic approaches and techniques from a range of stakeholders and disciplines (Georgiadis, Vlachos, & Iakovou, 2005).

Thirdly, the study intends to make a significant contribution to literature in the field of political economics and developmental studies both in theory and application. Due to the comprehensive nature of the study, it aims to contribute new academic theory and literature on urban governance and development using the city of Nairobi contemporary development process. This contribution is in line with the new urban regeneration agenda as an empirical field of urban policy (Magalhães, 2015).

This study contributes to a gap in the literature by addressing the dynamics and institutional relationships that exist between the markets, households (citizens), state and the community in the context of sustainable development.

This PhD provides the perspective of the life chances and capabilities of the most marginalized in policy discussions under current local, national and international frameworks in urban regeneration and sustainable development. To further the discourse of life chances, capabilities and marginalization in policy debates key concepts and theories from the literature are applied to ensure universal goals are met and that lasting measures are put in place to counter complex needs and foster quality of life worth living for all in a safe and sustainable environment

(McIntyre-Mills, 2010b; McIntyre-Mills, De Vries, & Deakin, 2008; Nussbaum & Sen, 1993; Nussbaum, 2011). The key concepts and theories that inform the discussion of marginalization are discussed in the next chapter.

Key Theories and Conceptual Framework for Development of the Ladder of Disadvantage

The development of the Ladder of Disadvantage draws on the concept as originally developed by Spoonley et al. in their work discussing racism and ethnic relation of *Nga Patai* in New Zealand (Spoonley, Pearson, & Macpherson, 1996). In extending the concept, I also deploy Arnstein's (1969) Ladder of Citizen Participation to uniquely present a Ladder that identifies the typologies of disadvantage in context of power and agency in urban governance and development processes.

The ladder of disadvantage and the conceptual framework are developed on a sequential transformative mixed method research design responsive to the needs and contribution of participants. An analysis of institutions at household, community, market and state level is done to show dynamics of power, voice and choice and how they shape marginalization in socio-economic stratification. A theoretical position is grounded in critical systems theory to discuss the prevailing systems in discourses of power and developments guided by critical systems heuristics. To develop the strategies towards participation, justice, voice, democracy and choice the norms and measures of justice of equity are considered. I use the lenses of a feminist political economist to suggest a pluralist approach to achieving democratic agency and sustainable development. In recent times, agonistic democracy (pioneered by political theorists like Chantal Mouffe and William Connolly) has risen to critique deliberative democracy (Mouffe, 2014; Ozich & Maddison, 2017). Agonistic pluralism has been put forward as the alternative and critique to the most liberal democracy 'deliberative democracy' (Mouffe, 1999; McAuliffe & Rogers, 2019; Mouffe, 2017; Moroni, 2019; Smith, 2020). This therefore allows me to make a case for adopting a pluralist approach in understanding and conceptualizing inclusive and participatory ideas and ideals of democracy.

I have argued in this thesis that cumulative disadvantage results to marginalization. Disadvantaged people eventually lose their voice, power and agency and become estranged,

destitute and survivors. Neoliberalism that supports capitalistic forms of production is unpacked to critique its mode of production in unequal world to offer balanced non-communist strategies for sustainable development. Marx's theories of alienation and historical materialism are used to back the Weber's concept of life chances (Marx & Engels, 1848; Weber, c1920). This mode of research will enable historical and current identification of the underlying causes of the prevalence of poverty in Nairobi and the associated health, environmental, social, political and economic inequalities and injustices as wicked and complex problems.

In this thesis, I begin firstly by clearly pointing out the gaps in policy and the reluctance to address them or comply with the existing ones by the ruling class and then move to discuss ways and strategies to overcome them. In doing this, I probe who the current gaps are benefiting, and how and why these inequalities emerge in the context of sustainable development. I argue the gaps do not only hinder the achievement of a sustainable future of Nairobi but also threaten the actual survival of the most disadvantaged over time after a prolonged time of exclusion and inequality.

I am critiquing neoliberalism by presenting it as the main ideology framing economic policies and market regulation in Kenya's capitalist liberal democracy. The ideology of neoliberalism supports market competitiveness and increased deregulation as necessary conditions for economic growth and development. This is good for those who own and control capital, resources and power. They can maximize profits by exploiting those vulnerable and in destitution through means such as setting lower wages and bribing law enforcement bodies to evade taxes and other commercial offences. The increase in deregulation results to a lack of government control in most services. This is because deregulation policies such as privatization leave significant provision of services to the private sector. The private sector is driven by profits and not citizen welfare. Public Service delivery is eventually compromised and the citizens, especially the poor, are left to suffer from lack of essential services.

Neoliberalism refracts capitalism, transforming the governance structure. The reliance on market forces to influence governance of both economic and political systems overlooks the value of planning and is also a threat to abuse of rights, democracy and welfare. This is because free market does not fully imply people are free to choose. Freedom is supported by purchasing power and political freedom. I view Adam Smith's free market enterprise and Laissez Faire as neoliberalist, and critique the ideology for failing to enhance social justice and equity in power

and resource distribution as exploitative, individualistic and capitalistic forms of production (Keynes, 1926; Keynes, 2010; Martinez, 2009; Marx & Engels, 1848; Burrows, 2016). The result is an increase in inequalities where power and wealth are accumulated in the hands of the very few who from the ruling class as elites (Kotz, 2018). On the other hand, the opposite view to free market of government intervention by Keynesianism is despite by neoliberalist as wasteful vote-buying in contrast of austerity policies and taxing the poor for the rich. It is from this position that this thesis adopts a centrist argument to push for a balance between people welfare and maintain sustainable production. The work does not advocate for absolute communist solution nor does it fully uphold capitalistic forms of production. Social justice and economic growth should be pursued without a compromise of either.

The ruling class adopt a lack of care approach to address power and income gap to maintain the status quo. The situation is more severe in developing economies and democracies that lack adequate measures to protect the vulnerable poor, voiceless and powerless proletariat citizens who from largest part of their citizenry. The lack of commitment by the elites to pursue equity, justice, freedom and democracy by adopting participatory and inclusionary measures in governance is considered deliberate action to maintain the status quo of the political class by retaining power and wealth. This is so since their lack of committing to engaging the citizens in participation leaves them with the advantage of accumulating power and wealth to secure their positions both in the present and in the future. The ability to enhance democratic rights and freedom is in their control as the people who possess resources and power, and hence it is to their advantage that the people do not participate. The result of the two problems then shifts - by extension - to the non-elites who are blamed by the systems as the problems by being presented as not caring.

Problematizing disadvantage is used in favour of the elites to continue oppressing the disadvantaged thus further marginalizing and stigmatizing them. I therefore unearth the cycle of exclusion and oppression as a factor of disadvantage to present remedies and strategies to advance inclusive, just, resilient and sustainable societies. The lack of compliance to conform to the Public Participation Act 2016/8 is an area of concern for this thesis.

In this thesis, application of boundary critique is applied as a conscious purpose of systemic intervention to explicitly explore the inclusion, exclusion and marginalization of each of the disadvantaged and their life chances in a complex environment by adapting Critical Systems

for a practical application (Midgley, 2006; Midgley & Rajagopalan, 2019; Richardson & Midgley, 2007). This is discussed in detail in chapter four, six and seven as an original contribution to the literature on Critical Systems Thinking.

Nussbaum's (1993; 2006; 2009a; 2011) and Sen's (1985; 2001; 2011) 'Capabilities Approach' and Baachi's (2009) 'What's the Problem represented to be' (2009) are used to unpack the discourses of vulnerable people in dealing with wicked problems. Weber's (1922; 1978) Life Chances theory and Crenshaw's (1990) Intersectionality Approach are used to identify and present factors determining socio-economic stratification and their intersectionalities in political and developmental processes. Ulrich's (1983; 2010) Critical Systems Heuristics is used by applying the twelve boundary questions to discuss the prevailing conditions and *ought to be* scenarios. The heuristics are used to suggest strategies towards participatory and inclusive governance in achieving just and sustainable urban development. Kabeer's (1994) Institutional Analysis is the primary conceptual framework guiding and informing the analysis and linking the other theories and the research findings. Also employed is a sequential, transformative, mixed method research approach that is mainly exploratory and drawing on the contribution of the research participants and my lived experience as researcher's auto-ethnography.

The ladder explains how people move either up or down from being voiceless and destitute and into power, but also tracking the inverse movement. I argue that cumulative disadvantage in all the eight factors further pushes one down from power and opportunities. The thesis offers an original contribution to knowledge by demonstrating how policy centered on human welfare and equity could provide strategies that can be used to empower people from being voiceless, destitute and marginalized to democratic agencies with balanced power and autonomy. Once empowered, they have access to opportunities to achieve sustainable development with a better standard of living. In light of this, the UN Sustainable Development Goals (SDGs) and Kenya Vision 2030 are used as key policy documents. UN SDGs goals one (poverty eradication), eight (decent work and economic growth) and eleven (sustainable cities) are reviewed and analyzed as specific goals for this study within the urban development and governance framework of Nairobi.

The theories and concepts are later applied individually and collectively in the discussion and analysis chapters to identify marginalization due to lack of power, voice, choice and support networks to help make a case for participatory governance as a key remedy for contemporary

governance challenges associated with the urbanization process of Nairobi. Spoonley et. Al (1996) Ladder of Disadvantage and Arnstein's 1969 Ladder of Citizen Participation are adopted and extended to develop the ladder of disadvantage. The ladders is presented as a conceptual framework showing the dynamics of disadvantage in movements of people's life chances across various ranks in the continuum of power, wealth and agency in modern times and cities like Nairobi (Arnstein, 1969). The cities have prioritized market-led solutions to urban challenges rooted in neoliberal conceptions over civil, social and political rights for the common good (Cardullo & Kitchin, 2019).

I have therefore explored, mapped, shaped and synthesised the theories and concepts in the literature review and applied them in discussion and findings to come up with my own theorization of the concept of the 'Ladder of Disadvantage'. The concept explains marginalization is positively correlated with lack of power, voice, choice and support networks as factors of measure of life chances and capabilities. It is argued that capabilities diminish with increasing ladders of disadvantage, hence increasing marginalization. Using data, I provide the basis for the application of the theories and concepts to the 'Ladder of Disadvantage'. The concept explains marginalization as a factor of power(lessness) and voice(lessness) which result in the extent of their marginalization. This is discussed in detail in chapters four, five and six.

The Ladder of Disadvantage developed contributes to the significance of this thesis by indicating dynamics in which people move upwards towards power or downwards towards powerless and voiceless state. The ladder indicates the movement is determined by peoples' life chances and capabilities they possess. I argue that the potential of life chances and the capabilities is greatly determined by the social, economic and political systems under which they operate. My contribution is to show that disadvantage is not people's preferred position but rather one that is created by those in privileged position of power and wealth. The attitude of selfish ambitions in retaining power and wealth is argued by the elites to be a reward of their efficiency in market competitiveness while destitution on the other hand is considered as a product of inefficiency. I address this perception of competitiveness by advocating for collaborations and partnership as key remedies to strengthen participatory governance. The aim is to reduce inequality that breeds exclusion and marginalization. Sustainable development is about working collaboratively and not competition. The aim is to leave no one behind but to move everyone forward in accord with UN SDGs preamble 'Leaving no one behind'.

CHAPTER ONE: LITERATURE REVIEW OF KEY CONCEPTS AND THEORIES.

This chapter reviews and shapes the literature pertaining to urbanization, governance and sustainable development processes. To keep the scope of the study reasonable, I have narrowed the focus to participatory governance and empowerment strategies of the marginalised within Nairobi. In terms of development, the informal sector is given special consideration in the discussion of urban development. This has been done to comprehensively answer the research questions and to sufficiently meet the research aims and objectives. The review of literature is therefore undertaken to help identify theories, concepts, approaches, models and practices with an aim to establish and provide insights into the role participatory and inclusive governance can play in achieving sustainable urban development both in policy and practice. The information derived from the literature review is used to both inform the study by providing key theoretical insights to the study and to help identify key knowledge gaps in literature, theory, methodology, research and policy and hence plot a path forward.

This thesis contributes to the literature by adapting and extending Kabeer's (1994) Institutional Analysis to explore the dynamics of power and disadvantage in social, economic and political relationships in Nairobi. I drawing on a combination of theories and concepts from social justice, economic development and urban regeneration philosophy to make a literature contribution in advancing the argument of political economic discourses by adopting a pluralist approach to democracy as the primary basis for supporting participatory governance as a necessary condition for sustainable development. This argument runs as a thread throughout the thesis. The argument shaped by feminist political economics thinking is emphasized more where strategies towards democracy, justice, choice, inclusion, accountability and rule of law are presented as pathways to resilient and sustainable urban development for greater and clear social change (Floro, & Willoughby, 2016; Tacoli, 2018). I therefore deploy a political economy framework of institutional analysis to investigate the life chances of the disadvantaged using the domains of household, community, market and the state and establish the inequalities and injustices shaped by awkward alliances of neoliberal social and economic policies that enhance dominance over equity (Bhattacharyya, 2019).

Institutional Analysis Approach and Problematization Discourses

Kabeer's institutional Analysis of Social Relations Approach is applied to discuss the life chances of the people of Nairobi within the domains of household, community, market and state (Kabeer, 1994). The life chances of the people are considered to probabilistically determine the socio-economic status of people and subsequently their privileges or disadvantages (Weber, 1978). Emphasis is given to the margins as critical people in this study seeking to develop a way to more inclusiveness in governance and respect of the people's sovereignty as equal beings deserving equal opportunities across political, economic, environmental and social spectrums.

The phrase wicked problems is used to describe multiple interacting systems that are replete with social and institutional uncertainties and to which there is incomplete knowledge about their nature and solutions (Rittel & Webber, 1974). It is from this definition that I agree with Levin, Cashore, Bernstein, & Auld (2012); Mertens (2015) and Rittel & Webber (1974) that there are is no perfect solution since as those factors or people causing and/ or trying to solve the problems are also causing them with a continued lack of central authority to bring forth solutions. However, if the problems are well understood, better situations could be arrived at by adopting new approaches to understand and analyse complexity (Camillus, 2008; Mertens, 2015). Drawing on McIntyre-Mills works who is influenced by others to adopt and extend their views and definitions on complexity to define wicked problems as many interrelated and interconnected issues variables that are perceived differently by various stakeholders who it turn action on them differently resulting to more complex scenarios with different understanding of the problem(s). (Churchman, 1967; Flood & Carson, 1993; McIntyre-Mills, 2017, 2018; McIntyre-Mills, 2014; Rittel & Webber, 1974). I discuss the wicked problems associated with the rapid urbanization and governance processes from the perspectives of most vulnerable and greatest victims of wicked problems in Nairobi such as poverty, displacement, climate change, poor housing. Ignorance and diseases among others (Gold, Muthuri, & Reiner, 2018; Levin et al., 2012; Shevellar & Westoby, 2018).

Discourse analysis is applied to the policy perspectives underpinning the different stakeholders who were interviewed to help understand the life chances of the most marginalized. Baachi (2004) suggests the need to consider the usefulness and limitations of discourse analysis in

analysing policy to address political subjectivity especially where privilege of dominant groups is invisible. Discourse analysis in this doctoral thesis applies Baachi's (2009) 'Analysing policy: What is the problem represented to be?' and Baachi's (2004) 'Policy and Discourse analysis' to analyse disadvantage and inequality in designing affirmative actions to bring about equal opportunity through structural change. Baachi's discourse analysis is to draw on her pragmatism in discussing problematization of the disadvantaged in public policy. I argue disadvantages and inequality like poverty are gendered, naturalised and normalised in Kenya thus compromising mainly the welfare, justice and equity of women, children, disabled and poorest of the poor with no social support and network (Dumas et al., 2018; Jeffries, Chuenurah, Rao, & Park, 2019). A case is made to mitigate the proliferation of inequality and disadvantage by carefully pointing and highlighting need and strategies for policy reforms that are effective, efficient and less patriarchal to ensure justice in a welfare and growth centred service delivery against the norms of a gendered system (Mwiti & Goulding, 2018; Ondiba & Matsui, 2019). The aim is to counter the alienating and exploitative effects of capitalistic economic growth and elitist political governance which are primarily driven by profits and retention of power (Marx & Engels, 1848; Lowe, 2015).

Capitalism and elitism are considered in this thesis as favourable conditions for oppression, exploitation and hindrances to universal and sustained growth and development by alienating the proletariat (Marx & Engels, 1848; Jaeggi, 2016). The perpetrators of abuse of democratic freedom and human rights use neoliberal market competitiveness to justify their lack of serving the citizens through working public sector operations and problematize the less powerful who out of their numerous and cumulative disadvantages resolve to quit the competitive formal market economy and join the informal sector Chatterton & Pusey, 2020; Swain, 2019). As the powerful capitalist, political elites have control of both the market and the government (state powers) they move to condemn the industry and consider it illegitimate, disorganised and chaotic thus making it an unwanted nuisance in the society. Stakeholders of the informal sector end up becoming victims of breaking the law as vindicated by the legal system.

Consequently, Kenya Vision 2030, as a key policy document guiding this study is scrutinised to clearly unpack what it really means by claiming its aim is to make Kenya a prosperous and competitive nation by 2030 (Kenya Vision 2030, 2018). How the government of Kenya hopes to achieve this goal without exploiting its citizens becomes a central concern of evaluation. A critical discourse analysis is undertaken to focus on talk and texts reproduced by the elites in

dominance relations of power to be enacted and legitimated in different social groups (Van Dijk, 1993). This is to enhance systematic pragmatism to analyse policy language and various contestations that revolve around urban governance and sustainable development as complex phenomena within a system (Fairclough, 2013).

Problematization of Destitution and Wicked Problems in Nairobi

Marginalization increases at the intersections of categories that are used to dispossess and discriminate against people as multiple layers of disadvantage increase (Ghabrial, 2017; Levin & Breshears, 2019). Those who are least marginalized are able to access resources and networks of support. Those who are most marginalized are isolated with few resources. This results in their being involved in high risk informal sector work that is complicated by marginalization and peripherization of the economic activities carried out in the sector (Kinanjui, 2019). Often the employment they are involved in is illegal. Women and young people work as prostitutes and as illegal hawkers, for example. They are seen as survivors, victims or criminals, depending on the discourses used to describe them by service providers, the community, the police, and the public sector. Thus the problem is represented in very different ways depending on the assumptions and values of the policy discourse. The discussion is underpinned by several key concepts. Bacchi's approach to analysing policy through her concept of "What's the problem represented to be?" is used together with her other works to provide lines of inquiry into discourse of problematization (Bacchi, 2004; 2009, 2012).

Bacchi's post structural approach to policy analysis commences her research with the inquiry, 'What's the problems represented to be?' Such questioning summons gender analysis and the implications in gender mainstreaming in Ireland and Netherlands (Bacchi, 2010). I use her approach to analyze the discourse of problematization of wicked problems in the urbanization and governance process of Nairobi to lay out the dynamics of disadvantage from the perspectives of the marginalized members of the society. The analysis is extended to demonstrate how the elites profile the urban poor as an undesired product of urbanization rather than victims of inequalities. This is discussed in the analysis chapters four and five by looking at the life chances of the most vulnerable. Further, a focus is given to the consideration of how the most vulnerable are considered by political, social and economic systems as problematic

and thus excluded from participating in mainstream governance and the development process that is regularized (Basile & Ehlenz, 2020). With women making up the biggest proportion of those most vulnerable and marginalized, gender mainstreaming becomes a central point of this research in terms of a strategy to advance justice and equality and ends to sustainable development in line with UN SDGs. This is discussed in chapter six of the thesis. To address the complexity of wicked there is a need to understand the problems (Camillus, 2008; Mertens, 2015) and most importantly to consider how they are problematized in solving them to avoid moving from bad to worse but rather to seek better off situations for all (Bacchi, 2009, 2010, 2012).

Naturalization and normalization of disadvantage emerge as political processes used by those responsible (government and other agencies) to neglect fighting poverty and ignorance and crime in ghettos through perceived well-meaning institutions such as the church. This is applied in urbanization to discuss the plight and predicaments of the marginal workers in the informal sector that continues to develop rapidly as a result of urbanization.

Ulrich's Critical Systems Heuristics (1983) approach is the philosophical framework that is used to reflect on current policy and to provide a boundary critique in addressing complex needs and wicked problems (Ulrich, 1983; Ulrich & Reynolds, 2010). The twelve questions are used to reflect on power dynamics at the household, community, market and state levels using Kabeer's institutional analysis framework (Kabeer, 1994). Her social relations approach is used also to explore the interaction of economic opportunities and social networks of Nairobi's informal sector.

Capabilities Approach

Nussbaum's (1993; 2006; 2011,) and Sen's (1985; 2001; 2011) Capabilities Approach is effective and appropriate for my research because they discuss how to empower people through social justice to promote welfare and quality of life. The combination of their approaches helps me consider development as one accompanied by fundamental principles of freedom and justice. Freedom in my case means ability to make choices. These include and are not limited to political, economic and social choice. The ten principles of justice by Martha are used to

show the need for social justice being considered as an integral part of the constitution. Also, Nussbaum's capability approach is used to study and discuss the life chances of the most marginalised and voiceless – women working as prostitutes, street children and those who live in fear such as people with albinism. The fate of minority ethnic groups is explored and determined under conditions of political tension.

To address the normative issues of justice and equity, social justice theories that provide insights into the trajectories of life need to respond to real problems facing the world (Nussbaum, 2009b). Nussbaum's capabilities approach is used to detail what quality of life should entail based on her ten principles (Nussbaum & Sen, 1993; Nussbaum, 2011). Nussbaum's work on *Frontiers of Justice* and her ten principles of justice remain a central theme throughout the thesis as key guidelines and as a normative approach upon which justice and equity can be operationalised. This is done across the four levels of institutions to highlight the dynamics of the disadvantaged in Nairobi.

The work of Sen (1985) using his version of *Capabilities Approach* is adopted in conjunction with his *Development as Freedom* idea to determine the functionality of capabilities whilst discussing choices arising from various capabilities. His '*Idea of Justice*' work notions are used together with Martha Nussbaum's version of *Capabilities Approach* (1995) to understand logic and rationality of justice than needs to underpin capabilities to support agency. As the focus of this work is to ensure development is sustainable, Sen's capability is used to address development functioning and welfare while Nussbaum is used to influence social justice especially of the vulnerable and the quality of life. Sen's view of development as freedom is applied as a lens for considering the rights and freedoms of citizens (Sen, 2001, 2009).

Critical Systems Heuristics, Life Chances and Intersectionality

The work of Werner Ulrich (2010) drawing on West Churchman is used in developing a philosophical boundary to critique individual and collective behaviour, actions and intentions as defined within an enclosed and complex system (Churchman, 1967; Ulrich & Reynolds, 2010; West). The four Critical Systems Heuristics (CSH) domains which the 12 questions address (sources of motivation, knowledge, control and legitimation) are mapped on to the four domains of institutional analysis (household, community, market and state) in line with

the five dimensions of institutions (Kabeer, 1994; Midgley, 1997; Ulrich, 2005; Ulrich & Reynolds, 2010). The questions present a philosophical framework to analyse ‘what is’ versus ‘what ought to be’ scenario in system thinking and social planning (Ulrich, 1983)

Thus, the research addresses the *a priori* norms and the extent to which they have been addressed by the past and current governance processes and systems. In the thesis from the second stage of the research addresses *a posteriori* measures for addressing the issues. Ulrich’s twelve sets of questions are used to develop lines of inquiry and analysis to assess capabilities in relation to Max Weber’s (1920) life chances theory. Using data, I provide the basis for the application of the theories and concepts to the ‘Ladder of Disadvantage’. The concept explains marginalization as a factor of power(lessness) and voice(lessness) which result in the extent of their marginalization. This is discussed in chapter four. Chapter five and six discuss the present condition in Nairobi governance and urbanization in pursuit of sustainable development to address wicked problems under neoliberal era while chapter seven and eight suggest strategies for what ought to be conditions of sustained and resilient growth and development which promote a better quality of life for all in a just society.

The theory of *life chances* by Max Weber (c1920) is used to detail the understanding of citizens’ life chances as either achieved or ascribed life chances. The theory plays a vital role in analysing deterministic nature of citizens’ life chances based on various past, present and future social, economic and political conditions. The theory is a probabilistic concept that correlates peoples’ life chances with their socio-economic status. In the literature the origin and development of the theory is outlined. The application of the theory in the field of political economics is evaluated to form the basis of which it resonates with this work as a relevant concept. I am going to use the theory for inferential purposes in the analysis to show how empowerment determines and shapes participation. For instance, taking say education or income as two variables which constitute ones’ life chances, I can hypothesise that a positive attribute in either improves their power to make choices and support those choices. Consequently, the respective group who have had a change in life chances can be assumed to move from one rung of the ladder of disadvantage to another rung, assuming all factors remain constant. The opposite is also true. Precisely, the higher up the people are in the ladder, the higher the participation and consequently the sustainability of the outcomes arrived at by the active participation processes of all stakeholders.

Ascribed life chances are inherent traits that we possess right from birth. These are predetermined and do not lie within our human ability to change. Humans' attempts to have a change in them is likely to be in terms of orientation but not necessarily the biological effect. These traits could make one vulnerable or more privileged. For example, one born physically and mentally fit and from an ethnic group considered superior autonomously enjoys predetermined power and capability without any effort from his or her part. Conversely, one born with physical and mental disabilities and in a race or tribe considered inferior or marginal is likely to face many more disadvantages than a person born without any disability and from a group perceived superior. Consequently, these people must put more effort in to navigate life. They therefore require more support to ensure they are not disenfranchised as they too are members of the society and deserve dignity and special consideration in service delivery.

Crenshaw's Intersectionality Approach is used to unpack and explain the social stratification that shapes inclusion and exclusion of beings within Nairobi in terms of governance, development and planning. Crenshaw's approach to intersectionality informs the critique of governance and the social stratification that forms the basis for discrimination and marginalization in a complex and intertwined society (Crenshaw, 1997, 2005). Intersectionality as a theoretical framework is used to discuss multiple and complex phenomena surrounding governance and development in an interdisciplinary approach to discuss privilege and disadvantage (Cho, Crenshaw & McCall, 2013; Carbado, Crenshaw & Mays, 2013).

Sustainable Development and Neoliberalism

Globally, neoliberalism is propagating the increase of many social inequalities under the language of market and fairness (Brabazon & Schulz, 2018). The concept of Sustainable Development is critical to inform the urbanization process of Nairobi to address the influence of neoliberalism in Kenya as an epitome of a capitalist state (Chagema, 2016). Like any other development in the world, Nairobi's urban development needs to be sustainable. This concept is relevant to my thesis because being human I understand it is the responsibility of humanity to make development sustainable to ensure present needs are met without compromising the needs of future generations (Brundtland et al., 1987). Additionally, public participation initiatives are of great importance in developing and pursuing sustainable communities (Agyeman & Angus, 2003).

Origin of Sustainable Development

The concept of Sustainable Development originated in the famous report by the World Commission of Economic Development (WCED) of 1987. The WCED commission was created by the U.N General Assembly in 1983 as an independent committee of twenty-two members, headed by Gro Harlem Brundtland who was then the Prime Minister of Norway (Brundtland et al., 1987). The commission was designed to examine the global environment and development to the year 2000 and beyond and plot ways and means to our common future.

According to the Commission, the concept of sustainable development implies limits, though not in an absolute sense, but rather in limitations imposed by technology, social organization and the ability of the biosphere to absorb the effects of human activities. The commission report, commonly referred to as the Brundtland Report (1987), further insisted that meeting essential needs not only required a new era of economic growth of nations but an assurance that the poor (who constitute major populations of most nations) get fair shares of resources for growth to be sustained. Realization of such equity must be supported and rooted in political systems that enhance effective citizen participation in decision making facilitated by democracy both nationally and internationally. This pointed the commission to conclude that sustainable development is not static but rather a dynamic process in which exploitation of resources, investments, technological advancement and institutional change must be consistent and aligned within the planet's ecological means (Brundtland et al., 1987). Hence, the success of sustainable development relies on political will and commitment.

In the 1990s, sustainable development was a common term meriting attention not only for environmental scientists and activists but also for economists, social scientists and policy makers in the mainstream development agenda (Mudacumura & Morçöl, 2014). In 1992, sustainable development became of particular interest at the United Nations Conference on Environment and Development in Rio de Janeiro. The world leaders concluded that global development could not occur sustainably with some nations remaining underdeveloped (Mudacumura & Morçöl, 2014). Since then, large amounts of human and financial resources have been invested in developing nations to promote sustainable development. However, due

to insufficient socioeconomic policies and poor governance in the developing countries, these efforts have not achieved the desired success (Mudacumura & Morçöl, 2014).

Contextualizing Sustainable Development and Neoliberalism in Urbanization

The concept and practice of sustainable development needs to embrace epistemological and normative perspectives of sustainability (Sneddon, Howarth, & Norgaard, 2006). This is particularly so as the concept remains salient in the global context as a guiding institutional principle and policy goal within the realms of political struggles (Sneddon et al., 2006). The concept has however remained contested in meaning and practice as there still exists enhanced ecological degradation, economic inequalities and fractured institutional arrangements all of which are obstacles towards sustainability (Sneddon et al., 2006).

While the phenomenon of rapid urbanization across the world has become a topic of increased scholarly inquiry there still remains gaps to be filled that could address problems of ecological degradation, economic inequalities and fractured institutions as the world continues to get more urbanised (Szabo, 2016). For instance, little attention has been paid to how urbanization affects food security together with that of other basic needs and whether this association is affected by a country's level of development (Szabo, 2016).

Sustainability is an interconnected phenomenon with interrelated economic, social, and ecological aspects (Stilwell, 2000). While there is a common, basic definition of sustainability as capacity to endure, it is well recognised in academia, government and policy circles that humanity is living unsustainably (Davidson, 2014). In reality, despite the rapidity of urbanization, the affluence and development associated with cities have remained neither equitable nor sustainably distributed even when it is known more affluent people need to adopt lifestyles' within the planet's ecological means (Brundtland et al., 1987; Carley, Smith, & Jenkins, 2013).

Urbanization is relevant in this thesis because, whereas it has a positive correlation with economic growth of a country, there is a lot of exploitation of both people and the environment associated with it. The adverse effects therefore make the overall development unsustainable and inequitable, especially to the urban poor, powerless and voiceless, henceforth referred in

this thesis as ‘the margins’ from their marginalized status. The widening of the income inequality gap, social exclusion, environmental degradation and the rise of slums in Nairobi is an indicator of unsustainable and uneven development effects by relative impoverishment of the proletariat under capitalism (Vries, 1983; Saad Filho, 2001. Shannon, 2018 and Jonna & Foster, 2016)

The term urbanization has become a keyword in the contemporary economic, political, environmental, social and cultural discourse (Brenner, 2013). The popularity of the term centres on the apparent increase in urbanization, which has emerged as a dominant trend all over the world, particularly in developing countries (Chaudhuri, 2015; Sivam, 2012). Urbanization frames a rising population. It is predicted to increase by 2.6 billion between 2010 and 2050 and increase by over 70% by the end of the century with over 500 cities with more than a million people (Organization for Economic Co-operation and Development, 2012; Sivam, 2012).

In fact, according to the United Nations Environmental Programme there will be over 800 million people living in urban areas in Africa by 2025 (Donnelly, McCall, Lengeler, Bates, & DAlessandro, 2016). This is both a great opportunity and a challenge for development, it calls for sound decisions to be taken pertaining urbanization as the process will affect and change the lives of the people for a very long time. Evidently, conflict exists in the urbanization process (Wang & Prominski, 2016). Trade-offs and benefits involving opportunity costs in land use change as the dynamics of urban development continue to evolve over time (Haese, Wolf, & Rink, 2018). As such, urban planners and other stakeholders have moved to address these concerns by adopting integrative and strategic urban planning and design policies to mitigate the conflicts and crisis associated with urbanization.

Sustainable urban development and its associated urbanism are new and emerging fields of study posing some basic questions in regards to how we can plan and develop urban communities that will meet long term human and environmental needs (Wheeler & Beatley, 2014). Thus, the concept of sustainable urban development establishes a point of inquiry for citizens, planners and policy makers to explore how urban areas can become more sustainable as they develop. Wheeler & Batley (2014) further claim that critical thinking and joint exploration can deepen our understanding of the concept of sustainable urbanism.

Proponents of public city urbanism critique neo-liberalism and its arguably negative influence on urban development and human welfare (Gleeson & Beza, 2014). As such, Mees' described neo-liberal urbanism as worse than a political aberration which was a threat that imposed many costly failures in an age overshadowed by grave ecological challenges (Gleeson & Beza, 2014; Mees et al., 2010). This implies a future with disaster in waiting if urban development continues to operate under the influence of neo-liberalism. Thus, assessment of urban development needs to shift from a neoliberal ontology to a social democratic foundation with relational themes of amenity, accessibility, equity and environmental performance in relation to resource conservation (Davidson, Kellett, Wilson, & Pullen, 2012).

However, neoliberal theories have informed urban planning and government policies where people and the environment have been exploited for profit in a bid to maintain the status quo (Davidson et al., 2012; McIntyre-Mills, 2016). Furthermore, at the international level the urban political economy analysis reveals an affirmation of urban neoliberalism rather than environmental sustainability (Davidson & Gleeson, 2014b). This compromises balance between economic growth and social and environmental justice. The result of this is widening income inequality, social exclusion, environmental degradation and the rise of slums and the informal sector. For instance, in Nairobi, Kenya's capital city, over 2.4 million people (approximately 65% of the total city population) live in slums. Such statistics indicate negative impacts of rapid urbanization that adversely affect the life chances of the urban poor.

Rapidly urbanising countries are mostly in developing economies, especially in Africa. The rapid and high urban growth is however accompanied with low levels of human development making these countries the most at risk of food insecurity and lack regarding other basic needs (Szabo, 2016). The main cause of this is the prioritization of economic prosperity because for so long the urban development process has been largely informed by neoliberal theories exploiting people and the environment for profit. It is important to have good systems of governance to ensure that human well-being remains a central concern in the irreversible urbanization process (Wang & Prominski, 2016).

Ecological citizenship and environmental citizenship need to be considered as the backbone of conscious human empowerment development so as not to threaten the planet and its citizens. Ecological citizenship refers to the personal choices made by citizens for the common good as they relate to the ecological footprint. Various approaches: quality of life approach, sufficiency

approach, and human security approach, emphasize both environmental and ecological citizenship. On the other hand, environmental citizenship relates to the role of state through law and control.

Food, water and energy security are relevant concerns in ecological citizenship and management of ecological footprints (McIntyre-Mills, 2017). Perceptions on stewardship towards consumption of food, energy and water usage impact on governance, public administration and public policy. Greater resilience and better governance of ecological footprint can promote greater human and environmental well-being and security through concerted efforts in political and policy thinking (Joseph & McGregor, 2019; Zhang, 2018).

Drawing on Paul Romer's theorization of Charter Cities, I concur with the suggestion that it is possible to increase agricultural production by improving the design of cities (Romer, 2009, 2010). Under capitalist mode of production, a sustainable informal sector that is well regulated can absorb both urban and immigrating rural populations and engage them productively in a fair and perfectly competitive market environment as industrial reserve army (Kalpagam, 1985; Base & Kose, 2017). The result would be an increase in overall GDP, per capita income, improved quality of life and human welfare and an orderly, safe and clean urban environment. There would also be more space in the rural areas to allow large scale agricultural production which would see the current subsistence practices, which are not sustainable, diminish and eventually get the nation to move from agricultural to an industrial nation as envisioned in the Kenya Vision 2030 whilst still meeting the global universal goals of development in line with the UN SDGs and in particular for this doctoral research goal one, eight and eleven.

Rapid urbanization if well planned and governed can alleviate poverty by providing abundant labour, cheap land and good infrastructure resulting in overall economic growth and development (Ochoa, Tan, Qian, Shen, & Moreno, 2018; Thurlow, Dorosh, & Davis, 2019). In such circumstances, immigration increases supply of labour as industrial reserve army and depress wages in favour of the employers (Bahce & Kose, 2017). The employers in turn increases production using the cheap industrial army reserve under capitalistic mode of production (Jonna & Foster, 2016). However, in practice and comparatively it has delivered less in Sub-Saharan Africa hence calling for measures to be put in place to ensure urbanization delivers the desired outcomes of development that are sustainable (Devereux et al., 2018; Hommann & Lall, 2019). Cities can reconcile human society and biodiversity by creating

environments that are ecologically sustainable, economically productive, socially just, politically participatory and culturally vibrant if the relationships in which cities operate are understood and well placed in the urban planning and development (Elmqvist et al., 2013). Nonetheless, urbanization accompanied by inefficient land development leads to urban sprawl, congested housing, pollution, rise of communicable diseases, and scarcity of basic resources such as water (Devereux et al., 2018). At current urbanization rates, especially in developing countries, there is a concern whether cities will be able to provide housing for the urban poor (Sivam, 2012).

Participatory democracy and public education can help translate theories about living sustainably into personal practice and autonomy (Algraini & McIntyre-Mills, 2019). Engagement in public education would potentially help in promoting greater resilience through management of food, water and energy consumption while participatory approaches would enhance social and environmental justice. Developing countries can pursue environmentally friendly growth whilst promoting development and reducing poverty. However, the World Bank (2013) report on World Development Reports claims that such achievement is dependent on financial and technical assistance from high-income countries. Both developed and developing countries need to act together to keep the costs down and to effectively tackle adaptation and mitigation of climate change (The World Bank, 2013). To enable a sustainable future in a changing world, in the next few decades, agricultural productivity and efficiency of water use must improve to feed three more billion without further threatening already stressed ecosystems (The World Bank, 2013).

Modernization theory, pioneered by Seymour Martin Lipset, holds that as a country grows richer and its citizens more prosperous, they demand more freedom and a larger say in how they are governed (Dervis, 2006). In his book, *Development as Freedom*, Amartya Sen views expansion of freedom as the primary end and principal means of development (Sen, 2001). In this view he moves to argue that the removal of substantial ‘unfreedoms’, which leave people with little choice and opportunity of exercising their reasoned agency, is constitutive development. However, a greater understanding of the connection between freedom and development is crucial. The relationship between freedom and economics also needs to be well understood and applied in shaping development. Such an understanding must go beyond the basic recognition of the intrinsic importance of human freedom in general to advanced understanding of linkages between various types of freedom as empirical and casual rather than

constitutive and compositional (Sen, 2001). Thus from this theory, development and freedom leads to higher income, social change and then into democracy (Dervis, 2006).

John Maynard Keynes held paradoxical views between freedom and planning and suggested that economic improvement as an alternative to political change had its problem and solution tangled between personal liberties and democratic capitalism (Adelstein, 1991). A crisis could however arise if the people fail to choose at all in exercising their liberties and consequently fail to choose at all (The Economist, 2018). The scenario could be worse if the choices are not rational. This indicates a bigger worry and controversy to the social contractarian theorists such as John Rawls who present citizens as idealistically rational (Nussbaum, 2011).

Other modernization theorists like Samuel Huntington argue that social mobilization and economic development are the driving forces of modernization (Huntington, 1971). Increased social mobilization implies that individual and societal groups change their aspirations; while increased economic development means the capabilities of newly formed modern societies will change (Winston 2016). In a civil society, democratic government and the market economy must operate together (Bruyn, 2009). Careful planning for a developed future will examine the civil underpinnings of capitalism in light of how a civil economy evolves in the course of development (Bruyn, 2009). Government officials need to organise markets to reduce government costs. Local leaders need to have strategies to deal with global corporations that would unfairly exploit their community resources. Also, employees need to become co-participants in the development of human values in the market (Bruyn, 2009). Governments, businesses, non-profit organizations and civil groups should jointly work to develop a civil economy by developing an accountable, self-regulating, profitable, humane and competitive market system (Dervis, 2006).

Urban growth arises from two main sources: rural-urban migration and natural increase of the urban population. Other minor sources of increased population could include migrant from other communities. This source is however not very significant due to the temporary nature of foreign migrants from attachment to their home countries. High birth rates in developing countries make the natural increase of urban population a significant factor in urban growth. Nonetheless, rural-urban migration plays an ever more important role in the third world than in developing countries. The most empirical and apparent reason for rural-urban migration is that such migration appears to be economically rational as migrants are lured into the cities by

prospects of better living standards. A theoretical insight explaining the impetus for rural-urban migration is expected income gain from higher urban wages compared to the rural wage. High urban unemployment need not deter such migration if the wages in the modern urban sector are appreciably higher than agricultural wages. For example, such aspects of the migration process emerged from the research of Todaro and Harris.

Progressive attempts by economists to construct comprehensive, migration-based models of third world urbanization are notable. A 1984 study by Kelley and Williamson, titled *What Drives Third World City Growth?* described the structure of a rich and complex computable general equilibrium (CGE) model (Kelley & Williamson, 1984). The model was built around a Harris Todaro migration mechanism. Simulations of the model accurately reproduced history of third world city growth and also yielded provocative predictions about future urbanization. The CGE model of Indian urbanization developed by Kelley and Williamson's indicates a further advancement of CGE in urban migration studies.

21st Century urbanization is resonant in Nairobi as the city continues to develop in this age much more than the past 20th century. In the twenty-first century, an age of neoliberal dominance, the objectives and nature of planning are contested (Marshall & Glasson, 2007). This is emphasized by the fact that, while latest planning strategies appear clearer in focus and purpose than some of their predecessors, arrangements for their implementation are not quite so clear (Hamnett & Hutchings, 2009). To understand urban crises there is a need to establish the analytical link between everyday life and systemic trends and struggles of citizens and the environment (Bayırbağ & Penpecioglu, 2015). Such understanding would play a vital role in informing the urban development and governance processes to ensure universal goals are met without a compromise of individual needs or deprivation of human rights.

The onset of industrialization triggered rapid urbanization which came along with numerous social, economic, political and environmental implications (Chaudhuri, 2015). Contemporary urban settlement is defining people's lives across the planet as a new human ecosystem (Spencer, 2014). This settlement is in turn influenced by the urbanization process which is occurring rapidly across the globe raising concerns for nutrition, health and safety among other challenges facing urban dwellers (Ahn, Burke, & McGahan, 2015). With societies in cities being heterogeneous and pluralistic as a result of several ethnic communities, the process of urbanization becomes more complicated thus demanding good governance especially if

development is to be sustainable (Chaudhuri, 2015). In essence, to understand the working of the world's ecosystem, we need to understand cities; and to create better cities we need to understand the ecosystems they depend on (Elmqvist et al., 2013). However, most governments, markets, policies and even studies have failed to take into account these relations and thus positioning, and the whole world is in a difficult position (Elmqvist et al., 2013).

The population of cities around the world is growing at alarming rates resulting in vast changes in most landscapes of the city (Dordrecht 2014). Fertile agricultural lands at the periphery of cities are being developed without consideration of holistic planning. This in turn is resulting in peri-urban areas being transformed from rural to urban land use causing loss of agricultural land, increased runoff and water quality degradation. Consequently, the demands for water, food and energy are increased beyond the supply (Dordrecht 2014). Rural interventions influence urbanization and its associated problems and solutions (Sridhar & Wan, 2013).

Development in all sectors is an inherently political process necessitating aid providers to think and act politically (Carothers & De Gramont, 2013). Furthermore, interactions between the economic and political domains are crucial for development (Dervis, 2006). Nonetheless, there is a common understanding that in many ways the economic and political system have failed and that both are fundamentally unfair (Stiglitz, 2012).

The goal of this thesis is to address the gap in the life chances between the haves and have nots in Nairobi by advocating for increased human capabilities that empower the urban poor through participatory urban governance modelling as the city continues to undergo rapid urbanization. For this particular study, the concept of sustainable urban development focuses on the trend of urban development in Nairobi to help develop a comprehensive understanding of what the term means and how it informs development policies.

CHAPTER TWO: LITERATURE REVIEW OF ISSUES AND DEBATES IN GOVERNANCE, DEMOCRACY AND URBANIZATION IN DEVELOPING COUNTRIES AND KENYA'S POLITICAL DEVELOPMENT

The relevance of a critical review of governance approaches for this thesis is that urbanization has not been adequately planned to protect the welfare of the most vulnerable and marginalised as suggested by the rhetoric of the Kenyan Vision (2030) and the UN Sustainable Development Agenda (2030). The process of development is however designed to be competitive which continues to maintain the status quo with widespread distribution of wealth and power inequality and injustices. In this regard, a comprehensive review of literature on the governance processes and frameworks in developing countries is done to show the underlying problems and to form a basis of suggesting alternative paths to pursuing equity, justice and sustainability.

Governance is the framework of social and economic systems and legal and political structures through which humanity manages itself (Colebatch, 2014; Rydin, 2012). Governance can vary in terms of structures and processes. For instance, Smith (2007) describes governance as an end in its own right especially when it's about protection and advancement of human rights (Smith, 2007). He further claims that governance can be viewed as a means to development and poverty reduction. To support these views (Smith) 2007 posits governance as a means to development whereby the rule of law is a requirement for economic development and a means to poverty reduction while reduction in corruption is regarded as a strategy for increasing assets and thus wealth of the poor. To govern have also been argued as ways to influence, shape, regulate or determine outcomes implying there are many agencies and institutions that are involved (Gamble, 2000). Gamble further moves to denote governance to be considered as steering of political systems.

From an economic perspective, application of the idea of governance to the economy raises crucial issues about the nature of governance and the economy (Gamble, 2000). The presumed notion that the economy belongs to the private sector while governance belongs to the public sector is a source of major difficulty in economic governance discourse (Gamble, 2000). This makes it appear that the discussion of economic governance seeks to understand the relationship between the economy and the state. Precisely then we can explain economic

governance as how the state governs the economy. However, this is not the case since there is a clear distinction between governing as a process and government as a particular agent. Essentially, governance is not the exclusive preserve of government (Gamble, 2000). For instance, tax and interest rates could be used as policy tools to govern but they do not specifically imply they are a government on their own.

Comparing and contrasting case studies helps to develop a conceptual basis for the analysis in chapters four, five, six and seven for exploring strategies, policy recommendations and reforms for justice and sustainable development. This is to facilitate lessons to be learnt and the transferability of the conceptual model in policy to different cities around the world, especially in developing countries. Empirical evidence reveals inappropriate governing strategies which are precarious and problematic as the main obstacles to development in Africa, for instance in Cameroon (Fonchingong & Gemandze, 2009). To improve governance in the development process, an understanding of the links between communication, governance and development must be identified as communication plays a pivotal role in improving governance, especially in developing countries (Servaes, 2009). At a global level, governance has the capacity to change the global economy. In the past few decades, significant changes have occurred in the global economy emanating from the way in which the economy is organised and governed (Gereffi, 2005).

In modern times, we are faced with the challenge of enabling people to think holistically and go beyond compartmentalized thinking at the state level in to achieve cosmopolitan politics (McIntyre-Mills, Goff, & Hillier, 2011). In most developing countries, centralized forms of government have prevailed. The result of this is reduced democracy with minimal citizen participation and inclusion. However, in recent times these countries have come to the realization that centralized forms of government have not been very efficient and effective and have for so long retained the countries in low levels of overall development, particularly economic. The countries have made a significant transition from authoritarian rule to cosmopolitan democracy for increased peace (Heller, 2001; Osler & Starkey, 2018). A more holistic approach in understanding the politics and policies must be pursued for increased democracy and citizen participation. To achieve this, governance and democracy will need to be underpinned by more systemic approaches (McIntyre-Mills et al., 2011).

In developing countries, uneven capitalist development and non-resilient social structures arising from bureaucratic authoritarianism have hampered the collective action of the lower social economic class thus hindering their ability to participate in governance processes (Heller, 2001). The non-resilient social structures and capitalistic development cumulatively threaten the welfare of the lower social economic class. Ultimately, the lower social economic class are left out in active participation of governance and development processes. Countries like Brazil, South Africa and India (Kerala State) that have emancipated themselves from such authoritarianism to be more mobilised and democratised have seen political transformation which has resulted in increased organizational capacity and cohesiveness characterised by strong labour unions (Heller, 2001). In the Latin American cities of Porto Alegre, Montevideo and Mexico City, spatial conceptualisations of participation and power dynamics analysis indicate transformative effects between civil society and state in contributing to mobilization and democratization of the society (Postigo, 2011).

Nonetheless, even where democracy and participation have been embraced, there still remain contradictions between state and civil society on the roles played by various actors in urban development as in Porto Alegre, Brazil (Novy & Leubolt, 2005). This implies the discourse of participatory governance merits further analysis to establish factors and conditions which must prevail for the desired outcome to be achieved in the development process. Kenya, as a developing country which in less than a decade has passed a constitution based on devolved (decentralised) governance to enhanced equity and participation of citizens, will be critically examined to provide insights on what participatory governance should entail and how it can be implemented to achieve its desired aim-- that of citizen engagement. This will help determine the role which such governance can play in sustainable urban development which is the goal of this research. As such, discussions have mainly focused on the urban development and governance of Nairobi with minimal but significant reference to the national context.

The Case for Participatory Governance and Democracy in Sustainable Development

Good governance and citizen participation are an integral part of development agenda (Omiya, 2000). The role that a good governance scheme and its constituents can play and how it can be operationalized needs to be clearly understood by the citizens and policy makers to enhance a creation of a pragmatic regulatory mechanism and logical framework in the development

process. Pragmatism is important to ensure a realistic framework is put in place to achieve desired goals. This is fundamental in understanding the urban economy and its decision making processes considering the apparent increase in urbanization that has emerged as a dominant global trend, especially in the developing countries (Chaudhuri, 2015; de Oliveira et al., 2013; Sivam, 2012)). An apparent challenge remains inhibiting efforts to scale efforts for adapting alternative forms of democracy and governance that would address present economic, social and environmental challenges (McIntyre-Mills, 2016). This can be attributed to the failure to take advantage of systems thinking which results in decision-making processes being less effective than they could be (Davidson & Venning, 2011).

Democratic and participatory governance established in the twentieth century came as a preeminent model of political organization (Sen, 2001) hence implying that the role of participatory and inclusive governance is crucial in contemporary paradigm shift of urban development and transformations (de Oliveira et al., 2013; Jiboye, 2011; Mtani, 2004). The establishment of democracy participatory governance enhanced the concepts of human rights and political liberty becoming part of the prevailing rhetoric in the fields of trade, commerce, communication and more so in human ideas and ideals (Sen, 2001).

To adequately address social policy and governance challenges, new approaches must be adopted in research, policy and practice. Such approaches will need to be timely, inclusive and responsive to citizens (McIntyre-Mills, 2010c). Participation of citizens in the development process must be considered paramount by researchers seeking to increase democracy, justice and equity. In urbanization processes, the concept of participation must seek to integrate all the stakeholders involved in decision making processes. An emphasis should be given to the destitute urban poor and women who are always marginalized from mainstream society.

It is important to consider who is making the argument and what the argument means to individuals and interest groups (McIntyre-Mills, de Vries, Christakis, & Bausch, 2008). This would then imply the need to consider why the argument matters in different ways to individuals and interest groups and also why and how it matters differently depending on whose is raising the argument. For instance, an argument raised by a privileged business owner against street hawkers needs to be addressed cautiously to ensure greater justice and sustainability are achieved as part of the solution. Legal measures need to be embedded in the constitution to

ensure complex decisions are made representing the needs of the majority and not at the expense of oppressing the minority (McIntyre-Mills et al., 2008).

The preeminent model enhanced the concepts of human rights and political liberty becoming part of the prevailing rhetoric in the fields of trade, commerce, communication and more so in human ideas and ideals (Sen, 2001). Structures and processes of governance need to be considered when addressing diversity (McIntyre-Mills, 2006). This should be a point of focus in developing models of governance for cities like Nairobi which have high degrees of diversity including cultural, socio-economic, political and environmental. As such policy makers and urban governors need to work with theoretical and methodological frameworks by using conceptual tools to achieve multidimensional and multilayered policy decisions to enhance systemic governance in the diverse and complex process of urban development (McIntyre-Mills, 2006). The conceptual tools need to incorporate transcultural thinking tools in order to solve the problems and facilitate the understanding of the nature of the problems at hand, be it social, economic or environmental (McIntyre, 2003).

Sustainable governance should be democratic to promote citizen participation and inclusion. Informed citizenry then becomes a critical aspect if sound and sustainable decisions are to be made. This is to ensure decision making process is influenced from a point of knowledge rather than ignorance. As such, the capacity building of citizens is necessary to develop an ability to think about ontology and epistemology in development (McIntyre-Mills, 2006). Poor governance and corruption should be highlighted as the most important systemic factors contributing to poverty in developing countries (Mudacumura & Morçöl, 2014). This then results in weakened institutional foundations, misappropriation of public funds and undermining of policies and programs which are aimed to reduce poverty by fostering sustainable economic growth.

Systemic governance should take an ontological¹ and epistemological² stance (Altavilla & Meglio, 2009). The axiology underpinning this thesis is that urban development needs to be just and sustainable (Machuki & McIntyre-Mills, 2018). The pursuit of economic development, social growth and environmental justice requires sound governance framework supported by a strong political commitment with a sense of justice and equity. The epistemological of understanding the nexus between governance and development is essential component for sustainability.

The scope of democracy and governance spans local and national boundaries and international boundaries and hence the need to think in many dimensions (McIntyre-Mills, 2010a). A democratic government must consider the participation of citizens as a critical ingredient in the development process for its sustainability. Peoples' associations, either past or current, shape their identity (McIntyre-Mills, 2010a). Thus, people must be engaged in the governance process and be allowed to associate freely to achieve a common identity and goal.

Praise and promotion of democracy has been vigorous within governmental, non-governmental and international institutions (Pateman, 2012). Democracy could be cosmopolitan, agonistic, republican, monitory or deliberative. Deliberative democracy has been considered the most successful and influential in democratic theory both theoretically and empirically (Pateman, 2012). Deliberative democracy implies the idea of citizens or their representatives to poses mutual reasons for each other in the laws they make (Gutmann & Thompson, 2009). This outstanding trait of deliberative democracy leads to determining where and how participation lies and is understood in the concept. Deliberative democracy has been argued to be a form of citizen participation that has seen a significant rise in participatory governance practice (Pateman, 2012). As participation is a fundamental goal and object of value, the United Nations

¹ Ontological - Ontological: Work in whole not in parts. Develop organizational structure in public and proactive approaches to be pursued.

² Epistemological - Epistemological: Link knowledge across individuals, local groups, national and international levels. Contextual knowledge (meaning and relevance). Human being and scientist are ends and thus need to be addressed with respect and compassion.

Committee of Experts on Public Administration selected the theme of participatory governance to acknowledge the importance of good governance and participation (United Nations Economic and Social Council, 2007). The Commission defined participatory governance as an institutional strategy pertaining to planning, budgeting, monitoring and accountability of socio-economic development policies that can result in citizen engagement as a desired outcome. Participatory governance, which implies a more politically conscious citizenry, facilitates efficiency, transparency and legitimacy of political and local institutions in a democratic world (Postigo, 2011).

To understand governance in Nairobi, a historical literature review of the city is explored in the context Kenya political journey. This is to highlight the trajectories that the city has undergone as a former British colony to modern day. The influence of western democracy are highlighted – their roots and effects. The next discusses the history of urbanization and governance highlighting issues and trends pursued from colonial era through to independence under the old constitution and finally currently under a new decentralized constitution and administration.

Urbanization Process of Nairobi in the Context of Kenya Political Development

First established as a transportation centre by the Kenya-Uganda Railway constructors in 1889, Nairobi later grew to become an administrative centre (Owuor, 2009). This was facilitated by the transfer of provincial offices from Machakos to Nairobi and later the protectorate headquarters from Mombasa to Nairobi (Owuor and Mbatia 2012). Like other African cities, after independence, Nairobi experienced rapid population growth. 12.2% was the population growth rate between 1962 and 1969, resulting from massive rural-urban migration following the relaxation of colonial rules that had always restricted African's access to the city (Agwanda et al., 2004). The resulting impact of this influx was un-serviced and unauthorised housing, proliferation of small-scale trade and petty commodity production (Owuor, 2009).

An influential World Bank Report of 1989 claimed that 'underlying the litany of Africa's development process is a crisis of governance' (Ahluwalia, 1996). In concurring with the

report, Ahluwalia (1996) moves to suggest that this had resulted in the advent of imposing conditionality in liberal democracies and thus he needed to inquire more of the historical aspects of development of Africa and Africanism. As such, this study analyses significant events to give crucial highlights of the development process in Kenya. The focus centrally revolves around Nairobi since the arrival of Arab traders, explorers, missionaries through to the arrival of colonialists who established a British protectorate in 1895 to the current date when Kenya is now an independent republic under a new constitution entirely written by Kenyans. Therefore, drawing on Kenya's political journey, I have classified the urban development process in Nairobi into three phases:

Colonial phase (1885-1963)

Kenya was under the British Colonial rule from 1885 – 1963. Imperialism was the type of rule and administration employed by the British to govern Kenya as one of its colonies. The period was characterised by widespread denial of freedom and rights to Kenyans by the British. Rights to own property, including land, were not available to Africans. Freedom of movement, especially to the city, was also very limited. This prolonged oppression resulted in resistance by the local people to fight for freedom and independence. This saw the formation of resistance movements such as the *Mau Mau* who fought for independence with the war intensifying from 1952. During this time a state of emergency was declared, and six African leaders were arrested and detained without a trial. This arrest and state of emergency declaration led to increased determination to fight for independence in Kenya.

Legislation and Governance: The case of Hawkers in 1962^[1]

Hawking was then defined as, “whether as principal, agent or employee to carry for sale, barter or exchange any goods, ware, merchandise, refreshments or drink and includes the act of selling or exposing for sale any of the above mentioned articles/ items by any person at any place in which he or she does not usually reside or carry on business. This, however, does not include the seeking of orders for goods, wares, merchandise, refreshments or drinks for subsequent delivery from persons who are dealers therein and who buy to sell again” (Kenya National

[1] This section draws on the National Archives primary documents I retrieved while in Nairobi at the National Archives Record Centre.

Archives, 1962). To hawk, one needed to possess an unexpired license from the Council. The cost of a hawking license was two Kenya Shilling every month. The Nairobi Urban District Council (Hawkers) By-Laws, 1962 prohibited hawking of foodstuffs within the district. A person who violated the above rules among other Council By-Laws was guilty of an offence. The existence of such By-Laws tends to imply that hawking was a formal trade before independence.

Planning Process in Nairobi, 1957 – 1963

The planning process was deliberated by a County Planning Committee. The committee consisted of Councilors and County Officials such as the Clerk and his deputy, County treasurer, County Engineer and his assistant, County Planning Officer and Health Officer among others. Planning discussions mainly revolved around forward planning, planning powers, land use and survey. Services discussed under planning included water, health and occasionally education. This information was listed and confirmed by the Minutes of the County Planning Committee, dated 17 Sep 1957 to 11 Feb 1963, and housed in Kenya's National Archives, Nairobi (Kenya National Archives, 1963). This was before independence. Notice, even before independence the public, especially black people, neither participated directly or actively in the planning process. The committee constituted of white people who by then were the people holding positions of power.

Post-Colonial Phase under Old Constitution (1963-2010)

An independent Kenya meant freedom and enjoyment of full citizen rights to Kenyans. However, it is highly questionable whether political representation of the majority and less powerful increased after independence. Since independence, Kenya has pursued various ways to address issues of both development and popular public participation in postcolonial period through constitutional and educational reforms to address responsible governance, justice, economic and social concerns (Menski, 2019; Ojiambo, 2018; Omiya, 2000). However, for a long time, decisions regarding effective participation have seemed to follow the general pattern of British colonies which was mainly based on power and administration rather than people and economic centred development, thus making the process of participation ineffective (Amuhaya, Namusonge, & Nthigah, 2018; Omiya, 2000). Effective local and national citizen

participation must specifically relate to effective devolution of power. This will ultimately increase policy receptiveness by citizens once they perceive their engagement in development processes contributes to addressing their needs (Amuhaya et al., 2018).

The challenge is that most forms of governments have for a long time remained highly centralised in developing countries, hindering efficiency in public service delivery and slowing the development process in these countries (Ontita & Misati, 2011). The unfortunate truth is that past efforts and initiatives based on centralised governments to enhance economic growth and reduce poverty did not produce desired outcomes, particularly in Kenya (Kibua, 2008). Decentralized governance characterized by devolution has been sought as constitutional reform to fundamentally bring change in political structure and address regional inequalities in Kenya (Lind, 2018; Orr, 2019)

Widespread dissatisfaction with over-centralised planning and administration began to be noted in the late 1970s to early 1980s by governments in developing countries prompting the countries to seek more equitable distribution of benefits of economic growth to increase productivity and improve the living conditions of the poor (Rondinelli & Nellis, 1986). In other instances, changes were triggered by the need to respond to changes in international development strategies as well as in the funding priorities of the aid agencies (Rondinelli & Nellis, 1986).

Unfortunately, Kenya's economic growth like other developing nations has been associated with environmental degradation and pollution, including declining forest areas; decreased wetlands; falling wildlife numbers; water and land shortage; rapid depletion of renewable and non-renewable natural resources; increased use of toxic chemicals; and discharge of waste and effluent into water, soil and air. Other significant threats to the environment arise from poverty, overpopulation, climate change, political insecurity, pollution and unregulated bioprospecting (Amman & Duraiappah, 2004; Mwenda & Kibutu, 2012). A governance scheme considering environmental management should be a central part of the constitutional order (Juma & Ojwang, 1996).

Post-Colonialism Phase under the New Constitution from 2010 – Date (Devolution Era)

Recognising the need to achieve high economic growth and reduce poverty related inequalities for a sustainable development, Kenyans pushed for a devolved form of government. Kenya's New Constitution advocating for devolution is one of the major reforms the country has embarked on to strengthen institutional capacities which is a central part of sustainable development even in the Rio+20 ((Abbott, 2012; Ontita & Misati, 2011).

Devolution is a multi-dimensional approach that seeks to organize governance while managing state power along multiple lines to for enhanced social protection and justice in a by decentralization measures (Ontita, 2018; Syed, 2018). Essentially it forms the foundation for federal systems and structures of government founded in the concept of decentralization and devolution of power.

The rise and growth of slums in cities is a product of poor governance where wealth and power are inequitably distributed. This indicates apparent poverty associated with food insecurity, unhygienic water and sanitation systems, crime, diseases, prostitution, environmental degradation, poor housing and transport (Richmond, 2019). Indeed, Nairobi, at present is a classic example of a world where although democracy and participation has been established by the new constitution, there remains remarkable deprivation, oppression and destitution of the urban poor. This phenomenon explains the position assumed by Sen (2001), that posit even with prevailing democracy and participation in the political environment there can still be deprivation and oppression if development is not perceived and pursued as freedom.

In modern Nairobi, new and old problems continue to prevail such as persistent poverty, unfulfilled elementary needs, occurrence of famine and widespread hunger, violation of political freedom and basic liberties, extensive neglect of interests and agency of women, worsening threats to the environment and sustainability of our economic and social lives (Sen, 2001).

The proliferation of hawking culture in modern day Nairobi exists without formal regulation. This is in contrast to the practice during the colonial times when hawking was regulated by formal and established legislative processes. It was more formal compared to now when it is completely an informal activity with no legislative framework or policy guidelines within the

legal system. The findings from primary and secondary data show indicate a weakened legislative structure or none with deficiencies in policy guidelines and legal framework hence continued inequality and oppression. Therefore, a key issue is the underlying causes that would be causing prevalence of poverty, inequality, exploitation and oppression in the context of urban development even in a post- independent Kenya.

Public Participation and Urban Development in Kenya

Kenya as a nation went into a referendum to pass a new constitution. The constitution was passed and promulgated in August 2010 by President Mwai Kibaki. The New Constitution ushered in a new beginning in governance process with the main goal to give sovereign power to the people of Kenya, as stipulated in Article One of the constitution. Power was devolved from the central government to county governments bringing an end to the centralised colonial administrative structure of provincial administration. Consequently, the country was divided into forty-seven counties as shown in the map below.

Figure 2: Political Map of Kenya showing the Counties and her Neighbouring East African Countries.



Source: (Mwaniki, 2017). Map reproduced with permission.

The Kenyan Constitution and Public Participation

The New Constitution seeks to reverse the centralised non-participatory governance paradigm by institutionalizing and embracing governance and leadership based on integrity to ensure guarantee of liberty in a devolved framework (Gathii, 2018; Lutomia, Sibeyo, & Lutomia, 2018; Okilwa, 2015). The Kenyan approach to devolution can be argued to be explicitly integrated as it incorporates strong administrative, fiscal and political elements. Kenya as a republic under the new constitution has established national values and principles of governance. Constitutionally, these values and principles are outlined in Article 10 as follows:

“Patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
Human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
Good governance, integrity, transparency and accountability; and
sustainable development (Kenya Law Reform Commission, 2016)”.

The bill was presented by the house of the Senate to seek more public inclusion as one of the constitutional reforms under a devolved system of governance. The objective is “to enhance, promote and facilitate public participation in governance processes” (Public Participation Bill, 2016). Primarily the bill seeks to give “effect to the principles of public participation, promote democracy and participation of the people, promote transparency and accountability in decision making, enhance public awareness and understanding of governance processes, promote community ownership of public decisions and promote public participation and collaboration in governance processes” (Kenya Law Reform Commission, 2016). The bill has now come to be an Act of Parliament under several articles of the Kenyan Constitution³. Each of the articles is discussed further in the findings and discussion chapters in accordance with the goals of this thesis.

³ “A Bill for An Act of Parliament to provide a general framework for effective public participation; to give effect to the constitutional principles of democracy and participation of the people under Articles 1(2), 10(2), 35, 69(1)(d), 118, 174(c) and (d), 184(1)(c), 196,201(a) and 232(1)(d) of the Constitution; and for connected purposes”. Public Participation Bill, 2016. In 2018, this became an Act of Parliament and no longer considered a Bill. However, even in 2016 it was still in some instances regarded as an Act of Parliament as indicated in the definition outlined here.

Principles of the Act

The public, communities and organizations to be affected by a decision shall have the right to be consulted and involved in the decision making process; provision of effective mechanisms for the involvement of the public, communities and organizations and citizens that would be affected by or that would be interested in a decision; participants' equitable access to the information they need to participate in a meaningful manner; that public views shall be taken into consideration in decision making; development of appropriate feedback mechanisms; adherence to the national values under Article 10 of the constitution; adherence to the principles of leadership and integrity set out in Chapter Six of the Constitution; adherence to the principles of public participation as may be perceived by any written law and finally promotion of sustainable decisions recognizing the needs and interests of all participants, including decision makers as in the Public Participation Act 2018.

The Status of Governance in Kenya

According to a governance baseline report of 2012 in Kenya, most citizens did not understand devolution process or know what devolved governance entailed despite having voted for the system in 2010 (Society for International Development, 2012). The table below shows the various connotations Kenyans associated with devolution.

Table 1: A Table showing Kenyans Understanding of Devolution in 2012

Adapted from the (Society for International Development, 2012)⁴. Table removed due to copyright restrictions. The table can be found at https://www.sidint.net/sites/www.sidint.net/files/docs/Governance_Report.pdf.

This table shows the different perceptions citizens have in understanding devolution in governance process. Almost 50 per cent of Kenyans in 2012, which was two years after the new constitution, had no idea what the new form of governance meant to them. Yet the same

⁴ This was a baseline study done two years after the promulgation of the New Constitution. Despite the claims by the government that enough civil education had been given to the public on devolution the study found almost half of the population did not understand what devolution was to them. The informed majority interpreted more in notions of power from virtues of decentralization of powers and others on resource distribution. This work will seek to further clarify what devolution is and how it works especially as a desired platform for participatory governance.

people had voted in favour of the new constitution in the 2010 referendum. As seen from the table, it is evident devolution means different things to different people. Notably is the relationship people associated issues of economic with power as two positively correlated factors. I discuss the changes over time and how the new governance structure enhances inclusive public participation in decision making processes and their applications. This section is advanced in the findings and discussion chapters to advance the argument of the relationship between peoples' capability and power as influenced by various life chances. The dynamics of governance in Kenya are followed through to depict people movement in the Ladder of Disadvantage based on the life chances and capabilities they possess.

Human Empowerment, Life Chances and Capabilities in Informal Sector of Nairobi

Human empowerment and well-being should be the ultimate objective of political and economic institutions which in turn requires both democratic institutions and economic prosperity (Dervis, 2006). The paradox is to understand and focus on the interconnectedness between democracy and economic prosperity from a welfare perspective. Strong democratic political institutions that promote fairness and equity should be embedded in a vibrant market economy. The paradigm shift should seek to move from a capitalistic approach centred on profit and wealth accumulation by a minority to a production mode focused on welfare and sustainability for the citizens and the planet. This would ensure that in the course of development, political and economic empowerment play equal and complementary roles in improving the lives of citizens across the world (Dervis, 2006).

To operationalise participation and inclusiveness in governance, practical theories should inform the process. For instance, Rawls' theory of justice can serve as a practical reasoning basis which must include ways of judging how to reduce injustice and advance justice and liberties rather than merely aiming at achieving the characterization of complete just societies without any empirical basis (Rawls, 2009; Sen, 2011). This implies that to operationalise the idea, practical mechanisms with logic must be enacted in a society subject to such governance systems. Markets, even when they are stable can be monsters that yield and perpetuate high levels of inequality producing outcomes which are widely viewed as unfair, exploitative and alienating (Marx & Engels, 1848; Stiglitz, 2012; Jaeggi, 2016 and Storr & Choi, 2019). As a

result, more than anything else, a sense and perception that the economic and political systems are unfair is what motivates protests around the world (Stiglitz, 2012). Kenya's political unrest and violence of 2007/08, which famously came to be known as Post Election Violence (PEV), was purely caused by a long-term cumulative effect of unfairness in the economic and political systems (Brugmann, 2010).

The urban income including in the informal sector appears more lucrative in terms of wage level than the rural life due to the higher urban wages (Oyvat & Githinji, 2020; Mwangi, Simiyu, Bayene & Onderi, 2017). This proposition is consistent with the Harris and Todaro model of migration of 1970s. The access to services in urban areas is higher than in most remote rural areas. These are the primary causes of an increasing rural-urban migration trend in Kenya. For policy recommendations there is a need to develop appropriate measures such as mainstreaming the informal sector and extending democracy and participation to improve livelihoods and give the margins power. Informal settlements have been the dominant provider of housing to the urban poor in the form of slums and squatters implying unsustainable and low index of quality of life. As (Ahn et al., 2015) and their research suggest, informal housing is not the answer to accommodate the growing population of the urban poor. Instead, there is a pressing need for the respective governments to look for alternative strategies to find possible solutions to housing and overall well-being of the urban poor in pursuit of sustainable urban development (Ahn et al., 2015; Sivam, 2012).

A more humane approach is critical to enable sustainable city development (Tanghe, 2013). Social mix among city dwellers should be encouraged to reduce isolation of the marginalized residents of the city and dispersion of urban functions (Tanghe, 2013). This would in turn result in increased citizen inclusion and participation in urban activities and efficiency in service delivery especially to the most marginalized populations like people with disabilities (Pather, 2017). Comprehensive, integrated and standardized measures of health must be in place for healthy urbanization to occur (Ahn et al., 2015).

Globally, countries respond to public rankings which are based on Gross Domestic Product (GDP) per capita that affect their international reputation without a clear focus on individual wellbeing and prosperity (Nussbaum, 2012). While responding to the rankings, economic growth is prioritised and the living standards of the poorer inhabitants are neglected, and also issues such as health and education which typically do not improve economic growth

(Nussbaum, 2012). In the context of cities, this can be attributed to over-emphasis on branding over living which is an apparent phenomenon in city imaging (Brabazon, 2013).

Citizen empowerment is necessary for the democratic process to be effective. For instance, a democracy filled with citizens who lack empathy will inevitably breed more marginalization and stigmatization, thus exacerbating rather than solving its problems (Nussbaum, 2012). This is mainly the case for developing economies where low income and education levels result in compounded poverty and thus less social inclusion and participation in the development process. The outcome of this is underdevelopment, marginalization and stigmatization of some members of the community which cumulatively inhibit democracy.

Economic growth is valued, but the rush to profitability in capitalistic market structures risks the loss of values and precious cultures of humans that enhance quality of life and humanism (Booker & Daraiseh, 2019; Edozie, 2017). This compromises the future of democracy in an age of religious and economic anxiety (Nussbaum, 2012). This argument is relevant to Kenya in consideration of the role culture, especially religion, plays in informing governance through issues of morality and beliefs as discussed under culture, ethnicity and identity politics sections. This is further discussed in the analysis to show how culture and ethnicity are used in enhancing stigma among those vulnerable such as People with Albinism and HIV/ AIDS thus further marginalising them. The role of values and beliefs are seen to remain instrumental in determining legislation relating to certain occupations under the law and subsequently in determination of decent work in the economy. A difference in cultural view and moral acceptance is noticed between the occupations of sex work and that of hawking. Though both are not well regulated, hawking is seen as acceptable by the majority and it's not entirely criminalized. Sex work, on the other hand, is regarded as both illegal and immoral by the public and the authorities.

Gender, Sex Work and HIV/ AIDS in Nairobi

In the twenty-first century, an urban age that recognises the need and support for social and economic development for increased sustainability and resilience, there remains a gap in understanding the complexities of the urbanization process (Moser, 2015). One major limitation facilitating the existence of such gaps is the little attention given to the gendered

nature of urban poverty where women constitute the biggest part of the poorest of the poor (Moser, 2015).

Gender Mainstreaming in urban development is discussed in depth because of the extent to which women and young people are marginalised in Nairobi's informal sector. The voiceless and least powerful are most at risk of marginalization and exploitation (Pather, 2017). The role of gender and the place of women are emphasized as they constitute the biggest percentage of those marginalised and at high risk of exploitation. Additionally, Gendered experiences in post crisis period such as civil war have greater adverse impact on women economic empowerment and their social mobilization (Romm, 2018). This is considering that they are more vulnerable to abuse than their male counterparts who may possess the same socio-economic status as them.

The HIV/ AIDS endemic is discussed due to its prevalence in the sex work industry in Nairobi. Sex work is one of the informal sector occupations in Nairobi mainly due to lack of alternative economic activities for the urban poor. The activity is also illegal. The prevalence of HIV/ AIDS increases risk and danger to those vulnerable with a cumulative effect of increasing disadvantage to the victims of the diseases due to ill health and much longer effects to the children who are left by their parents or guardians as a result of HIV related deaths.

There are approximately 1.5 Million people living with HIV/ AIDS in Kenya according to the latest data (AIDS Virus Education Research Trust (AVERT), 2018; Oketch, 2018). The prevalence of the disease has however reduced to 4.8% with prevalence rates of 5.2% and 4.5 in women and men respectively (Oketch, 2018). Sex workers are among those listed as more vulnerable to contracting the disease among other groups such as men who have sex with other men, women and drug abuse and addicts (AVERT, 2018). Despite the high awareness and sensitization of HIV and AIDs in Kenya most of the people living with the virus continue to experience high levels of stigma and discrimination which in return compromises their access to HIV treatment and control services (AVERT, 2018; Oketch, 2018).

More than two million people acquire HIV infection globally every year. In Kenya, 71,034 people aged above 15 years and 6,613 aged 0-14 years got infected with HIV in 2015. This means that these 77, 648 Kenyans would require lifelong antiretroviral treatment to keep them alive and prevent further transmission of HIV (National AIDS and STI Control Programme (NAS COP), 2019). The need to empower women as individuals has raised the importance of

investing in women and girls as a priority feminist goal. Such a need has resulted in the birth of new approaches such as 'smart economics,' an offspring of efficiency approach to women in development (WID) following the economic crisis of the 1980s (Chant & Sweetman, 2012). In development, women face structural discrimination as gendered constituency particularly prevalent in urban development where poverty is gendered and feminised (Chant & Sweetman, 2012; Moser, 1993; O'brien & Williams, 2013). Hence, women become less empowered and fail to adequately participate in either the urban development or the governing processes. This in turn perpetuates the cycle of poverty and increased levels of inequality. Femininity is devalued in gendered poverty (O'Brien & Williams, 2013).

Since the United Nations Decade for Women (1975 -1985) and through to the 1980s and 1990s, great progress has been achieved on the language of mainstreaming gender equality and female empowerment as feminists have mobilised themselves in the field of international development (Chant & Sweetman, 2012; Cornwall & Rivas, 2015). Nonetheless, despite such enormous efforts there still remains confusion and conflation which inhibit the relationships between gender, poverty and inequality in the development process (Kabeer, 2015b). As such, the implementation of gender mainstreaming policies has remained inconsistent. There has not been an understanding of the outcomes and impacts of how such policies contributed within the framework of international development institutions to enhancing equality by mainstreaming gender (Moser & Moser, 2005). In urban development, the understanding and implementation of gender mainstreaming has equally suffered from a lack of informed policy for the successful empowerment of women.

Gender mainstreaming must be an integral part in the development process to empower women. A concern for gender equality in development has well been identified as a paramount thing in two policy perspectives: WID (Women in Development) and GAD (Gender and Development) (March, Smyth, & Mukhopadhyay, 1999). In African development, or rather civilisation, women have always been marginalised in the mainstream development process. Women have always assumed primary roles working as domestic workers both at household and community levels to produce and process food while looking after children (Maathai, 2004).

A nation that segregates women in production activities, will face inherent development challenges that will eventually contribute to low economic growth, gender inequality and a

lower human development index (Bayeh, 2016). To counter such difficulties (Moser, 1993) welfare approaches which prioritise equity, then efficiency and finally espouses women's empowerment could be adopted. However, in the 21st Century where business is playing the prominent role and where financial corporations shape development policy and where there is a focus on gender equality as 'smart economics,' a human rights based approach would enhance the greater progression of gender equality and the empowerment of women in development (Roberts & Soederberg, 2012; Sen & Mukherjee, 2014). Thus, this doctoral thesis advances the exploration of issues of gender and development in multiple dimensions to ascertain how well women and the urban poor can be empowered in urban development to actively participate fairly and efficiently in the governance processes.

Culture, Ethnicity and Identity Politics in Kenyan Governance

Cultural and ethnic identity are given special consideration under this approach within the context of identity politics in Nairobi - Kenya and how they shape governance and development processes. Ethnicity is used to differentiate people and subsequently causing shifts in patterns of power (Bhattacharyya, Gabriel & Small, 2016). Ethnicity and culture are discussed on the basis of how they either privilege some for those who are in the majority group or exclude others, especially the indigenous and the minority, as well as the displaced persons. Ethnic differences in Kenya mainly on tribe has resulted on hegemony or discrimination of certain groups. In urban areas, especially in Nairobi, this results to regional and social injustices of the marginalized communities who dwell in slums like Mathare, Kibera and Mukuru (Wanjiru & Matsubara, 2017). To improve democracy, there it is important to enhance equalization of life chances across ethnic and racial lines in addressing social justice (Bhattacharyya, 2016).

To analyse and develop a framework of social justice and judgement it is important to understand the intersectionality of culture, value and beliefs within institutions (Jasso, 2005). A sense of justice would be experienced where humans from all walks of life form ideas of what is just, make judgement about justice or injustice of the things around them (Jasso, 2005). Paradoxically, culture, that differs across societies is an all present factor at work and in our lives too. Culture is a dynamic factor shaping peoples' way of life and in reciprocation being shaped by the people through mechanisms such as language and religion. It is in view that

understanding human behaviour there is need to understand their sense of justice and culture as central tasks (Jasso, 2005).

Culture is a crucial aspect in Kenya in informing senses of justice through perceived morals, values and beliefs as notions to guide the ethical behaviour of a society either in a supplementary or complementary role to the bureaucratic and constitutional norms. Culture and ethnicity shapes identity politics by giving people grounds to make claims of themselves (Bhattacharyya, 2019). Through this consideration, an evaluation is made to analyze the prevailing role of the church in society and state in Kenya. This is an important area to look at as Kenya is largely a Christian nation that considers God's divinity as playing a role in determining the people's fate, morals, beliefs and where justice is sometimes explained under the Laws of God and the teachings of Jesus Christ (Kagama, 2019; Cultural Atlas, 2020).

I argue in this thesis that there is a need to separate the church and the state as the role of the Church in Kenya is highly political and thus misused by political elites to skew justice and accountability. Politicians sometimes disguise their actions in biblical terminology such as repentance and reconciliation rather than adequately addressing constitutional issues. The church and the clergy take the role of pardoning perpetrators of corruption by preaching forgiveness where politicians make political confessions of their atrocities in the church realm (Kagama, 2019). Appropriate prosecutions are hence not pursued undermining the essential role of the office of Director of Public Prosecution (DPP) and that of National Intelligence Service (NIS), Directorate of Criminal Investigation (CID).

The Judiciary, Ethics and Anti-Corruption Commission (EACC) is left to deal with less powerful citizens in execution of law and order and delivery of Justice while the elites use the church. The role of each of the institutions is evaluated to determine failures in delivery of justice and ways to improve them to ensure operationalization of justice remains a central role of the government. Selective justice is common in Nairobi, especially when law and order is applied to the voiceless and powerless who are the people in the informal sector. The main reason for this is the mixed role the church plays in determining morality or purity and danger and at the same time playing an indirect political role under the various councils such as the National Council of Churches of Kenya (NCCCK). The church could play a complementary role towards governance and justice by promoting good morals and values through its Christian teachings. Its role should be non-partisan and ideally be confined with pastoral care to mould

the social fabric that indirectly makes a political contribution. The separation of the church and the state needs to be clearer in Kenya in the governance and more so in the delivery of justice.

Income Inequality and Poverty in Kenya – Nairobi

Sixty to eighty percent of the urban residents in Kenya live in slums or slum-like conditions. The trend has increased over the last few decades as a result of rapid urbanization emanating from rural urban migration with a corresponding slow economic growth in most Sub-Saharan Africa (Amendah, Buigut, & Mohamed, 2014). In Nairobi, 73 per cent of the slum residents fell below the poverty line (Amendah et al., 2014). The calculations were done using an expenditure-based poverty line of KES 3,174 (USD 37.7) per adult excluding rent per month in 2006. Poverty in Nairobi means extreme food shortage and lack of basic resources. An estimated four million people live in Nairobi with most residing in slums under grinding poverty.

Poor service and goods delivery are blamed on the poor who dwell in live in slums areas considered inaccessible and of high risk (Meredith & MacDonald, 2017). They are seen as risks themselves and associated with crime which makes the state classify their areas as high crime zone. If they remain in those areas by themselves and are denied access to other areas, such is seen as a means to crime reduction. The interests of the rich are served at the expense of the poor. The systems work to retain them in their impoverished lifestyles, unhealthy and unsafe environments. This is a common phenomenon in most Nairobi slums whereby marginalized people are problematized and represented as the problem by governance systems and policy makers (Baachi, 2009).

Approaches to development such as the Green Belt Movement which focused on poverty reduction in ways that support the environment conservation for a common good, they were not widely applied to the most marginalized people and areas (Maathai, 2003). Crime as a product of poverty is addressed by means of a zoning strategy where the poor live in unpoliced violence and are to attack each other. Little or no security is availed to the poorest of the poor. Literature on role of policy in informal work such as prostitution also remains focused on criminal law ignoring economic and urban policies to address inequality and social injustices

(Muchomba, 2014). The poor thus remain largely criminalized with minimal protection from the law.

On income inequality and poverty, ubiquitous statistics surround the dynamism of developing countries and more so their cities. A study by Oxfam on urban poverty in 2009 estimated the richest 10 per cent of the population of Nairobi accrues 45.2 percent income and the poorest 10 percent only 1.6 percent (Oxfam, 2009). Further a UN report of 2014 on Human Development ranked Kenya one of the world's most unequal societies. The report indicates that the incomes of the richest 20 per cent increased steadily in the past decade to stand at 11 times more than incomes of the poorest 20 per cent (Oxfam, 2009). This leaves Kenya, which is East Africa's largest economy, as the second most unequal society after Rwanda. Improvements of incomes and access to both healthcare and education has had direct benefits for a small portion of the overall population. Rankings by the Gini Coefficient – a measure of income gap that assigns zero to perfect equality and 100 to absolute inequality – Kenya's score is 47.7. Sweden which is the world's most equal society out of 187 economies ranked has a Gini Coefficient of 25 while Namibia closes the list with a score of 63.7 making it the most unequal society. Overall, Kenya is at position 147 globally with a Human Development Index (HDI) of 0.535 as at December 2013 (Omondi, 2014). Health, education attainment and overall standard of living are the main components used as the HDI statistical tool by the UN to measure a country's achievement in social and economic spheres. Changes are tracked and computed over time and scores compared across the globe (Omondi, 2014).

Disability and Health Wellbeing: The Case of Albinism in Kenya

People with disability are equal citizens as people without disability (Nussbaum, 2009a). Thomas's social-relational model of disability advocates for exploration of peoples' rights to being and rights to doing to understand socio-structural barriers that exclude people with disability (Franklin et al., 2018). People with impairments and disability have been omitted in political participation where they are regarded as less equal citizens (Nussbaum, 2009a). Broadly, people with disability continue to face the problem of representation, with little cultural recognition of their needs which hampers their inclusion in the mainstream media and society (Wilde, 2010). However, there has been an increased call for recognition and representation of people with disability in the media to counter the systemic lack of their

cultural value (Wilde, 2018). They therefore deserve equal recognition by the law and their participation in governance and development promoted without hindrance as they move about meeting their economic, social and political needs and ambitions.

The debate around disability can be wide considering forms of disability are of different kinds and people have various ways of coping and promoting functioning. The economic development and promotion of human rights also varies across nations. It is for this reason that I am limiting to the specific case of Albinism to gain deeper understanding, showing particular relevance in Kenya and Nairobi. This is to facilitate in demonstration and an understanding of how disability perpetuates disadvantage as a condition determining the life chances of the people and their capability if no suitable measures of support and functioning are in place.

Oculocutaneous Albinism (Albinism) is a recessive genetic condition resulting from inheriting heterogeneous disorders of the pigment system in the skin, hair and eyes where there is reduction or complete absence of melanin formation (Grønskov et al., 2019; King, 1987; Shah et al., 2015). People experiencing the condition, oculocutaneous Albinism, are thus visually impaired and very sensitive to the effects of the sun that are damaging to their skin (Franklin et al., 2018). In Kenya and regionally in Sub-Saharan Africa, the condition is not only a health risk but also largely associated with superstition, misrepresentation and misinformation which are deeply entrenched in African traditions (Imafidon, 2018). People with Albinism (PWA) are considered cursed (Global Citizen 2018), and treated with prejudice (Ojilere & Saleh, 2019). They are therefore hunted and killed for their body parts, discriminated against and socially stigmatized and isolated. There is thus need to demystify the myths and cultural beliefs surrounding Albinism to promote their safety and wellbeing by reducing the associated stigma and discrimination they face in life (Dapi, Tambe, & Monebenimp, 2018)

I investigated the social experiences of people living with disability in Nairobi. People with Albinism are considered as the case study group to represent the category of people living with disability to discuss the social challenges associated with the condition as a part of their life chances. The aim was to determine how Albinism condition, as an ascribed life chance, enhances their inclusion or exclusion in governance and development processes. Although Albinism is a born condition, people with the condition have to find a way to live successfully among people which is existentially a challenging task. Butler's (2012) recognition of shared vulnerability and the need for an ethic of care underpins the approach.

One of the reasons for their selection as a unique group is due to their form of disability is associated with myths around purity and omen exposing them to various risks and danger as vulnerable people. Such risks include the trafficking of their bodies for perceived spiritual and special medicinal use (Under the Same Sun, 2019). A May 2019 report presenting reported attacks of Persons with Albinism had 209 killings and 380 attacks making a total of 589 in 30 African countries (Under the Same Sun, 2019). However, the report noted that most attacks and killings are not properly recorded or documented in Africa implying the actual killings and attacks could be more than those in the records. In Kenya there were thirteen reports of which five involve killings and eight attacks of which the victims survived. This is investigated to further the discussion of exploitative and abusive use of human bodies, criminal networks and commodification of people.

Second, this study was aimed at transforming ways of thinking and behavior, addressing the case of Albinism will bring to light the scientific background for understanding the condition of people living with Albinism. It will bring to attention the knowledge that the condition is genetic and unrelated to spiritual or associated dreadful connotations and stereotypes. The aim is to make people consider them as normal human beings to reduce the stigma and risk of trafficking.

The third reason is to ensure respect for all human rights is addressed and necessary measures taken to improve functioning and to instill a sense of belonging and acceptance to all physically and mentally disadvantaged people in our society. This is to ensure quality of life is a goal for all, not just an option. It is important for the pursuit of universal growth for all without leaving anyone behind, including the farthest behind, like people living with Albinism.

Human Rights of People Living with Disabilities, and Sex Workers in Kenya

Globally there remains a continued lack of emphasis on rights even in the UN Sustainable Development Goals (Kabeer, 2015a). In a feminist lens Kabeer, however notes there is some optimism with the SDGs compared to MDGs in addressing rights, dismantling inequalities and women empowerment (Kabeer, 2015a). In addressing human rights human dignity should be universal for everyone including women who together with their issues are often neglected in

global agendas of development (Bunch, 2018; Habermas, 2018). There is more rights violation or lack of rights to stigmatized people such as the disabled or sex workers (Mostert, 2016). For instance, in Kenya people with Albinism and sex workers are stigmatized because of their condition and nature of work respectively making them more vulnerable to abuse and contracting diseases like HIV/ AIDS from lack of necessary support and protection. A UN report indicates that while there is good progress in improvements for people living with Albinism there still remains a lot to be done especially in enhancing access to equal treatment under the law (United Nations, 2018a).

The discourse developed by Butler in conversation with a woman with a disability in the 'Examined Life' is used to stress a holistic and human view of disability and functioning. Judith advocates the consideration of the rights of people with a disability and the need for society to recognize interdependency, not just independence, as a as a universal goal (Taylor, 2009). I thus reiterate the importance of considering an ethic of care and the human potential for vulnerability when developing policies on democracy and governance as crucial when addressing human capabilities for people living with a disability (Nussbaum, 2006; Nussbaum, 2011). Although their emphasis on human rights is a bit Eurocentric, they provide important insights on ways to think how the SDG can be made achievable in Nairobi in a human rights and disability conscience approach.

Discussions in chapter four give more insights on typologies of marginalization based on the life chances of individuals and their capabilities. A ladder of disadvantage is developed to show the various levels of marginalization from most powerful elites to the least powerful and voiceless in the continuum of analysis of voice, wealth and power.

CHAPTER THREE: METHODOLOGY

This chapter describes the methods, designs, approaches and techniques used in this study to enable the research objectives and aims. Methodology is the predictable, conscious theoretical investigation and analysis of methods in a research study (Brabazon, 2017). The chapter therefore seeks to highlight why the methods, approaches and analytical techniques selected are the most appropriate in terms of how significantly they answer the research question and what is the credibility and relevance of the results they yield from study. It also details how the analysis was done and ways in which the results were interpreted to ensure credibility, transparency, rigour, reliability and significance of the research findings.

As a researcher, I concur with Norma Romm that I have a responsibility to confirm the way in which the research has progressed (Romm, 1996). However, awareness alone is not sufficient but a necessary condition in the research processes. Decisions are made in ways that I consciously and rationally considered most suitable for the study to address subjective biasness yet remain objective to present credible and reliable findings to the research challenge.

Researcher's Auto-ethnography

At the onset of this study I turned the lens of the research on myself. I therefore located myself in the research process as an informed member of the local knowledge of society, political and economic issues being investigated from a lived experience and from scholarly gained knowledge. I draw on my lived experience, to help connect my autobiography with the greater cultural, political and socio-economic meanings and understandings in relation to Nairobi (Ellis, Adams, & Bochner, 2011). Therefore, I can be regarded as both the researcher and the researched which makes my contribution to this study empathetic in addressing the subject – object dualism of the research.

I am a male Kenyan of the Kikuyu tribe born in Nanyuki, a border town in the slopes of Mt. Kenya and between Laikipia, Nyeri and Meru Counties. Geographically, the town is two hundred kilometres north of Nairobi and in Central Kenya region. I begin by acknowledging that research, including this work, is political, socially-just and a socially-conscious act (Ellis et al., 2011). It is therefore by no accident that I ended up with this research focus. It was a

conscious act, deliberate and intelligent journey that I have embarked upon driven by my passion for social and environmental justice and economic equity to promote human welfare and quality of life, especially of the poor and voiceless. Therefore, this research is guided by reflexive and responsive research to enable sustainable development.

I grew up in Ragati village in a peasant lifestyle having been born into a lower working class family of six; four siblings and two parents. I had little hope of a better life in my rural home. Income from subsistence farming that had enabled me to achieve a primary and secondary education was not reliable to count on for either a bright future or to ever get me out of a life of survival and exploitation. Change was needed. It was vital and a matter of urgency. The desired change was however not to be presented as a free gift of nature. It was to be a struggle that involved determination, persistence, perseverance, knowledge and risk taking adventures. It was a struggle to claim a fair share in wealth distribution, equal status and opportunities in the society. In my view, it was a fight for a second independence. This time, the struggle was not against the Imperial British colonialists, but against wicked problems of marginalization, oppression, injustices, pollution and corrupt systems of governance that inhibited the life chances of the disadvantaged and compromised quality of life to maintain the status quo.

I am influenced by the work of Jaramogi Oginga Odinga 1967, '*Not Yet Uhuru*'⁵ which details the Kenyan struggle to independence (Odinga, 1995). The reason for my influence by the work of post- colonial freedom fighters such as Jaramogi Oginga Odinga, JM Kariuki and Tom Mboya to name a few among others is from my growing up experiencing various forms of injustices and inequalities exercised by ruling elites to maintain the status quo left by the colonialists. I remain visionary and determined to transform society through revolutionary policies and reforms centred on people welfare, justice and protection for the environment for a sustainable and quality life for all. This doctoral research aims to advance the pursuit of social justice to address the prevailing unequal and unjust conditions by eradicating poverty, promoting economic growth, building resilient and sustainable communities.

⁵ *Uhuru* is the Swahili word for freedom. Jaramogi argued that even after Kenya gained independence the people were not yet uhuru as the political elites who took power ruled in a similar manner as the British which involved denial of rights and freedom through non-imperialist strategies but on unequal power and resource distribution. The trend has not changed much though there are improvements including the presence of multiparty democracy unlike in 1967 when Odinga wrote.

Transformative Mixed Method Research Design

Historically, the use of mixed method in social science research has been known for enhancing credible findings and still remains on the ascendancy as a way of increasing the scope and improving the analytic strengths in studies (Hall, 2013; Lieberman, 2005; Sandelowski, 2000). This is particularly a more apparent trend in the social and human sciences research and studies (Clark & Creswell, 2011).

Over time, a transformation in research methodologies that has seen the birth of mixed method as a third methodological movement (Clark & Creswell, 2011).

Usage of mixed methods calls for the understanding of philosophical stance and theoretical perspectives in a pragmatic but non-paradigmatic manner (Hall, 2013; Mertens & Hesse-Biber, 2013; Sandelowski, 2000). Usually, mixed methods imply the combination of both qualitative and quantitative research designs (Clark & Creswell, 2011; Mertens & Hesse-Biber, 2013). In this study, qualitative and quantitative designs have been employed in the research approach, data collection and also in the analysis. The use of a mixed method design is to facilitate collection of rich data and a rigorous data analysis for a better understanding of the research challenge from wider range of perspectives by participants to make an informed empirical contribution to knowledge (Para, Carignan, Brenner, Hardy et al., 2019).

This policy research adopts a sequential transformative mixed method research design to guide the study in the process of collecting, analysing and integrating data to allow critical interpretation of results with an aim of influencing personal and societal change (Mertens, 2017). This selection enhances the use of the methods that best fit my theoretical perspective under which this study is conducted to make pragmatic claims as argued by (Creswell, 2003). The sequential element is used in data collection process and mixed method combining qualitative and quantitative techniques. The transformative component is in consideration of the effect of the empirical recommendations made from the findings of this study. Results from both qualitative and quantitative methods are integrated together at the interpretation stage. I combine my personal auto-ethnography to complement and blend the findings of naturalistic inquiry from other research participants (Adams, Ellis, & Jones, 2017). This is important to allow a comprehensive exploration and understanding of real-world settings of Nairobi urban governance, planning and developments to generate detailed descriptions, build substantive

theory, themes and models as desired products of qualitative research (Patton, 2005; Strauss & Corbin, 1998).

Based on the working hypothesis under which this study is grounded – the more participatory and inclusive a governance scheme is the more/ better the life chances of citizens and the more sustainable is the urban development process indicated by notions of transformation both at individual and state level. This therefore justifies the need for adoption of a transformative mixed method design. And in this case, one that is sequential, as data was collected in phases where one phase lead to the other and then all the data was triangulated and integrated for interpretation. This made a good case for the validity and reliability of the findings to ensure there was no subjective bias in the findings. The validity component is essential because this is empirical research seeking to make credible policy recommendations.

Qualitative and Quantitative Elements of the Study

Affiliations of methodologies, in particular research designs, generate different notions of validity of the findings (Winter, 2000). It is from this perspective that this research seeks to combine both qualitative and quantitative designs to optimize the validity of the findings. The approach is to use data collection tools that support both qualitative and quantitative analysis. The combining of these two designs as mixed methods is to enhance the credibility and pragmatism of the research while taking non-paradigm philosophical and theoretical stances. Sustainability challenges, specifically urban sustainability and regeneration, is a central concern for this research project and thus merit using new pragmatic ways to produce knowledge and decision making (Lang et al., 2012).

Production of such new knowledge to inform the decision making in urban planning can originate from transdisciplinary research which helps in the bridging of policy and science (Pohl, 2008; Wickson, Carew, & Russell, 2006). Credible evaluation being a multifaceted concept, that is least understood emanating from diverse perspectives warrants the use of mixed methods in data triangulation (Klein, 2008; Mertens, 2013). Therefore, the need to produce new credible knowledge that can be evaluated to assess the sustainability of various trends demands use of mixed methods to guide, inform and analyse the transdisciplinary research studies.

There has been notable growth and apparent ascendancy in qualitative research within the social sciences (Attride-Stirling, 2001; Creswell, 2013). The origin of this growth mainly comes from the ability of qualitative research to analyse data directly from the field, in-depth open interviews and written documents (Queiros, 2017; Patton, 2005; Draus, 2017). Though I have used mixed method research, this doctoral thesis mainly uses in depth qualitative techniques to provide thick descriptions and analysis of the interviews and focus groups. By using qualitative analysis, I have provided detailed descriptions of participants' narratives combining them with my own lived experience as the researcher and the researched for interpretation as the primary data collector (Merriam & Grenier, 2019). In this study surveys were conducted to generate data which were e-analyzed by SPSS.

Snowball Sampling and Recruitment of Research Participants

Snowball sampling or chain referral is a non-probabilistic sampling is a widely used qualitative method used in sociological and behavioural research in studies involving deviant behaviours and not easily accessible (Etikan & Bala, 2017; Biernacki & Waldorf, 1981; Naderifar, Goli & Ghaljaie, 2017). The style is adopted in this research due to its capacity as a popular sampling method to generate unique types of social knowledge that are emergent, political and interactional (Noy, 2008). This aligns well in achieving the desired aims and objectives of this study which is to promote social transformation through political and economic means.

Snowball sampling was used in this study as one of the data collection methods to reach marginalized participants like sex workers. Additionally, it was used to get in touch with people who work with vulnerable groups that are highly stigmatized like People with Albinism. Stigma, risk and danger of marginalized vulnerable people makes them have limited interaction with people. They therefore become very hard to reach and get information as they are either too embarrassed or suspicious. For instance, women in prostitution will not pride themselves based on their occupation for it is not only ill-reputed but also considered illegal and immoral. They therefore confide in each other and only get out for business during their hours of operation in fear of shame, arrest and even abuse. A snowball sampling was highly effective in reaching these communities to get their perspective of exclusion and inclusion in urban governance and development from their lived experiences. It was the same with the poorest of

the poor, people with Albinism, those from ethnic minority groups and those with little or no education.

The most voiceless and powerless in the society live in great fear of abuse and denial of their rights. They also have been used as vessels by exploitative networks that benefit from their commodification as in the case of human trafficking for sex, rituals and labour.

The other category of people is those in public sector work, specifically government officials. Due to the complex and wide scope of the study it proved a difficult task to identify the exact person to talk to within a government ministry or even within the directorate. This therefore resulted in the need for a chain referral by staff to those who were most suited to answering the interview questions. For instance, within the Ministry of Planning and Devolution and that of Housing, Land and Urban Development there are very many directorates and understanding specific roles for the entire administrative structure was time consuming and confusing. This was especially so where the job scope was not clearly outlined in the ministry profile. There was therefore a need to be linked by a colleague or a friend who better understood the administration and bureaucracy making the case of snowball sampling most appropriate in terms of efficiency and effectiveness.

Snowball sampling as a purposeful data collection method has both strengths and limitations (Naderifar, Goli & Ghaljaie, 2017; Research Methodology, 2020; Etikan, Alkassim & Abubakar, 2016). On the side of advantages, snowball sampling was considered and applied in this study due to its effectiveness and efficiency in reaching targeted rare populations (Etikan, Alkassim, & Abubakar, 2016; Bhardawaj, 2019). Linear and exponential non-discriminative snowball sampling was used to identify and recruit participants. Exponential-discriminative snowball sampling was not used since there never presented a situation requiring me to discriminate an identified research participant by other methods. Purposeful sampling was time saving and cost efficient.

On the side of limitations, snowball sampling is faced with the challenges of biasness, inability to generalize the findings and error of judgement (Naderifar, Goli & Ghaljaie, 2017). These challenges raise questions about the diversity of samples generated by the method among scholars and researchers (Kirchherr & Charles, 2018; Yadave, Singh & Gupta, 2019). For this study, other methods were employed to counter these challenges for other forms of data

collection such as survey. The alternative methods deployed to complement snowball sampling included use of simple random sampling in survey questionnaire. The challenges associated with snowball sampling not fully mitigated have been considered as methods and methodological challenges. They are outlined in the limitations section.

The UN-Habitat helped partially in recruiting the research participants. For instance, they gave me the contact person at City Hall in Nairobi County Council Headquarters. I used the person to get the other government officials within the County Offices as the key contact person. UN-Habitat is the UN official body responsible for urban development processes and the settlement of humans in urban areas. The body is headquartered in Nairobi, Kenya at the same location as the United Nations Headquarters in Africa. This made it an ideal recruiting organization as their scope of work covers the areas of interest of this study; participatory governance and sustainable development in an urban context.

However, the recruitment of the participants was not left entirely to UN-Habitat considering they might have some important populations for the study in their networks, but not all. Other recruitment processes including alternative organizations have been explored. Participation in the research was on a voluntary basis where participants are free to pull out of the research at their own will at any time without consequences. The study also employed digital data collection techniques for some surveys to capture a wider population. This is discussed in detail in the survey section of data collection.

Ethics Approval

This research was graded as low or negligible risk by the respective ethics committees. The categorization to low is because the maximum foreseeable risk was discomfort and negligible because there was no foreseeable harm or discomfort. Participation was voluntary to mitigate risks of discomfort and helpline numbers would be provided to those in need. As a requirement to comply with the research code of ethics the following research approvals were sought:

Ethics approval from Flinders University by the Social and Behavioural Ethics Committee (SBREC). See Appendix 7. Research Permit form National Government of Kenya by the National Commission for Science, Technology and Innovation (NACOSTI). See Appendix 2.

Given the long time the data collection was taking, I did obtain another permit from NACOSTI after the expiry of the first permit in October 2017. Another permit was issued to replace the expired one. See Appendix 4 for the second research permit. For each of the permits a fee of KES 2000 was paid. This indicates a strain on resources as discussed in the limitations sections and also further in the recommendations to attract researchers by providing incentives rather than prohibitive policies. For the receipt of payments for both fees see appendixes 3 and 5 respectively. The Nairobi County Council also charges a research fee of KES 5000 to PhD students for authorization to collect data from the Council. This is another financial constraint and indeed a barrier to conducting research. The fee charged is two and half times higher than the national permit. Receipt of payment is attached at Appendix 17.

Data Collection Methods and Processes

Data collection involved both primary and secondary sources. One field trip was made to Kenya from January to November 2017 for data collection. The early months of the field work involved getting ready with all the permits and the research tools. The permits included getting relevant pass from each government department as request by National Commission for Science, Technology & Innovation (NACOSTI), which is the national authority in charge of research ethics. Preparation also included getting a work station, residential place, contacting UN-Habitat and other relevant contacts. Actual data collection began in late April and went through to November. One interview was done over the phone in 2018 when I was back in Australia. Part of survey data from the online portfolio was also received in 2018. Data collection tools included qualitative and quantitative techniques in line with mixed method research design for both data collection and analysis. The process of primary data collection was conducted in three methods. The methods are interview, focus group and survey. Each of the methods and phase is discussed to detail the research processes involved and outcomes.

Interview Process

Relevant permissions were sought from the participating government institutions according to the policy guidelines for external researchers. The process involved reporting to the administrative officers to obtain legal permission to access the staff and relevant documents under the particular ministry or department. As a mandatory requirement by the National

Commission for Science, Technology and Innovation, I firstly reported to the Principal Secretaries of the selected ministries, Director General of Kenya Bureau of Statistics, Nairobi County Commissioner and the County Director of Education of Nairobi before embarking on the data collection process. This requirement was one of the conditions under which the research permit had been granted by the Kenyan Government.

This involved production of official introductory letters which in some instances was followed by paying a research fee to allow authorization to conduct the research in the department. An official name tag and a letter of endorsement would then be issued. It is at this stage that an interview appointment with specific government officials in that particular institution would be arranged through email, phone calls or visiting office assistants such as receptionists to book an appointment.

The UN-Habitat helped identify suitable institutions and key persons to contact. They would provide contact details if they had them in their networks. Semi-structured questions were used for interview discussions. See Appendix 8 for the Interview guide questions.

The same set of questions were used, but the discussion was customized to fit each department. This was to enhance comparison of data obtained from various stakeholders on the same topic based on their specific departmental objectives, principles, vision and mission alongside the overarching institutional or national goals. The interview discussion was guided by the CSH questions in which the ‘is’ and ‘ought to’ situations were identified and discussed in matters pertaining to participatory governance, planning and sustainable urban development processes in the city of Nairobi both at policy formulation and implementation levels.

Interview participants consisted of personnel from the government, non-government agencies and community-based groups. Departments and directorates from the government interviewed included; Nairobi County Government, Ministry of Planning and Devolution and Ministry of Lands, Housing and Urban Development. The other non-government bodies included organizations dealing with marginalised communities residing in Nairobi facing socio-economic and health challenges which compromise their participation in mainstream activities. The details of each of the groups are discussed in chapter four. The senior most officials with high executive roles from both state and non-state groups were interviewed as they were in authority and better able to comment based on their capacity, unlike subordinate staff.

The following people were approached for interview discussions. See the table below for full details of the participants and the interview.

Table 2: A table Showing List of Interview Participants and Particulars

Interview No	Organisation/ Department	Interview Date	Gender of Interviewee	Ethnicity of Interviewee	Interviewee Role	Interview Duration (hrs)	Interview Location
1	Nairobi City County Planning Department – Research Statistics and Urban Policy	26 April 2017	Female	Kikuyu	Director	1.00	City Hall Building, Nairobi
2	Nairobi City County, Revenue Department – Economics and Budgeting	5 April 2017	Male - Economics Male - Budgeting	Kikuyu Kikuyu	Director Director	0.45	City Hall Building, Nairobi
3	Nairobi City County Trades and Licensing Department (Small and Medium Enterprise)	27 April 2017	Male	Kikuyu	Deputy Director	0.50	City Hall Annex, Nairobi
4	Nairobi City County Public Service Department – Monitoring and Evaluation	26 April 2017	Male	Kamba	Director	0.30	City Hall Annex, Nairobi
5	Ministry of Planning and Devolution, Department of Economic Planning	26 April 2017	Female	Kamba	Senior Economist - Planning	0.30	Treasury Building, Nairobi
6	Ministry of Planning and Devolution, Department of Coordination and Resource Mobilization	17 October 2017	Female	Kikuyu	Coordinator, National Treasury	0.40	Treasury Building
7	Ministry of Planning and Devolution, Department of SDGs	2 November 2017	Male	Kikuyu	Director	1.00	Treasury Building
8	Ministry of Housing, Urban Development and Land, Department of Slum Upgrading		Female	Unknown	Deputy Director	1.30	Upper Hill, Nairobi
9	Ministry of Housing, Urban Development and Land	14 August 2017; Visited again severally	Male	Kikuyu	Deputy Director Housing	1.00	Ardhi House, Upper Hill Nairobi
10	Dorcas Creation	17 October 2017	Female	Kikuyu	Director	1.20	Marurui – Jua Kali

							Area, Nairobi
11	Faith ^(Pseudonym) Sex Workers Rehabilitation	30 October 2017	Female	Kikuyu	Director	1.05	Nairobi
12	Positive Exposure Kenya	16 October 2017	Female	Kikuyu	Director & Founder	0.50	Garden Estate, Nairobi
13	Petra School Githurai	13 November 2017	Female	Kikuyu	Director	1.05	Githurai 44, Nairobi
14	Kenya National Commission on Human Rights	5 September 2018	Female	Kikuyu	Commissioner	0.25	On Phone
15	Carol ^(Pseudonym)	8 September 2017	Female	Meru	Female Sex Worker	2.00	Luthuli Avenue Brothel, Nairobi
16	Maggie ^(Pseudonym)	22 September 2017	Female	Kikuyu	Female Sex Worker	2.00	River Road Brothel, Nairobi
17	Joy ^(Pseudonym)	22 September 2017	Female	Kamba	Female Sex Worker	2.00	River Road Brothel, Nairobi
18	Gitau ^(Pseudonym)	5 September 2017	Male	Kikuyu	Hawker	1.00	Moi Avenue, Nairobi
19	Nick ^(Pseudonym)	20 September	Male	Kikuyu	Hawker	1.30	River Road Street
20	Felix ^(Pseudonym)	18 September 2017	Male	Kikuyu	Hawker	0.30	Tom Mboya Street

There were other people who gave insights on an informal and casual basis as ex- practitioners in planning and development who now currently run consulting firms. Among them include the former Director of Planning of Nairobi who is retired but runs his private consultancy on physical planning. He and others are described in the analysis whenever their narratives are used. The use of such an approach was one of the measures to counter the excessive bureaucracy that would otherwise be involved in getting the same information. It was also a starting point to make inroad into reaching other participants as a form of snowball sampling method.

Informal discussions were also conducted with some women and men in miserable conditions and who engage in an informal kind of industry to survive. These included some successful people in the industry who for some reasons, such as lack of proper records and tax return non-compliance, do not consider themselves part of the mainstream industry. They chose not to be

recorded but gave their insights and stories of their lived experiences. Interview notes were recorded instead of audio recordings. In the analysis, each of the participants is explained and a pseudonym given. Referral to these populations was on snowball sampling as explained in the sampling method section.

Focus Group Discussions

Focus group meetings were organized and discussions conducted using semi-structured questions. The use of focus group was to enhance people feel part of the research as a way of promoting accountability by promoting relational discussions (Romm, 2017). This created a good environment to gather insights from the local community from their lived experiences and perspectives. I approached the leaders or influential people in the society to help recruit participants. I conducted on an interactive basis as and led the discussions as the researcher. I had a female research assistant accompany and help me into the meetings for sensitive conversations with women.

Discussions revolved around social, economic, environmental, political and institutional issues affecting individuals and communities under the process of rapid urbanization. Importantly, participants expressed their views on what they thought about the way current governance was structured and how it affected their lives and how a different form of governance, especially participatory, would affect their lives now and in the future. People willing to share their personal experiences were encouraged to contribute their stories. Contemporary challenges to good governance and remedies were discussed. The forums created a good scenario for determining the ‘what is’ and ‘ought to be’ scenarios in urban governance. Measures towards increased citizen participation, existing and proposed, were appraised in line with the three SDGs (Goal one, eight and eleven) central to this study.

Two focus groups were conducted. One group consisted of destitute women living in a shanty suburb along the northern bypass. The other group consisted of both men and women with diverse backgrounds in terms of education, occupation and involvement in governance and community activities. Group one consisted of nine women with diverse age group in a Faith-Based community organization located in Marurui-Jua Kali slums. The youngest was twenty-one years and the oldest was sixty-two years. The second group consisted of six community

members with two men and four women with diverse social-economic backgrounds residing in Githurai 44 estate. The youngest was thirty-one years and the oldest fifty-two years. A slightly higher income level compared to Marurui- Jua Kali but still in a low end dwelling informal settlement.

To mitigate any difficulties resulting from data gathered by focus group discussions, I kept the questions very specific and consistent with the research aims. Prior data collected by interviews was used to restructure the focus group questions for conformity and to reduce effects of polarization. In instances where there were very divergent views from participants, the analysis of data presented both scenarios to keep the analysis transparent. This was not a common thing as in most such scenarios the discussion would arrive at some consensus. Nonetheless, there was only one instance of extreme polarization on access to government officials from the Githurai 44 focus group.

Surveys

A survey questionnaire with close-ended questions and scaled choices was generated from preliminary findings of the interview and focus group meetings. The questionnaire was administered manually and digitally to the residents of Nairobi. I conducted a survey with 203 participants who were successfully conducted through the snowball sampling technique that involved networking with community members. Out of the total of 203 surveys completed, 24 were collected using an online platform and the other 179 manually through one on one encounters with the participants. There were no responses received after the study. See appendix 14 for the survey questionnaire.

The manual process involved approaching potential participants physically, mainly at their place of work. I introduced myself and asked to do the survey. Upon consent by the participant to participate, we would proceed to administer the questionnaire. Respondents had the choice of reading and answering the questions independently, but those that needed assistance with answering the questions got assistance. This was to help them fully understand what the question was asking. Provision of very personal data like name and phone number was kept optional leaving the participants with the choice to provide or not to provide.

The digital collection process involved formulation of an online survey powered by Survey Monkey. A link was generated which I used and shared with people interested in the study. Social media like Facebook and WhatsApp were used to share the link with potential participants. Emails were also used. Once respondents opened the link and completed filling in the survey, the results were remitted back to my account and I would get a notification. To this end the results are still streaming in. The digital platform was to supplement the manual questionnaires. A snowball sampling technique was used in the collection process.

The data from the survey was used to complement interview and focus group data to enhance the analysis of peoples' life chances in governance, planning and development processes of Nairobi. The survey data provided demographic on occupation, income, gender, age, education, employment and place of origin which was vital for establishing the socio-economic traits of Nairobi and her residents. The place of origin is used indirectly to denote the tribe of the participant in view of the fact that political regional boundaries in Kenya are on ethnic lines. Otherwise it would have been hard to ask directly the tribe of the person in an election year. This was also to ensure the participants did not feel offended by such a direct question.

Descriptive statistics of the survey data were analysed alongside the qualitative narratives provided to discuss the ways in which marginalization, discrimination and voicelessness are shaped by intersectionality of the life chances identified in presenting the prevailing dynamics of disadvantage. Perceptions on how people felt towards the governance, development and planning processes in terms of involvement and equality were also obtained from the survey data by use of the structured questions with numeric coding using a five-scaled Likert scale.

Data Analysis: Critical Systems Heuristics and Typological Institutional Analysis

All the data collected using interviews, focus group and survey was analysed concurrently to generate findings for discussions. After fieldwork, analysis of data began to unpack main themes. The process of data collection was more sequential. That is, most interviews were done

first to form the guiding questions for focus group and the survey. The analysis process did not follow the same procedure as the focus was to see what the data suggested.

The analysis of interview and focus data involved transcription of audio recordings taken during the discussions. English was the language used for discussions and hence there was no need for translation. However, occasional Swahili words would be used. These words would be kept in the same Language and either a footnote provided for their meaning. Other non-English words have been defined in the glossary. An experienced data transcription personnel was recruited for transcription services and paid for her services. She accordingly signed the Transcription Confidential Form. See Appendix 19.

Since the questions used as a guide for discussion were similar for interview, each interview was analysed and major theme or response to the question was highlighted. Similar responses were grouped together while those that differed were also noted and used to contradict the main narrative. In the analysis, secondary data was used to back the suggestions arising from the comments of the participants.

In the case of focus group, the questions were similar for each meeting and very closely related in content and sequence with those of interview discussions. The same criteria of identifying key themes and response to each question was used as it had been done with interview data. The sequence of questions and comments provided developed the chapter headings and their sub-headings. Additional secondary data from scholarly, government and other relevant materials would be cited to support the comment or argue against in case where there was no consensus. With focus group, a single question would have several responses, similar or otherwise, coming from various participants. All the comments were taken into account and grouped accordingly to generate themes and key trends in respect to the research questions and aims.

Survey data collected through hand copy questionnaire was entered into IBM SPSS Statistics 25 software for analysis. Survey data collected by online through a Survey Monkey was also downloaded and added manually to other data in SPSS. The next step was to code non-numeric data such as age with 1 for male and 2 for female. Demographics like occupation were left in string form but they were categorized to merge related professions. Beyond personal demographics, all the other survey questions were on a likert scale of one to five and hence

entered into SPSS as numeric. To maintain, consistency, only descriptive statistics analysis was done from the survey data. Inferential statistics would have contradicted the other data collected through non-random sampling.

To synthesize the data, I deployed a transformative paradigm as a researcher who explicitly bears social justice issues in mind to intertwine my inquiries with a political agenda whilst remaining action-oriented towards generating increased fairness in the social fabric in the governance of Nairobi as a critical theorist (Romm, 2015). A critical systemic approach drawing on systems thinking under Ulrich's twelve questions as the boundary critique was used to guide the inquiry, the reflection and practice of the systems and the associated philosophy.

Governance and planning of cities are complex processes in which proper decisions have to be made for a sustainable future. Boundaries exist which circumscribe our understanding and the environment in which we make decisions. The boundaries influence our thinking and perceptions about situations and systems (Ulrich et al. 2010, pp. 4). Policy analysts and planners should ensure that policies have the capacity to change ways of thinking, evaluate different situations and mobilize support to improve existing practices (Kwan & Ding, 2008).

Critical Systems Heuristics is a philosophical framework to support reflective practice by using a set of 12 questions. This is to facilitate an understanding of situations and design systems to improve them within a central boundary critique (Ulrich & Reynolds, 2010). The aim is to help in consciously making everyday judgements in order to understand the state of things to make informed decisions (Ulrich & Reynolds, 2010). In this thesis. I use the heuristics to critically explore and seek an understanding of the systems of governance and development in Nairobi in the lenses of those most disadvantaged in society and economy.

The 12 CSH questions are based on four sources of influence:

Sources of Motivation – Beneficiary, Purpose, Measure of improvement

Sources of Control – Decision maker, Resources, Decision environment

Sources of Knowledge – Expert, Expertise, Guarantor

Sources of Legitimacy – Witness, Emancipation, Worldview (Ulrich, 1983).

Table 3: A table showing qualitative typological analysis in transformative paradigm

National Government Officials Nairobi County Government Officials Private Sector International Organization	The Elites and Ruling Class
Civil Society Advocates and Activists on Human Rights Community Group Leaders Faith Based Organization Leaders	Middle Class – The Average Citizen Neither rich nor poor
Sex Workers Hawkers Poorest of the poor	Hustlers – The Survivors

Source: Machuki, 2019 PhD Thesis

The table shows the typological categorization of people in Nairobi as identified from the research contributors. Although the table is not a definitive representation of classes of people, it provides a majority of the people who occupy a certain level in a capitalistic world. The groups mentioned in the table are based only on research participants of this study and do not entirely represent people from all walks of life. The table thus forms a base upon which to develop the discussion on the Ladder of Disadvantage.

In this transformative research, data is analysed qualitatively from narratives collected from the field and axial themes developed. My lived experience is also added as I consider myself both the researcher and the researched. This is based on the disadvantages I have experienced and the various privileges and opportunities I have had to be who I am. In this, I use the transformative lenses both at a personal level and societal level to explore the dynamics of power and disadvantage in the process of urban development and associated governance framework and guidelines.

To address subjective bias, I draw on my research auto-ethnography discussed earlier in this chapter to locate myself as a member of the community in the study. I acknowledge I am an insider in this study and hence conduct the study with objectivity as a of the society who has a responsible and ethical role to play in transforming society from empirical research findings.

My personal lived life experiences and transformations are objectively applied to see challenges and solutions while my privilege to conduct the study is geared towards suggesting policy recommendations that can contribute in transforming society. This is further outlined in the personal and research reflection sections for an honest account of my role in the research process.

It is in identifying these core elements of the research design as a transformative mixed method research that a typological analysis is determined as a good technique to develop the ladder of disadvantage in this research forming typologies on social relationships, processes and situations (Blaikie, 2018; Onwuegbuzie, Johnson, & Collins, 2009). The use of the mixed method research design which is transformative is to ensure responsible use of research and encourage a shift in new ways of thinking and advancing knowledge by way of care, relationality and accountability by the researcher by incorporating my auto-ethnography (Romm, 2018).

I draw on the use of personal narrative by a majority of the participants who are marginalised and hence voiceless to as an attempt to raise their voice in the mainstream politics and economics as equal members of society (Schaffer & Smith, 2004). To develop the ladder, meaningful contextual and comparative evidence of the local people using their own narratives is critically considered to determine their agency in the discourses of power and disadvantage as it pertains to Nairobi (Petesch & Bullock, 2018).

Research Limitations

The project faced several limitations and challenges, especially in the field work. The challenges are categories based on their nature, though they somehow interact and have a similar cumulative effect on the overall project. The following are some of the challenges faced. Each of the limitations is discussed on the basis of the difficulty it created, severity and how it was overcome, or measures taken to mitigate the challenge to ensure the work remained credible, relevant and accomplished.

Social and Political Challenges

The unstable political environment in the country paralyzed data collection. The demonstrations and intense campaign period before and after the August 8, 2017 election and the frequent demonstrations in the CBD have made it difficult to collect data. As a researcher my safety needed to be considered. This resulted in limiting movement within Nairobi, particularly so in high risk areas which happen to be areas of interest to the study. More so, government officials also advised to re-schedule meetings to allow stability to ensure they comment in a more stable environment.

Administrative Challenges

The administrative difficulties experienced while negotiating for agreement and admission to the University of Nairobi slowed down the process. Availability of supervision from a home institution would have allowed faster data collection with reduced travel time that the researcher took traveling to South Africa in August and September. The extra time taken for fresh partnership with South Africa ended up taking more time than anticipated.

The change in Nairobi County government, following the election of a new governor, senator, some new Members of Parliament and Members of the County Assembly implies a need to revisit some of the data collected. This is to help establish comparisons between the previous government and the current one. This particularly applies to the revenue sector, which has experienced major changes in revenue collection. The result is increased county revenue which has a direct impact on overall county operations and its residents. Overall, elections in general have caused uncertainty in both county and national governments slowing the progress of the study as it is hard to make conclusions under transition periods.

Financial Challenges

There has been no funding from the Kenyan government or from national institutions. The researcher has therefore remained confined to the limited budget from affiliated universities. The high cost of living in the country has been even greater than estimated in the indicative budget. Some of the extra costs included fees charged by County Government to allow data

collection from their premises and personnel. The lack of access to funds from the government has been attributed to lack of schemes to fund privately sponsored scholars.

Ethical Challenges

Ethical issues arose when interacting with research participants. This was mainly so for the informal interviews like those that took place in a restaurant. Buying a drink or a meal to a sex worker or a hawker while having an interview has been considered an ethical issue. While talking to these participants, I would get a drink or a meal, which we enjoyed as the conversation went along. This is not a remuneration for their participation, but it can be an ethical issue as it may influence their willingness to participate. The issue of approaching participant by a referral person, could potentially be perceived to be unethical. There were no such cases since clear and ethical introduction was emphasized by the researcher and the referring person. However, there were potential participants who appeared reluctant to participate and therefore they were excluded.

Missing Voices

To keep the study within a manageable and focused scope, some people were left out. These people have been classified as missing voices. Their voices matter and would contribute to the study but due to circumstances and other constraints, they have not been included. These groups of people include LGBTQBTI+, male sex workers, sex tourism workers and migrants in Kenya from other countries including African countries. The decision to leave them out was deliberate to keep the study focused, manageable and specific disadvantaged groups in Nairobi. However, the inclusion of these missing voices has been suggested important for future research to include their voices as part of the minority groups in Kenya.

Additionally, there were people I aspired to reach for interviews who I never got the chance eventually. These include some influential government officials, some civil society group members or officials, organized community group members or their officials in informal sector like hawkers association that would have been of interest to this study. Bureaucracy and technical challenges stood on the making it eventually impossible to reach them.

Methods and Methodological Challenges

Part of the data collection involved snowball sampling. Considering the disadvantages associated with snowball sampling, it has been considered a research limitation due to non-probabilistic nature of recruiting those participants and their participation. The data obtained from groups such e.g. sex workers were approached through chain referrals make it hard to generalize the findings from the participants to a general population. However, their insights remain instrumental to guide further discussions into the issues raised.

Timeline and general arrangements constraints

An advanced fourth phase had been introduced to create room for rigorous interaction between participants to allow integration of interpretations and methods. This phase had not been incorporated in the proposal for the work but later rose based on value it would add to the project. The aim was to get all the participants regarded as stakeholders in a workshop to bring together all the thoughts on participatory and inclusive governance.

The workshop was to be an interactive session where the researcher generated maps (Soft Systems mapping) by engaging the participants in a philosophical reflective framework as guided by the Critical Systems Heuristics (CSH). This would further enhance the grounding of the work on Systems Theory approach among other key theories, Life Chances Theory and Capabilities Approach, which are informing the study. The UN-Habitat which had been assisting in recruiting participants was to facilitate this workshop in the form of a brown bag seminar in late March or early 2018. However, due time, resource and planning arrangements this workshop did not happen. It is therefore becoming part of future research to advance the findings of this study.

CHAPTER FOUR: FINDINGS AND DISCUSSIONS OF INSTITUTIONAL ANALYSIS OF LIFE CHANCES AND INTERSECTIONALITY OF POWER AND DISADVANTAGE IN CONTEXT OF MARGINALIZATION

The aim of the chapter is to discuss the life chances of the most marginalized in Nairobi. The chapter develops the “Ladder of Disadvantage,” showing the relationship of peoples’ life chances and in a continuum of power. It provides an overview to illustrate social, economic and political stratification of society using data collected. The chapter argues that an individual’s capability to empower themselves diminishes when they have few bases for power. They become stranded at the bottom of the ‘ladder of disadvantage’. The chapter also uses data to discuss the policy research challenge presented in the thesis by establishing of - the lack of policy guidelines and framework to enhance participation and, the lack of political commitment by the elites to enhance the same to ensure justice and equity remain central concerns in the course of development.

The chapter discusses specific interest groups who are at risk of abuse and victims of marginalization due to their disadvantaged status of their life chances. These are the unemployed women, single or widowed, women in prostitution, children and the elderly, people living with Albinism, ethnic minorities and the poorest of the poor including men (Riswanda et al., 2017). The aim is to explore the different life chances and the discourses on marginalization that shape urban governance.

Life Chances Demographics Shaping Dynamics of Power and Disadvantage and their Intersectionality’s

Social economic status determines life chances. According to Weber (c1920), there exists probabilistic correlation between an individual’s socio-economic status and their life chances. In essence a person’s fate in life is determined by their socio-economic status - past and current. At community level, the fate of the human society and culture is a cumulative outgrowth of historical economic activities as explained by Marx historical materialism theory (Marx & Engels, 1848) . However, whether an individual’s life chances are an achieved or ascribed

status remains contested. In this section, the life chances of the marginal and marginalized population who live in disadvantaged socio-economic conditions will be discussed to suggest strategies for their inclusion of their existence in mainstream society and economy (Hartsock, 2018; Marx & Engels, 1848). This results in low human welfare and overall poor human development index levels. Survival entails a life of struggle and hopelessness. While poverty is the main cause of survival lifestyles, corruption and a lack of policy to support sustainable development are another key reason for being 'left behind' socially and economically

Kenya Vision 2030 anchors its achievement modalities in three pillars; social, economic and political, to improve the livelihoods of Kenya's citizens competitively, equitably and in a sustainable manner (Government of Kenya, 2007; Kenya Vision 2030, 2019). In both documents, the focus is to empower people socially, economically and politically as well as to access safe and clean environments. People have complex needs that are a result of poverty. They may also have physical and mental disability. Those most in need are voiceless.

The voiceless constitute a group of vulnerable people with complex needs. It is for this reason that perspectives of the most marginalized are taken into consideration to determine the extent of democratic participation, to develop good governance that is centred on a life worth living for all and in a sustainable manner (Hartsock, 2017; Aronowitz, 2016). The UN SDG preamble of 'leaving no one behind' also discusses the importance of meeting the needs of the most marginalized in the increasingly urbanized mega city of Nairobi. The socio-demographics and life chances of the marginalized are discussed below as the basis for redressing their historical and contemporary social exclusion to mitigate capitalistic effects of alienation and exploitation (Aronowitz, 2016; Marx and Engels, 1848; Hartsock, 2017).

Eight socio-economic demographic factors are used to categorize the participants. These categories form the basis for analysing the life chances as demographic determinants of marginalization in an institutional analysis (state, market, community and household dynamics) framework. The life chances considered are occupation, employment, income, education, gender, age (children and the elderly), disability and health wellbeing (Albinism and HIV/AIDS) and ethnicity (minority and indigenous) The aim is to conceptualise a ladder of disadvantage and then move to developing a governance model to operationalise participation while upholding justice and equity as central concerns.

The implication of the overlapping and the way the factors intersect has a direct effect on individuals' life chances either achieved or ascribed, and the overall living standard (Chauvel, 2017). Consequently, this determines the position they hold in power in the household, community, market and in the state and the stability they poses over a long period of time (Kim & Tamborini, 2018). The more powerful an individual is either at household, community, market or state level has a direct positive correlation on voice and access to social justices, clean and safe environment.

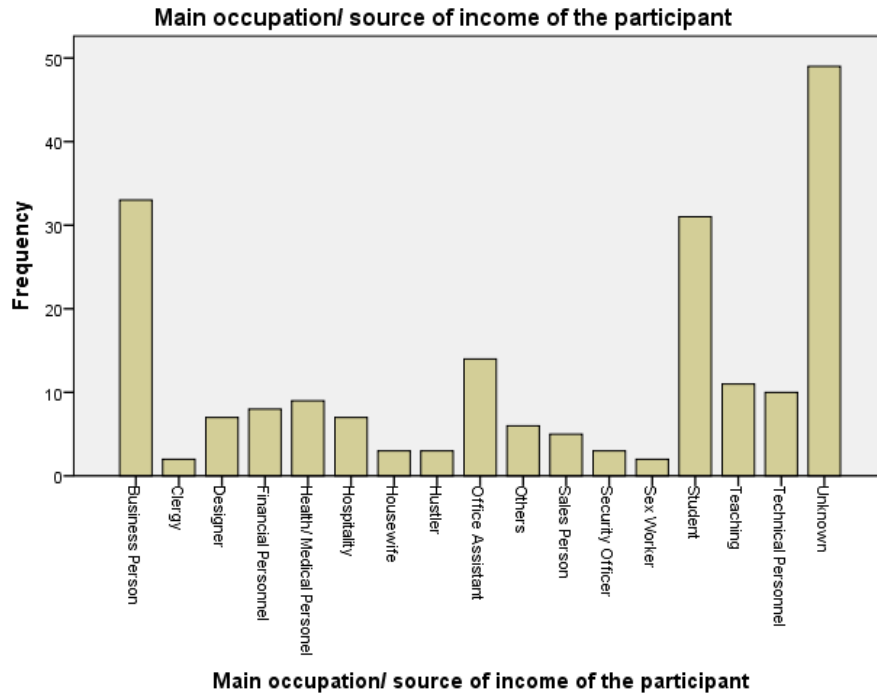
The less access to power an individual has the more voiceless and marginalized they become. With the focus of this doctoral thesis being on the urban poor, a ladder of disadvantage is developed which indicates the levels one moves down the more the disadvantages arise due to diminishing capabilities and lack of power. For the marginalised to participate actively in governance processes they must move up the ladder. Institutional support measures need to be enacted in the four institutions; household, community, market and the state to provide support networks to the margins.

Occupation and Employment

Occupation is regarded as the economic activity an individual engages in order to earn a living. The occupation could be in the formal sector or informal based on qualifications and professionalism involved. Usually, occupation is a factor determined by other factors. One's occupation is reliant on many interrelated factors that determine capability (Kim & Tamborini, 2018). Subsequently occupation determines level of income obtained in form of wage or salary (Bowman, Allan & Levin, 2019).

In Nairobi people engage in various income generating activities. The main income generating activity was considered as the main occupation of the research participant regardless of whether it was practised formally or informally. Using survey data of 203 participants 17 main categories of occupations were identified. Accordingly, SPSS was used to analyse the categories to determine frequencies as shown in Figure 2. There were many participants who did not disclose their occupation while still another significant group stated their main activity as students and this relying on parents and guardians for support.

Figure 3: A graph showing the main occupation or source of household income of research participants in Nairobi.



Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

The graph indicates the major sources of income provided by research participants from the demographic survey. Related jobs or those closely in the same field were grouped together to make it easier to analyse. For instance, doctors, nurses, clinical officers, public health officers were classified as health/ medical personnel instead of listing each occupation.

However, there is a significant group of people who are in mixed occupations. For instance, some people residing in Nairobi do practice farming activities in the districts or counties of origin. The following conversation occurred with the Director of Community Faith Based group to empower women. The narrative indicates the existence of mixed occupations:

And also, there are some who farm back in their homes even if it's in Muranga, Nyahururu ...When they were coming to the city, farming was not important. There are also different reasons why people land in the city; you know maybe it's the husband who brought them, maybe they were coming to work and then they ended up in the city. There are different reasons but the reason why they are going back to farming is because of how with the new method of farming many people are going back to farming. And because of that you find them even

going...like we have one of our women who goes for two weeks then comes back and she farms all the way in Mwea. The other one farms in Gilgil (Director of Dorcas Creation, 2017).

Nyahururu and Gilgil counties are in the Central Rift Valley Region according to the classification done on the survey data analysis of this study. Typically, they are in Laikipia and Nakuru County respectively according to the existing political boundaries. Murang'a is in the Central Region and in Murang'a County. All the three areas mentioned are highly productive in agriculture due to the fertile soils in the region and also the favorable climate for farming. However, the people still choose to move out of such areas in search of better lifestyles whilst not completely terminating rural connections where they trace their roots.

The return to farming as suggested has indicated revitalization of the industry because of the emergence of new techniques. This suggests that improving agricultural production could not only retain the rural population but also attract some of the people from the city. This in turn would reduce congestion and the rural urban migration. Since there are also big towns in the rural areas serving as county headquarters it would be more suitable to have people live in those towns and make up more land for farming while living in a proximal distance to the farm. This creates a chance for large scale production and savings on overhead costs such as travelling expenses.

The lack of employment means destitution for many of the urban poor. The following discussion demonstrates the intersectionality of poverty and exploitation caused by being a jobless woman in the city. A prostitution rehabilitation director said the fact that most women engaged in prostitution is due to the lack of any other job that could help them meet their basic needs. The director of the organization was the one interviewed and requested her and the organization to remain anonymous.

And so, when we reach out to these women, we reach out to them because they are jobless; because they don't have something to eat or to provide for their children (Director for Sex Workers Rehabilitation, 2017).

Those in prostitution mainly move into the city for various reasons such as marriage, job, social networks and education. Most of them end up in the sex work industry after their dreams fail to materialize. The words by the rehabilitation director support this as follows:

Most of them come from the rural area and they come in the name of getting married maybe to somebody who is within the cities; others came in the name of search of jobs like a house help

but one time maybe the job ended and they were not able to go back home; they started now doing the job of prostitution. Others their family broke and they have children; they ended up there. So sometimes you may not specifically say where they come from (Director for Sex Workers Rehabilitation, 2017).

In a perfectly competitive market environment production, distribution and consumption of goods and services is determined mainly by forces of demand and supply. However, in occupation such as sex work other factors come into play due to the perception attached to the nature of sex work as an occupation by the society. The discrimination, stigma and demand shape movement of sex workers in their service delivery as shown below:

You can find someone who lives in Dandora coming to the other side of the city because they will not do prostitution within the areas they are living in... They won't do it where they live in, because they will be discriminated, stigmatized...and so you may find someone leaving their suburbs to another one so that they are not known what they do... Sometimes they rotate within the city depending where they feel they are more comfortable and will make much money (Director for Sex Workers Rehabilitation, 2017).

Even in informal sector, just like in the formal economy, there are levels in occupations. In sex work, there is low-end and high-end prostitution. While the service of exchange in both categories is sex, the patterns of practice, pricing and risks associated differ. High end prostitution is supported by choice and thus is less vulnerable as explained below:

Most of them come from very low income areas but there are those that are high...but we don't reach out to those ones because those ones they have a class plus they are educated; they do that as a choice... Yes because they are educated; they have opportunities to get jobs elsewhere but they do it as a choice. But the group that we reach out to is the one that does not do that as a choice (Director for Sex Workers Rehabilitation, 2017).

The interview discussions demonstrate that women without networks and employment struggle to survive in the formal sector. In order to support their children, some resort to informal sector activities where their vulnerability to abuse and exploitation increases due to the associated risk and danger in the activities. Education improves personal agency and those with little or no education have fewer formal economic choices other factors remaining constant (Bowman, Allan & Levin, 2019). The destitute women with limited thus tend to resolving to prostitution as an alternative economic choices for survival. It is therefore no justice to judge the destitute women in sex work as immoral or criminalize them for the activities they do. Focus should be to provide alternatives by way of empowering their capabilities to better their life chances.

Gender

Even in the modern age which has experienced great campaigning for gender equality, the society is still patriarchal. Men are most often in power and hence make most major decisions at the household, communal or state level. To push for equity and concerns of women two main approaches have developed; Women in Development (WID) and Gender and Development (GAD). The former, WID, prioritised treating women's issues as separate concerns while the latter, GAD approach, argued for an integrated gender-planning perspective in all development work. The approach has been viewed to challenge the WID by concentrating on the power relations between women and men.

Usually, women tend to be mostly involved in primary domestic roles like taking care of the family and children bearing. Moser (1993) gender planning focuses to emancipate women through empowerment approaches. In her later works for instance, she identified a triple role in gender where she positions the roles in which women play mainly as opposed to men (Moser, 2012). The roles include reproductive work which includes care and maintenance of the household and its members including bearing and caring for the children. Productive work is the other role in which both men and women participate essentially in production of goods and services for consumption and trade. Women's productive work is usually less visible and less valued than men's work. This indicates notions of gender inequality and biasness based on people's perception which in turn implies the inequality is not natural but socially constructed (Dastidar, 2018)

There are however points of intersectionality where gender influences the other life chances. This is further discussed in the occupation sector in the discourse on prostitution. This is because most of the people in the industry are women, implying their gender has contributed to the type of occupation they engage to earn a living. Nonetheless and overall, power imbalances continue to hurt and oppress women the most across various income groups and occupations around the world (Vieira, 2018). This situation of oppression and exploitation is more severe to disadvantaged women working in the informal sector which is usually less regulated and associated with lower wages (Gindling, 2018)

The number of women in Nairobi and in deed Kenya is slightly higher than that the number of men according to 2019 National Census Report with Nairobi County leading with highest number of intersex people at 435 (Michira, 2019). See the table below and the pie chart showing the percentage proportions of each from my survey data.

Table 4: A table showing the frequency distribution of gender of research participants in Nairobi

Gender	Frequency	Percent
Male	85	41.9
Female	107	52.7
Unknown/ Missing	11	5.4
Total	203	100

Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

Single mothers who are either divorced, widowed or have had children out of wedlock face challenges in Nairobi given the lack of welfare support and the reliance on family networks. I argue that there is an intersectionality between gender and occupation. Gender influences occupation and is a life chance that influences the type of a job an individual is likely to practice when agency and capability are constrained. For instance, in the case of sex work due to destitution, women are more likely to engage in prostitution as a survival means compared to men. To justify this assertion are the following words by a prostitution rehabilitation worker:

Because, a woman has children. When a family divorces, the man goes free without children. In our cultures most women are left with children to take care of. So the man will go and start another family and he will not have burdens of these children. So the woman who was left with five children here ends up in the street to feed these children while that man went free. So, those are some of the gender issues that really affect our women. Hardly would you find a man with five children and then ended up in sex work just because they were left with children. So, I think uh...women sometimes are disadvantaged in that sense (Director for Sex Workers Rehabilitation, 2017).

The female gender thus becomes a contributor to disadvantage as a life chance from unbalanced gender roles and responsibilities arising from patriarchal society that discriminates women. social discrimination of women in a patriarchal society and. The women, due to their primary roles in providing care to the children, show higher attachment and responsibility to children

than men. The men are seen to be free to walk out of the family and parenting responsibilities and move on to starting other families or continue to breed illegitimate children. The burden of child upbringing is left to the women making their life harder than had they been single.

When it comes to participation in development, gender is again a main factor that determines who participates. The nature of the project also determines which gender participates most. Overall, the men participate more than women. This indicates patriarchal discrimination of female gender as a life chance has a deterministic influence of excluding women from equal participation compared to men. The narrative below by an official from the Nairobi County Government described the situation as follows:

There are these projects where you find some are more related to women and others to men. Like if we are doing a road construction, rarely will you find women. In other projects where we are doing weaving or something you find more women, but we do. Overall, we find that men are more than women (Director for Research Statistics & Urban Policy Nairobi County, 2017).

The perspectives from the community through a focus group indicated the low levels of participation of women compared to men. The discussion with a woman in a focus group went as follows when asked which gender gets more involved in participating in governance and development issues:

Chorus response: Men...

Female Respondent 1: when women engage in participation they are subject to sexual abuse. So, that makes women scared in engaging in public.

Female Respondent 2: I think as in women engage when they know they have security to protect them from any abuse...also African culture has portrayed women as the weaker gender (Marurui - Jua Kali Women Focus Group, 2017).

Gender was discussed as a major ascribed life chance of individuals that determines their inclusion or exclusion in mainstream society and economic institutions in decision making processes. The issue of gender influences rules, power status, resources distribution, people and roles that they play in the activities as key dimensions in the domain of institutions.

However, there were some participants who had similar opinions, especially those from the government. The following narratives however indicate contrary opinion by some government

officials who claimed gender not to be a key concern in Kenya. An official from Ministry of Urban Development in the sector of housing said:

I don't think of gender as a key problem; I don't think gender in Kenya is a major problem because even in most of these meetings you find that it's ladies who are many and more vocal especially in the lower levels of civil society. They are very available and vibrant... I think poverty levels, education, capacity are the key issues (Deputy Director for Housing Slum Upgrading, 2017).

To add on the same similar perspectives on gender were cited describing genders as a non-issue if dealing with the elites. There was a contrary opinion expressed by the official from housing who said women were more vocal in the lower levels of civil society. To the elites, gender is a non-issue as narrated by an official from the Nairobi County Government in the Department of Public Service – Trades as follows: “You get like the elite people are the ones who come; whether male or female they are the ones who participate” (Deputy Director for Trades and Licensing Department NCC, 2017). This implies the higher social and economic status are the less their gender is likely to determine engagement. Ideally, the more one would be well off in achieved life chances, the less effect of their ascribed life chances in daily life. This further continues to show the need to empower people, especially women, as a way of getting them power and voice to actively participate in mainstream economy and politics as equal members of the society.

Income and Poverty

Poverty is discussed as a consequence of life chances in the lenses of income. People with low income generating activity or unemployed tend to be economically marginal with less representation in local government (Woldegies, 2014). Poverty remains a serious challenge to sustainable development in Sub-Saharan Africa, a region that forms half of the global population of the poorest of the (Mahembe & Odhiambo, 2018). Income levels, regardless of their source majorly determines people's wealth or poverty status . Consequently, their income level as a basis of inclusion or exclusion influences the place and the role an individual assumes within and across institutions. The following narratives explain this, suggesting poverty as a barrier to participation:

Yes, high poverty level makes one look at immediate and basic and not long-term needs... So, we are likely to have a scenario where when the project is starting there are a lot of poor people in it? ... Yes, there are very few even at middle and high income because they are not seeing the immediate gains. I think people follow for immediate gains (Deputy Director for Housing Slum Upgrading, 2017).

High poverty levels are associated with low economic participation mostly affecting women in Sub-Saharan Africa (Efobi, Tanankem, & Asongu, 2018). Poverty again is argued as a factor connected to the occupation and employment status of individuals. One's occupation determines the income, and so does employment determine the income. Consequently, these factors become key in determining the participation of the people based on how they play in and across institutions. The following comments by an official from Housing suggest such a scenario as follows:

But also, the middle and high income also look at the gains vis-à-vis what they are doing on a day to day basis. Like if I am employed in the private sector and I am sent to a meeting and I have other assignments which I must meet and get paid for. I'll be like, why do I go to a meeting in government and sit there the whole day and my work is pending. So, there are middle class and learned people, but I don't know whether it's priorities or the gains vis-à-vis (Deputy Director for Housing Slum Upgrading, 2017).

A positive correlation exists between lack of wealth and lack of power. The poor participate less in decision-making and have little say in governance decisions. This can be deduced from the comments above by the school director and from the statistics generated by the survey responses to the question; "Who do you think participates more in governance processes of Nairobi?"

The participants were asked to respond by selecting one category of person out of the following five: Very rich-- usually the elite and with power, Rich – people connected to the rich, Middle Income – people living an average lifestyle, a typical middle-income working class, Poor – those below the poverty line of \$2.50 per day. And the very poor – those considered in this paper as the poorest of the poor. The responses were as shown in Table 4.

Table 5: A table showing participation in governance processes in Nairobi based on income levels

Income Level	Frequency	Percent
Very Rich	68	68.5
Rich	69	69.0
Average	55	27.1
Poor	6	3.0
Very Poor	0	0
Missing	5	2.5
Total	203	100.0

Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

The survey findings shown by the table above indicate the very poor do not participate at all. For the purposes of this thesis, they can be defined as those without a voice, those with little or no income, those regarded with fear or contempt or engaged in exploitative work that may not be of their choosing.

The narrative below shows the commitment to participation is greatly compromised for those with resources and ability. Resources in this case meaning financial and informed human capacity. These normally would be the elites. The less advantaged, generally the poor are seen to be very committed despite their several limitations such as lack of capacity. They however get discouraged if the benefits are taking too long, which raises the questions of resource distribution.

So, when invited the poor do participate. The only problem is that; do they understand what they are participating in and what their role is and what they are saying. Some of them are enlightened and they will participate objectively but not necessarily all of them. But they are available. It doesn't mean that because they live in informal settlements, they don't participate; they do. In fact, the people who have a problem with participation are the high income. Yes, because they feel they are okay; they are in their own neighbourhoods; good neighbourhoods and they don't have major problems so why should they engage, you know? They are more difficult to get to engage (Deputy Director for Housing Slum Upgrading, 2017).

The well-to-do people, neglect participation at the expense of the poor to maintain the status quo and to form a perpetual basis to exploit them. This can be evidenced by the above remarks

in which the director says the hardest to get are the rich who feel they are okay and therefore do not see the need to engage. Their commitment and willingness would mean making benefits tangible since they do control the rules, the power and distribution of resources and determine the activities. The problem of participation can therefore not be considered as a problem of the poor people's commitment, but rather the elite, who though with limited physical participation they still influence and control governance and resources more than the poor whose contribution has no influence. Over time the poor will choose not to participate at all due to frustrations. Ultimately, the poor live alienated lives as lower class citizens.

The participants were to choose from a likert scale of five with 1 being the very rich and five the very poor to indicate how they rate participation of people based on income. There is no ranking or frequency for the very poor, whether men or women. The director further added that: "we actually don't even know what happens" (Githurai 44 School Director, 2017). In governance this implies those with wealth have power and vice versa. Therefore, the poorest of the poor are not only in economic hardship but also in a power crisis. They are less visible and consequently less heard or listened to. Their life chances are under the fate of poverty and the rich, who quite often exploit them to maintain the status quo. Institutional relations are shaped by the power various agents possess. The comments below by a woman residing in and operating a school in Githurai support this statement when she said:

At times we see things just going on but most of the time we are left behind. You see this estate because we don't have anybody maybe to listen to our voices, we find that we lag behind in development (Githurai 44 School Director, 2017).

Consequently, their life chances are under the fate of poverty and the rich, who quite often exploit them to maintain the status quo. Institutional relations are shaped by the level of power possessed by the diverse agents. The Director of Positive Exposure further echoed their non-involvement in governance, development or planning processes within Nairobi and even nationally. The organizations, Petra School and Positive Exposure, feel their exclusion is a direct exclusion of all the people who are disadvantaged – economically, physically and even mentally. The director of the organization narrates:

We've never been engaged on any consultative meeting or any forum or even a public hearing. For the last five years, the only public hearing I have heard out in public was on the 2010

Disability Act. So, for that one, there was a call for public hearing, but it was also not inclusive because it was not advertised in the dailies. It was actually if you know a politician who is in government and they tell you, 'This thing is happening'. So, it was not structured or official; like it was informal. And you see like a whole ACT that talks about each and every person who has a disability in the country was supposed to really be disseminated to the smallest of the smallest, you know? Even when you think of the SDGs like. 'We are leaving no one behind' but in the real sense, we are leaving them behind and speaking on behalf of others (Waithera, 2017).

Estate division in Nairobi is divided on social- economic status. There are suburbs for the rich, middle income and the poor. The area of residency determines development projects and local people involvement. The following narratives indicate this type of segregation and how it impacts on participation. A primary school director in Githurai affirmed this and in her own words said:

As you know Nairobi is divided in estates. We have estates that are a bit advanced. We have other estates that are for low [income] payment people like the slum areas. Generally, in well-to-do estates; their voices are heard but we have areas like Githurai 44 and other areas that we just see things happen (Githurai 44 School Director, 2017).

Paradoxically, in the words of an official from State Department of Housing and Urban Development, her comments were interesting showing the participation of the poor to be higher than that of the rich. She presents reasons for lack of interest by the rich or selfish behaviour regarding sharing information. She describes the situation as follows:

It's funny, the low-income earners participate more but I think that is maybe because the high-income earners probably think that they already have the information, so they don't need to volunteer information. And that's what I was telling you; when you look at those engagements always the people you find there are those low-income earners. The people who are serious people, you'll not find them there. Maybe they have lost hope or something but commonly you find that the poor turn out more than anybody else (Deputy Director for Housing Slum Upgrading, 2017).

The poorest of the poor survive and have no resources at all to support themselves and their households relying mainly on donations and occasional casual labour predominantly in the informal sector. They may therefore have more time to go to events in hope of getting assistance as opposed to those who are more economically engaged.

The social class and the area people live determine their needs. This discussion with the housing official describes the situation with a specific mention of various suburbs according to the income levels as follows:

Difference is that sometimes the issues they handle are totally different. The issues that would be concerning somebody in Muthaiga Residents Association; the complaint I would receive here, or an objection is not what I would be receiving from somebody in Umoja... Muthaiga is very high end. Umoja is low income. Not extreme but it's low income. If we are talking of high, middle, low, in that sense but not like a slum. Middle would be like Buruburu. It would be Donholm. It would be such neighborhoods. Kayole, Umoja, Dandora ... those are low income settlements, but they are not absolute slums. Slums are like Kibera, Huruma (Deputy Director for Housing Slum Upgrading, 2017).

On income-based disparities and representation the trend looks to be more balanced in the complaints. However, there appears to be a conventional association between low income people and the informal sector. The director of county research described her experience as follows:

Imagine that's a hard question for me. I don't know what others have answered but me; I have dealt with people and I see like it's balanced. I receive complaints from high end coming to complain about neighbors doing certain developments which they are not happy about. I also receive a lot of complaints from the lower end in the informal settlements people complaining of various things. It's balanced (Director for Research Statistics & Urban Policy Nairobi County, 2017).

The low income earners are associated with informal settlements as their dwelling places. It is also in the same areas that they engage in most informal sector work. However, they are highly mobile for work to areas where they can offer services or sell goods. It is very common to find a slum next to a high end suburb in Nairobi for reasons such as availability of income generating opportunities for the urban poor and source of cheap labour for the rich.

Disability and Health Well-being

People with disabilities more than often likely to be victims of discrimination due to their challenging physical or mental condition (Ekblom & Thomsson, 2018; Mac-Seing &

Zarowsky, 2018). Whether rich or poor, male or female, with other factors constant, a person with disability is likely to experience more social disadvantage and stigmatized due to their condition. This becomes existentially a challenging task that ultimately affects their wellbeing and inclusion in society. The furthest behind tend to be disabled. An adult woman in extreme poverty lives in misery and is likely to be excluded. A young woman in poverty is in a worse condition than a relatively senior woman to her and is more vulnerable to predatory trafficking. A young, poor disabled woman experiences multiple levels of disadvantage and social exclusion and may be a voiceless victim of traffickers. Those who also suffer from a disability face an added disadvantage (Mac-Seing & Zarowsky, 2018). They fall into the category of the most marginal, while those with some power networks and social capital, even though coping, are towards powerlessness, voicelessness and lack of choice. This therefore places the disabled in the lowest ranks in the ladder of disadvantage where they remain voiceless and underrepresented (De Clercq, 2019). Apparent need therefore remains for the society and policy makers to adopt multi-perspective views to integrate representation of people with disability across different cultures to achieve universal goals of development (Wilde, 2016).

People with Albinism (PWA) face a range of problems in their lives, ranging from social to medical because of their skin condition (Brilliant, 2015). There are no exact statistics of People living with Albinism in Kenya. However, the prevalence of Albinism is much higher in Africa with Tanzania leading with 1 person in every 1,400 while in Europe the prevalence is 1 in every 20,000 persons (Under the Same Sun, 2020). They struggle with poor vision, high skin cancer risks and murder because to use for their bodies in witchcraft especially in East Africa and most notably Tanzania for murder cases (Brilliant, 2015; Haram, 2018).

Oculocutaneous albinism is the most common type of Albinism among black people in the Sub-Saharan Africa as an inherited pigmentary condition characterised by impaired melanin biosynthesis (Lekalakala et al., 2015). The condition can be regarded as a disability, in Nairobi they are regarded with a mixture of fear, awe and contempt due to the peculiarities associated with them and hence othered (Imafidon, 2018). Their degree of vulnerability to abuse and hardship gets worse as their ladder of disadvantage increases as a result of disability and so are their life chances compromised and threatened.

In an interview with Jane Waithera (who requested and consented to be mentioned) she gave her perspectives on albinism as a woman living with the condition and also in her capacity as

a civil society member and advocate for people with albinism. Waithera, is the director and founder of *Positive Exposure Kenya* which is a non-governmental organization that seeks to inspire, engage and transform people, especially those with albinism by providing mentorship and advocacy services and programs. She shared her story to demonstrate the added level of discrimination one is subjected to as a result of being disabled. She begins by identifying the discriminatory nature of the law which classifies disabilities. In her words she says:

Before or actually why the amendment of the ACT is important, that ACT before; the 2010 Act did not acknowledge the persons with albinism in the category of disability and we have really pushed to have ourselves included because, our needs are very obvious like every person with albinism has a visual problem and they have a skin problem and those are things that you are born with; so their needs have to be addressed and you see when you talk of disability again, it is not the person who is disabled, it's the environment that creates the disabling condition; so, I cannot work out in the sun because it's very hot for me and I'll get cancer. So that's already a disability; I'm not equal with any other person like we cannot compete in an outdoor activity and I'm expected to achieve in the same levels with another person. With the vision again, the speed you use to read is not the same one I'll use to read and probably I might not even be able to read; so, you see those are things that come by default (Waithera, 2017).

The human services for the marginalised with disabilities, highlighted by the NGO worker above who has a lifetime of experience, including a lived experience of albinism, suggest that the vulnerability to exploitation increases with multiple bases of discrimination and a lack of networks or social capital to support women. A weakened social capital or lack thereof undermines the ground to establish and influence legitimate leadership in local governance and development projects (Rudnick, Niles, Lubell, & Cramer, 2019). Social capital is the network of informal connections and relationships individuals have for support in the society (Dubos, 2017)

Consequently, empowerment approaches and measures need to begin with such people who are least visible for, due to their extreme disadvantage, they are always left behind. In the words of Jane:

Starting with the farthest behind first because when you look even within the Disability Movement, persons with albinism have actually been left behind more than any other group of people with disability. So we talked, we captured really the inclusion of persons with albinism in the job market because they have the skills but they've not been absorbed in the job market (Waithera, 2017).

Gender and disability, as ascribed life chances, highly determine those farthest behind. To evidence this, Jane further narrates her views as follows:

So, we are in the category that is left behind... we make them aware of the preamble of leaving no one behind starting with the farthest behind first; because even if women are left behind; women and girls with disabilities are more behind than all other women (Waithera, 2017).

Here we find intersectionality of disadvantage in life chances influenced by age, disability and gender. Each of these makes a base for marginalization as the life chances manifest itself in the negative sense. A woman or a child who is with a disability is positioned further away in the ladder hence less visible and more voiceless. It requires the effort of another person to bring the person to a noticeable position where they can get help. The cumulative effect life chances perceived by society to impact on you negatively effectively affect ones social class and the position they occupy in the social ladder (Kim & Tamborini, 2018).

Equality is lost and so is the physically ability. Productivity and competitiveness is threatened at the market level. The disabled status moves one from not only experiencing the ascribed disadvantage but further moves them to be victims of inequality even in achieved status. Their low level of reading ability slows the pace in which they can get a task done. In efficiency perspectives, productivity is critical to maximise profits by saving costs. Costs can be viewed in terms of actual monetary expenses and other valuable resources such as time. In this case, a person with a disability that slows their performance would be desired less in a competitive market that uses capitalism as a mode of production.

In the working environment, disadvantages increase. The Jua-Kali sector, which employs the majority of the people in Nairobi operates in the open air. Someone like Jane again becomes less competitive as she cannot keep up with work under the scorching sun due to her skin condition. She is therefore left with no choice on how to survive if the environment in which she operates is not adjusted to fit with her needs. In environment, I mean both the physical and the social. Her welfare should be seen as central and her needs taken into account on a no cost–benefit perspective. However, this remains a challenge in a capitalistic society but a push for a human welfare should remain priority to support equality over competitiveness. A balanced mode of production should be pursued to avoid alienating disadvantaged people.

People become increasingly invisible (and disempowered) due to one disadvantage after another. Consequently, they are more than ever likely to become what Ulrich calls "embarrassed". This makes them feel inferior and unwanted, and the elites, as well as those privileged, in turn problematize them because of their invisibility and the disempowered status of disadvantage they possess. The association of some disadvantages with curses and myths makes things worse. The following script given by a woman with disability describes such a situation:

It's a policy, yes and it says every child has a right to education and must access quality education; but you see for children who have disabilities; their parents won't even let them go to school because they are afraid of; are they going to be accepted; are they going to get the reasonable accommodations in the schools, are the schools actually disability friendly? And that's why we have cases you see like I think I mentioned to you like even my mum left me... when she got me (gave birth) the nurse asked her very shocked like, 'What is this?' That time they were talking about me as a child and that's the nurse who's supposed to like empower...And she's the one who's supposed to empower my mum...she couldn't deal with the stigma; and even me at eighteen, I think it's too much (Waithera, 2017).

To address the stigmatization of People with Albinism and other forms of disability, the issues of power and inequality needs to be strengthened to enable people to counter marginalization (Simplican, 2019). I therefore make a case for the need to consider issues of power and inequality as central in disability debates.

Age – Children and Elderly

Children from poor families remain at risk of facing the hard circumstances their parents have brought them up in. In Githurai 44, a poor suburb in Nairobi inhabited by poor families, mostly single parents and others in domestically violent households, school age children face the full wrath of such conditions. One of the Director's running a school in Githurai said:

As you know, Githurai is a slum area. Most of the pupils are from a financial disadvantage, others from deprived families, some of them are street children, and others are orphans, others from mothers that engage in prostitution. These are the majority of my pupils. They are vulnerable children (Director of Dorcas Creation, 2017).

Alongside unhealthy lifestyles that characterize impoverished livelihoods, children in such families are at risk of abuse by parents and the society due to their powerlessness, voicelessness

and ignorance. Some of them are as a result of unwanted pregnancy that their mothers conceived from either unplanned family planning, rape, unprotected sex work or from broken marriages and relationships. Not to mention, most of these children hardly survive their unfortunate conditions that cause high infant mortality and under five year old deaths. A report by Save the Children published by the Standard Digital Newspaper in 2016, indicates that children from poor urban families in Kenya are four times more likely to die before their fifth birthday compared to their counterparts from rich families. These children, some who are orphans as result of death of both parents from causes such as diseases especially HIV/AIDS, political violence, road and risky work accidents, domestic violence related deaths and death of mother at birth, end up mostly in the streets or children's home. Others are sent to their grandparents in the countryside to go and live as they help with domestic work and go to local public schools. Those with parents and guardians who chose to remain in the city go to public schools which are very congested. Quite often the public school does not accommodate all the children in the area and, as such, private complementary schools, some of which are in much poorer conditions, become the learning centres for most children.

An interview with the director of Petra School in Githurai 44 said the school has a population of over 500 hundred pupils. The school offers education from kindergarten to class eight, the highest primary level education in Kenya. The school sits on a plot of land 50 by 50 feet. The classrooms are 9 by 9 feet and accommodate up to 40 pupils. A one-storey building is all the school has as a structure. In it there are toilets, class rooms and a staffroom with the director's office squeezed in between. The students parade along the balcony and stairs for assembly. While such a school environment is not conducive for learning with no humane atmosphere for any activity, some children still feel the place is much better than their homes. Some sneak back to school by jumping over the gate to get accommodation as they feel home is more unsafe and violent. Those children with stepfathers feel threatened from sexual and physical abuse that could occur at home. Others, whose mothers work in the sex industry, feel their mothers put pressure on them to get into the industry.

School age children from disadvantaged families may also happen to have other forms of disadvantage. This means special needs would need to be put in place over and above those in place for school children. The narratives below point to the need to consider young children as having an age disadvantage, despite primary school education being made free in all public schools:

Our scope is actually everybody who has albinism specifically because now, when you talk of education, we look at one; we have an early intervention program where we ensure children with albinism go to school. Remember we have an education for all policy that was initiated around 2004-2005 by President Kibaki and that education for all (Waithera, 2017).

Children with a disability such as Albinism need extra advocacy to ensure that they are in a good position to learn. Waithera narrates the situation as follows in reference to children born with Albinism:

So, what we do is first we work on early intervention then link that with the Ministry of Education to make sure they ensure the schools that these children are enrolled in; they get the extra per child capitation funds that is catering for their special needs be it visual, heat or emotional, you see? And then we also look at issues like even with the national examining body; like these children, they sit for the same exams but they are entitled to extra time because they cannot do it in the same pace with the others who have all the abilities; so we try to solve the issues faced by the group we address holistically (Waithera, 2017).

On the contrary, the occupation of prostitution does not appear to discriminate against people because of age. However, the destitution indicates abuse of rights as even under-age children are involved in the practice. People as young as nine years are in the industry and as old as sixty five years. The following words by the rehabilitation director show there are no limits of age in prostitution as follows:

The youngest I have interacted with is nine years and the oldest around sixty five; there are no age limits... and of course some of them are recruited to the same prostitution by their parents so they start as early as their mothers think they are mature because they will tell them, they provoke them; go and bring food, go and look for money we are hungry. So as early as even nine years a child can be sent out; introduced to prostitution and so they can be as young as even nine years (Director for Sex Workers Rehabilitation, 2017).

Shockingly (and perhaps ideally for some families with survival in mind), this would mean the grandmother, the mother and the grandchild in the case of a single family would be in the practice with no intervention strategies to empower the descendants. The Planning and Devolution ministry, under the directorate of treasury and economics expressed their views on age as rather nuanced but mainly skewed to nature of development project. The nature of the project determines the age of those who participate most in the activities involved. The median age of most participants overall was mentioned to be forty five years. In the words of an official from the directorate she said:

Age-wise also depends on the project like I don't know if you remember the *Kazi kwa Vijana*. We took up to the age of thirty five for the youth but the other projects we are never specific with age.... Though overall the median age of participation I think is forty five (Senior Economist for Ministry of Planning and Devolution, 2017).

Similar perspectives were also given by an official from the county government, department of trade by saying that it is the nature of the project that mainly determines the participating age and gender In his words he said: "Still age; age and gender both depend on the project because mostly the project will focus on a certain group" (Deputy Director for Trades and Licensing Department NCC, 2017). This implies that young adults and people who have just completed tertiary education are likely to be disadvantaged concerning participation because of their age. The median age in Kenya is nineteen years in an estimated population of 52 Million people (World Population Review 2019). This translates to suggesting a big population is thus left out in most development projects.

Ethnic Minorities, Indigenous and displaced people

This section discusses those who have minimal rights in terms of the social contract which protects citizens. In Kenya, ethnic minorities and indigenous people tend to be poorer than the average people from other communities and enjoy little or no respect of their rights with a constant potential for conflict (Cornell & D'Arcy, 2016). They also remain predominantly excluded from development, planning and governance processes (Makoloo, Ghai, & Ghai, 2005)

Those who are displaced as a result of discrimination and civil unrest, expressed in ethnic terms, are often more vulnerable and acquire a hardened ethnic identity (Ishiyama, Gomez, & Stewart, 2016). The victims of Post-Election Violence (PEV) end up experiencing forced migration and upon getting to the city they are met with a life hard to cope with. Their social contract situation is worsened, which progressively develops into being parasitical and subjugated by those in power. The ethnic minority in Kenya have continued to petition for increased political representation (Little, 2016)

Firstly, having regard to the terms of reference terms: minority people are more likely to suffer from a range of morbidity indicators and mortalities associated with violence or abuse, or illnesses. They are also prone to diseases associated with water and sanitation issues, such as cholera and typhoid, which are common in informal settlements. Nussbaum (2011) stresses the need to address capabilities and human rights, because the social contract that protects citizens within a Nation state does not protect displaced asylum seekers (who could be fleeing ethnic violence), young people without the vote, and profoundly disabled people.

In Kenya, there are at least forty-three tribes with some tribes having numerous sub-tribes. There are also different ethnic groups who do not only reside in Kenya but also call the country home. Some tribes are much bigger than others and are seen to be more dominant in most aspects compared to the minor tribes. As such, political environment is mainly based on tribal lines inclining it to regional biases since different tribes occupy certain regions. Since independence, 54 years ago, the country has had four presidents who have come from only two tribes – Kikuyu and Kalenjin. Kikuyu, which is the most dominant tribe, has produced three out of the four presidents. This has been translated into lack of fairness in the representation of other tribes who have considered themselves segregated and oppressed by the dominant tribes. Of the other large communities, Luhya is ranked second after Kikuyu and the Luo. Kamba and some coastal tribes have mainly been in the opposition and have often criticised the two ethnic groups for exclusionary politics.

The other tribes, which are over thirty, are relatively small and highly marginalised. Exclusionary politics by the Kikuyu and Kalenjin has been attributed to their superior numbers, wealth, state power and impunity. Post-election violence in Kenya is therefore common as different communities try to fight for power through the ballot which many claims fail due to unfair electoral processes manipulated by those in power. The result is usually violence that makes things worse as the powerless face the full wrath of it.

Outside political context, some communities are in marginal areas geographically. These are areas which are arid or semi-arid making them hardship zones with no major income generating activity. The communities in those areas face famine and drought, poor security and poor access to vital services such as health and education. Further, they are excluded from the major economic activities of the country. They make a living out of a nomadic lifestyle and from time to time engage in tribal fights. Issues, such as cattle rustling activities and competition for

scarce resources, such as grazing land, arise for them. The areas in which these communities live are considered hostile and thus other communities fear to go and explore productive activities in these areas.

Nonetheless, Kenya's Vision 2030 recognises the challenge facing its political environment and has established a political pillar as one of the three core pillars to the vision. The pillar aims to realise a democratic political system founded on issue-based politics that respects the rule of law and protects the rights and freedoms of every individual in the Kenyan society. The reality of this aim is yet to be achieved as regional imbalances continue to be experienced and tribal based politics thrive more than issue-based ones. In Nairobi, which is a metropolitan area with at least every community present, members of the less populous communities continue to face the wrath of an unjust political system and remain victims of marginalization (Moore, 2019; Kariuki, 2018).

Tribe can also influence occupation dominance. For instance, in sex work, a certain community was found to be more dominant. The following words by a sex work rehabilitation director indicate this scenario as follows:

In our class here yes; but why we have that one; not because they are dominant in that area; I think the method we use in recruitment like snow balling where the old students refer another student. That means you may end up having one tribe if they were referred by one tribe. So, when we use snow balling it's because we use the class to refer other girls for next year, meaning you may end up with the same tribes that you had last year. Yes tribe dominance is there in this class yes but we are trying to do things differently. We are trying to tell them okay; everybody to bring one person each then the rest we try to mobilize from the communities of a different community because we also want diversity because we know this problem is not only touching one tribe but it cuts across the board (Director for Sex Workers Rehabilitation, 2017).

Community members expressed the same views through focus group discussions indicating tribe influenced certain things such as occupation and the projects people participate in. There are intersectional elements of tribe and social segregation. With continued recognition that citizen participation is at the heart of democracy, relative deprivations exist which affect political participation of various groups of people (Asingo, 2018). Ethnicity in Kenyan politics is a big influencer in national leadership demonstrated by the fact there have only been two co-ethnic presidents in the post-colonial with three coming from Kikuyu and one from Kalenjin (Simson, 2018). The rest of the tribes, forty-two, have been on the opposition most of the time.

Luo led by Late Jaramogi Oginga Odinga and now his sons Raila Odinga have been the most dominant group in opposition together with other western Kenya communities like the Luhya who also form a significant voting population. Currently, there is no active opposition in Kenya after Raila Odinga, leader of National Super Alliance (NASA) agreed to work with President Uhuru Kenyatta through the Handshake Agreement of March 9, 2018.

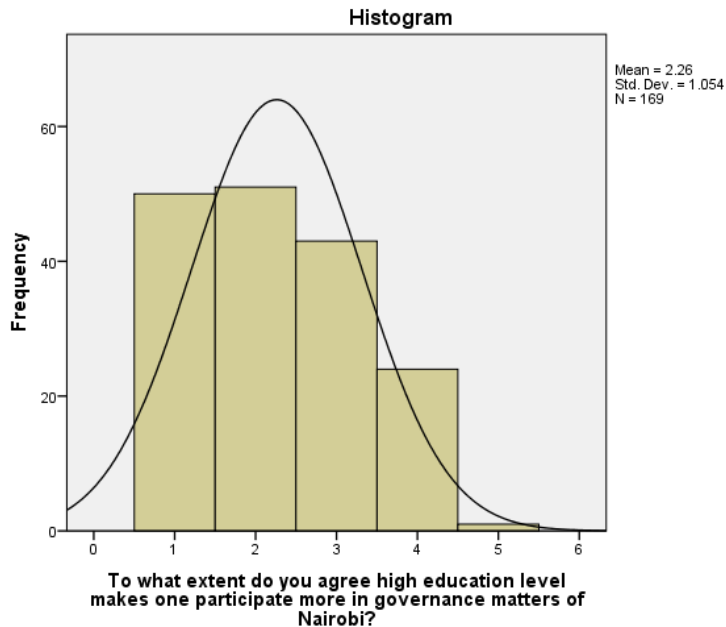
Education

Education is a powerful tool to empower people. In Kenya, education is free at primary level in public schools. Secondary education is not free but there have been ongoing discussions to make it free. Tertiary education supported by government through Higher Education Loans Board (HELB) to students admitted into public university by the Joint Admissions Board (JAB).

The higher the education level the more informed one becomes and consequently attains a degree of power. High education attainment reduces marginalization and the lack of it increases marginalization. In essence, knowledge is power. The graph below drawn from an analysis of primary data gathered by means of a survey administered in suggest a direct relationship between level of education and participation.

The most marginalized are the unemployed, with minimal literacy and numeracy and without income. The distribution of the role of education on participatory governance is shown in the graph below based on SPSS primary data analysis.

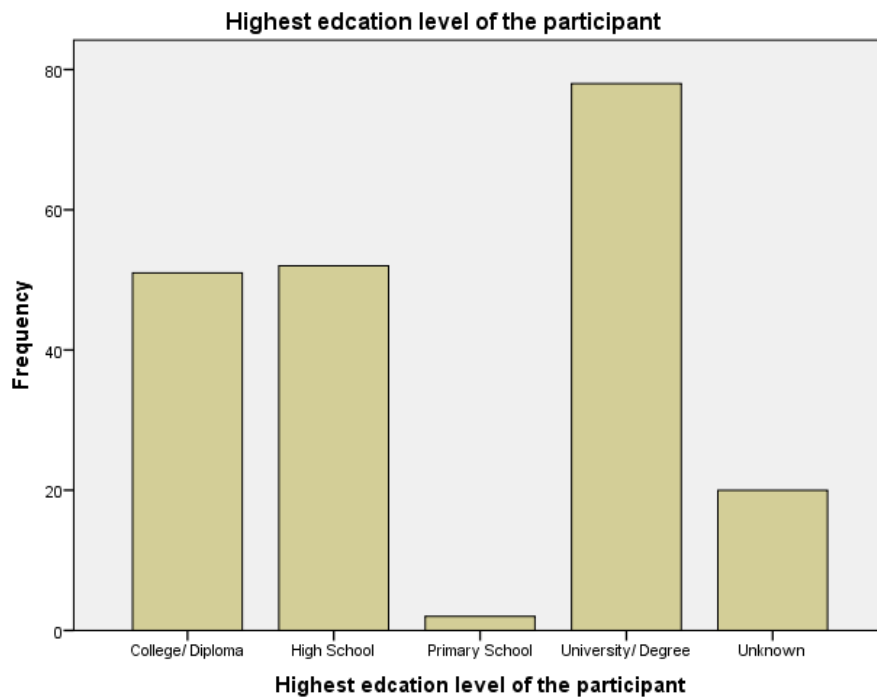
Figure 4: A histogram showing the relationship of education level and level of participation in governance



Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

Nairobi is the county with the highest education attainment in Kenya compared to other regions. The same county also tops with the number of most schools, colleges and universities most of which have higher rankings than those in other regions. This makes Nairobi a privileged County. The impact of this is the big attraction of migrants form other regions into the city causing congestion and competition for the scarce resources. This calls for ways to redistribute resources to ensure regional balance across the nation. The education attainment is as shown in Figure 4.

Figure 5: A graph showing level of education attainment of the research participants in Nairobi

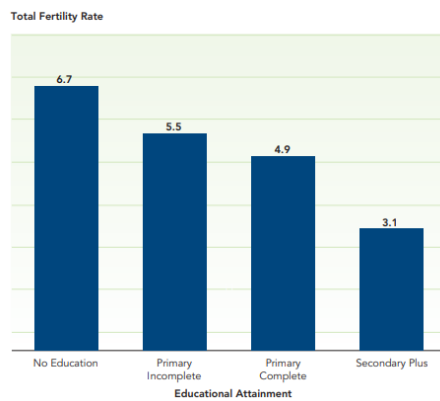


Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

Education as life chance, shapes inclusion or exclusion along all the dimensions of institutions both directly and indirectly. Regarding family as an institution and its household dynamics, education has a role in determining the family size. Women with higher education have fewer children compared to those with low education. This therefore means that low education can be associated with high dependency and thus more constraints on resources. The consequence is a deprived, less empowered and poor society with victims of marginalization.

Education level determines fertility rate in women (Shapiro, 2012; Kebede, Goujon & Lutz, 2019). Women with higher education tend to invest more in quality than quantity of children (Bittencourt, 2018). Higher number of children, a result of high fertility rate in women, have a stalling effect in their education attainment in Sub-Saharan Africa (Kebede, Goujon & Lutz, 2018). The graph below represents the relationship between fertility rate and level of education. It can be seen that low education is positively correlated with high fertility rate and vice versa.

Figure 6: A graph showing the relationship of education level and fertility rates in Kenya in 2011



Source: Kenya Data Sheet, 2011. Graph reproduced with permission.

Education influences even those who are voted into power by the community members. An educated person is thus assumed to be a stronger candidate than a less educated one. One focus group discussion highlighted this. A participant related thus:

Mostly education...if you are educated even at the time when people are voting they will prefer... someone who is educated (Nairobi Githurai 44 Community Focus Group, 2017).

It is a law in Kenya for one to have a minimum qualification of a bachelor degree to be elected as either a Member of Parliament, Senator, Governor or President. This implies that those who are less educated remain further away from positions of power. To ensure that everyone has an equal opportunity to education it would be suggested affordability and quality is enhanced public learning institutions. Lack of education is a cause and a consequence of compounded disadvantages that perpetuates the cycle of disadvantage.

This study identifies education as a key pillar for enhancing peoples' life chances and capabilities. The role of education in Kenya could be far more influential but the situation is not all that promising as seen from the discussions. Educational profiling is becoming an emerging problem, where vocational training is seen not only as inferior, but less needed as a middle level skill (Akala & Changilwa, 2018). This is wrong since vocational training has the capacity to be a driving force for sustainable development (Oluouch, 2019). The closing down of most technical colleges, or their being upgrading to universities, has resulted in a flood of

graduates in the market. Quite often, most of the degrees are not tailored to the jobs available. Interviews in this study suggest that the manufacturing sector in Kenya is increasingly doing little recruiting of graduates.

Entrepreneurship is a major driver of Kenyan economy and that is instrumental in solving rural poverty and under-employment (Prieto, Ndinguri & Wairimu, 2019). Vocational training should be enhanced and focused towards equipping the entrepreneurs with both relevant skills to promote small scale businesses and industries. The benefits of this would include re-booting the agricultural sector and the invention of new innovative technologies in the Jua-Kali sector. There being a flood of university graduates with office work skills for jobs that are not readily available has only resulted in frustration for the youths and mass rural -urban migration. The government efforts to create jobs must factor in the training given to recruits. As the Kenya Vision 2030 envisions, an industrialized, prosperous and competitive Kenya needs to be realistic on how each of those sub goals are achieved (Kenya Vision 2030, 2018).

Education is a key player among other factors, but how it is delivered and used afterwards is more important. University education in Kenya also needs to move higher up into more research-intensive training. Theoretical training is important, but the country must seek to do research into what ways and technologies work for her economy. Less national research has led to over reliance on foreign ideas to drive market and economic growth.

The brain drain is also another concern, as identified by mass international labour migration of professionals from Kenya to other nations, especially to the west. Those less qualified and those seeking casual work have resolved to migrate to the Arab world of the Middle East further promoting human trafficking. Those with limited capacity and resources are marginalized and resolve to work in informal sector survivors while others become an army reserve of labour for the capitalist producers.

Conceptualizing the Ladder of Disadvantage

Gender-sensitive researchers and planners March, Ines & Mukhopadhyay (March et al., 1999), p. 104), define an institution as ‘a framework of rules for achieving social or economic goals’ by drawing on the works of (Kabeer, 1994; Kabeer & Subrahmanian, 1999). Continued rise of neoliberalism as a political project concerned with institutional change, analysis of institutions has heightened as a vital determinants and objects assessing political and economic performances in their own rights (Campbell & Pedersen, 2001). The analysis of institutions is undertaken drawing on Kabeer’s four institutional locations – the state, the market, the community and family kinship. This is to facilitate discussions on power relations within institutional dynamics and its effect on life chances of the people as earlier introduced in this thesis. I take a feminist economist political thought to critique neoliberalism, which is apparent in Kenya economic and political ideology as significant potent of governance (Peters, 2018). The feminist economic thought is to give a political voice of the voiceless methodologically to counter the effects of elitism and capitalism (Tejani, 2019). This to is to have achieve gender neutral power relations and a centrist political philosophy that is balanced between social welfare and capitalistic modes of production within and across institutions.

The four locations of institutions are used to classify power as P1 for state, P2 for market, P3 for community and P4 for family kinship. Consequently, the life chances are explained through the same lenses of power, first at each institutional realm, and later as interconnected frameworks within a social and economic system under which society operates. The later phase, that considers institutions as interrelated, is to further support Kabeer’s assertion challenging the assumption that institutions are ideologically neutral and independent entities (March, Ines and Mukopadhyay 1999, p. 105). I hold the same views as her and consider that the notion of ideological neutrality of institution is a fallacy that seeks to maintain the status quo and one that is greatly compromised in more corrupt systems of governance and society. Similarly, the perception of institutions as separate entities is equally challenged and considered a myth, as a change in one institution would affect the others.

Following Kabeer’s social relations approach, I have also considered each institution to have five dimensions within their frameworks. These dimensions are; rules, people, activities, resources, and power. The domains are family, community, market and state. The table below

shows the components of the domain in their respective dimension as a framework for institutional analysis.

Table 6: A Table showing domains and dimensions of for institutional framework of Nairobi

Dimension	People	Rules	Activity	Resources	Power
Domain					
Family	Parents, children, grandpa and immediate extended family member	Obligations Responsibilities	Bringing up Subsistence production	Family Labour Land/ assets	Patriarchal Household head
Community	Faith Based Organisations Civil Societies Ethnicity/ Tribe	Values Norms Beliefs Culture Morals	Community gatherings Social Welfare Sense of belonging Neighbourhood Watch Human rights Advocacy	Social Capital Security	Village Elders Religious Leaders Civil groups leaders
Market	Producers Consumers Middlemen (retailers and wholesalers) Financial Institutions	Demand and Supply Tariffs Taxes	Trading Exchange of goods and services	Goods Services Financial Institutions	Monetary Purchasing Capital ownership

State	National, County and Local governments	Rules and Regulations Constitutional Laws Penal Code	Control Regulation Protection	Law enforcement bodies Courts	Local County National
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Source: Machuki (2019) PhD Thesis findings and analysis adapted from Kabeer (1994).

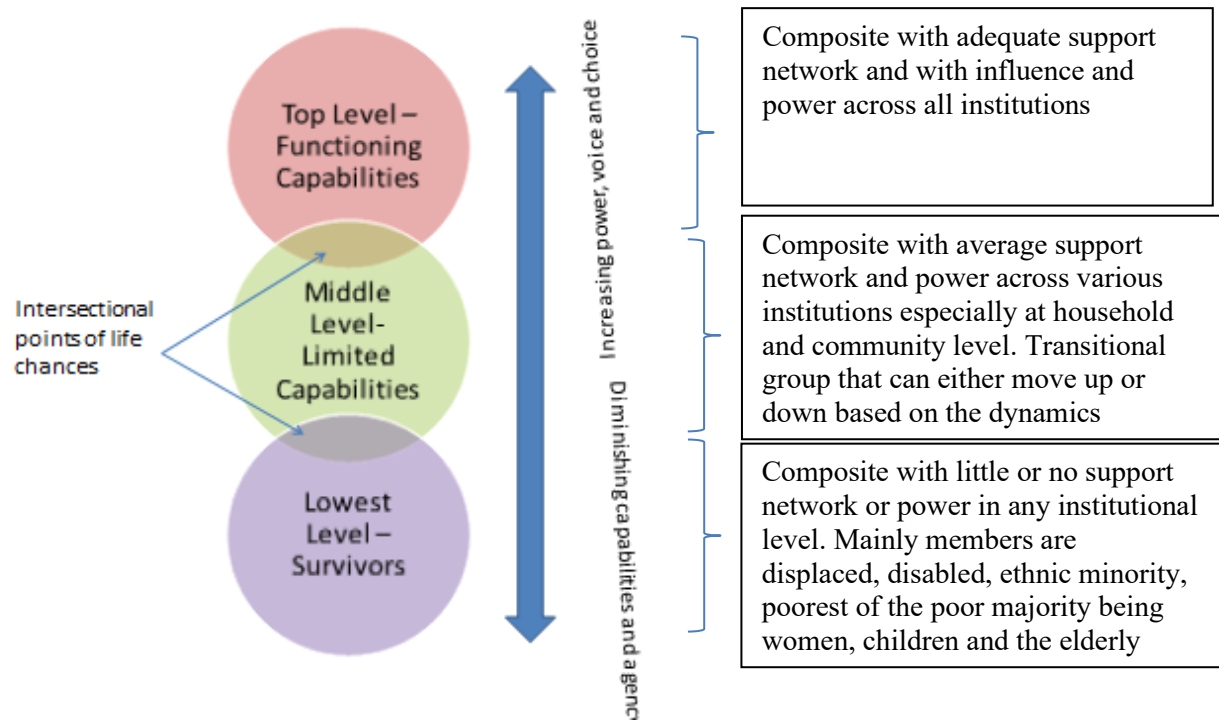
I have used these dimensions to discuss the life chances of the people at each realm of the institution and have consequently estimated the power they possess and the basis on which power is acquired and controlled. In essence, the discussion presents how various forms of inequality such as gender, class and ethnicity, among others, are produced and perpetuated over time.

Vulnerable populations are usually faced by complex challenges. As such, urbanization and its governance have different impacts on them. Those who are at the top of the ladder of advantage are the political elites with power and wealth and therefore they largely govern and control the resources at all institutional levels – household, community, market and state. However, the focus of this ladder of disadvantage is to represent the various levels of disadvantages the margin face as victims of marginalization in access to resources and opportunities. As such three main levels are developed with each having two sub levels. The levels are least marginal, more marginal and most marginal.

One can slip from one level to the next based on circumstances such as becoming ill, being given a fine, arrested etc. The most vulnerable are those who have layered disadvantage, namely being least able to work due to age or infirmity or because of discrimination. The Albino group fall into this category and are the victims of traffickers.

These are the main concepts underpinning the life chances in an institutional analysis which covers state, market, community and household dimensions. In order to address the capabilities, gender mainstreaming should extend the boundary critique to explore opportunities to equally mainstream the informal sector. Such views would change the perception of informality from disruptive illegal and disorganised to a alternative economic livelihood.

Figure 7: A Conceptual representation of Ladder of Disadvantage and associated dynamics of each composite



Source: (Machuki, 2019) PhD Thesis findings and analysis drawing on the categorization of people as shown earlier in Table 2.

The figure above illustrates the three categories identified by this study of people based on capabilities. Each category forms a composite, which has its unique characteristics that differentiate it from the other composite. Presentation in a hierarchy manner is to show the rungs of the ladder upon which people move from one level to the other. The movement from one level to the other is influenced by the empowerment available to their life chances and ability or inability to retain the status acquired.

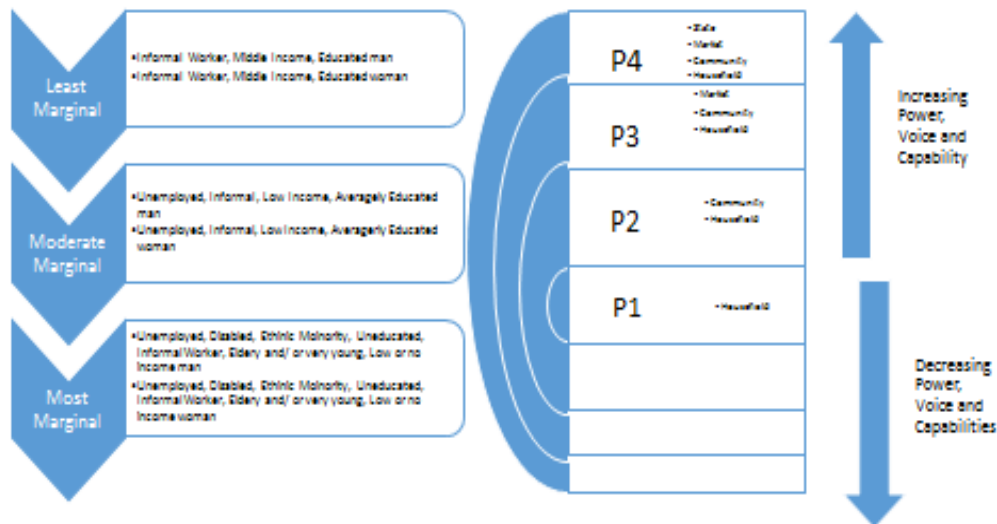
The people in the lowest category have limited or no internal support to get them into a higher level of capability. They subsequently lack agency and live a life of destitution. They struggle at all levels of institution and are mostly marginalized and alienated. Community and state institutions can offer incentives and subsidies to these people to kick start their entry into the

market. A better social fabric can enhance family and a sense of belonging to those extremely isolated.

The middle composite is the transitory group. Ideally this is the middle class trying to move to a more stable and fully functional zone. The same group also has the risk of falling back to the lower level if something unexpected happens. The people in this category have moderate capability and average agency. The upper group consist of those with full actualization with sufficient resources and networks. They have full capability and agency. They are the most dominant group with power and voice over the others.

The next diagram illustrates the categories of people based on their life chances and capability against the power they hold at each institutional level. A trend is shown on how diminishing power, voice and capability enhance marginalization and vice versa.

Figure 8: A diagram showing possession of voice and power across various categories of capabilities



Source: (Machuki, 2019) PhD analysis and findings showing level of marginalization in context of voice, power and agency.

The ladder, though typological, has distinct categories based on the findings of the study. The intersections between the levels are transitional zones where individuals can either move from just coping to absolute survival or vice versa. The movement either upwards or downwards is in some instances predetermined by one’s life chances based on their either ascribed or achieved nature. For instance, one born with disability and into a poor family is likely to remain in lower rungs of the ladder or even move further downwards unless other external factors with a positive effect intervene.

Conversely, one born into health, wealth and prestige is likely to move higher up the ladder from the great support and opportunities available other factors constant. There however can be downturns in both extremes but the effects are always adverse to those in already

disadvantaged conditions than those in positions of privilege. This is because the higher up an individual is in the ladder, the more balanced and support is at their disposal for back up and the lower a person is the more vulnerability and uncertainty with limited safety measures to cope with present and future risks and dangers.

At the household level, power is mainly patriarchal thus giving men more authority over women. This moves to include rights to own property. In some instances, women and children become owned and therefore commodified. In households affected by domestic violence, the situation becomes worse for the women and children who mostly victims of such evils. The alternative is to run away for their safety which in turn increases their vulnerability as they are likely to become homeless and very destitute. The high vulnerability leaves the women with options to either get new partners, become source of cheap labour or commodify themselves and engage into activities such as prostitution. This is a common path especially if the women were not educated, financially independent and with no strong family backgrounds before marriage or getting children. The fate of the children is left at stake with a significant number of them becoming street children, sexually abused and source of child labour as domestic workers. A strong family unit is therefore very important as a basic social unit to make a foundation to build political and economic power in a society.

Community is a much higher social group with a higher order of social relations. The governance around the same is also much more complex than at household level. There are open spaces and common resources to be shared. It is therefore important to consider who decides what share one gets and why. The laws and regulations are mainly based on culture, morals and values. Adoption of new things depends on society's good will. Power is mainly given to community leaders who closely work with civic authorities. Those who might have lost identity at household tend to locate it at the community level to feel a sense of belonging. Social ties are much stronger in rural based communities than in the urban ones.

Labour is offered free and quite often offered by women and children. Exploitation occurs when some community members begin to obtain power either through wealth accumulated or support networks they have and protect it rather than sharing. Increasing wealth comes with the need or mindset to show might and control. They therefore begin by deciding what is legitimate and what is not. The poor are seen as inferior and regressive people and so are their sources of income.

At the market, the margins have nothing much to offer beyond their bodies. They are commodified by the elite. They have less empowerment, making them less competitive in the formal sector. This drives them into the informal sector. They possess no capital and therefore have little or no goods to trade. Their skills are inferior due to the limited training they possess and thus are less competitive in the labour market compared to those with trained skills.

The arenas to increasing voice and empowerment should therefore be developed from the household through to community and market and into the state level. This is to extend opportunities from basic institution level to complex institution such as the market and the state where everyone can actively participate. This extension however calls for adequate incentives and subsidies to be provided to the disadvantaged at basic levels by superior institutions of market and state to be offered to the disadvantaged to promote equality. Those in possession of power and wealth must also have the willingness to lose part of the resources they control to those with nothing to reduce wealth and power gap. Such could happen by formation of policies and guidelines geared towards redistribution measures centred on societal progression over individualistic gains.

The discussion of governance and impacts of urbanization for the most vulnerable, alternatively considered as the margins, in this study gives develop to the concept of 'Ladder of Disadvantage'. The concept uses narratives from the interviews alongside the CSH, CST to explain the theory of Life Chances and to subsequently interpret the consequences of the relationships between the margins and elites. Institutional relations at household, community, market and state levels indicate diminishing capabilities of the margins in the face of unequal dynamics of urban development and associated governance. Consequently, voicelessness increases marginalization. Therefore, voicelessness has been used to denote the level of marginalization as illustrated by figures 6 and 7 and their discussion. The lack of voice implies lack of power and influence and vice versa. Therefore, an inverse relationship exists between power and marginalization.

Those with numerous disadvantages are considered as the farthest behind. This category of people has little or no role in decision-making at the state and community level even when the outcomes of the decisions affect them the most. At the market, they are takers and do not influence either the terms, prices or conditions. Theirs is to receive the effects that are usually

exploitative. In the dimensions of institutions they are a people who do not have the power, they do not make the rules, they do not decide the activities and do not have a choice of activities to engage in and they also do not possess any resources.

The SDGs lay a good basis for this kind of inclusion but would need a multi-sectorial approach. The narrative below echoes these sentiments:

Probably you've never brought in a woman with a disability and if you brought them in you didn't work on issues of accessibility and reasonable accommodation. So it's really complex. So, it's really a niche for the minorities and people who have been marginalized to take advantage of... The goals are really good. If they are implemented as expected... everybody will be included in the other sectors; the multi-sectorial kind of an approach (Waithera, 2017).

The prospects of good governance need to be well outlined and very categorical on who they address. The people with power and capital need to have a political will and commitment to distribute wealth and power when influencing the dimensions of institutions to enhance equity, justice and promote agency. It is from these notions that I present in subsequent chapters suggestions the essential ingredients for good governance that those with power and resources can adapt to promote inclusion and participation in governance, development and planning processes.

Conclusion

Cumulative disadvantage gives rise to the culture of hustling as a way of life to those with limited opportunities, resources and support networks. From this research, most informants, especially those not working in the government, talked about marginalization and how it affects, locks them out of mainstream society, compromises their participation and enhances their involvement in the informal sector. The life chances of the most marginalized therefore seem threatened demanding a need for policy makers to reconsider empowerment strategies to enhance social justice and the economic equity of the marginalised.

Intersectional aspects of age, gender, ethnicity, poverty, occupation, income and disability determine the way of life people adopt to survive and thrive and how they play out in terms of having a voice, power and choice. The status into which people are born into a matter of historical condition that pre-existed them. Getting better or worse is shaped by both the historical patterns and prevailing conditions of growth and development. In Nairobi, both the historical and current conditions have been shaped by individualistic and capitalistic systems that are exploitative and enhance marginalization. The more one has many disadvantages, the more the capitalistic systems alienates you and pushes you into the margins. It can thus be concluded from the discussion of this chapter that the prevailing capitalistic mode of production and the neoliberal policies are not sustainable and cannot not bring about equality and social justice in Nairobi.

Most of the participants who contributed to this study live in unplanned informal settlements and they engage in informal economic activities either within their suburb(s) of residence or by commuting to the CBD or other suburbs for market opportunities with their goods, such as various wares and clothing and foodstuff for hawking, or for human services such as prostitution, touting, construction jobs and other 'hustling' opportunities (Thieme, 2013). Usually, these populations tend to be dominated by the urban poor who typically reside in slums, falling between low incomes to middle-lower income households. The process of urbanization and settlement is discussed in the next chapter to highlight issues in along the Sustainable Development Goals in urban agenda.

CHAPTER FIVE: FINDINGS AND DISCUSSION OF INSTITUTIONAL ANALYSIS OF URBANIZATION AND SUSTAINABLE DEVELOPMENT IN NAIROBI

The urban development process of Nairobi is researched in terms of how liveable and sustainable it has been and continues to be in the face of rapid urbanization. In this regard, a wide range of stakeholders were involved through focus group discussions, formal and informal one-on-one interviews and through a survey. This chapter begins the discussion of the trend of urbanization process in Nairobi by discussing the causes and effects of urbanization. The discourse of sustainable development is investigated to highlight the relevance, familiarity and realism of the Sustainable Development Goals and Kenya Vision 2030. A focus is on how the overall process of urbanization continues to marginalize the disadvantaged which in turn increases the inequality gap. The institutional analysis cuts across the domains of household, community, market and the state.

Urban Migration and Development in Nairobi

Urbanization and development are positively correlated. There is however a need for this relationship to merit the good faith and will of the people and to also be informed by a good planning process. However, the process of urban development as a process of economic and social change has winners and losers (Cox, 2018; Berghe & Daamen, 2020). A government official from the Ministry of Lands, Housing and Urban Development expresses the positive aspects of urbanization in the following words:

Urbanization is a good thing if received well and well planned for. It is positive, it results in economic development. Yes. And it creates innovation. Yeah, for me I think it's an opportunity which we should take advantage of and we should harness its opportunities (Deputy Director for Housing Slum Upgrading, 2017).

Nairobi's informal sector continues to grow. The government has mainly considered the sector a threat to business and development in the sense that it creates chaos through its disruptive and disorganised nature. The informal sector in Nairobi is discussed in two areas: housing and

occupation which translates into social and economic. The informal housing sector has led to the prevalence of slums and subsequently ghettoization. Urban development programs under the Ministry of Housing, land and urban development have taken measure to improve housing through projects like slum upgrading. The economic informal sector is characterised by informal occupations such as street vending and prostitution.

Conversely, to the less empowered people, choice of occupations could be as a result of socio-economic origins as explained by historical materialism theory. In Africa, for instance, Mitullah (2003) describes petty trade as an economic activity for those with low income. In the same report written for the World Bank, petty trade such as street vending is more of an extension of reproductive and domestic roles of women. Their low level of education attainment makes them less competitive in the formal job market compared to their male counterparts. Gender therefore becomes another factor that could inherently determine occupational placement of the people.

The attraction of the city to a rural worker is the potential to earn higher wages in the urban area, gain an improved quality of life and more opportunities. These are the primary causes of an increasing rural-urban migration trend in Kenya. There is a big difference between rural and urban incomes. The range of income generating activities is higher in the urban areas than in the rural areas. In rural areas, the predominant activity is agriculture, and for the poor, the activity is peasant farming.

Nairobi was widely regarded as a good place to live by the community members in the focus group citing reasons for urban life being much more favourable than rural life. Other factors, such as weather, were also considered good, making the place liveable. The following discussions highlight key perceptions given to describe Nairobi as a good place to live as follows:

Female respondent: Nairobi is a good place. Another respondent said: Female respondent: To me it is very okay. If you go to rural areas, you stay jobless and hopeless because you have not gotten a job.

Male respondent: Nairobi is a good place because there are a lot of opportunities.

Male respondent: We spend a lot of money in Nairobi by the way, but also there are a lot of opportunities.

Female respondent: Services are accessible.

Male respondent: You access services fast (Nairobi Githurai 44 Community Focus Group, 2017).

Despite the high cost of living in Nairobi, residents are positive and contented with the earnings they make. This is an indicator of a getting a fulfilled live compared to the lives they would be living if they were in the rural areas. Table 6 indicates various reasons for people to move into Nairobi. The reasons are ranked in order of most common reason to migrate to the lowest. The main reasons for migrating or settling in Nairobi have thus been identified as work and education. This is a prove the wages and salaries are much better than the rural wage or a lack of wage at all from being jobless. Education also indicates there are better and many learning institutions within Nairobi. It also suggests those who study in Nairobi also remain to work in the same city.

Table 7: A table showing the main reasons for migrating into Nairobi

Migration Reason	Frequency	Percentage
Work	96	47.3%
Education	43	21.9%
Unknown	23	11.3%
Never Migrated	20	9.9%
Education and Work	16	7.9%
Other	5	2.5%
Total	203	100.0

Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

The main reason for migrating is seeking better employment opportunities. This stood at 47.3% of the total sample used. This is followed by people who migrate for education reasons. They represent almost half of the leading group at 21.9% of the total sample. There are people who never stated their reasons for migration for unknown reasons. Others were born in Nairobi and have therefore never migrated. These account for 9.9% of the total sample. Education and work combined as a single reason for migration accounted for 7.9%. These are people who either migrated as part time students alongside studies or vice versa. Finally, there is the category of people who migrated for other reasons who account for 2.5%. Some of the reasons include marriage and displacement by war such as post-election violence (PEV).

The table below shows the various regions that current residents of Nairobi originated from. Some people were born in Nairobi and therefore never migrated, but the largest group migrated from other parts within the Central Kenyan region making up the largest amount of migrants. The regions are grouped based on the counties that the participants stated in the questionnaire.

Table 8: A table showing county or district of origin of the participant before classified into regions migrating to Nairobi

	Frequency	Percent	Valid Percent	Cumulative Percent
Central Region	86	42.4	42.4	42.4
Central Rift Valley Region	29	14.3	14.3	56.7
Coast Region	4	2.0	2.0	58.6
Eastern Region	17	8.4	8.4	67.0
Nairobi	20	9.9	9.9	76.8
North Rift Valley Region	4	2.0	2.0	78.8
Northern Region	3	1.5	1.5	80.3
South Rift Valley Region	9	4.4	4.4	84.7
Unknown	14	6.9	6.9	91.6
Western Region	17	8.4	8.4	100.0
Total	203	100.0	100.0	

Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

The idea of sharing the county of origin of the participants before they migrated to Nairobi is to identify the main economic activity and the ethnicity/tribe of the participants. This is because Kenya’s political boundaries are along ethnic lines. When they come to the city, if they are from a minority group, then the more marginalised they are likely to be. And the list above shows that most people came from Central Kenya. This is the same group of people that constitute the powerful elite with most resources. These are mostly the Kikuyus, who also happen to be the most populous group. The same tribe have produced the most presidents of the country having a share of three out of four.

The middle ranking are the people from the Central Rift Valley, Nairobi, Eastern and Western Region. The region of Central Rift Valley consists mainly of Kikuyus again and the Kalenjin. The Kalenjin people have produced one president, and the current Vice-President comes from the same tribe though in the North Rift Valley Region.

The people of the Western Region mainly include the Luo and Luyha who predominantly have been in the opposition since independence. The people from the Eastern Region comprise mainly the Akamba (Kamba), Meru and Aembu. The Meru and Aembu are close associates of the Kikuyu and have more similarities than differences, including in the dialect – especially the Meru. The three combined; Kikuyu, Meru and Embu comprise the Mt. Kenya group, infamously known as GEMA and acronym for Gikuyu Embu Meru Association (Ng'weno 2007). Kikuyu, Luhya, Kalenjin, Luo and Kamba form the largest ethnic group forming over 70% of the total population (Mohamed, 2017). The Akamba people however have slowly been drifting from this group in the last few years to form political alliances with people from the Coast and Western Kenya. The overall tribe of Kamba however remains much divided in the voting process and is considered a key swing vote region.

The people of Northern Kenya Region, Coast and North Rift Region are the least populous group to migrate into the city. The people in these areas mainly fall in the marginal tribe of Kenya and are subsequently an ethnic minority. The main economic activity of the regions, especially Northern Kenya and sections of North Rift Valley, is pastoralism and a nomadic way of life. The overall productivity of the region is very low since being located in a vast Arid and Semi-Arid Region of Kenya. The rainfall is below 250mm per year. Coast region is a great tourist destination and hosts the Kenya port which is used by other neighbouring countries that are landlocked like Uganda, Rwanda, Burundi, Ethiopia and South Sudan.

However, the people living along the Coast appear to be marginal despite the great influence of the region in the country. Most communities in the region are considered indigenous. This is discussed in detail in the section of ethnic, culture and identity politics in Kenya in the context of marginalization.

Paradoxically the people most likely to migrate are those from the highly productive, richly resourced regions. Those least likely to migrate are from the less productive and poorly resourced regions. However, when people do leave the less productive regions, they do so

because they are no longer able to survive, and they have the least support networks in the rural and urban areas. They then make up the bottom rungs in the ladder of disadvantage of those seeking to make a living in the city.

Consequently, these most marginalised groups live in most abject conditions, such as inadequate informal housing. They work in informal sector jobs that are regarded as least desirable.

Most of the migrants come from around the Central region which for this analysis covers Kiambu, Nyeri, Murang'a and Kirinyaga Counties. All the counties are around the Mt. Kenya region with Kiambu which is a high potential agricultural zone. The region proximity of the region to Nairobi is high with Kiambu being an immediate neighbour of Nairobi.

Advantages of urbanization to the margins

The process of urbanization is researched on the merits and demerits it has to the people. Critical consideration is given to those who are marginalised to unpack how their disadvantages can be addressed by governance processes to ensure they are included in the urban development agenda within an institutional analysis in the domains of household, community, market and state. People, rules, activities, resources and power, as dimensions of institution, are discussed in describing the impacts of urbanization on the life chances of the marginalised. The impacts are both positive and negative as will be discussed.

Urbanization as enhancing, economic growth, connectivity and access to resources

According to an official from the national treasury working in resource mobilization and coordination as part of the national economic coordination, urbanization in Nairobi has been associated with economic growth. This is from the greater circulation of money that the urbanization process has brought along. She narrates making claims that urbanization enhances economic growth by bringing people together which in turn increases the circulation of money as follows: "When people are together there is flow of money. You know that circulation of money is good for economic growth" (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

In China for instance urbanization has been credited as the engine for economic growth (Song, Liu, Gu, & Wang, 2018). There is however need to be cautious to ensure that urbanization policies promote sectors that facilitate economic growth and good energy use for sustainable development (Bakirtas & Akpolat, 2018). This is because though the relationship between urbanization and economic growth is positive, it is not linear since urbanization could reach a threshold where it impedes further economic growth (Nguyen & Nguyen, 2018). People with disadvantages, such as Albinos, consider themselves to be better off in the urban areas than in the rural areas. The following narrative explains the reasons in terms of connectivity, access to resources and awareness as narrated by a woman living with Albinism.

Actually, maybe the one in the urban areas is better placed probably to accessing opportunities and services; so that really is a good thing. Yeah, and you are totally connected. There are those in the rural areas who don't even know people are hunting them down and they just become victims because they don't even access that information (Waithera, 2017).

Access to services and amenities are more profound in urban areas compared to rural areas. Security is also greater through initiatives like '*Nyumba Kumi*', a community neighbourhood watch in Kenya. In terms of connectivity, there are more road networks and improved telecommunication including fibre internet connection implying enhanced connectivity (Githira, Opiyo, & Mwaniki, 2019).

Wicked Problems of Urbanization Process in Nairobi

The focus group discussions with community members in Githurai, a low income suburb in Nairobi, that involved diverse members of the community in terms of gender, age and knowledge, gave their perspectives on challenges of urbanization. She described the discourse of the problems by one of the respondents as follows:

Female respondent 1: Like poverty because of rural-urban migration, like now, when we came in Githurai about ten years ago we had very few people in Githurai. It's like now the estate is more congested. We cannot have...you know it was easier, even to get a job, but now there is a lot of congestion. Number one, that congestion has brought about, as you said theft. Congestion has also brought about drainage issues. It used to be a bit clean. There is no...drainage system is a problem and what else...job opportunities for beginners (Marurui - Jua Kali Women Focus Group, 2017).

The mentioning of the problems of poverty, congestion, pollution and unemployment is an indicator that urbanization challenges can be viewed as wicked problems facing urban planning and development as policy and political problems (Durant & Legge Jr, 2006; Head & Alford, 2015; McConnell, 2018). They are wicked because as people and systems try to bring change to solve the problem it remains inevitable that others will be created (Head, 2008; Walls, 2018). This paradox emerged when one of the participants in the group discussion contrasted the views of the first speaker by giving his perspective that highlighted positive effects of urbanization. In his words he said:

Male respondent 1: Let me say there is various developments. Like here, there is a decrease in poverty in some way. There were some places there were no roads before, but now there is this bypass. You see the way you never thought people would reside there? Right now, you find houses have been built. And those houses I think is a source of income to someone and also transport has been easy” (Marurui - Jua Kali Women Focus Group, 2017).

Following on from that, another woman indicated a similar opinion that good transport systems reduces poverty. She concluded however that urbanization has not reduced poverty in all areas. She narrated her perspective as follows:

Female Respondent 1: Poverty decreases because of the transport but still there are other areas where this is not the case (Marurui - Jua Kali Women Focus Group, 2017).

This discussion indicates a justification in accord with Weber and Rittel’s definition of wicked problems that solving one problem results in creating other problem that were not intended (Rittel, 1984; Rittel & Webber, 1974). This phenomenon is very apparent in the contemporary urbanization process of Nairobi. The challenges are further discussed by using more narratives from other research contributors. Due to their interconnectedness nature, wicked problems are discussed as interrelated in the next section rather than stand alone challenges.

In the Sub-Saharan Africa urbanization is seen to widen the gap between the rich and poor as the top quintile benefit more proportions from urban growth compared to the poor (Sembene, 2015). Poverty in turn results in destitution and peasant lifestyles, and hence, informal sector work, such sex work, hawking (Terreblanche, 2018; Jacobs, 2018; Marx & Engels, 1848). This is explained by the discussion with a woman working as a director for sex worker rehabilitation. She describes the course as follows:

Because if you look at the ratio of the poor versus the rich, the gap is quite high and rising as urbanization continues. Consequently, the relationship between poverty and urbanization results in prostitution ...prostitution a product of poverty and urbanization (Director for Sex Workers Rehabilitation, 2017).

Another wicked problem associated with urbanization is that of pollution and environmental degradation (Amegah & Agyei-Mensah, 2017). The following narratives indicate these concerns of rising pollution by the local people in Nairobi as follows:

Pollution for example Nairobi is not as it was so those are the major problems... Children are affected especially health wise from the pollution (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Those are the words by an official from the Ministry of Planning and Devolution indicating urbanization leads to increasing pollution and health challenges, especially for young children. Another participant echoed similar sentiments by presenting the adverse effects of urbanization on environmental degradation. There are increased health risks especially for people living with albinism due to their skin condition. She narrates her views as follows:

So you see, even with urbanization, we still have been left behind with our security needs; one and two again with the issue of too much urbanization and development; you see, we are cutting down all the trees and putting up structures and roads and all these things and you know one of our biggest enemies is the sun. So, the way I would go to Uhuru Park and rest under a tree when the sun is too hot because I am susceptible to the UV rays and I can get cancer is no longer there. We no longer have that luxury....the way you feel the sun when you say it's very hot today, for persons with albinism it's hot two hundred times the way you are feeling it because we don't have the natural mechanism to protect ourselves from the UV rays (Waithera, 2017).

Good urbanization needs to be climate change conscious to mitigate the adverse effects on the environment, despite the positive influence on economic development (Fan et al., 2018). The concerns for environmental degradation are more serious in developing countries (Ali, Bakhsh, & Yasin, 2019), and Kenya is of no exception being an environmentally fragile country with vulnerable communities (Willett & Kvam, 2019). The following comments indicate challenge of urbanization to typically involve wicked problems as there are both good and bad sides of it as follows:

So, urbanization it's good yes, but controlled urbanization; be conscious of climate change and all those degradations that would come around with urbanization (Waithera, 2017).

Proper planning and control are highly advocated to achieve a balance. This is however still lacking in Nairobi. The problems of congestion and pollution as negative effects of urbanization were also raised by the focus group participants. This is an indication of the common prevalence and apparent condition of unwanted and unintended effect of urbanization. Community focus groups shared similar sentiments on the effects of urbanization on the environment as follows:

Female Respondent: I think that all the bad things and crisis happening that are associated with development are occurring as a result of land subdivision. The priority is in setting up land for construction rather than cultivating to produce food. We therefore are getting into issues of food shortage. The cutting down of trees is also affecting the water availability and damaging the environment (Marurui - Jua Kali Women Focus Group, 2017).

The process of urbanization can bring about negative unintended consequences for the environment, economy and the people. This implies, despite its good effects. Problems remain. These problems are worsened if the planning processes are not well informed. These problems include the formation and evolution of slums. In the words of a slum upgrading director, urbanization comes with its own challenges. She said:

Of course, it comes with challenges... Like when there's rapid urbanization and the planning is not in tandem with that rapid urbanization; of course, that's where the slums are coming from and informal settlements (Deputy Director for Housing Slum Upgrading, 2017).

These comments indicate that planning is essential to effective urbanization. The comments further most problems associated with urbanization could be corrected by proper prior planning. The formation of informal settlements and their increase indicate a neglect by state to control such proliferations. The reliance on markets to adjust accordingly to bring sanity in the housing sector has failed. With most people being poor, they have the option of getting shelter in low cost housing to which developers are willing to offer with minimal development costs to maximize profits. The state holds the role of planning and should therefore invest more in physical and demographic planning in urban infrastructure developments.

The Rise of *Jua-Kali* Industry and Slums in Nairobi and Associated Problems

Jua-kali is a Swahili word meaning scorching sun. The word however is used to denote informal sector work as the artisans work outside in uncovered open spaces under the scorching heat of the sun. The industry has since grown to be called Jua-Kali denoting any activity that is not mainstreamed. Regulation and licensing is not well defined. However, in this sector work most activities are morally right and therefore not seen as illegal by society, as compared to some informal sector work such as prostitution. The activities of Jua kali could still be viewed as illegal by authorities on the lines of licensing and place of operation. They are however not criminalized by law.

The proliferation of slums in Nairobi is an evident phenomenon. The slums are characterised by poor housing, sanitary conditions and overcrowding and congestion of both people and structures. Roads are not efficient, making accessibility difficult. The dominant population consist of the very poor and a neighbourhood of the wealthy class. A fence separates the two neighbourhoods.

Slum tourism is increasingly becoming a common phenomenon in Nairobi. The proliferation of informality gives rise to crime and exploitation and the associated wicked problems of urbanization. I argue in this thesis against the practice by presenting the slum tourism industry as one of the exploitative activities that generates income at the expense of the disadvantaged. The promoters of the industry make a case that tourists bring income to the country. Also, the workers in the industry, tour guides, earn a living out of the industry. The government and those in paid work are the beneficiaries based on income while the tourists themselves get leisure benefits associated with touring around the world. They achieve their recreational goals. In contrast, the slum dwellers are objectified and commodified. Their lifestyle and shanty living conditions also become tourist sites where people can come and have fun by looking at people languish in poverty. They have nothing to take home at the end of the day other than making income for the government and the lucky few earning a wage. Usually, the wage is far lower than the average minimum wage per day in Nairobi. The neglect by those in power to upgrade the slum is a deliberate course to segregate people and at the same time derive an income from them.

Besides informal survival activities, criminal gangs and networks operate. Some are well-known to the police and local authorities and others, especially upcoming ones, less known. Policing is a major concern as poverty is still largely problematized and naturalized. The comments of Director of Slum Upgrading in the Ministry of Housing, Lands and Urban Development said:

There are those who are in that slum; they are not very poor and others who are also poor or not very poor but they like that chaotic environment because some will sell water to others at exorbitant rates; others will be criminals and they have a hiding place. Others will be criminals and they have a hiding place, you know. Others are making illicit brews so they will not support (Deputy Director for Housing Slum Upgrading, 2017).

To further add to the challenges of crime and exploitation, is the narrative by a woman living with Albinism on how congestion in urban areas a threat to their safety is. Proper sanitation for women is also undermined by lack of security and privacy in congested informal settlements (Winter, Dreibelbis, & Barchi, 2019). She narrates how they are exposed as vulnerable people to human trafficking due to the misconception and myths associated with their body parts. Her experiences are as follows:

I actually think one; urbanization to us because of the congestion and all these, to us it's a security threat; specifically, for persons with Albinism... Because you see, I'm not sure if you are aware of the black market where people sell and trade body parts of persons with Albinism. So, you can imagine if you are in a very congested neighborhood and you are the only person with Albinism, you become a very easy pick or target (Waithera, 2017).

I asked if they have particular parts they look for or it's just the skin. The aim was to probe on the real danger and risk that face people living with Albinism in their daily life based on the environment they live. The reality is being an Albino in a congested and slummy area directly threatens your safety and life than it does to other non-Albino people. The perception and beliefs by some people that body parts of the Albino have some magical and medicinal value increases the stigma and subsequently threatens their safety and freedom to live freely. The insecurity associated with slums worsens the situation as limited safety is available to offer adequate protection. Her response was as follows:

No, it's not the skin, it's the parts. They dismember you. They can make fortunes from that... The hacking of course results in death... Yes. There are even people who will like kidnap you and send you wholesome (Waithera, 2017).

The problems of lack of proper planning result in other interrelated problems. Institutionally the problem is created by reliance on neoliberalism ideology to inform the governance and development processes in Kenya. Neoliberalism, as a market-based paradigm, advocates the need to rely on markets to achieve benefits that planning cannot deliver (Monbiot, 2016). In light of this, I argue and present the causes of negative effects of urbanization as primarily caused by poor planning, or lack thereof, as a result of neoliberal influence on governance and development in Nairobi. Bad governance undermines accountability, responsibility and integrity of leadership and hence perpetuates culture of impunity and corruption.

Analysing SDGs and Kenya Vision 2030 as Policy Frameworks and Guidelines of Development

In policy, this doctoral research is informed by Kenya's Vision 2030, UN Sustainable Development Goals and The Constitution of Kenya. The Kenya Vision 2030 is a document that acts as the country's development blueprint aspired by collective aspiration for a better society through the pillars of economic, social and political development from 2008 to 2030 (Kenya Vision 2030, 2018, 2019). The Vision aims to create a globally competitive and prosperous Kenya with a high quality of life by 2030 thereby transforming the nation into a new industrializing middle income country under united inspirations of the citizens for a better society (Government of Kenya, 2007). The study also aligns with the United Nations Sustainable Development Goals and seeks to address Goals 1, 8 and 11 of the UN SDGs⁶ and focuses on the challenge of addressing life chances in a city impacted by uncertain climate change likely to further threaten compounded destitution of the urban poor (Kithiia, 2011).

⁶ On 25 September 2015, an agreed set of 17 universal goal towards sustainable development were reached. The perspectives discussed in this chapter seek to rigorously critique and discuss three of the seventeen goals from the view of the voiceless urban poor, especially women. The three goals under review are

Goal One: Zero Poverty - End poverty in all its form everywhere

Goal Eight: Decent work and economic growth - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Goal 11: Sustainable cities and communities - Make cities and human settlements inclusive, safe, resilient and sustainable.

The United Nations post 2015 agenda, launched in September 2015, addresses seventeen universal goals and global goals of development with 169 specific targets to be met by 2030 (Costanza, Fioramonti, & Kubiszewski, 2016; United Nations, 2018b). The Kenya's Vision 2030 addresses national development goals under the pillars of economic, social and political development also to be met by 2030 (Government of Kenya, 2007). The preamble of the UN SDGs stresses the importance of leaving no one behind and the need for evaluations to assess what progress has been made in ensuring that no one is left out of decision making or overall human and economic development. It is for this reason that the perspectives of the most marginalized are taken into consideration to determine the extent of their social, economic and political participation under the present forms of governance. The preamble of the UN agenda is used alongside the Kenya Vision 2030 to highlight the importance of meeting the needs of the most marginalized, discuss the challenges associated with meeting the goals and to help develop mitigation strategies to counter the complex interrelated and wicked problems of urbanization that severely affect the most vulnerable (Durant & Legge Jr, 2006; McIntyre-Mills, 2010b).

Awareness and Success of SDGs

The realization of UN Sustainable Development Goals has been researched in terms of awareness, realism and relevance to Nairobi. Though universal, they need to be considered and applied in case specific contexts. In this regard, I asked the Director of Dorcas Creation what she really thought about the goals in context of Nairobi, and whether they are realistic. Are they good and how did she feel about their achievement? Her response was as below:

I think especially you see...to me I would say they are somehow realistic and when I imagine that responsibility taken over the way the many organizations have come up in the city and outside the city that are existing to implement those goals. I find like in a way in Kenya even if not all of them may be implemented I see like a number will be achieved here in Nairobi like the area of education, the area of is it food sustainability (Director of Dorcas Creation, 2017).

There is an indication that there is hope for some to be achieved especially in the area of education and food security. In Nairobi, the hope is higher considering the aggressiveness which various organizations have recognized and implemented strategies. However, little is offered in the context of urban development, economic development and employment creation. The lack of adequate means to fight poverty indicates the problem will remain. The Director

from Department of Housing and Urban Development was keen to mention there is hope for more resilient communities in Nairobi under sustainable development programmes by adopting Public Private Partnerships (PPPs) in Housing sector (Deputy Director for Housing in State Department of Housing and Urban Development, 2017).

The County Director of Urban Policy and Research however, stressed the need for goals to be considered as a global agenda, as they are. In her views she insisted on working with universal vision across the globe and as such she narrated her views as follows:

You know now, we are not working as an island. We are in a global kind of a network so in whatever we are doing; we are working towards achieving the global agenda. Yeah, because the global agenda is driving people in a certain way to address major challenges that are being experienced at the global arena; talking about major things or phenomenon like climate change that every other city is really trying to put in measures to address that particular aspect. In many ways we are very alive to the issues of resilience and actually our city last year joined a hundred resilient cities network and a lot of activities have rolled out from that agenda (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Another government official from the State Department of Housing and Urban Development cited the goals as relevant and informative. This indicates the goals resonate well with policy makers' efforts towards sustainable development. The goals have increased consciousness to the government, thus improving prioritization of needs in decision making.

In her words she said:

What I think about them, I think they are relevant; globally and to Kenya and to Nairobi because they make us aware of what challenges we are facing and what to expect; you know the challenges become greater as we move on. So, they are drawing our attention to the challenges that are likely to occur if we don't address some issues and sometimes they have led to government prioritizing on some things which were previously not a priority (Deputy Director for Housing Slum Upgrading, 2017).

Though the goals are universal, there are specific areas where the debate and goals are contested. A case in point is Goal number eight which seeks to promote economic growth and decent work for all. The element of decent work is contested as the definition of decency could vary from one person to another or from cultural, moral or religious perspectives. An official from housing gave the account which rendered condensation as a non-issue as follows:

But I think there are indicators; there are indicators which can tell you because if we start defining universal things; they don't apply universally across the board. Every county, every region has its own uniqueness. So if I say decent means this universally, it may not apply to Kenya the same way it applies in America and all that. So I don't think they are wanting with regard to universal definitions. It's upon to countries to customize these things according to their situations. And the indicators they help us to know or to judge whether it is decent or not though those indicators are also too universal. So I think it's upon countries to bring it down to their situations (Deputy Director for Housing Slum Upgrading, 2017).

From this narrative, emerges a need to contextualize the goals to country or sector as crucial to ensure the intended goals are met in the most relevant and significant ways possible for the people involved. Others cited the goals as similar to Kenya's Vision 2030. In the words of an official from the county government of Nairobi the goals were described as nothing new but in line with existing development agenda. In his words he said:

You see, there is nothing so new in SDGs because these things have been there. So you find like this is the Vision 2030 that has projects in it and all these projects; you find them geared towards achieving the SDGs (Senior Economist for Ministry of Planning and Devolution, 2017).

The UN SDGs were cited by most participants to be familiar goals. The degree of familiarity with them was however different across participants and across sectors and departments. The majority of the informants indicated great familiarity with the goals. The Nairobi County Director of Urban Policy, Research and Statistics said:

We are aware, or I am aware. I know there are several goals that were changed from MDGs to SDGs and I know there is one that is focusing on our area of urban planning (Director for Research Statistics & Urban Policy Nairobi County, 2017). Interview Date and Time: 26 April 2017; 16:30 – 17:30.

This indicated familiarity, even with key goals that affected her department and the relationship between the SDGs and MDGs. This is a good indicator that things are on course. An official from treasury talked of her role in the SDGs suggesting her great awareness and attachment to the goals. She said:

I am actually in the secretariat meeting. The SDGs secretariat is implemented under Ministry of Devolution. There is a department on SDGs and I usually attend those meetings, so I know. I am aware of the SDGs (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Important to note is the creation of an entire department in the Ministry of Planning and Devolution to deal with the implementation of SDGs. This is a good indicator of government commitment to achieving the goals. The Nairobi County Council officials from the revenue department also indicated great awareness of the SDGs as successors of MDGs. They indicated their commitment to aligning their planning goals with the universal goals of development as follows:

We are aware, and this is the successor of the Millennium Development Goals and in our planning; among those considerations that we make in planning is to mainstream these sustainable development goals into our planning. So within our constitutional mandate of counties we have fourteen functions and some of these functions are directly linked to particular goals of the seventeen goals and other goals are cross-cutting like poverty is a concerted effort of various actors so we identify and allocate resources towards you know interventions that are geared towards achieving some of those goals that are within our mandate like health, education, poverty, environmental sustainability and what you've just said in goal number eleven of having a resilient city (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

They indicated that they were working in accordance with achieving them. The idea of decongesting the city was given as an example of a step towards achieving SDGs. The words from the department official give more light on this in the following comments:

I think in one way or another, we are also almost there because like for example we have a plan to move Wakulima from where it is because of the congestion and even to accommodate more people we are intending to construct it somewhere outside the CBD around Embakasi Estate, around this road which is being constructed (Deputy Director for Trades and Licensing Department NCC, 2017).

Despite the challenges raised by the official above, from the Ministry of Planning and Devolution, the officials from the Nairobi County Government in the Department of Revenue, Economics and Budgeting, expressed successful achievement of the SDGs in some areas like health. They cited a decline in infant mortality by indicating great improvement in this area since the ushering in of devolution from 2013. They narrated the success as follows:

Like in Nairobi, infant mortality was very high when we came into devolution in 2013 and child mortality largely because there was like single facility offering maternity services; that's Pumwani. And their capacity was quite constrained. But the government since embarked on expansion of that facility in terms of increasing bed capacity and equipping it afresh and developing other satellite centres; six of them where you can be able to get the same services and expanding the capacity of Mbagathi and Mutuini hospitals. So, if you were to visit there today since 2013, we have increased the bed capacity to about...by two hundred and sixty-

eight; that is for maternity. And you can see from our records that mortality has gone down; both maternal and infant mortality. There you can be able to see how we have tried to address SDG on infant mortality and child mortality (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

This is a good indicator that there is hope from the good progress achieved in some sectors. There however remains the question if the success is optimal or there is more that could be achieved and also how the success could be transferred into sectors that are underperforming.

Challenges to realization of the SDGs

Notable progress has been made in the achievement of the SDGs in Nairobi as noticed from mapping of the 17 goals into Kenya Vision 2030 Second Medium Term Plan (United Nations 2019). Most participants indicated more hope amid the challenges, citing how the goals are very relevant with their achievement remaining a well desired goal for sustainable development. As such, the national treasury expressed their views as follows on achievement:

They can be achieved but it requires a lot of effort especially the resources which are scarce... Resources; both human and financial... We need to build capacity of people. We need money for advertisement to make these people aware. Like now you are staying in Nairobi; there are people in slums who don't even know what these SDGs are (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

The challenge of resources was cited, especially as one most affecting sensitization efforts. The Ministry of Planning in the words of one of their officials from resource mobilization described the situation as follows:

We are trying to sensitize but even that sensitization requires a document. Like now, publishing something like this requires some resources. And we have done this because it is pocket friendly and if we give it to somebody; they'll be interested to open inside... And this requires a lot of money (Senior Economist for Ministry of Planning and Devolution, 2017).

However, there is pessimism surrounding the pragmatism of the achievement of Sustainable Development Goals. Attitudes about the achievement and achievability of the goals are diverse. The people with disability, especially people with Albinism, among others, feel that, though the preamble of the SDGs is to leave no one behind, the contrary is actually happening. The words of Jane describe the situation as follows:

Even when you think of the SDGs like. ‘We are leaving no one behind’ but in the real sense, we are leaving them behind and speaking on behalf of others (Waithera, 2017).

Research further indicates that SDGs are necessary and relevant, they remain unclear on how they can facilitate mitigate present and future sustainability challenges (Leal Filho et al., 2019). The following narrative by Albinism advocacy director indicate these notions as follows:

I’m totally aware of the SDGs and I think they are really ‘cool’, and I’ll put cool in quotes ... They are really cool if they are implemented as they are expected. You know what I mean? Because at the end you see I’ve talked about the preamble which talks about leaving no one behind but in the real sense when you go into practice; you know there is the theory and there is what is being practiced; when you go into practice, even those big organizations that talk about aligning themselves very well with the SDGs, they still have gaps in the issues of diversity and inclusion and they’ve still left quite a number behind...but in the real practice, even those that poverty is being fought for are not even aware of that. Do you get now the theory and the practice? (Waithera, 2017).

There is pessimism on how a participatory approach and inclusiveness can lead to sustainable development in relation to SDGs as a policy implementation issue (Ajulor, 2018). The director for public service responded to the question of how participatory practices and inclusive governance can lead to sustainable development by claiming it could only do so in minute measures. In his words he said: “Yes, a little...I mean to lead to the goals” (Director for Public Service NCC, 2017).

Others thought the goals to be good on paper and but that they can be discriminatory against some organizations. The words of prostitution rehabilitation director give power to these views as follows:

I think they are good but as long as they are not being implemented on the ground then they are only good as paperwork. Yes. What I think they should do also; they should engage community and especially the churches. They should not discriminate church because of their faith-based organizations (Director for Sex Workers Rehabilitation, 2017).

The discriminating nature of institutions was further posited as a challenge to SDGs. The challenge of discrimination undermines integration, participation and inclusivity of the people in achieving the development agenda. The following words by a sex work rehabilitator describes the scenario of discrimination as follows among institutions:

Most of the civil society think church is not an organization; that is me who feels sometimes that the church is discriminated against by other organizations because even when you apply for grants, you will find them writing; civil societies, NGOs, Community Based Organizations. Hardly will you see Faith Based Organizations. So, I feel they also discriminate against Faith Based Organizations and yet the needs are equally the same because even those who are working with the civil society; they are also going to those churches. So, that is one area that I always feel they should include everybody and not discriminate against the churches (Director for Sex Workers Rehabilitation, 2017).

Others felt the goals as dictatorial and colonial with little regard to people's culture and wants. This is an indicator of perceived discrimination that makes certain people feel less valued. The following narrative explains the situation as follows: "At the end of the day they don't integrate everything; ...they think their culture should be implemented in African context" (Waithera, 2017). The comments indicate a perception of patronage influence from Western countries to the African countries in UN 2030 Agenda.

Measures to achieving SDGs

The realization of the SDGs was described to be facing challenges by most participants. Eradication of poverty as a leading global challenge continues to be a key concern inseparable from sustainable development (Liu, Yu, & Wang, 2015). To address challenges facing SDGs, there was need to discuss remedies to counter the challenges inhibiting realization of the SDGs alongside other development agendas such as Vision 2030. The realization of the goals, though contested, is almost universally accepted as being appropriate in informing development. Their achievement is based on collaboration, which also happens to be one of the goals, though the emphasis on collaboration according to the UN SDGs is among nations and not so much on national or local levels. Diversity and inclusion are suggested as strategic pathways to achieving the goals. Waithera makes a case for this in the following words:

...one like as Positive Exposure we pride ourselves with expertise on diversity and inclusion and as you know when you look at the sustainable development goals which is what everybody now is aligning themselves to, the preamble of the goals was leaving no one behind but you can't just look at it as just leaving no one behind; you have to be diverse and inclusive...When you say you are leaving no one behind and you are diverse; that is not enough without you being inclusive; it's really the mix (Waithera, 2017).

Kenya is a country with ethnically, socially, economically and physically diverse people. However, despite efforts to improve diversity and inclusion, cases of discrimination to people with either due to factors like gender or disability continue to be prevalent limiting equal access to opportunities (Rumana & Mutuku, 2017; Anyango & Florah, 2019). People with disadvantage including ethnic minority tend to be excluded and marginalized in Kenya. Diversity must be accompanied by inclusion and so inclusion must be diverse. The relationship between the two terms indicates an intersectionality of principles to support a participatory governance framework. The lack of one (inclusion) automatically makes the other (diversity) ineffective and vice versa, thereby compromising engagement. Research indicates the resulting exclusion is more severe for under-represented people individuals (Hindorff et al., 2018). Diversity and inclusion can be fostered by partnerships and collaboration among and between stakeholders within organisations at interpersonal and relational levels of engagement (Daya, 2014). The following words express these sentiments as follows:

So, you see that's already one of the results from the partnership and remember goal seventeen talks about partnership for the goals; I mean partnership for development. So, if we really have to realize all the goals, we have to put a lot of emphasis on diversity and inclusion and partnerships. Those are the two drivers of those goals by the way (Waithera, 2017).

The partnership issue is discussed further on its own to show interconnectedness of institutions within the system. SDGs have been considered by some government ministries and departments as equal and interconnected goals. National Economics claimed to put no priority on some goals over others, and cited them as interconnected. In the words of their official the narrative was as follows:

We do not prioritize goals. To us all goals are equal because you find that most of them are interconnected because if you create jobs; that is number eight then trying to reduce hunger, poverty is easier. So, we do not prioritize goals we say that now, 'We start with this'. No. We pick everything together (Senior Economist for Ministry of Planning and Devolution, 2017).

They however do not do the implementation, but rather are involved in coordination, training and delegation of work to other ministries.

But what we do like as like I said we give these ones to the other ministries because here we don't do any implementation. It is done like if it's water, they have to tell us; actually, we receive reports from them. They bring submissions that, 'This is what we are doing towards achieving these goals. This is what we have done towards achieving this goal. So, us as planning here; we do not do any implementation. What we can do like I said is training. We do training to the ministries, the regional development authorities and anybody willing to be trained (Senior Economist for Ministry of Planning and Devolution, 2017).

For instance, the relationship between academia and research, I probed to get a clarification of how the modalities of engagement are established and for what reasons they are pursued. The issue of training and specialisation was highlighted to improve awareness and sensitization of the SDGs. This links up with the capacity building agenda. Thus, a relationship and intersectionality between role of education and development is established. The official said:

Like last week we had some from Strathmore business school. They were here; they want to partner with us on the area of training. They want to receive training because now SDGs actually was started in 2016 so people still want to know, 'What are these SDGs', so they are coming. There are those depending on the area of specialization that want to work with us in training, SACCOs want to work with us in projects and such (Senior Economist for Ministry of Planning and Devolution, 2017).

The Nairobi Public Service also has a collective approach towards achieving SDGs. In the words of an official from the department, this was expressed as follows:

We treat them collectively because you know they cut across all; health issues are there; you know we have health sector; education is there we have education sector and issues to do with public participation. So, we just take them collectively because my department cuts across all sectors. But when health we go on the ground, they emphasize on health; when education go on the ground, they emphasize on education but when the department goes on the ground I talk about the seventeen because it cuts across (Director for Public Service NCC, 2017).

The County Government should continually seek to develop an integrated approach to achieve Sustainable Development Goals. The goals are cross-cutting and therefore a holistic framework would be ideal to collectively make progress and significantly impact on the citizens. The same should be applied in all other areas of development including the realization of Kenya Vision 2030 and the making of Nairobi part of the 100 Resilient Cities.

Conclusion

The chapter notes that the process of urbanization has both positive and negative effects. The negative effects, however, impacts more on the disadvantaged. The positive effects such as economic growth are a win for everyone even though growth is not evenly and fairly distributed. The negative problems referred to as wicked problems include congestion, pollution, security and poverty that collectively result to class inequalities, formation of slums and increasing levels of informal sector work to address unemployment.

The SDGs and Kenya Vision 2030 as key policy guide and framework blue prints to development seek to address the wicked problems associated with urbanization and urban development. The relevance of the two policy agenda is quite grounded but the realization of their goals and objectives is surrounded by significant pessimism meriting concern if actual desired success is to be achieved. As it stands, the inequality gap continues to widen indicating a significant majority continues to remain behind thereby contradicting the preamble of the UN SDGS of leaving no one behind (Gould, 2018).

CHAPTER SIX: FINDINGS AND DISCUSSION OF INSTITUTIONAL ANALYSIS OF GOVERNANCE AND INFORMALITY IN NAIROBI

The case is made in this chapter that Kenya-Nairobi's economy is highly competitive and capitalistic shaped by neoliberalism ideals and ideas. The inception of neoliberal policies in Kenya began in 1970s and early 80s when the International Monetary Fund introduced the (Structural Adjustment Programs SAPs) in most African states for social and economic growths and political reforms (Clark, 2018; Gatwiri, Amboko, & Okolla, 2019; Konadu-Agyemang, 2018). In the previous chapter I presented and discussed life chances shaping marginalization and social stratification in the governance structure of Nairobi. Following on from the discussion in the previous chapter, the argument is made here the current development and governance of Nairobi, and indeed Kenya, continues to advance power and income inequalities undermining justice for the most vulnerable and their survival. The situation of unequal market competitiveness continues to thrive as enshrined in the Kenya's Vision 2030 agenda which that favours business interest tied to capitalist and elites as a strategic plan to achieve prosperity (Njoya, 2018). Despite the role of power being instrumental in development it is often obscured in debates of institutional reforms (Kashwan, MacLean, & García-López, 2018). Nonetheless, the focus on creating wealth through exploitative means usually comes at the expense of the powerless and the environment. Indeed the concerns of environmental justice remain rare among other injustices and inequalities in most Sub-Saharan Africa cities under neoliberalism policies (Myers, 2008)

Kenya is an epitome of a capitalistic state rooted in the ideology of neoliberalism. Neoliberalism is encouraged by capitalists because of its perceived technical merit and efficiency in outcomes which are desired drivers of economic competitiveness without a consideration of social, economic and political powers within the institutions (Kashwan et al., 2018; Kumi, Arhin, & Yeboah, 2014). The country's economic model pursues market competitiveness and fails to have adequate measures to contain government austerities that otherwise threaten survival of the poor working class since most survival strategies are based on competitive advantage organization and business models (Nyambane & Bett, 2018). The model is in favour of neoliberal political elites who consider deregulation and privatisation as necessary drivers of the economy while governance is left to the private sector (Kumi et al., 2014). This risks the exploitation of the less powerful majority, the poor, who get limited or no

access to essential services that should be left in the hands of the government. This can be attributed to the fact that privatisation and deregulation promotes corruption and criminality (Watts, 2019). The public sector run by public funds becomes essentially useless and powerless under strong privatisation policies.

Structure of the administration of Nairobi County Government

Nairobi City County (NCC) is the successor of the defunct City Council of Nairobi as a creation of Constitution of Kenya 2010 (Nairobi City County, 2019). The County operates under the auspices of Cities and Urban Areas Act, The Devolved Governments Act along other relevant governing Acts in the Constitution (Nairobi City County, 2019). As a city with the vision, mission and core values, Nairobi County Council is divided into three arms: The Executive headed by The Governor; The Legislative Arm or County Assembly led by The Speaker and County Public Service Board (Nairobi City County, 2019). The Governor is elected by the people through voting and is assisted by a deputy governor who is usually his/ her running mate in the election. In the senate, Nairobi is represented by the senator who is also elected by the people. At the National Assembly, which is the law-making body, Nairobi is represented by elected Members of Parliament from each constituency. Nairobi has seventeen constituencies, though it is the smallest county out of the forty-seven. A female representative elected by the people from each county also represents the women in the National Assembly. Nairobi is no exception, and therefore a female representative is required to ensure the rights of the women of Nairobi in parliament. Still at the national level, Nairobi is represented by the governor in the Council of Governors.

At county level, Nairobi County (just like other counties) has the county assembly and the county executive. The county executive comprises the Governor; Deputy Governor; and Members appointed by the County Governor with the approval of the County Assembly, but who should not be members of the County Assembly. The County Assembly comprises members elected from each ward in the county by votes of the respective County Assembly Ward. Members are nominated by political parties in proportion to seats received in the election in the county to ensure that no more than two thirds of the county assembly are of the same gender; there are four persons with disability; and four young people. The administrative structure of Nairobi County is as described below by a county official:

The speaker of the county assembly heads the political arm while the executive arm is headed by the county secretary. So, the county secretary is the CEO of this organization called Nairobi County Government. Now, to connect the political arm and the executive arm is the governor. So, one would say the governor is the head of that organization but basically the governor is more inclined to service delivery than politics in their operation. Now, both the executive and the political arm have another level of devolving service delivery and devolving governance (Director for Public Service NCC, 2017).

Nairobi, as the country's capital, is governed by two Acts of Parliament - the County Government Act and the Urban Areas Act (Nairobi City County, 2019). The political arm is to provide oversight as the peoples' representative while the executive arm is responsible for the implementation of the Acts to fulfil its responsibility to the citizens.

Public Participation in Nairobi

The Kenya New Constitution of 2010 introduced and mandated public participation in all forty seven counties in their governance processes and service delivery processes (Grillos, 2018; Mbithi, Ndambuki, & Juma, 2019). The Department of Trades in the Nairobi County Council considers participation as constitutional and therefore a lawful act which institutions should comply with. In the words of an official from the department he said: "Public participation. Actually, it is constitutional. It is lawful" (Director for Public Service NCC, 2017). In an interview with the Director of Slum upgrading from the Ministry of Housing, Lands and Urban Development the processes of urban development and governance were mentioned to be participatory. In her words she described the process as follows in relation to housing:

I think it's participatory. So in general, the urban development and governance process of Nairobi with respect to housing is quite participatory...It is participatory because when we are preparing policies in the housing sector both for slum upgrading, for housing, for civil servants; we involve all stakeholders; all relevant stakeholders at all levels; national government, county governments, private sector, CBOs, NGOs and all possible partners that we know; professional institutions. Even in implementation of those policies and in monitoring and evaluation; even on human settlement matters, United Nations related meetings; as we participate there we get the views of other stakeholders; including civil society (Deputy Director for Housing Slum Upgrading, 2017).

These comments justified the degree of participation, but of interest was the comment on policy preparation. This is because one of the aims of this researcher is to highlight importance of

participation and identify how governance processes can be inclusive and participatory from policy development through to actual implementation with the people most affected by the decisions being considered a central concern in the system for a sustainable process (Kovachev, Slaev, Nozharova, Nikolov, & Petrov, 2018; Liu, Wang, Xia, & Ni, 2018; Onyimbi, Koeva, & Flacke, 2018).

Consistently, both from the data and literature, there has been seen to be a lack of commitment to engage the public in participation, with the area of policy formulation being the most affected and designing of structured public participation frameworks (Boone et al., 2019). At the county level, Members of County Assembly lack of responsiveness has been quite detrimental in policy formulation and legislation (Mbithi et al., 2019). The people most affected by the outcomes of decisions made are usually excluded in the vital stages of decision making process. Following the comment made by the director, I further questioned how they achieve that outcome, considering no other participant had brought out the issue. As such I interjected by asking how they involved the public in policy preparation. The response was as follows:

Of course, the constitution puts the sovereignty of people as the centre. Yes, it starts with the constitution but even before the constitution was there; for us as a sector; when we want like now we were reviewing the housing policy; sessional paper of 2004; we form a committee and that committee includes people from all sectors. And you know also the processes these policies and bills go through; they go through the parliament and cabinet before they are approved. But civil society like you can see KARA (Kenya Association of Residents Association) and CSUDP (Civil Society Urban Development Platform); we work with them very closely; we work through the national habitat committee which has the standing committee of stakeholders; of habitat agenda partners so we formulate even Kenya's position together with them on how best we can implement the new urban agenda. That's just but one example (Deputy Director for Housing Slum Upgrading, 2017).

The comments clearly indicate a wide stakeholder engagement. This is a good practice for engaging people in the consultative process. All sectors, public, private and NGOs are well represented. The international organizations are also well captured in the stakeholder engagement. The novelty of this seems to be in the assumption that the good will that the institutions present does adequately represent the people they serve effectively.

Within an institutional framework analysis, Kabeer (1994) challenges the neutrality ideology of institutions in representing the people. Ideological neutrality is denounced as a myth by the social relations approach that assumes institutions have neutral agenda towards citizens social

interest (Kabeer 1994). The ideological neutrality of institutions is thus challenged to get an understanding of how inequalities are produced and reinforced within institutions (Thwala, 2010). In her argument, Kabeer (1994) challenging the neutrality dominating planning and, in this case I also add governance, she highlights the following assumptions as meriting scrutiny and criticism to uncover the actual rules and values to inform practices of institutions: the state pursues the national interest and welfare; the market pursues profit maximization; the community, including the NGOs, is about service provision and family/ kinship is about altruism - it is a co-operative and not a conflictual institution

In relation to the assumptions about the slum upgrading from the government official, the emphasis of their engagement is mainly through the institutions of the state and community. Their approach thus excludes the market and household as domains of institutions. Further still, with the above assumptions standing as wanting, there can be no full guarantee of the representation of the welfare of the people by the state. Nor is the business of NGOs and community solely about service provision.

The exclusion of the certain markets, e.g. housing, creates a lack of cooperation between the public and the private in the provision of affordable quality housing thus weakening the Public-Private Partnerships (PPPs) in the sector. The lack of family as an institution means the household dynamics are excluded in policy formulation thus affecting decision making processes both at state and local levels. The impacts of the decisions made are equally perceived in a different manner by the households and where they are negative further marginalization occurs.

Nairobi Public Participation Act 2015

In an interview with a Director for Department of Monitoring and Evaluation in Nairobi County he described key roles of the Nairobi City County Public Participation Act and how they are mandated by the Act, while explaining how it supports the participation structure they have laid in place to enhance participation. He said:

Now in that structure, according to the Nairobi City County Public Participation Act; the Act mandates the public service management sector as the coordinator of public participation in the county. And you know, my department falls under the public service management sector. So, I

have been given the mandate to coordinate the entire programme in the county. This department is the one that coordinates, but now the other departments and sectors are in charge of implementation. So, we provide technical expertise (Director for Public Service NCC, 2017).

The technical work and elements of participation were also considered processes that warrant involvement of the citizen in line with the governance structure developed. The technical elements of administration are accounted for in the evaluation of performance in matters relating to public participation within the county. A committee is responsible to oversee the process and make the report before it is submitted to the governor who is the head of the county according to the governance structure. The narrative went as follows:

There is involvement also in technical issues because we have a committee that exists in our office. This is a committee that deals with the evaluation of performance because all the reports in terms of public participation come to this office, from the sectors, the wards, and the governor's office. So, you must have a committee in this office that goes through the reports before now we give the governor a report for the county (Director for Public Service NCC, 2017).

The mechanism points the way for decisions and activities that move from bottom to the top, from the committees to the governor. There is a suggestion that the people at the top still yield more power and the involvement of junior officers in producing reports may not necessarily reflect the effectiveness of the participation process, especially, if the report produced may not be in favour of the governor. Participatory Programs in Nairobi County are done according to the Nairobi City County Public Participation Act enacted in 2015 as stated by an Urban Policy and Research Director:

We have already enacted an ACT in 2015. Nairobi City County Public Participation ACT. Yeah. So, programs have increasingly embedded in themselves this participatory bit to the extent that even in our work programmes as a county, there is already a figure that has been set aside even in our budget across the board for just public participation because now we have realized that there is nothing that can move without involving stakeholders and we have realized it costs money if you call for a meeting. It costs money even to inform people through newspapers, radio even doing posters; that also costs money (Director for Research Statistics & Urban Policy Nairobi County, 2017).

The comments above indicate an established Public Participation framework within the County Government. However, despite the framework there are still gaps in participation meriting the need to explore the reasons for low participation of the public. The Nairobi City County Public Participation Bill is an Act of the Nairobi City County Assembly to give effect to paragraph 14

of Part 2 of the Fourth Schedule of the Constitution; to provide for public participation in the governance of the county and for connected purposes (Nairobi City County Gazette Supplement 2016). The Act:

Provides with respect to the public participation process in Nairobi City County. The object and purpose of this Act is to- (a) give effect to the provisions of Chapter Eleven of the Constitution in respect of public participation; (b) provide a framework for participation by the public in the affairs of the County through actively informing the form and content of legislation, policy and development plans formulated by the County Government; (c) provide for a framework for informed (Ecolx 2018).

Responsibility and Role of Government - Analysis of the State Institution

The state is the highest institution under the institutional framework considered in this thesis analysis. It is the umbrella under which the other institutions of household, community and market operate. The world government and state are used interchangeably. Accordingly, the government plays active and diversified roles in the economy (Zheng, 2017). The government provides general frameworks and guidelines as a regulatory authority to which other organizations should adhere to as laws in pursuing their interests and functions (Friedman, 1996). Although Friedman role of government in the market is to establish conditions for free market as non-interventionist policy within neo-liberal discourse, I extend my analysis into the importance of role of regulation especially for developing countries where most people would need government protection from the private sector (Ghattas, Soobaroyen, & Marnet, 2018; Chang, 2002).

Despite the great connection between the market and the state, the debate on the role of the state in economic development continues to be contested especially in the era of neoliberal thinking that advocates for unregulated markets (Moran & Wright, 2016; Chang, 2003; Chang & Rowthorn, 1995). The government therefore has the state powers to regulate and control activities done both directly and indirectly. The government however was cited as failing to provide resources to support the frameworks. The following words narrate the situation as it is occasioned in the activities between the church, state and community welfare groups as follows with an example of HIV/ AIDS prevention and control:

We work in a framework that the government has provided. The government provides the framework of how to implement activities within the community, so we are not ignorant of the framework that has been provided by the government. However, they don't provide the resources to do the work. For example, what I mean is; if it's HIV prevention there is the framework given by the National AIDS control council; if it's issues of health, the health ministry has provided the organizations with a framework. However, they don't provide the finances to work (Director for Sex Workers Rehabilitation, 2017).

The role of various government agencies needs to be focused on service delivery. The comments from officials from Nairobi County Government, Department of Revenue emphasized the role of the government by saying the following words: "You see the ultimate responsibility of the council is to provide services to the people" (Director for Budgeting NCC, 2017). The County Government therefore remains mandated to ensure delivery of services to the public as part of its responsibility as the government of the day. It is important to ensure that the delivery of service is done for all the people and with fairness.

Constitutional and Legal Analysis of Public Participation under Devolution

In line with earlier discussion on the political journey of Kenyan history and development, this section analysis the constitution under the lenses of public participation in the era of devolution. The comments from research participants are integrated to unpack participation in Nairobi and overall, in Kenya to evaluate the trajectory of governance.

After August 2010, Kenya ushered in a new constitution shifting from an overly centralised form of government to a decentralised one. The new governance process is detailed in the Constitution in Chapter Eleven. Under Article 174 (Kenya Law Review 2018) there are nine objects of devolution. Five of these objects state:

(a) to promote democratic and accountable exercise of power; ... (c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them; (d) to recognise the right of communities to manage their own affairs and to further their development; (e) to protect and promote the interests and rights of minorities and marginalised communities; (f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya.

The main aim of decentralization is to have bigger public participation. In the Constitution, Article 10 stresses the need for this and so does the Public Participation Act 2018. Article 10 (2) lays down the national values and principles of governance as follows:

- (a) patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people;
- (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized;
- (c) good governance, integrity, transparency and accountability; and
- (d) sustainable development.

However, there remains a lack of mechanisms on how these values and aims can be achieved. Nairobi County Director of Research and Urban Policy spoke in favour of this argument by saying:

The citizens or the people we serve feel very entitled to be part of the process and because it's legal; it's provided for in law, therefore they feel they have a stake in what is happening in the city government. So, of course that brings some, what do I call it? Maybe some discomfort because there is no clear mechanism in certain sectors on how to engage these people in the processes. So maybe that can be... that's an evolving space that needs to be looked at as we move along (Director for Research Statistics & Urban Policy Nairobi County, 2017).

The indication of the lack of mechanisms is quite alarming. It is seen to present some discomfort to the public officials. This could be in the notion of making it hard for them to perform their roles when clear guidelines are missing to facilitate compliance with the state laws. To further add to the words of the Director, the Chairman of the Electoral and Independent Boundary Commission (IEBC), Wafula Chebukati, while speaking on a petition regarding the High Court ruling of 2017 about stopping the printing of presidential ballot boxes stated:

We will be appealing to get a clarification on the process of engaging the public because there is neither a legislative framework nor policy guidelines in place. (Daily Nation, 2017).

These words were said after the opposition filed a case to the High Court seeking to stop the printing of presidential ballot papers for the 8 August general election. The Opposition, then National Super Alliance (NASA) had filed the case arguing they were not consulted in ballot printing process and that President Uhuru Kenyatta had a relationship with the Dubai based

printing company Al Ghurair Printing and Publishing which would have compromised the credibility and fairness of the elections (Kenyans.co.ke, 2017).

The High Court's three-judge bench of Justices Joel Ngugi, George Odunga and John Mativo ruled in favour of the opposition ordering the IEBC – Electoral Commission to commence another procurement process to ensure free, fair and transparent elections are conducted. The reasons for the ruling were the lack of consultation with all the presidential candidates and ignorance by the commission on several procurement procedures to engage the public as required by law (Obulutsa & Malalo, 2017; Vidija, 2017). This indicates a lack of consistency or provisions in the implicit and explicit manner on how the public should be engaged in affairs affecting them. The Public Participation Act 2018, which was a Bill put forward by the Senate (Senate Bill no.4) in 2016 seeks to address these concerns. The Bill is

An Act of Parliament to provide a general framework for effective public participation; to give effect to the constitutional principles of democracy and participation of the people (Kenya Gazette 5 Mar 2018).

For connected purposes it is stipulated that the Act should be used under Articles 1(2), 10(2), 35, 69(1)(d), 118, 174(c) and (d), 184(1)(c), 196,201(a) and 232(1)(d) of the Constitution.

Article 1(2) states that the people of Kenya may exercise their sovereign power as citizens either directly or through their democratically elected representatives. The indication of direct exercise of peoples' sovereign power under this article does not give the guidelines on how and democratically elected indicates a need for robust political representation. The electoral process needs to ensure the voting process is free, fair and transparent to ensure the representation of the people is achieved and full democratic rights exercised in accordance with the law. The challenge is, presumed ideological neutrality is not achieved, as Kabeer (1994) argues in her institutional analysis.

Article 10(2) earlier discussed stresses on the national values and principles of governance. For instance, Article 10 (2) (a) stipulates an emphasis on 'patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people'. The issue of democracy, rule of law and participation of the people are linked. This indicates that broadly there are good aims within the constitution about encouraging citizen participation. Again, the law does not seem to appear to provide the detail on how this should be achieved and what

measures exist where there is non-conformance. The Penal code lacks provisions on these areas for those who may seek to do otherwise. Article 232 further provides principles for public participation in policy making processes. According to a report by the Kenya National Human Commission on Human Rights (KNCHR) 2016 titled ‘An Alternative Report of State Compliance on Obligations Under Article 132 (C) (1), (Constitution, 2010).

Realization of Article in democratic governance 10 which states the national values and principles of governance requires a connected application of article 232 which provides principles of public participation in policy making processes. The principles are:

Binding on all State organs, State officers, public officers and all persons whenever any of them applies, or interprets, the Constitution; enacts, applies or interprets any law; or makes or implements public policy decisions (Kenya National Commission on Human Rights, 2016).

In responding further to the challenges of public participation, the County Director stated that the issues had brought so much pressure to the County government necessitating the need for a legal framework to be put in place. She said:

Because in 2015 because this new dispensation came about in 2013; from mid-2013, by 2015 already we had felt enough pressure to prepare a Public Participation Act for Nairobi County. We had felt enough heat to find it necessary that we needed to have that legal instrument which is even further strengthening the position of the grassroots or community’s participation in this governance system (Director for Research Statistics & Urban Policy Nairobi County, 2017).

This suggests the transition process is conscious and there are efforts to put the practice in place. The existence of actual frameworks and guidelines however remains lacking. Dating back to the 2000s there has been a shift to participation, with more intensity being evident after the new constitution in 2010. This is supported by the following statement:

Let me say in Kenya generally from say mid-2000s or from 2000s, we have increasingly moved into a space where we are appreciating more and more that we need to involve people, and this has been piecemeal in various aspects that we are doing for the citizens. But now what I am saying now is that the intensity became more after the constitution was approved where now participation became a right (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Paradoxically, the public perceive they are still not involved and in real life they just see things happen. This is mainly so for the poor populations and the areas in which they reside. The Director of Petra School located in Giturai 44 said: “Sometimes we just see things happen...and you see Githurai is a poor suburb” (Githurai 44 School Director, 2017). These comments indicate segregation of the poor people living in poor estates from decision making processes. The alienation occurs to them despite having them as the victims most affected by the outcomes of the decision. In well to do suburbs, there are likely to be some consultations because the residents have a voice. This is not the case where the poor are powerless and considered voiceless by the elites.

Perspectives on Discourses of Devolution by Research Participants

To locate and understand the different perspectives of governance processes, various government departments and ministries were approached. Central focus was however on the ministers dealing with governance, planning and development. Even within the same ministry, different departments and directorates were consulted to get a wider array of perspectives. According to a senior economist in the National Treasury in the Department of Resource Mobilization and Coordination the processes of governance was narrated to be participatory. In her words she said:

It is very participatory because they are issuing public forums; there are sector working groups where all sectors are invited to sector working groups; we have public hearings. So, in the national level, the governance is okay... Yeah, it's participatory. We apply the participatory approach (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

The participatory element of the governance process being a key concern of this study, I probed further to get the measurement criteria they use to determine the level of participation. This aligns the argument and allows the application of Sen's Capabilities approach to enhance performance measures and functioning of the processes in public reasoning (Sen, 2004).

Devolution is a substantial and solid transfer of both political and economic powers by taking government closer to the people (Cannon & Ali, 2018). To get a focus on the transfer of the economic powers from the national government I had an interview with a senior economist from the National Treasury to get her perspectives on how she felt overall governance

processes were regarding public participation in the development processes. In terms of planning, she narrated the process as being very participatory. In her own words she said:

Any planning we do is very participatory. Actually, we have stakeholders. In anything we are doing; any project or any work we are doing like if I take the decision of SDGs; we do not work alone. We do have partners and stakeholders. We have the private sector, there is the civil society, the research institutions, we also work with academia, FBOs (Faith Based Organizations) like the churches and also the county government and local media including others (Senior Economist for Ministry of Planning and Devolution, 2017).

The process of public participation proved to be consistent with that provided by other stakeholders of extensive stakeholder engagement in the planning processes. All institutions are included raising the issue of how people are represented by various bodies. She further emphasized their role as the chief planning body in the country from which each county must align their planning. This further cement the extended role of state in providing a planning framework for non-state actors as well as for the sub-national governments. The aim is to ensure there is no duplication of roles. The devolution seems not to have redistributed all the roles and a conflict of ideas can arise due to the changes in locus of power from national to sub-national levels (McCollum et al., 2018). In her words, she said:

Actually as we sit here as planning, our planning basically is a bit specific because like if I look at your question, when you talk of Nairobi; Nairobi is a county so you find their planning is done there but more specific the work begins from here then we try to align what is in their plans so that there is no duplication of work and also the same into the other county governments because they also have development plans so as we do the national planning here because you find that not everything was devolved; there's some planning which is done here but we try to work so closely with them such that there is no duplication because you find them also like the county government of Nairobi is doing its plan as are the other counties and so we do have to work so closely with them or align what we have into their plans (Senior Economist for Ministry of Planning and Devolution, 2017).

The message coming through was that it is the National Treasury that has to align its planning with those of the counties, rather than the counties aligning with the national planning body. This can be argued to be a bottom upwards approach since the county government are closer to the people as opposed to the national government that is in the government capital. This is a good thing for devolution, although most participants from treasury and others from the county government claimed the treasury was not devolved and other sectors in Nairobi were not fully devolved as well. This has been making planning and governance difficult for the affected

sectors along the other challenges of transferring evils like corruption from the central government to sub-national governments (Kaburi, Omari, & Sewe, 2017).

The interview with the Director of Public Service, Nairobi County in charge of Monitoring and Evaluation gave insights on how they perceived the governance and planning processes of Nairobi. The department considers the process to be participative. The narrative below gives more detail in the words of the participants when asked to comment on how governance and planning processes were structured in Nairobi:

Yes, it is normally participative. We involve the stakeholders, the public, in whatever we do because it is a constitutional requirement that the public must be involved in all county activities. We must have that active participation of the citizens in whatever we do. Without that, one will challenge the decision in court (Director for Public Service NCC, 2017).

The emphasis is seen more to rely on the conformance with the law. The adherence to the law is a good thing to mitigate legitimacy crisis and promotes constitutionalism. This leads one to get to know how the department have responded in laying the structures of participation. The discourse continues:

It is quite participative and as a result, we have come up with a structure in terms of public participation that guides us in terms of how the public is supposed to be involved in issues of governance in the city... Actually, the structure is the Nairobi City Public Participation Structure which starts with the governor at the top level, having higher level people discussing issues to do with the county. We have what we call the governor's public participation forum. From there, we've got sector levels. These sectors are "ministers", the governor's CCs*. In each and every sector we have a public participation forum. If it's now environment, we have a public participation program to deal with environment; if it's now health, we have health to deal with related issues. These are now specific. From that level now; the sector level, you go now to sub-counties, are you getting it? Devolved units. So, all devolved units they have again committees in terms of public participation. Then you go to the wards. Then in the wards we also have committees for public participation then up to the village, so we have a structure (Director for Public Service NCC, 2017).

The process of governance in Nairobi County was perceived to be participatory among most government officials. Drawing on the quote above, the government seems on track towards participation by putting in place governance structures that encourage inclusion. This aligns with current debate on governance agreeing to support participation as an emerging shift towards rights and influence on rules to counter exclusionary urban governance (Dragsted, 2019; Hendriks, 2010). An interview with an official from the Department of Trades and

Licensing in the County claimed governance to be participatory in the following words and ways:

It is participatory because we normally have some meetings with our seniors and whatever we deliberate is actually what we have in term of policies and we normally discuss how we are going to implement this policies and even monitor in those meetings; the purpose of those meetings is mainly to monitor our operations; how far we have gone according to the target given because we normally give targets. Every section has its own targets (Deputy Director for Trades and Licensing Department NCC, 2017).

There are mixed perceptions on devolution as to whether it has increased inclusion or has instead increased rent seeking and patronage network in Kenya s ‘everyone’s turn to eat’ (D’Arcy & Cornell, 2016). Another participant from the civil society, Waithera, said the new constitution has improved representation especially that of the minorities and said: “I think it’s a step to the right direction. We just need to hold the representatives into account” (Waithera, 2017). While another government official from Housing Department confirmed it has come along with both positive and negative elements by saying: “There are positives and negatives to it as it has its own challenges though it has its positive contributions” (Deputy Director for Housing Slum Upgrading, 2017). The rehabilitation director echoed similar comments and said:

I’m for the county governments because it reaches to those people within that county and so I think it’s a positive thing. However, those who are working in those departments need to know their role in supporting the communities that they are working for. If it is water, they need to supply water; if it is medical or let’s say health, they need to build more hospitals with medicine; not only a hospital that has no nurse and no medication; I think they need to equip their hospitals if they start them (Director for Sex Workers Rehabilitation, 2017).

In line with research by Onyango & Agong (2018) the comments above indicate devolution has been taking different routes and forms at the national and county levels despite the lack of full fiscal policy implementation to ensure independence of city administration. The national level is coordinated by the Ministry of Planning and Devolution while at the county level the coordination is by the county governments. The County Council of Nairobi’s revenue department was approached to get their perspectives on finance and revenue allocation processes as far as governance was concerned at County level. They directly claimed the

processes of economic planning to be very regulated and in line with the sustainable development agenda. In the words of the economic director:

I consider particularly the economic planning of the city as being highly regulated and based on the role of sustainable development is a major pillar on which planning is anchored. So, with regard to utilization of resources and management of outcomes thereof, sustainable development is a key goal. Our planning is simply based on Article 220 of the constitution and also regulated by the devolution laws in particular the County Government Act where we are required to do both the medium-term planning and the long-term planning. So, our principal planning is based on the county integrated development plans which are five-year plans and also sector plans which are ten year plans (Director for Economic Planning NCC, 2017).

The discussion tending to focus on regulation, it prompted to ask who designed the integrated the asking how the integrated development plan, for whose interest and how it was developed? Overall there is clear indication that there exists a framework which regulates the county economic planning. The director narrated the process as participatory by saying the following words:

Leadership for development of those plans is done by the economic planning department within the financial and economic planning sector but it is a highly participatory process that involves more non-state actors... (Non-state actors I mean NGOs, civil society, religious organizations and other interested stakeholders), other departments, national government, private sectors, religious bodies, civil society and the public (Director for Economic Planning NCC, 2017).

The Department's role was stated as crucial in guiding, interpreting, monitoring and evaluating the governance processes. These are critical roles the government plays to facilitate coordination and planning as the state regulatory and legislating authority. The following words give an account of this as follows:

Our department is involved directly in giving the leadership to the formulation of the economic planning policy and also interpreting the guidelines on planning that are issued by the Ministry of Devolution and Planning. Interpretation and also, you know enlisting the participation of other stakeholders to come up with the plans as well as now guiding and implementation and also tracking results; monitoring and evaluation (Director for Economic Planning NCC, 2017).

Eight years since the adoption of the New Constitution, the government is still undergoing transition from centralized to decentralized form of governance. This is in consideration of the

discussion with the Nairobi County Director of Research, Statistics and Urban Policy who described the governance process as follows:

I'd look at the governance system as it is now and describe it as a governance system in transition. Why I would say in transition is because while predominantly the governance system has been centralized and very much top-down, the new thinking ushered in by the new dispensation that we are in because of the new constitution on devolution has brought about another form of governance from below (Director for Research Statistics & Urban Policy Nairobi County, 2017).

To further the view on transition, Director of Sustainable Development Goals claimed, devolution so far is good in theory but actual implementation is yet to be realized. In his words, he described the situation as follows:

We are only one government gone and now we are in the second government. So, at least in theory everything is in place including the people. Why we are not a hundred percent; why we are not excellent is because of the challenges that face countries like ours (National Director for SDGs, 2017).

Following on from the mention of problems, governance processes have been perceived as having gaps and a leadership crisis has been perceived to exist based on a lack of grassroots connection in Nairobi. A general agreement indicates there is a gap between the bureaucracy and the people they serve. In the words of a rehabilitation director, she narrated her views and experience as follows:

I think there is a big gap, because if the government itself, the leadership of this county; Nairobi county and other counties will be able to reach out to those who are within the community in the grounds, down within the ground; those that are not in leadership so that they can try and solve the problems of the people of that county; that way I'd feel the governance is properly done. But unfortunately, our leaders tend to only sit at the top without knowing what is on the ground (Director for Sex Workers Rehabilitation, 2017).

She moves to consider the situation as a state of failed governance and therefore posits the justification for the church playing some state roles to bridge the gap. The narrative continues:

As a church are coming in is because we feel the gap of what the government is not doing. The government has failed its responsibility. Because the creating of jobs; definitely that is the work of the government. Why these women go to prostitution; it's because they lack food. The systems have failed. Marriages are breaking down, why? Financial issues are a big issue of divorce. Financial issues are a big issue of women going to prostitution and so I think if the

government would try and help those on the ground, maybe that gap will be bridged (Director for Sex Workers Rehabilitation, 2017).

The comment indicates that the consequences of bad governance are spreading far and beyond, and those affected most are those with limited resources and power, mainly women and children of poor families. The government is seen as neglectful by not having the welfare of people at heart. This is systemic and purely demonstrated as a lack of care by the elites who have power and resources. The power distance needs to be addressed and it is at this point the community through agencies such as the church and civil society comes into play to put across the voices of the people. When asked if the women feel there is a government in place and how they feel about its existence she stated existence is felt but one with a lack of care for the women.

Devolution of power and resources has been perceived to bring hope in addressing marginalization by way of ensuring the equitable allocation of funds through establishment of equalization fund (Gathii & Otieno, 2018). There however remains the need for proper understanding of the roles of individuals and the funds to ensure desired objectives of devolution are achieved in resource distribution. The introduction of the equalization fund was cited by an officer from Ministry of Lands, Housing and Urban Development as one of the best things that devolution brought about to promote resource re-distribution and with meriting a big sense of hope to those in the marginal areas. In her words: “Though we are not seeing the effects so much I think with the Equalization Fund over time we will see its impact in dealing with marginalized people and areas” (Deputy Director for Housing Slum Upgrading, 2017). The Equalization Fund is a fund established by the Kenya 2010 Constitution to historical marginalization and unequal development for the marginalized counties and communities (International Budget Partnership, 2016). This is an indication of optimism in positive effects of devolution in dealing with marginalization.

Governance Challenges inhibiting Participation and Inclusion in Nairobi

Governance challenges have been a mainstay in developing economies and democracies. In Kenya, for instance a series of constitutional crisis have dominated the political structure dating from struggle for independence through to a dictatorial era and the recent one of identity, legitimacy and state inability to perform its functions (Oyaya & Poku, 2018). The failed state

of things in African leadership and governance challenges and crises have been mainly attributed to insufficient ideology, policy reversal due to frequent leadership change and weak institutional patterns (Afegbua & Adejuwon, 2012). The resulting cumulative effect of governance crises and challenges in Kenya include but are not limited to civil unrest, frequent ethnic based conflicts, poverty, social exclusion and inequality (Oyaya & Poku, 2018).

In this doctoral research focus was on participation challenges in governance in a bid to address the issues of exclusion, marginalization and inequality in governance. Challenges affecting participation were seen to be associated with other factors that directly or indirectly influenced engagement, inclusion and governance in general. These factors have been considered as associated barriers to show how the participants perceived them to contribute to the general challenges and crises of governance.

Inadequate Policies and Lack of commitment

In the research challenge and the literature review sections, I presented the issue of participation in Nairobi and overall in Kenya as well as in other developing economies as twofold; the lack of adequate policies to support participation and the lack of political commitment by the elites to engage the public. In the narrative below, extreme neglect of engagement is seen despite a good measure being in place to help those in need.

Like you see right now for persons with albinism, there's free sun screening that is provided by the government but the government didn't disseminate that information to the people at the grassroots, so the sun screen stays in hospitals and nobody goes to pick it (Waithera, 2017).

The sun screen is freely provided by the government to People Living with Albinism (PWA). Despite a good medical initiative, the government do not extend the benefit to the optimal level by failing to make the information available to those in need. There might be a chance for the people with Albinism who are well networked to benefit from the service whereas those who are invisible and without support networks do not receive the product at all. It therefore takes the mercies of other people, especially those in the civil society through organizations such as Positive Exposure to try and reach out to those marginalised and in need. Waithera narrates:

When it comes to issues of governance and issues that concern them, we have a social policy program where we sensitize them on existing avenues that they can benefit from based on their nature of disability... So, what we do as an organization, we raise awareness and sensitize members of the albinism community about the existence of such a platform or such a benefit from the government so that they don't fail to go access the sun screen and the sun screen also doesn't expire. So, it's really like linking them to the government services that re provided for them (Waithera, 2017).

The issue of taking people into account is seen critically necessary to ensure conformance to the rules, values and principles in executing service delivery, especially when it comes to the government officials in charge of serving the public. People must be held accountable and responsible for all their actions. This neglect has been growing since the elites, as the people controlling the systems and institutions by way of making rules, managing resources and people, and deciding activities and exercising power and authority don't care about the welfare of the people.

In other sectors, such as that of housing and urban development, the government has exhibited similar shortcomings. There are good policies and laws but no adherence to either. The director in charge of slum upgrading said:

And in addition, when we were doing this report, we realized we have a lot of laws; constitution, Vision 2030, policies. We are very educated; we know everything but adhering to the Rule of Law and enforcement is a big challenge especially in housing we have a challenge with enforcement. You have seen the way buildings have been falling (Deputy Director for Housing Slum Upgrading, 2017).

The lack of political commitment is manifested by the low levels of civic education to inform the public on services and privileges to which they are entitled. These words below indicate a scenario of good laws in existence with poor implementation caused by lack of awareness:

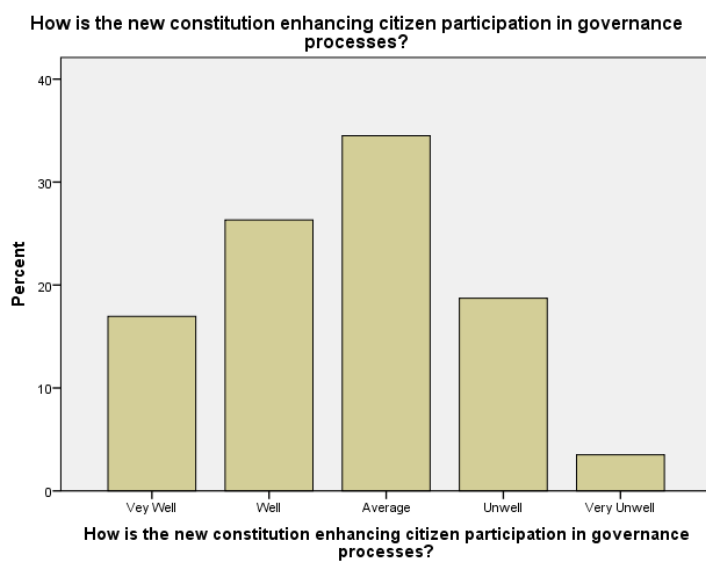
We have a lot of very good laws; by the way Kenya has one of the most disability friendly laws and policies but the implementation is lacking and how the dissemination of that information is out there; see, persons with disability are even exempted from paying income tax and even business levies. Yes, but people don't know that (Waithera, 2017).

The cumulative effect of extreme poverty is severe marginalization characterized by exploitative power networks within institutional relations. This marginalization excludes vulnerable people from mainstream economy and essentially denies them quality social life. Politics of exclusion also find roots in income inequalities along other lines like regional and ethnic lines.

Corruption as a lack of commitment, accountability and responsibility

Lack of accountability and transparency in governance remains a core challenge for service delivery in Nairobi. The left out communities therefore resolve to adopt survival techniques for food, water, clothing and shelter to live (Macharia, Ochola, Mutua & Kimani-Murage, 2018). People’s perception on governance under the new constitution are as shown below from SPSS survey data analysis.

Figure 9: A graph showing research participant’s perception of influence of new constitution to citizen participation in governance



Source: (Machuki, 2019) – findings and analysis of survey data by SPSS.

From the findings active and full participation are not yet achieved suggesting an average performance. This therefore means the constitutional structures alone cannot fully enhance participation but would need other institutional support. The lack of commitment and accountability was presented by a senior government official as being great for the public

sector. There is negligence in hours of work and also neglect in recruiting processes. Female government officials were cited to be most neglectful in their official duties as narrated below:

In none of those three ministries (Education, sports & heritage and Planning) did the employees report to work at eight; none.... So, you see now this has a strong link to productivity because when people in Jogoo House come to work at ten, then in Kencom they come at ten thirty, here in planning they come at eleven, and even when they come they don't do a lot. So, we have a very serious problem of governance in the institutions...I have been telling experts from the universities that we have ladies; women. Women are the human resource managers if not everywhere at least in government because I can get the list for the twenty-two ministries and you find that like sixteen of them are ladies. We are having vacancies almost throughout. Like us I think we are short of like two hundred economists... Work remains undone like here now I need thirty officers. I have seven (National Director for SDGs, 2017).

Following on about the challenges facing governance, a community focus group cited corruption as a major problem in the country. They went ahead to give instances showing corruption within institutions. The discussion went as follows:

Female respondent: I think another problem is what he is saying; corruption. Corruption is a major problem.

Male respondent: Major!

Female respondent 1: Because when you are giving tenders you are offering somebody that you know, you get something; a good percentage of it. So, you'll not be genuine in what you are doing. So, you give people who are maybe under qualified (Nairobi Githurai 44 Community Focus Group, 2017).

A corrupt tendering process creates more problems. The allocation of a tender to an unqualified person is a direct compromise to the work or service delivered. Poor services and high maintenance costs become new problems. Further, those qualified are denied the justice and their rights to serve while the public is left to suffer at the hands of incompetent workers. The result is poor development that is very expensive.

The problem was largely attributed to leadership, with one of the participants citing Kenya as a country that is very corrupt and not transparent. In his words he said:

Male respondent: You need to understand the leadership in our country is very corrupt and not straight forward (Nairobi Githurai 44 Community Focus Group, 2017).

On probing further to find just how severe corruption is, I asked whether accountability and transparency can tame the culture of corruption in development. An official from urban development said:

So, I want to say corruption is part of all these things; of governance and integrity, there's no way you can divorce them. Corruption is an elusive animal....That's why; actually I took care of it when I said accountability. That one takes care of it (Deputy Director for Housing Slum Upgrading, 2017).

Uneven public service delivery undermines citizen ability to demand rights. To demonstrate this, a focus group with members of the community highlighted deliberate frustrations with the public service officials undermining their ability to secure their rights in development. The discussion went as follows:

Male respondent: "You see what eats our governance is that citizens and this is a problem with our constitution. We should change by us ourselves as individuals and I am saying it on this particular interview that we should go to those offices because we know our rights. Do we know our rights? We go and tell them, 'This is what we are supposed to be done. We need to have this, we need to have security (Nairobi Githurai 44 Community Focus Group, 2017).

In response, a female respondent from the focus group narrated her experience to demonstrate her frustration with the government as follows:

Female respondent: I wanted to help a street kid. Do you know how I was frustrated so much until I did quit...And is that the kind that so you say I get into those offices I say what? Another day I wanted to close up a hole; you see these holes here, children can fall into it. Water is filled up here. You (referring to the male respondent above) told me to go there at NEMA. I was so frustrated. I just left it. Now, you are telling me to go to which office? (Nairobi Githurai 44 Community Focus Group, 2017).

A prolonged deliberate frustration results in desperation and lack of trust by the citizens to the government. The neglect by the public service is a good indicator that the urban development problems thrive more due to a lack of care and commitment by those in power and with resources, as highlighted in the research challenge of this study. In the event of total neglect and no service delivery, citizen resolve to forcefully do things. In this, they involve themselves in land grabbing issues and demonstrations which quite often do not bring peace. The following narratives with a community focus group discussion presented the following case on a market issue:

Female Respondent: Because you see, even at the time we were at Market let me say. Up there we used to be chased away. You see now we say there is no market. So, we were taken to the chief's place. At the chief's place we women said we don't have any other place...we don't have any other thing to help us. Tell us where else we should go to do work because we don't have any other place. He told us, Chief told us, 'You should not stay in front of people work.' And we asked, 'yes, we agree, but where will we go, and we want to work'. He said he will look...Now in the time...Now he never looked so we refused to move out of there because we didn't have any other place to go. Now the market...Now you see, chief did not help us (Nairobi Githurai 44 Community Focus Group, 2017).

The members of the public are forced to go ahead and acquire the land forcefully to run a market. The land, though public, was sitting idle yet the government had neglected to make use of it. This shows a lack of care and a poor use of resources such as land at the expense of grabbing them from marginalized people. These inequality acts of land grabbing are common phenomena in Kenya (Kariuki & Ng'etich, 2016; Bassett, 2017; Boone, Dyzenhaus, Manji & Gateri, et al., 2019). The decision later by the authorities to chase the women away from the land, leaves them selling their commodities on the road. See the comments below by focus group members:

Female respondent: Now look at that statement. We want to work. We want to be placed somewhere where we will do it. So, the place we have gotten we are chased away. We say we are not going away.

Female respondent: So, we refused to go, and they agreed because there is no space of market.

Female respondent: Yes. The main problem was that there was no market. Even him, he was unable to resolve that because there was no place to take these women so that was left that way. We stayed on the road (Nairobi Githurai 44 Community Focus Group, 2017).

This indicates a worse scenario, posing safety to the women and other road users. Other problems, such as those of congestion, arise. Yet the government does not feel obliged to address the issue of congestion despite being aware of the situation. In this I move to rule that the claims that local people's problems are not known, especially those in the low income areas is a fallacy, but rather it is a lack of care, commitment, accountability and responsibility by the government. There was no action taken against those in charge of delivery of the services and facilities the community members were demanding.

Exclusive Governance and Self-Exclusion

The public is excluded in governance and development, despite their willingness to be involved in local affairs. Their exposure and knowledge, in governance and development, is also ignored during consultations. Policy development to address exclusion in governance will need to not only focus on increasing participation but to also have measurable social outcomes of inclusion arising from consultation in decision making process. This is evident from the following focus group discussion:

Female respondent: But I think for us within Nairobi, here we are exposed...

Female respondent: The young men you see here; some of them are graduates. They are just wandering the streets because they don't have jobs. So, I think these are people that are exposed, and they know the challenges they are going through, and they know what they need. That's why they should be consulted, and things should be done in the right way (Marurui - Jua Kali Women Focus Group, 2017).

Exclusive governance that does not involve the public has happened and still happens in Nairobi. The implications are rebellious acts from the citizens which bring down development projects. The following comment by a government official from National Economics describes the situation as follows:

We try as much as possible to work on community participating in everything we are doing because sometimes I remember, some projects are done and then you find the community vandalizing everything because they were not involved (Senior Economist for Ministry of Planning and Devolution, 2017).

The comments indicate that prolonged exclusion and marginalization could breed aggression that can result into violent and rebellious acts. Such incidences are a waste of resources and time that would have otherwise been used more constructively to develop infrastructure and improve for common good. In Nairobi, community involvement was narrated to take place only during and through voting and not in daily decision making processes. The following discussions suggest this as follows:

Male Respondent: I think we are involved only in voting. After voting, we are no longer involved.

Female respondent: I have not gotten another place unless that of voting.

Female respondent: If you are involved, me, I'm not involved, she's not involved, and she's not involved...

Female respondent: The majority are not involved.

Female respondent: Unless in voting (Nairobi Githurai 44 Community Focus Group, 2017).

Those from Marurui gave their perspectives as follows when asked if they are involved in the local governance and development process of their area and needs. One woman said: ‘We do normally see people from the government come to run some projects, but never have they ever come to consult what our needs are’ (Marurui - Jua Kali Women Focus Group, 2017). The experience would however be different if the same government officials were in need of votes to get elected into office. This indicates the involvement of the community does not occur at the problem identification level, and therefore overall decision making is left in the hands of those in authority. Another woman said: ‘Maybe indirectly, but directly I have never been approached, I have not felt involved’ (Marurui - Jua Kali Women Focus Group, 2017). This further shows the poor level of engagement and hence low active participation by the community. The members of the community were not made to feel equal and actively involved. One woman gave an example based on the area she came from – Thindigua. She gave the example of a water problem as follows:

Like in the case of water in our area, I live in Thindigua and we have been having water shortage problems...those in the government said they will dig boreholes on Cianda area to solve the water problem...that would really solve the problem rather than offer cash out money which cannot really finish the problem (Marurui - Jua Kali Women Focus Group, 2017).

Exclusion from participation could also result from self-exclusion by people who are not interested in the projects. These could be either the margins or the elites. The elites would opt out in participating if the benefits of the project do not have significant benefit or if they feel the project threatens their privileged status. Marginalized people on the other hand might lack technical capacity to participate due to various structural barriers. The following comments by an official from the Housing Department indicate the possibility of this by saying:

Like in our committee we used to have; that National Habitat...we used to have IPDP...Institution of Physically Disabled People then something of elderly some time back but they fizzled out. Sometimes that’s self-exclusion. So, you try to get them on board, they come, they disappear.... We take things for granted, we ignore things, we think others will do it; I don’t know how you explain that self-exclusion...They are not interested, yeah they exclude themselves (Deputy Director for Housing Slum Upgrading, 2017).

Paradoxically, the perception that being part of the civil society is anti-government is a challenge when it comes to issues of participation and inclusion in governance processes. In her words, Waithera said:

I don't know if I talk about the general challenges or I talk about the institutional challenges...because you see like an organization and a non-governmental organization one; you know people call us the civil society and civil is always like in the Kenyan context translated like its anti-government. So that alone is already a big challenge (Waithera, 2017).

The consequence of this perception about civil society being anti-government affects the degree of participation in policy making. They are therefore not considered to be as credible or convincing due to this criticism. The stereotype is used to lock them out of influencing policy making and overall decision making. She further said:

...and that already you see even with the policy makers because it's the government that really makes the policies. To convince government to work on policies that affect you, it's not very welcome as long as you are coming from the civil society (Waithera, 2017).

In an institutional analysis, the role of the state here is presented as supreme in decision making in policy development. The state discriminates opinions of her citizens. For instance, if the civil society is excluded, the community they represent is equally excluded in the decision making process. The household level is not visible, and the market is equally not represented, since labor unions fall in the civil society category. The elites therefore have their own way and deliberately inhibit participation. The government do not seem to trust the civil society, which is an indicator of lack of transparency.

Social and Economic Inequalities

The rise in inequalities impedes participation, thus encouraging exclusion and marginalization. Policy measures need to be established to reduce widening of inequalities, especially when it comes to people with less or no resources, voice and power. The following narrative justifies this notion as follows:

There's another challenge when we were talking about challenges; it's now coming to me. Inequalities; social and economic inequalities impede participation. Why I am saying that is because we were saying that some people are not educated so they cannot participate; what

brings that? It's that they don't have access to education while others have it. Some have resources, others don't. So, sometimes those who lack resources are discouraged. They are like, 'I am poor, I was born poor, I will die poor. My ideas will not even be listened to'. So, those socio-economic inequalities impede participation (Deputy Director for Housing Slum Upgrading, 2017).

There is a widening inequality gap in Kenya (Machuki & McIntyre-Mills, 2018). Government effort to address inequality merit extra support and new strategies. The narrative below by an official from housing describes this situation as follows:

I think they are widening. Although the government is putting in place a lot of efforts, that thing have not been bridged properly... we are trying to bridge the gap but government alone cannot make it. We need the input of other actors (Deputy Director for Housing Slum Upgrading, 2017).

Poverty in Nairobi is a cause and a consequence making it a mainstay phenomenon. The vicious cycle of poverty continues to increase the gap and perpetuate the marginalization of the poor. There are people who live in a vicious cycle of poverty which is not easy to get out and that is a big challenge. This challenge is however either not easily recognized by decision makers or it is assumed to maintain the status quo. In either case the inequality gap keeps widening. Here is an example of the inequality in the National Hospital Insurance Fund (NHIF), as narrated by the housing official:

Like I was explaining to somebody these inequalities in terms of like we have the National Hospital Insurance Fund; this National Hospital Insurance Fund like us we are in the manager's scheme. The scheme is managed by...because we are employed. There are those that are not employed. We contribute one thousand seven hundred; those ones contribute five hundred per month; those not in salaried employment. And then the services, these ones are superior; these ones are inferior (Deputy Director for Housing Slum Upgrading, 2017).

There should be subsidies for the poor coming from the rich to ensure fairness in wealth distribution. She in her own words suggests this by further saying:

And so I was like, I would rather you give the services to everybody; old, poor, disabled who are contributing because me who is paying one thousand seven hundred; I may not even use this money; so let it be used to subsidize. But when you now say you give better services to this one who is paying more and less...you are not bridging this gap (Deputy Director for Housing Slum Upgrading, 2017).

The government is responsible for providing education and to sensitize the public of its development agenda. This is to avoid situations like the one detailed below by a participant in a community focus group. She narrated her views as follows on education and income inequalities:

You will also find that in the university education issues of the quality education matter. There are those going to private universities like Daystar, USIU and Strathmore. Those types of universities provide better quality education than their counter parts public universities which take quality for granted. Most of the people who go to private universities are usually very rich. Some of us who are the majority are surviving and relying on HELB (Higher Education Loans Board) and donors in the public universities (Marurui - Jua Kali Women Focus Group, 2017).

Ignorance as a governance challenge has its roots in lack of affordable and quality education. Educational reforms need to focus on affordability besides the quality and relevance of the training being offered. Unaffordable education system contributes in widening the inequality gap. Otherwise, with most people well educated the inequality gap would be less and subsequently the participation gap.

Conflicting Priorities and Poor Coordination

Governance is a complex process associated with various challenges. The National Treasury Economics Department, which is responsible for the national planning under the Ministry of Planning and Devolution, gave perspectives of governance processes through the lenses of planning as follows:

I'd not say the planning process is a smooth process. Like I said, you will find that there are conflicting priorities and that even within the people, people want different things... And now the biggest challenge at the field because now we have members of parliament and governors, there is a lot of conflict. Yeah because you find the Member of Parliament doing this, county government is doing that. It's like it's a competition kind of (Senior Economist for Ministry of Planning and Devolution, 2017).

At other times there is a denial or lack of ownership and responsibility in development projects by various governments departments due to poor coordination among stakeholders. The following narrative by a government official describes such a situation:

I remember at times when we were doing CDF (Constituency Development Fund), they'd say that 'This is a CDF project it's not us'. So they'd tell you just to do your own things and go. Yeah, we find such things. This is a national government. If you were following when there was the issue of mobile clinics, if you remember with the governors. They'd say, 'This is for the national government. We were not involved, we do not know, we are not part of it. Yeah. Though you will also find that there are also the county governments saying that, 'This is Nairobi. We can do our own things. Why is this one coming from Nairobi?' Let me not say Nairobi because when I say Nairobi you might feel it's Nairobi County but then I mean from the national government. They say, 'This is from the national government. We can also do this as a county government (Senior Economist for Ministry of Planning and Devolution, 2017).

The conflict goes further and affects even donor supported projects, though with such projects, due to the popularity of donors to the community, the projects have the public goodwill to thrive. The following describes such a scenario as follows:

The other thing you may find coming from the top is when it may be a donor wanting to do a, b, c, d in such and such an area. So, at that point...but I don't...most of the time we are there I don't see them resisting any donor work. Yeah but anything being held by the government comes from the community (Senior Economist for Ministry of Planning and Devolution, 2017).

Donors are usually non-state actors in development projects who are mostly international agencies. They are perceived as more popular than the government mainly due to the benefits and incentives people get when they participate. Additionally, people perceive the international agencies more trustworthy compared to the government. The government should pursue to co-work with the donors as development partners for greater outcomes. Collaboration between state and non-state actors should be pursued keeping the interests of the people as central concern.

Lack of capacity, inadequate resources and ignorance

Empowering people to participate is a process that requires resources. The resources range from financial, human and technical. Shortages or lack of technical skills and resources severely compromises service delivery (Van der Waldt, Fourie, Jordaan, & Chitiga-Mabugu, 2019). Positive Exposure Kenya describe the situation of lack of capacity and resources as a challenge in the following words:

There's also the institutional capacity as an organization. You see like you want to do so much, but you don't have the capacity one and the resources to actually do exactly what you plan to do... It's human, financial, technical capacity (Waithera, 2017).

The lack of these resources renders an institution's capacity to influence change difficult. In Kabeer's (1994) Social Relations Approach she lays five dimensions to be used in institutional analysis. These dimensions are resources, people, rules, power and activity. The dimension of resources among the five dimensions is most affected in this case, and directly. Regarding people, those delivering the empowerment are incapacitated and those receiving the empowerment do not receive adequate empowerment. The lack of resources determines the power one possesses. For instance, lack of financial resources indicates low financial ability to acquire goods and services. The less capital you have, the less your voice, and hence power across institutions. The rules are set by those with power. Therefore, a shortage of one dimension affects the overall performance of the empowerment and eventually participation is inhibited.

Complicated bureaucratic process in government alongside other challenges such as limited resources hinders public participation. The words by prostitution rehabilitation director below raise these concerns as follows:

For the government to support you, you must apply to the National AIDS Control Council when they have the resources and that way the proposal has to be approved by the government; by the departments that are concerned and I believe all other departments do the same but I don't think they get enough resources to support all the programs in this country (Director for Sex Workers Rehabilitation, 2017).

The loss of key officers, either through death or moving away into other sectors, leads to weakened capacity building since every now and then there are new people undergoing training to replace those who have gone. This results in inconsistency and disruption during the transition period when new people take on new roles. An official from the Nairobi County government expressed the situation by referring to an incident that had occurred as follows:

Actually we have just lost a very resourceful officer from the department...Actually that's the person I would have sent you to gather more data for your study...It is also a very intensive process requiring a lot of time and other resources (Director for Research Statistics & Urban Policy Nairobi County, 2017).

In her remarks, she describes public participation as an intensive process requiring a lot of time and resources. Official from Nairobi County Trade and Licensing described the problem of inadequate funds as one that has always been there by saying: ‘You know there is no one time funds become enough’ (Deputy Director for Trades and Licensing Department NCC, 2017). The problem of inadequate resources affects the good plans and remains widespread in most developing countries not only Kenya. Lack of funds was raised as an apparent challenge to development. The process of involving the public has experienced challenges coming from funding and time, as narrated by an official from planning in the county government below:

Essentially those processes have to involve people and we take; sometimes the process takes long because if we don’t have funding to undertake the studies and get the stakeholders involved then that takes time (Director for Research Statistics & Urban Policy Nairobi County, 2017).

The resource constraints do not match the needs of the public or their expectations. The following words by an official from Nairobi County’s budgeting division explain the challenge as follows:

I think one of them is that when you meet the public they always expect you to do everything that they want you to do. So, they expect that you do everything but of course with the limited resources that we have, we may not be able everything that they want done (Director for Budgeting NCC, 2017).

The problem of ignorance results to arrogance making it difficult for facilitators to deliver services. In many instances, incapacitated personnel, especially from the government, have been cited as a systemic problem in governance. The same is repeated here in the following words:

Then another challenge is in terms of facilitation; because you know it’s a program that’s involving. Another problem is in terms of capacity building. They are not well informed. And even the coordinators themselves of the programs, we need to be capacitated (Director for Public Service NCC, 2017).

The reluctant behaviour of the citizens to read, seek knowledge and gain information enhances ignorance. Most of the people lack the information literacy to read and engage these materials, rendering the effort of publishing and distributing useful materials useless. The following words by an official from planning and devolution describe the situation of ignorance as follows:

But there is a department that deals with distribution, dissemination of these and still you know the problem we have in Kenya; how many people will capture this thing and read it? We have a very bad reading culture so that's why some of them are not aware (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

When I asked one of the government officials if there are problems that came about due to devolution or if devolution solved some of the old problems she responded by declining to answer due to her limited knowledge on the devolution process. In her own words she said:

Let me not answer that one because I am not very conversant with devolution, but devolution essentially is supposed to make things easier and it's about taking the service to the citizens (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Another government official cited capacity as a serious challenge confronting devolution. She was particular on the lack of proper skills for the elected members such as MCAs, MPs, Senators and Governors claiming it inhibits their leadership and governing ability. She narrated her sentiments as follows to support her views:

But the challenges with this governance; this devolution is capacity again. The governors are there; the senators are there; the MCA's but some of them are not well equipped to implement development (Deputy Director for Housing Slum Upgrading, 2017).

The leader of a community group that is faith based narrated her experience of going the extra mile to educate government officials on certain things. This expresses a higher level of capacity deficiency, especially to the government. In her words she said:

Sometimes I have found myself going out of my way to reeducate even those people that are in the government on the need to sometimes offer those services to the women (Director of Dorcas Creation, 2017).

An official from the County Government further mentioned a continued lack of expertise on global agendas of development. She narrated the situation as follows:

But we are very much alive to all the global agendas and we work with Habitat and get to know what are the goals regarding human settlement and all that so we are working towards that. It's only that we may not be fully experts (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Ignorance remains a big concern in sustainable development, just as poverty and diseases. The deliberate lack of interest and knowledge about what is happening is common to the public and to the government officials. In a focus group discussion, one woman stated the situation as follows: ‘Many men, many women and I know 90% are ignorant of what is happening’ (Nairobi Githurai 44 Community Focus Group, 2017).

The deprivation is apparent, even with public officials who though they should know better than the average person, they are less informed on current affairs happening within. This indicates a lack of commitment, responsibility and accountability to their office, mentioned as the research challenged in the introduction . The neglect is further evidenced by the lack of care to even bother providing capacity building services to established groups which are left to hire people on their own. The discussion continues:

Resources I mean to be able to give the women good capacity building beyond the skills we need to be able to give them other skills like leadership, business training, you know those areas of training. So, hiring someone to come and offer those skills is very expensive in the country and when people get to learn you are an organization, they charge you very high. So that has been a challenge for us to be able to get all that (Director of Dorcas Creation, 2017).

The high and unaffordable prices lead to lack of training causing the incapacitated to remain in misery. This is because if people don’t get training, it will be hard for them to improve their skills. The neglect by the authorities to assist people out of poverty therefore remains an alarming concern in urban development for Kenya. The privatization of government services as an alternative in this case do not indicate competitiveness but a lack of accountability and neglect of duty by the public sector. The effects are as mentioned in this narrative:

Yeah, and then it goes also externally because some of those trainings are things that government should be offering and there are people who are set there. Like today if I call the person from agriculture to come and talk to the women, they will ask for payment (Director of Dorcas Creation, 2017).

This is corruption because these officials are normally salaried and want to get extra money. The culture of impunity severely punishes the most marginalized who do not have access to legal aid and lack knowledge of their rights and entitlements. The majority resolve to remain without training since they cannot afford alternative trainings. The elites then get a base to problematize those without training by claiming they have refused formal training. This is

because in the records, the government has set aside our money for the exercise, but it does not do a proper audit to verify if the actual training happened. Worse is the fact that the poor end up getting exploited even more by paying for an otherwise free government service. This is reinforced by the discussion below:

Researcher: So, in other words it's a government where you pay for them to deliver.

Respondent: Yet they are paid by the government to deliver.

Researcher: Do you feel it should be the other way?

Respondent: It should actually be the other way. So, at the end of the day now you are only left to consultancy. You have to hire somebody.

Researcher: Which is now the private?

Respondent: Yes, which is very expensive.

Researcher: So, we can actually try and put that as a challenge of privatization of services that government has neglected which is usually expensive.

Respondent: Yeah. So, at the end of the day now you discover that you have not empowered these people the way you would have wanted (Director of Dorcas Creation, 2017).

The idea of leaving training in the hands of private sectors is seen to be counterproductive and being associated with high costs that would otherwise have not been there at all or lower had the government remained as the provider. The high costs are likely to be passed onto the consumers who most likely cannot afford and therefore will choose to forego the training. The government on the other hand does not take up the responsibility to do a follow up on service delivery which gives the responsible people a chance to form their own consulting to get the same jobs they have actually been employed to do. In the end the rich keep getting richer as the poorest get worse off by even losing what they are entitled to get from the government.

Political Influence and Interference

Political influence is influential powerful factor interfering with governance. This is mainly so when the politicians pursue their own interest rather than the public welfare. An apparent lack of political goodwill is dominant in Kenya's governance in devolving certain functions from the national to county governments (Cannon & Ali, 2018). To validate these views, the followings words by officials from the Nairobi County revenue department expresses the situation as follows:

Political interference is a big challenge: In fact, I was even to start with that one. You know politics is all about interest... Like for example when we are doing our plans; annual plans; still

in the initial stages for the...they, politicians, force some of the projects to be included which are not even necessary (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

The National Treasury also cited political interference and lack of political goodwill as the main challenges to governance. The following words by an official from the Department of Resource Mobilization and Coordination give the reasons as follows: ‘Political interference and lack of political goodwill...of course we require political goodwill’ (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

The challenge of governance is seen to mostly be in the government, and with elected leaders rather than in the community. This makes the problem more politician-centred than citizen-centred as described by a government official from planning and coordination in the Ministry of Planning and Devolution as follows:

I think now the biggest problem is not the community. I would say it’s between the county government and the Members of Parliament. Members of Parliament also have the allocation to do project work in their constituencies...So, everybody wants to do a project, which the community will see and maybe vote back for you but at the end of the day you find that is wastage of funds because it is basically duplication of projects (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Further, an official from housing in charge of slum upgrading, cited the problem of political interference as very severe and counterproductive to project success. In her words she said:

Like now upgrading Kibera slum, it’s not only a planning issue; it’s very political and it can fail to happen because of that politics. That one I know you are aware (Deputy Director for Housing Slum Upgrading, 2017).

Political influence and interference when negatively charged affects delivery of development projects and services. The politicians need to uphold integrity and work for the common good rather than self-interests. The privileged positions they have of power must remain checked to ensure they do not abuse powers which have negative effects to growth and development. Legitimacy issues should be addressed democratically and the citizens considered sovereign as articulated in the constitution.

Apathy, Over-Expectation and Dependency Syndrome by the Public

Apathy, over-expectation and dependency syndrome were narrated as a big problem by the public limiting participation. The public was cited by various officials as very reluctant in participation where there were no benefits, and in some instances even made the progress of projects harder. An official from the County Government in Department of Public Service, narrated apathy and lack of demand for immediate benefits by the public as the main barriers to participation by saying the following words:

The first challenge is apathy, that is, the residents themselves not willing to be involved in this process because of either perception or because of some issues. You organize for a meeting, some of them do not want to come and if they come, they want to be paid (Director for Public Service NCC, 2017).

The public have developed the practice of receiving something in form of hand-outs from the politicians. The behaviour of hand-outs becomes very common during election period as candidates try to lure voters by giving them cash to vote in their favour. The culture has over time evolved to tokenism. As such, a participant working in the civil society for Albinism shared views highlighting the challenges of over-expectation of benefits as follows:

the other challenge probably it's like the over-expectation from the people who benefit from our services; it's again that whole dependency syndrome, the tokenism (Waithera, 2017).

The realism and immediacy of benefits were strongly posited as vital elements for participation to happen. The lack of either indicates there is no guarantee people will commit to participating. The following words by an official from planning explain the fate of participation as follows:

There are two things that make people participate in anything. The realism of the benefit of participation and the immediacy so, those are the only two reasons why people participate. So, if the benefits are not real, if the benefits are not coming soon enough; forget participation (National Director for SDGs, 2017).

This is further emphasized by similar words by the official from housing as follows:

Secondly, others have other agendas; I think like in Kenya people are too used to handouts and maybe in Africa. So, when somebody comes once, twice, thrice and they see there is no financial gain, they also get tired. So, you find that their priority was wrong; so wrong or

misplaced priorities. They want benefits; personal benefits (Deputy Director for Housing Slum Upgrading, 2017).

Another official gave similar sentiments by saying the following while giving an example of the development of constructing a Standard Gauge Railway (SGR) line from Mombasa to Nairobi.

The people who are neighbouring there; they didn't like the idea.... So those would have been the people to participate in the development of Thika road. If you look at SGR, all the way from Mariakani; it has encountered a lot of resistance from the locals. People will just refuse to participate (National Director for SDGs, 2017).

The society being empowered is over-expectant of the amount of help they should get. To avoid problematizing the people, this is argued through the lenses of hopelessness. Those offering genuine aid should develop sustainability strategies of the projects to mitigate dependency and collapse of the developments once they exit . Dependency is not a problem of the dependent but rather a problem of the one causing dependency. Inequitable distribution of resources gives rise to dependency. It is the dependency condition that creates a base of exploitations. To counter this challenge, Jane suggests a shift needs to be emphasized from tokenism - receiving direct tangible benefits, towards more sustainable practices.

Analysis of the Market Institution and Informal Sector Work in Nairobi

Informal sector work provides employment opportunities to most population of people living in middle and low income countries (Okungu, Chuma, Mulupi, & McIntyre, 2018). Globally, the informal economy comprises more than half of the global labour force in the labour market with millions of economic units and hundreds of millions seeking their livelihoods in informal conditions (International Labour Organization, 2019b). Kenya Economic Survey of 2015 indicated that informal sector work provided 82.7% of total employment in the country (Kenya National Bureau of Statistics, 2015). In the 2018 report the informal sector accounted for 83.4% of total employment (Kenya National Bureau of Statistics, 2018). Since 2010 the informal sector has employment approximately 11.8 million people compared to modern formal sector that has employed 2.4 million people (Mutunga, 2016). The informal sector provides work for those who are outside the mainstream capitalist economy in Nairobi. Industries in the informal sector have been classified as either legal or illegal; moral and immoral based on the legislative

framework and perceived illicit and acceptance by the society norms and values. Informal economy has therefore been defined as ‘all informal activities by workers and economic units that are – in law or practice – not covered or sufficiently covered by the formal arrangements’ (International Labour Organization, 2019b). Informality therefore does not imply an illegality or illicit trade and the negativity towards the sector and its workers needs institutional change of perspective.

Those who are considered to be working within the mainstream norms of society label or polarize those who are seen as working outside the boundaries of the acceptable. The bitter irony is that the most marginalized are exploited by the powerful in the market place as they are at risk of fines or imprisonment for illegal activity. Often those in authority are complicit and open to bribes.

Analysing market institutions under equality there is notable market competitiveness driven by neoliberalism under the ideology of free markets. Kenya Vision 2030 envisions achieving a prosperous and competitive industrial nation by the year 2030. It thus encourages competitiveness, but adequate measures to ensure level grounds for competition are still lacking. People with compounded disadvantages cannot be left to compete with those with certain market advantages in the course of development. It is in the bid to survive that the destitute seek alternative markets for their survival giving rise to informal sector work.

The practise of hawking – street vending

Hawking is the common name used for street vending in Nairobi. In this thesis analysis, hawking and sex work are categorized together as informal occupations though different in nature. It is a livelihood for most poor people, both men and women, and sometimes involving children from street families. Just like prostitution, the governance around the practice is also very unclear with very heavy punitive penalties, despite a lack of clear legislative framework. The policies in place are inconsistent and largely shaped by the prevailing political wave rather than sustainable guidelines and frameworks embedded within the constitution. In both prostitution and hawking, the city by-laws are not well known by the citizens who perceive them as cruel and punitive and as not serving the interest of the public equitably but rather in favour of those in power.

Goal number eight of the UN SDGs seeks to achieve economic growth and decent work for all (United Nations 2015). The manner in which people would perceive a job or the nature of work might determine whether it is decent or indecent. However, there remains no clear grounds for determining how decent a certain job is and how indecent another job is. What is notable, is that most jobs in the informal sector may be perceived as indecent.

Hawking is a form of commercial activity in the informal sector in Nairobi that provides a vital strategy for survival. Hawkers who sell their goods and services may be legal or illegal depending on whether licensed or not. The Department of Trades in the County Government of Nairobi is in-charge of both formal and informal trades within the county. The hawkers – street vendors are an example of those in the informal sector. The government role through the council seeks to support the informal trade by facilitating and providing trading grounds. This is expressed in the following words:

In trade, we normally deal with both because the informal, those are the ones we deal with when we talk of like creating spaces for the traders, normally those are very informal. You can call them hawkers. As we try to manage them, we normally try to create spaces in terms of...okay for example we normally extend our markets to accommodate these hawkers; like for example Muthurwa. Muthurwa market was meant for hawkers so that they can be accommodated. We also have an upcoming market. It's still in the process of construction. We call it Mwariro. In fact, the world Mwariro came out because that's the term the hawkers use (Deputy Director for Trades and Licensing Department NCC, 2017).

There are efforts to improve the informal trade by mainstreaming the practice of both production and distribution in the supply chain. As such, local industries are being promoted to ensure more formal production and to partner with the hawkers to produce and market the commodities. An example is council efforts to work in partnership with the Kenya Leather Development Council, KLDC. The words below by an official from the Council Department of Trade give an overview of the initiative:

...that's the space for that Mwariro. We have also partnered with KLDC. KLDC is Kenya Leather Development Council and we want to improve Kariokor market; the leather section so that we can have a facility to improve their products because; are you aware that we have leather products from Kariokor market?... Not a factory. They are doing it manually. About seventy percent of their work is manual. So, the facility we want to set up is one that will be equipped with modern machines for cutting, shaping, putting together those shoes. There is a very big

market for leather products (Deputy Director for Trades and Licensing Department NCC, 2017).

Notes from a discussion with a young man in his early thirties and a long term resident working in the informal sector of Nairobi went as follows:

Researcher:

Hi Brother (Gitau⁷), can you tell me a little about your life – past and present in relation to your occupation and the state of things in Nairobi?

Respondent: “Since coming to Nairobi over fifteen years ago, there has been so much change. I came here as a young man after my high school from Murang’a County to do business. A business which I really didn’t know its kind - yes, I came to hustle. I had friends who invited me and my sister was also in the city and they all said come and let’s hustle together. To this day, I am still hustling and now with a family. I started by hawking women’s ‘outfits’ in Gikomba and in the Eastleigh areas. Life has really been hard – it is a struggle, surviving I mean” (Gitau, 2017).

‘Hustling’ women’s outfits means selling clothing informally. According to by-laws of Nairobi Urban District retrieved from the Kenya National Archives of 1962:

hawking means, whether as principal, agent or employee to carry for sale, barter or exchange any goods, ware, merchandise, refreshments or drink and includes the act of selling or exposing for sale any of the above mentioned articles/ items by any person at any place in which he or she does not usually reside or carry on business (Kenya National Archives, 1962).

This however, did not include “the seeking of orders for goods, wares, merchandise, refreshments or drinks for subsequent delivery from persons who are dealers therein and who buy to sell again” (Kenya National Archives, 1962). To hawk, one needed to possess an unexpired license from the Council. The cost of a hawking license is two Kenya Shilling every month. The Nairobi Urban District Council (Hawkers) By-Laws, 1962 prohibited hawking of foodstuff within the district. A person who violated the above rules, among other Council By-Laws, was guilty of an offence. The existence of such By-Laws tend to imply that hawking was a formal trade before independence.

In the streets constant battles between council police officers, commonly known by the local name *Kanju* and the hawkers are common. A struggle exists to achieve a dialogue between the

⁷ A pseudonym

county government officials and the hawkers. Some months ago, the newly elected Nairobi governor Mike Sonko, permitted hawkers to trade freely in the CBD from 2 pm onwards. This resulted in confusion as it was unclear as to whether this was a formal recognition of hawking as a formal trade. It further caused chaos to erupt with the hawkers filling their wares on every public space, pedestrian paths and even on main roads. Businesspeople with shops were shocked by the announcement as this was perceived to threaten their businesses. Hawkers are viewed by the shop owners as having an unjustified advantage.

The arguments from the established sector are as follows: they can sell their wares without paying taxes to the government and they can avoid the overheads of paying rent associated with their businesses. This means they can sell items more cheaply than shop owners who have to keep their prices high to meet operating costs and still make a profit. Another common complaint is that unnecessary congestion has come along and the city has been littered more.

An interview with a senior economist from the National Treasury, Resource Mobilization and Co-ordination department attempting to discuss choice and decency of occupation for hawkers in relation to their participation in governance developed as follows:

Of course hawkers have their leaders and they usually represent them. Actually, some of them come as youth because majority of them are youth and mostly they are the leaders in those groups (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Responding further to the question why people are hawking despite being well informed and educated the senior economist in charge of resource mobilization and coordination said:

By the way, hawkers are more informed than you think. It's a business; it's entrepreneurship. Do you know some of those hawkers are the owners of those mali wholesale shops? Some. Have you ever noticed that hawkers increase every day? Why? It's a choice. It's a business that is blooming. Hawking is a choice. It's not a consequence of bad lifestyle? No, it's a business. It's entrepreneurship! (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

The proliferation of the informal sector then begins to take another shape where it is now in the eyes of elites a blooming business, but in the other reality it is a survival practice for the poor to get by in life. The words by a low-end hawker suggest hawking is purely a consequence of disadvantaged life, otherwise he would not be doing it risking all the police harassment and

the little profits made from the business. He also acknowledged the exploitation by the law enforcement team and the shop owners who give items to them on credit and usually at prices higher than those recommended. Nick (a pseudonym) said:

This is a very bad way of living; this hustle is very painful, and the gains are very disheartening but what do you do as an alternative while you still have a family to look after (Nick, 2017).

His comments sharply contradict those of government officers who consider hawking as a prestigious economic choice. The misrepresentation by the elites further indicate a normalization of disadvantage by representing survival lifestyles and alternative lucrative forms of investment rather than lack of agency. The result is continued inequality and a failed state of the government ability to empower her citizens and design strategies to address unemployment particularly among the youths.

Most hawkers acquire the wares they sell on credit from the retailers as expressed by Felix⁸, who is a street vendor in Nairobi CBD mainly along Tom Mboya Street (Felix, 2017). He further said that the lack of access to credit facilities to increase the capital has been a challenge considering they lack to meet eligibility criteria to qualify for loans from banks. The job of hawking is very risky, anytime you can lose everything to *Kanju* (Council Police Officers) during arrest (Felix, 2017). Although the hawkers have organized themselves to form groups called *Chama*, which are small savings and credit unions Felix (2017), they still do not raise sufficient capital to grow their businesses. The lack of access to mainstream credit facilities due to compounded disadvantage retains the hawkers in informal trade for survival. Compounded disadvantage is a typical condition for informal sector work conditions that are characterized by low productivity, irregular income, lack of access to market information and finances (International Labour Organization, 2019b). The government and other relevant agencies need to work to addressing the needs of informal sector workers in pursuit to promote universal growth and development for all.

The practise of prostitution

Prostitution is not a new commercial activity. It is regarded as one of the world's oldest professions. However, in very basic terms, the profession is illegal according to the law, and

⁸ Pseudonym

immoral behaviour in the eyes of many in society. Elsewhere, sex work has been categorised in same category as organised crime groups, and human trafficking associated with the exploitative recruitment in modern slavery debates that result in bonded labour (Burns, 2018). The influx of young unemployed people migrating into Nairobi has increased the number of people who engage in sex work, vulnerable crime and social unrest with low quality of life (Muiya, 2014; Were, 2017).

It is estimated in Africa there are five million unemployed graduate each year (Ochieng & Otuya, 2019). Kenya has an estimated unemployment rate of 40% with the youth making 67% of the unemployed population (Kibet, 2019). The high unemployment has given new approaches and a change of tactics in the informal sector activities such as the sex work industry as an alternative survival (Kibet, 2019). What used to be a Central Business District activity, especially on Koinange Street popularly known as K-Street, has now moved to estates that are residential. The affected estates normally have very high population density and shanty conditions being mainly inhabited by people on low incomes. The residents in the affected suburbs, which are mainly in the Eastlands, now claim the new business in their residential areas has eroded the moral fabric and the values that the society stands for. Also, in downtown Nairobi, like River Road and Tom Mboya Street, the business has heightened with the activity running 24 hours in some lodgings adjacent to bars, but the main hours of business begin at 5 pm.

A popular venue along what is known as Sabina Joy located along Moi Avenue in Nairobi is to have been in operation for over three decades (Venas News, 2017). The place is known to host over 100 prostitutes and 10, 000 clients per month. This translates to a ratio of 1:100 implying a distribution of one hundred clients to one prostitute per month. A further analysis would indicate that the number of clients per day would come to an average of three clients per day for each prostitute. The cost of sex at the place is determined by the service you get and the duration. The prices accordingly range from KSH 200 to 1000 which is equivalent to US\$ 2 to 10 (Venas News, 2017).

In Kenya prostitution has for a long time been seen as an illegal and immoral business in the country (van Stapele, Nencel, & Sabelis, 2019). However, despite the existence of such views by the law and the public, a huge number of women have ventured in it and taken it as their full time career (Matara, 2017). There is no clear figure of how many prostitutes are in Kenya

because most of them operate secretly and rarely disclose their work to avoid arrest and harsh judgement by the community (Matara, 2017).

The role of policy in prostitution has mainly ignored economic and urban policies by focusing on criminal law in Kenya (Muchomba, 2014). The result of this is ignorance of the role of economic and urban policies on prostitution (Muchomba, 2014) as survival economic opportunity especially for the urban poor women and protection of their rights. The focus on criminal law has led to criminalization of prostitutes as the activity is rendered illegal by law. The criminalization and legality undermine their ability to seek justice in the event of abuse and thus worsens their vulnerability.

Policy debate surrounding prostitution has centered on advantages and disadvantages of three government approaches of prohibition, regulation and decriminalization largely ignoring the economic aspects of transactional sex interactions and the agency of the sex workers. The industry is now an ideal source of livelihoods for many families. Interestingly, some of the women prostituting at Sabina Joy are married and practice prostitution openly without a care so long as they top up onto the family income. Two women narrated these shocking revelations quoting cases of their friends who they practice prostitution together and meet in various pubs and brothels in town (Maggie' & Joy, 2017).

However, there are some women who have kept the business a secret from their husbands who also seem not to care much. All they want is a means to get life going. It's pure survival.

When asked whether her husband is aware, the woman replied said she has kept it as a secret by simply behaving as though she have an ordinary casual job in town. She moves quickly to say the husband does not inquire much as they leave a fairly independent lifestyle even though married and living together. Carol goes ahead to say, 'I have never bothered to define the job I do and we are not so serious with our marriage at the moment, it is more of a 'come we stay' arrangement' (Carol, 2017).

She continues to narrate how the customers come in as patrons to drink and in between the drinks sex work happens (Carol, 2017). Usually, men come and have a beer, Tusker is a common Kenyan brand or Keg if in a more downtown pub. They will then walk around looking for a lady of their choice. We will try to smile and be friendly in return to attract attention. As you can see, the ladies are quite many in here and that really works against us with pricing as

the men enjoy the low prices we eventually offer. The average budget the men spend for a single session, 'shot' is between KES300 – 400 (US\$3 – 4) for both the girl and the room. He can pay more if he needs to use the room longer or needs the girl a little longer. Typically in this place the room is KES 150 and the service is 150. Extras come with sometimes KES 50 more but we always negotiate. The prices are different across locations depending on the people who frequent there and the standards kept by the operators (Carol, 2017).

This indicates a very low income from the business based on the amount of money exchanged. Regardless of the brothel standards, all the women are supplied with condoms by the hotel and also by the government. Unprotected sex is not recommended although when customers offer extra to the women, they tend to accept the offer. In other instances, the men assault the women and threaten to do more harm if unprotected sex is not offered (Carol, 2017). The hustle is real, risky and dangerous leaving us very hopeless in life without any sense of dignity. Carol continues to explain saying that's the reason why sometimes you will find us very drunk to reduce stress (Carol, 2017).

HIV/AIDS Prevention and Control

The government seems to be aware of the practice despite its illegal nature and thus indirectly supports it by placing measures in place to reduce the spread of HIV/AIDS like giving free condoms to the sex workers and PrEP medications. The use of Pre-exposure prophylaxis (PrEP), as a prevention tool for the spread of HIV virus involves the administration of antiretroviral therapy to the HIV-uninfected person to reduce their chance of acquiring HIV (National AIDS and STI Control Programme (NASCOP), 2014) p. 55). The PrEP medication if taken orally every day can reduce the chance of a person contracting HIV. However, the study by NASCOP of Kenya AIDS Indicator Survey 2012 found in women 45.9%, 50.8% were willing to take the medicine if available. 8.2% overall were unsure if the option would be acceptable to them (NASCOP, 2014). The efforts are however not very successful and according to Venas News (2017) it is estimated that each month at least 10 men get infected with HIV at the Sabina Joy pub alone. Most people seem not to care about the disease anymore and still frequent the place as usual.

However, with elevated exposure to adverse events for sex workers, especially female, in slums like Kibra there is less use of condoms to women affected by prevalence of parental bereavement compared to those women without personal bereavement (Denckla et al., 2019).

The Kenya National Commission on Human Rights Commissioner echoed the same by saying in her phone interview that the government does not support the practice, it considers it illegal (National Commissioner for Human Rights in Kenya, 2018). She further added the government provides ARVs and condoms to the ladies to help them reduce spread of HIV/AIDs.

Despite the prohibition, the owner of the infamous Sabina Joy Restaurant and Brothel among a chain of other businesses in Nairobi, he was acknowledged and feted by the President and Nairobi Governor for his job creation role in the city as an influential businessperson (VenaNews 2017). Accordingly, he was awarded the ‘Key to the City’. This can be taken to indicate an indirect support by the government to support the elites who run and facilitate exploitative businesses and yet criminalize and punish the survivors. A total commitment to fully prohibit sex work is thus still lacking as the industry has other benefits to those in power in form of business and bribes.

Carol⁹, a woman in the sex industry who offers her services across several brothels narrated her story on HIV/AIDS as follows:

we are nowadays getting a lot of training on PREPs by the Ministry of Health...our main aim for taking the tablets is to protect ourselves since some clients offer more money and request we have unprotected sex. In such a case the PREP caution becomes very helpful - because you want the money and at the same time you want to remain safe (Carol, 2017).

The desperation for more money indicates the extra risk a sex worker can take. While for the lady she is covered by the PrEP medication, one cannot be sure of the motivation behind the case with the man who voluntarily sleeps with a sex work without a condom. Such scenario indicates the reason for prevalence of HIV/ AIDS and other Sexually Transmitted Diseases as a mainstay in Kenya hard to eradicate.

While in Nairobi for fieldwork in 2017, this was a common observation that I also came to notice. As early as 5.00 am, women working as sex workers offer their services to men heading to work who are decent than drunk men and potentially pay higher. The strategy is to identify well-groomed men on their way to work by standing at strategic locations to attract the clients.

⁹ Pseudonym

An informal interaction with two female sex workers – Maggie and Joy¹⁰ at a popular venue¹¹ on Nairobi's CBD along River Road is outlined as follows:

Some sex workers say, and I find it true as well the customers are easy. It is a win-win for the prostitute and the man as there is no commitment as would be for a relationship or an affair outside marriage. The prostitutes get good tips as the men feel satisfied and relieved to head for work at a great convenience (Maggie & Joy, 2017).

The interesting thing to note is that the women did not look keen to develop any long term association with clients for intimate relationships, unless they were to become regular customers. They are concerned about their safety and hence have a target market which they feel safe to transact business. To add to the discussion her colleague went on and said:

With such clients, they are tidy, reasonable and take precaution like using condoms, hence we as women feel safe and motivated to keep such customers. The risk to abuse is less and the pay is good as compared to dealing with drunk men in the wee hours of the night, we feel safe (Maggie & Joy, 2017).

This indicates a changing perception towards sex work from a filthy immoral activity to a of lucrative source of income. This is especially so as the women are able to move from low end to high end prostitution within a short period of time.

Though on the increase, prostitution is illegal in Kenya and those practicing it risk being arrested. Unfortunately, the police are aware of the hot spots and so are the local county officers who both have failed to reduce the proliferation of commercial sex activities. Cheap and expensive prostitutes are available in the market. For as low as KES. 100 and 200 for a room one can get the service in some brothels. In high end clubs, the prices could be very different with some prostitutes demanding a minimum of KES. 3000 for sex. The disparity indicates how income inequalities have found their way even into the commercial sex industry.

¹⁰ Maggie and Joy are Pseudonyms. The women said they did not want to get recorded or their identities to be revealed but were very happy to contribute anonymously. The discussion went on as they carried on their business as usual

¹¹ There are many pub and restaurants joints, in Nairobi that operate as places for prostitutes. They are dens of prostitution. I have decided not to mention the names of the places as an ethical issue and to protect the businesses identity. Although there is also high end prostitution in high class restaurants, I interacted with those mainly on down town Nairobi where the practice is more apparent and informal.

Overall, whether in high or low end, prostitutes in Nairobi are not respected people and are one of the most stigmatised groups of women in the city. They are often regarded as victims of HIV/ AIDS, thieves and people who abuse drugs and alcohol with no moral values. The law also classifies the business as illegal, rendering them legitimate criminals. No doubt, they are a vulnerable class of people facing marginalization in all aspects regardless of the reasons as to why they are in the industry. Unlike other businesspeople who are in the informal sector, such as hawkers, Jua-kali artisans and touts, the prostitutes remain a condemned group, voiceless and powerless. Being a female industry, where men are customers and regulators in some ways, it leaves women in a destitute position of abuse and exploitation. There are no explicit laws to govern or protect those in the industry. Most women in prostitution are single mothers or college students. The involvement of married women who engage in the activity outside of their husbands' awareness to make some income to support family livelihoods is also increasing as earlier narrated by a Sex Worker (Carol, 2017).

Discourses on Decency of Work and Criminality in Nairobi

The discussion on criminality is important because I move on to discuss street trade - once again, this is a trade that is divided into acceptable trade (clean and not noisy, not selling stolen goods) and unacceptable (profane trade – dirty goods, noisy industrial services – fixing machines, stolen goods). To add to the difficulty, however, the informal sector traders can be rendered 'illegal' simply by breaking laws based on whether they have a licence to trade in a specific area. The formal trade usually has regulation and licensing as described by an official from the Department of Trade as follows:

In fact, when I was talking about the markets, I was just talking about informal trade, but we still deal with formal traders in terms of licensing them or regulating the businesses. Yeah, so licensing is still under us (Deputy Director for Trades and Licensing Department NCC, 2017).

On the other hand, informal sector workers such as hawkers are described as business people without a fixed work structure and place. The following words by officials from the revenue department of county government describe the hawkers as follows:

Hawkers can come as the business community because these are business owners without a fixed aboard so when we are discussing matters of interest, they show up. Though sometimes

they are organized into hawkers' association which come to us in that form (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

This indicates despite hawkers being considered disorderly they have a degree of organization which they form to self-govern to get a profile in which to engage the government. Entrepreneurship in the legal and illegal economy provides a way to survive. The sex industry in Nairobi provides one avenue for survival for women. It also provides opportunities for pimps and controllers of brothels to exploit women. The law enforcement team get easy target to obtain bribes and in some instances free household labour often associated with sexual abuse when women arrested plead to pay bribes in kind (Federation of Women Lawyers, 2008).

According to latest data, there are over 40,000 girls working in the sex business in Nairobi. Three in every ten are infected with HIV/AIDS (Tuko, 2018). This comes as the country, Kenya, is ranked seventh in the world as the most popular destination for sex tourism (Tuko, 2018). In Nairobi the rise of commercial sex in the last decade has been attributed mainly to unemployment and harsh economic situations.

Unpacking Decency in the Legal, Values and Morals Dimensions

To understand the discourse better and make transformative change, the issue of decency is unpacked further on the basis of law, legislation, morality, values and professionalism around the practice. According to the constitution, prostitution is an offence against morals in Kenya (Federation of Women Lawyers, 2008). The national laws prohibit third party involvement in prostitution while the sun-national laws prohibit loitering for prostitution reasons and indecent exposure thereby criminalizing sex work entirely (Federation of Women Lawyers, 2008). The offences are punishable under the Kenya Penal Code (Cap 63) thus criminalizing sex work as an offence (Laws of Kenya, 2014).

A perfect example of the state of prostitution and the law is as detailed in Petition 286 of 2009 in which two women had been arrested for loitering in public at night and being in possession of condoms (Kenya Law, 2011). The petition to challenge their court decision by claiming the arrest violated their human rights and the law in itself was discriminatory to women by acting as a curfew against women running their errands at night was dismissed by the Mombasa High Court claiming the arrest, arraignment and trial of the Petitioners, (Criminal Case No. 3560)

did not abuse any rights and must be terminated (Kenya Law, 2011). The women were further condemned with respective court costs despite their request that the petition was in the spirit of larger public interest to safeguard human rights of women against discriminatory legislation (Kenya Law, 2011). In the words of the Commissioner from the Kenya National Commission on Human Rights the explanation when asked if prostitution illegal in Kenya and the position of primary law in regards to prostitution She said: ‘The activity is illegal and considered by the society as a bad behaviour’ (National Commissioner for Human Rights in Kenya, 2018). Based on this statement, there are no grounds to have the occupation considered as decent. This would be against the existing morals, values and beliefs of the majority who consider the activity immoral and one that should not be practised.

Further the words of the Sustainable Development Goals Director in charge of coordinating their implementation said:

You see, the conventional definitions of decency will bring in issues of morality. It is more than the physical working environment (National Director for SDGs, 2017).

In a one to one interview with a director working for an organization to rehabilitate sex workers, she said girls as young as nine years get into the industry. For confidentiality and the sensitive nature of the information, the director requested that she and her organization’s contributions remain anonymous in the study.

To extend the narrative, I asked a government official from National Treasury whether there is a measure to classify a job as decent work and another as not decent; or relatively decent. She responded as follows:

You know, decent work depends on the individual; what do you refer as decent work; So to you, an entrepreneur is not decent work? But of course, prostitution is not decent...you know, what is decent to you might not be decent to me (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Applying her comments to other occupations like hawking; one could argue then that there is bias in determining decency by considering some occupations as entrepreneurial and others as ‘morally’ unacceptable. On the basis of choice, some people, like the official from treasury as an external person to the industry, view practising hawking and prostitution as a choice. Yet those in the industry consider the activities are out of lack of choice, hence as a consequence

of not being able to operate decent formal businesses. Their resolution to do informal work is attributed to lack of capital to afford business premises, which is why they do the haphazard thing; they are not licensed and are always running from the council.

The church as a religious institution within the community is guided by the values and beliefs the people collectively believe in as members of the Christian faith. The rules are divine and mainly drawn from the Ten Commandments and the teachings of Christ. The people are the believers and in this case, those seeking Christ who to aim live a pure life free from sin in line with the doctrine of the church. The resources in this case are the people involved in rehabilitation and the money allocated by the church to facilitate the rehabilitation. Control and authority are bestowed on the church which by extension is extended by God as the Supreme Being.

The church furthers the view that prostitution is not a decent way of living and therefore encourages people to quit the practice and engage in better ways of living. This is described below:

One thing we know very well is that when they come here we must equip them with skills to be able to make a livelihood in a more decent manner. The fact that we are a spiritual organization that tries to do discipleship and make them know Christ as Lord and Saviour. We thus try to provide alternatives to sex work by that by training them on skills like beadwork and mat making that can help them have a better livelihood (Director for Sex Workers Rehabilitation, 2017).

Despite the church considering prostitution a bad way of life, it duly acknowledges that the women who engage in the practice do so out of a lack of alternative forms of work. The following narrative supports these views:

One of the things that we have been able to identify within this area of reaching out to women in prostitution is that most of the girls are driven to prostitution looking for livelihood. There is no time they have said that I went to prostitution because I wanted. They say that I went there because my children needed to eat, needed education, needed clothing, we needed shelter; we needed food and so many things like that. And so, when we reach out to these women, we reach them out because they are jobless; because they don't have something to eat or to provide for their children (Director for Sex Workers Rehabilitation, 2017).

The lack of alternative forms of work implies lack of choices, which would imply a lack of freedom, freedom in the sense that the people no longer have the ability to choose what they want to do but other external factors dictate their lifestyle. According to Sen, development should be seen as freedom. Development should come along with freedoms and thus allow people to make choices and support them. These include economic, political and social.

The efforts by the church to look for alternative forms of work are a good initiative. The widespread lack of jobs in Kenya is acknowledged. This is discussed in detail in the section on unemployment. However, we find intersectionality of life chances in socio-economic demographics; employment and occupation. The lack of employment results in a hopelessness. In extreme destitution people no longer have choice on the nature of occupation they engage in. The result is a survival mentality that compromises dignity in one's life. Also, the mention by the director on the need to equip the women with skills denotes a need for capacity building. This brings in the factor of education which is aimed to improve one's skill through training. The intersectionality of life chances continues to evolve as now employment is determined by education and employment status determines occupation. The three factors as determinants of one's life chances therefore cumulatively will determine the fate of the people. They determine the place they occupy in the social stratification and subsequently the level they are in the ladder of disadvantage. A lack of one, or disadvantage in one of the factors, directly affects the others in a similar direction.

Prostitution as Lack of Agency and not a criminal behaviour

The director said based on narratives given to her by the ex-prostitutes undergoing rehabilitation that the profession was as a result of destitution. She said:

As a department, one of the things that we have been able to identify within this area of reaching out to women in prostitution is that most of the girls are driven to prostitution looking for livelihood. There is no time they have said that I went to prostitution because I wanted. They say that I went there because my children needed to eat, needed education, needed clothing, we needed shelter; we needed food and so many things like that (Director for Sex Workers Rehabilitation, 2017).

This indicates complete destitution leaves the women with no economic choices for opportunities besides commodifying their bodies. This then brings into question the previous

comments and views of the activity as being illegal and immoral. This is because the lack of choice should not be considered an illegal activity or immoral if the same society has not provided alternatives. If people engage in prostitution when there exist alternative forms of work, then we can consider it as a deliberate choice. The exercise of prostitution differs from other petty crimes since it does not involve violent or forceful acquisition of property or forced labour but a voluntary exercise by the service provider to solicit her own flesh. If anything, the sex work is more vulnerable to becoming a victim of crime such as rape especially for women working in dangerous and risky environments. The issues in question are those of dignity and morality rather than capital, civil or criminal offenses.

Decent Work, Capabilities and Economic Growth

Following the analysis of the findings from the research participants, I make a contribution in this study to ways decency to the informal sector work by extending Nussbaum's capabilities approach. I advocate for improved agency, and thereby differ from the discourses of policy makers and police who divide work into categories of decency in terms of the norms versus shameful behaviour. Whether in the formal or informal sector, I concur with Nussbaum in her views that selling labor involves commodification and to a certain extent many jobs involve the commodification of some of our human functions. This can be explained by remuneration people receive as wage or salaries for the work they do. The focus of the law should therefore be to reduce exploitation and provide security to reduce risks and dangers associated with different forms of work. The most vulnerable workers such as women in prostitution and hawkers, deserve most protection since the risk of abuse and exploitation is always high due to their limited capabilities and inadequate resources. The criminalization of their activities or a lack of legislative framework to guide their operations is discriminatory, thus threatening, by making them more vulnerable to exploitation and a low quality of life associated with shame.

Conclusion

Overall, the comments of most government officials were seen to be contrary to those of the public who were represented by community and faith-based groups, civil societies, individual interviewees and even the survey findings. The current legal framework considers participation

and does not address marginalization, but nevertheless many people remain marginalised. This indicates that more work needs to be done to ensure legitimacy and representative governance.

Current governance in Nairobi is undermined by greed that results to exploitation alienation of the disadvantaged under prevailing capitalistic modes of production. Power and resources are misused and the public service delivery (especially to the most marginalized) is ineffective. Budget allocations are not based on needs, but rather on class and other retrogressive social divides. The poorest of the poor, women, young children, uneducated and people with a disability are the most vulnerable to exploitation by the market and criminalized by law and policies in their survival in the competitive environment of Nairobi.

CHAPTER SEVEN: FINDINGS AND DISCUSSIONS OF STRATEGIES TOWARDS DEMOCRATIC AGENCY, PARTICIPATION AND SUSTAINABLE DEVELOPMENT

This chapter suggests and discusses strategies towards inclusion, participation, justice and agency. It presents the remedies for achieving a sustainable, just, safe, and resilient city of Nairobi. It makes a case based on the findings of the previous chapters that the more participatory and inclusive governance schemes, the more the development process will be just and sustainable. Data from participants and from secondary sources present the remedies and strategies considered ideal.

The chapter applies Critical System Heuristics (Ulrich, 1983) by answering Ulrich’s twelve boundary questions to emphasize practical philosophy and influence system thinking (Ulrich, 2005). Chapters five and six discussed the ‘what is’ (a priori) situation. Hence this chapter addresses the ‘what ought to be’ scenarios (post priori). The 12 questions are answered within an institutional framework of household, community, market and the state, as shown in the table below.

Table 9: Conceptual Framework of CSH, Capabilities in Institutional Domains

	Household Dynamics	Community	Market	State
Motivation	Identity Respect	Sense of Belonging	Economic Opportunities Equal access to Capital	Democratic Agency Incentives Subsidies
Knowledge	Educational opportunities run through outreach to women	Educational opportunities at the local government level	Educational opportunities in micro finance and Training and Development	Informed Policy, legislation and governance framework and guidelines
Power	Right in rule of law Ability to make decision	Right in rule of law A voice	Market Forces Controlled State Intervention Effective Public Sector	Electorate

Legitimation	Family Support Property Ownership Rights	Community Well-being	Citizen Welfare Responsible Business	Accountability Constitutionalism Transparency Commitment Rule of Law
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Source: (Machuki, 2019) findings and analysis showing CSH framework adapted from Ulrich (2005).

The table above shows the four sources (motivation, knowledge, power and legitimation) which the 12 questions are derived. The sources are presented against the four institutional levels of household, community, market and state to present the answers to the questions. At each level of institution, the sources of motivation, power, knowledge and legitimacy are different but moves to make a continuum. The higher the level of the institution, the more complex and wider the sources become.

Recovery and adaptive strategies can lead to a resilient and sustainable city. Major components discussed are gender mainstreaming, representation, accountability, constitutionalism and formalisation of the informal sector. Both the present and future trends are considered from the perspectives of the margins who are most vulnerable. Contributing factors of change and mitigating measures and strategies are provided and explained.

The Value of Participation in Governance and Development

Before presenting the strategies to promote and operationalize participatory governance, I begin by re-presenting the significance of participation in governance and the development process from the perspectives of the research participants. This accords with the significance presented in the literature review in chapter two and three of this doctoral research thesis.

The question of relationship between SDGs and good governance remains central to this study. Governance centred on good social justice policies strengthens performance within systems compared to neoliberal market-led governance models centred on capitalism (McVeigh et al., 2016; Valente, Dredge, & Lohmann, 2015). Asking a county official how she views or thinks

of participatory governance in achieving sustainable urban development in Nairobi she answered:

I think in everything participatory governance is key. I've read a bit of literature on people who; some critics of participatory system of governance who tend to argue that it is just a ...I read it somewhere somebody was saying it is just a cloak of words. You know you are just saying its' something to beautify things, but you don't mean it. Others just argue that it is a means of; it is just an exercise to meet a legal requirement but it is an empty rhetoric but myself I strongly believe and I have seen it and I have tried it and tested it that it's really a form of helping in achieving of certain goals. I may not talk of SDGs because they are so recent...but we can't say it's recent because it is just change of terminologies (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Drawing from these comments, I endorse the views by other studies (Howard & Wheeler, 2015; Li, Xia, Chen, & Sun, 2018) to posit that any development framework must seek to include the voices from local level to achieve effective citizen participation and realization of Sustainable Development Goals. However, there still remains a lack of significant attention towards commitment and coordination of actions to improve public participation in sustainability debates (Berry, Koski, Verkuijl, Strambo, & Piggot, 2019). The more all the stakeholders in development would see greater value for participation and commit to taking necessary action to engage a wider community the more likely inequality and other forms of injustices would be addressed. This is because exclusion and marginalization in turn reduce and those alienated would have more access and equal to resources and opportunities. The result is higher levels of sustainability in the development processes.

Participatory governance was also recommended by interview discussions with research participants as a key remedy to increase the voice of the marginalized. I agree with these views by arguing that for people to participate, they must have a degree of empowerment in their life chances to support various capabilities. People who are not empowered suffer from structural challenges to participation rendering them unfit to contribute valuably. Ensuring effective and efficient participation can therefore be translated to reflect empowered agency and capabilities for the citizens. To be heard, one must be able to raise a voice and subsequently get a platform to raise the voice. The following words by the sex worker rehabilitator validate these views:

I think so because those who are suffering need to have a voice of saying what they are suffering from or what their experiences are; other than an assumption that these people need these and

that is not their major need; there are those needs that are quite important to them than others (Director for Sex Workers Rehabilitation, 2017).

There still remains a lack on the part of governments and others in power to listen to the voiceless. Under such prevailing conditions, participation cannot occur. The discussion with a community focus group highlighted this concern as follows:

Female respondent: Governance needs to change and listen to the voiceless

Female respondent: It is governance that needs to change.

Female respondent: Changing governance as we have said. We just need to be heard. We desire to be heard.

Female respondent: Yes, our voice to be heard (Marurui - Jua Kali Women Focus Group, 2017).

Similar sentiments were echoed by the sex work rehabilitator who claimed the government needs to improve its ways of listening to public outcry and concerns. Democratic dissonance continue to surround decision making processes politically in the contexts of listening, conflict and citizenship in contemporary governance (Bickford, 2018). In Kenya discourses of citizenship remain profound and powerful tools that define belonging to a national community and yet influence the establishment of citizen dispositions in political processes and systems (Hammett, 2018). The sex worker rehabilitation director raised her concern pointing to the excessive arrogance by those in power and the ignorance of the public especially to women in sex work as follows:

Some of the areas that the government needs to improve is having a listening ear to the community. The community sometimes; specific communities like us we are working with a community in sex trade and specifically female; women, they need a listening ear. They don't need to be judged. As you know in our society that those in prostitution are harshly judged by the culture, by the church itself; by almost everybody even in the family and nobody wants to hear them. They think they are there because they have chosen to be there; but me having worked with this group for over ten years, I've come to understand they need a listening ear. So, I would urge the government, even when they are implementing activities, they can look at the marginalized and those that are discriminated upon in a more specific manner and give them a listening ear (Director for Sex Workers Rehabilitation, 2017).

Given the stigma associated with the group of people she was working with, she said there was a need for specialised listening and caring. For those who are extremely marginalised and discriminated the government, as the institution that is responsible for the welfare of every citizen, needs to step in proactively in this way. The following is an example indicating severe

consequences of failing to engage the public in development projects as narrated by an official from the Ministry of Planning and Devolution.

Participatory governance is the best because that is how; if there's something you want to develop in that urban, people will own it. Let me give you an example. There is this time in Kisumu. There was a structure that was constructed somewhere in Kisumu City. People destroyed it because they said they were not consulted when it was being planned but if there was a participatory approach and the community of that area was involved; they'd have owned up that project. And that's how you find so many projects are not sustainable especially if participatory approach was not used when the project was being started or planned (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

Local community involvement and participation is therefore very important in development projects. This is because it increases ownership of the project making it easier to govern and retain its life. The failure to involve the local community, rich or poor, threatens the sustainability of the project due to lack of ownership by the locals.

Accountability, Responsibility, Commitment and Transparency

Social transformation should prevail on universal and core values. Modalities and frameworks under which representation of the people need to be upheld must therefore be outlined explicitly. Accountability and responsibility of the leaders for the roles they are entrusted to by the citizens must be upheld and there must be transparency. Accountability and transparency by managers, planners and leaders in the urban development processes can help mitigate adverse effects.

Commitment

The problem of lack of commitment by those in power had been highlighted in the research challenge as one of the key problems contributing to the perpetual inequality of the disadvantaged. It was highlighted as a strategy by the elites to discourage participation and to maintain the status quo. The lack of commitment manifests in several ways. This discussion shows how the issue can be systemic and evolutionary as follows:

So, it is us who are prompting these things, who are generating the information and inviting people to participate. What if I just decide or I just put it there for the sake of if anyone ever

asks me, I just say, 'But it was there for months. Nobody registered'. Because if I genuinely want people to know and give input, I should put it in all the places where I know those people will see it. I should put it in notice boards in near mosques and churches in that settlement (Director for Research Statistics & Urban Policy Nairobi County, 2017).

A culture of lack of care and commitment is apparent among the ruling class in Kenya leaving the voiceless to seek association from close friends and families for political participation. (Sam, Wanjohi, & Akotia, 2019). The consequence is increased inequalities, social conflict and economic exploitation which are caused by political elitism and capitalistic mode of production (Bienen, 2015; Miller, 2018). The issue of commitment is further elaborated as affecting both the government officials and the public again as follows:

From both (government officials and members of the public) because there has to be commitment from the regulatory authorities like my organization. There has to be commitment from the people that you are engaging but I think because more often than not you are the initiator of this participation; okay, there are times we receive prompts for participation from people but more often than not it is us who will say we are now planning this area like now you've seen that advert there (Director for Research Statistics & Urban Policy Nairobi County, 2017).

If for instance, the government officials do not prompt participation, it is evident the public will not necessarily do so, though in some instances the public have been seen to pressure the government. The following words by an official from County Government indicates such scenarios as follows:

Okay, there are times we receive prompts for participation from people but more often than not it is us who will say we are now planning (Director for Research Statistics & Urban Policy Nairobi County, 2017).

It is clear the bigger responsibility is on the government. This is so because they possess the resources, influence, power, rules and activities which are the dimensions of institutions. The dimension of people also involves them as actors in the system. Their neglect can therefore form and evolve from making biased rules or failure to make them at all, misuse of power and resources and in prioritizing activities less needed. All these could be indirect ways to discourage participation even when there are policies to support them.

It is therefore critically important to have the commitment to participation as this would yield the development of rules supporting participation. Power would need to be shared, as this is a

key principle underpinning participation, even in various articles of the constitution. The resources available, either financial, human or physical, would be optimally allocated and used to enhance participation. As narrated below this indicates a biased conformance to the law, which is not realistic and effective, though it still ticks the legitimacy box of sensitization and public awareness:

They fail to participate because we haven't sensitized them on the importance of public participation. Maybe on our side, we perceive them as enemies so sometimes we resist them not to come and be involved in what we are doing because of some rivalry issues (Director for Public Service NCC, 2017).

There is therefore a need to increase commitment and target effort by governments to reach the marginalised. This is as suggested by the narrative below by the sex work rehabilitation director:

The government should be very intentional in reaching out to communities especially the marginalized; the discriminated groups because at the end of the day the gap keeps on widening and the more it widens the more we are in problems because the people who are maybe well up are very few. So, they need to look at how to help them; even in its markets; open bigger markets for them to sell, open areas of open-air markets or something that can help them to develop and try to help them go back to their rural areas. In my interaction with the women, I realize some of them are not very poor at home; they have land where they can farm and even sell something but how do they go to start their lives there? So I think there is a way the government should just try to help and assist them according to how they want to be helped; not dictatorship of the government implementing activities the way they want and the people who gave them solutions; the paperwork was done by the elite; but this poor woman who does not know how to communicate has no say in all that. So I think uh...it's either to work with those who work for the community to be able to come up with a framework that will help these people to grow and just come out of poverty (Director for Sex Workers Rehabilitation, 2017).

The public too can adopt ways of making a commitment in areas where they can help in fighting inequalities. A woman in the focus group gave her account of making sacrifices to help others in what she called servanthood. Voluntary sacrifice could thus be used as one of ways to uphold self-governance and commitment in fighting inequality and empowering people. In her words, she said there are few others like her making sacrifices for the welfare of others. The other participants added their contribution on what they felt such kind of acts would be called. The discussion went as follows:

Female respondent: Servanthood/ patriotism – empathy, sacrifice and compassion

Female respondent: And also, as she was saying another point, right now we have seen many times; there are people who have the burden to help; servanthood

Male respondent: Selfless service

Female respondent: Yes selflessness

Female respondent: And sacrifice (Nairobi Githurai 44 Community Focus Group, 2017).

This indicates patriotic citizens influenced by Christian faith exist and determined to help others from their unfortunate conditions. These are characters that the government and community should support to achieve societal transformation by making use of visionary and committed citizens. Such people should receive subsidies, incentives and awards to encourage their good deeds and selfless acts of doing good of helping fellow citizens in unfortunate situations.

Accountability

To promote accountability, current parliamentary legislation needs to be upheld, or new legislation passed to enhance political commitment to participation. There are various bills the parliament has brought forward to bring change in institutions as a way of promoting collaboration, and thus participation. The following words by Positive Exposure's director indicate the progress of parliament in moving Non-Governmental Organizations (NGOs) to Public Benefit Organizations (PBOs) in Kenya. In her words she said:

There's actually a bill in parliament on moving from NGOs to PBOs, Public Benefit Organizations. So, I think that's already a step to the right direction, because once they become Public Benefit Organizations there's no tag like non-governmental, you know those are things that build the culture of, 'This one is anti-government'. So, I really hope like the bill comes into place, because then with that bill, it's going to put into accountability both the government and the civil societies (Waithera, 2017).

Further to this, an official from the Ministry of Planning and Devolution added that there is speedier parliamentary reform than in the executive arm of the government. This was seen as a good gesture towards addressing governance problems, especially those associated with addressing public participation in pursuit of sustainable development and justice. In his word he said: "I told you than we have a problem in leadership; in the political leadership. In fact, parliament is reforming faster than the executive" (National Director for SDGs, 2017). Thus, consistent emphasis should be placed on compliance with the rule of law and constitutionalism within and across institutions and their trajectories to mitigate impunity. The following words

by an official from county government, Monitoring and Evaluation Department, put a case for conformance to the law to bring an end to the legitimacy crisis:

The remedy is, since this is a constitutional requirement, we just need for people to comply. Let's come up with the ACTS, regulations and whatever to ensure that government institutions comply and are implementing the issues (Director for Public Service NCC, 2017).

Political reforms should re-emphasize on the constitutionalism and rule of law to address legitimacy crisis in Kenyan governance beginning with addressing the unsettled political contexts for reforms (Onyango, 2019). However, constitutional and legislative changes have been used by those in charge of central government amid the decentralization of power as tools of control and domination rather create and advance platforms for participatory governance (Oyugi & Ochieng, 2019). Consequently, it has remained difficult to institutionalize constitutionalism and the rule of law in governance to fully implement the New Constitution in a competitive authoritarian context (Gathii, 2018; Oyugi & Ochieng, 2019)

To ensure accountability, responsibility and commitment are upheld in the course of public participation, there is need for goodwill from political institutions, politicians and the judiciary. Political interference was found to be a key challenge hindering participation, whereby politicians pursue their own interest rather than those of the people they represent. Judicial goodwill is needed to allow for legal action to be taken against those who are irresponsible to bring them to justice. This remedy is justified by the following comments by an official from county government:

Let us just have the goodwill; political goodwill and judicial goodwill. That's all. Hakuna kitu ingine (translation of there is nothing else). If my governor is resisting the program, the speaker is resisting the program because of some reasons, hakuna mahali unaenda (translation of there is nowhere you are going)...So, it's the goodwill. You may have the ACTS, you may have the regulations, you may have the guidelines but there's no goodwill; then again it really becomes a bit problematic. So, if there is goodwill in terms of leadership, in terms of political; then everything just goes on very well (Director for Public Service NCC, 2017).

The lack of political and judicial goodwill has created a culture of impunity to those in positions of power resulting to increased legitimacy crises. There remains a need for deliberate efforts by those in power to consciously become accountable at the very basic level of oneself and have humanity that has moral responsibility to serve the people. Basic decency continues to be lacking among leaders to address power imbalances and their effects on the people they govern.

Political Representation and Leadership in Governance and Development

Political representation of the people is determined by the voters and the voting process. Discussions suggest there is likely to be better results if young leaders from non-elite backgrounds are elected rather than recycling the old ones. This means those young in terms of age and in terms of being new in the position. There is a perception that young people have more connection with development based on humanity and need for change, whilst older politicians want to keep power for status. This narrative by a focus group female participant when asked if leadership matters supports this in the following words:

Yeah it matters a lot because you see what you have as a leader, that's what you execute. And I feel especially with the new leadership and having very young people coming into leadership who may be keener to see development than to build a name or an empire for themselves, I feel that there is hope in terms of them implementing governance and development in their area of jurisdiction. Because I think we have had leaders who have been there for so long until even if they don't say change anything they will still be there. I feel with the new leadership and the leadership structure there is hope. Because even like now as an organization, we have been invited even to some counties to go and train on table banking (Marurui - Jua Kali Women Focus Group, 2017).

To follow on from the words of the participant above, an official from the government said there is a need for accountable and responsible people to be ready to get into positions of leadership. This is to reduce the chance of getting the wrong people into positions of power and leadership which has very severe effects for citizens. People with attachment to development projects and with the people they lead should be elected to power.

According to the National Treasury, the number of people who turn up to participate in activities is a direct measure of how participatory the exercise is. This can be interpreted to also mean the number of people who are excluded is also a measure of how exclusive the processes are. The numbers matter. The stories matter too. This emerged as the discussion continued as follows:

Of course, you cannot invite the whole Kenya to come to KICC, so you select.... Like if you want to invite maybe the CSO, you write to one or two CSOs (Civil Society Organization) ... We major on the two major ones and invite two or three people in each. When it comes to philanthropies, we invite a representative. When it comes to the business community, we don't

invite everybody. We invite few businessmen... We also invite the religious leaders. We involve all the groups; the disabled, the youth, women representatives. They all attend but of course inviting one person in a forty million population might be minimal, but they are represented (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

This implies participation is directly linked to representation, either politically, socially or economically. The nature of how people are represented then merits careful consideration to ensure the welfare of citizens is pursued as a primary objective by the representative group selected. The challenge of imbalanced representation was highlighted by the mention of the hypothetical ratio she gave of one person representing forty million.

A critical concern is the marginalised who can miss out on people representing them due to their cumulative disadvantage. The extreme disadvantage can lead them to lacking even a chance to elect the leaders to represent them. In the survey data, the category of the very poor for instance are seen to have no opportunity to participate at all as they get a zero percent on participation compared to the rich and very rich who take the biggest share of over 50%. I therefore posed the question of the marginalised participating in the governance process. The discussion unfolded as follows:

Researcher: How about the people who are marginalized?

Respondent: Marginalized as in the disabled?

Researcher: No, not necessarily the disabled. People who are in poverty; probably they don't even actively participate in choosing these leaders. Let's say like when you mention the business community for instance... I am talking of people like hawkers

Respondent: "Of course hawkers have their leaders. Yes, and they usually represent them (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

The finding here is that the department appeared to have a view of the marginalised as being people with disabilities. Whereas that is a critical group of the people who are marginalised, the overlooking of the very poor and uneducated was apparent. The discussion indicates largely an informed citizenry participates, which aligns with the survey data suggesting high education levels enhance participation. The interview did not move to point out ways in which to engage the most marginalised such as the disabled, the very poor and the least educated. This is a challenge often overlooked and which clearly shows the interests of the most marginalised are not represented in the governance, planning or development processes.

Trust and representation

The issue of representation raises the matter of trust. The public have therefore to trust their leaders in the county government, that even at the national level, they will faithfully and adequately represent them. This also means that, if at the local level public participation was minimal or weak it is hard to achieve it at the national level.

Most of the marginalized people, for instance the sex workers, are said to have a lot of mistrust with the people surrounding them. This lack of trust cuts across all levels of institution from family to the state level as expressed below by the Director for Sex Work rehabilitation:

They have a lot of mistrust from all other people; mistrust from their family members, mistrust from the society, mistrust from the government, mistrust from every other person they have interacted with because of the life they have lived before. And so, when they come here we want to help them understand that somebody cares for them; that Jesus loves them. And so in that process of helping them to have trust; then you also do a lot of trauma counselling because you find that most of these women have gone through abuse; either sexual abuse in their early age and so it has informed their behaviour and so in our program we are not ignorant of other schools of thoughts and so we try to use a holistic program that will help them; equip them that even when they leave this program their lives will have changed. They will have known who they are. They will have gotten confidence to face life in a different way (Director for Sex Workers Rehabilitation, 2017).

The lack of trust can be attributed to lack of integrity among people and compromised loyalty. There is a need to build up trust again in those people who have lost it, such as the sex workers, who don't have confidence in the systems and the possible beneficial support networks within them. Past experiences of abuse and exploitation can kill trust. Poor political representation and corruption also kills the civil trust of the citizens in the government. The words by another participant raise similar sentiments indicating a continued lack of trust by people in the government as follows:

It is also affected by the issues of trust between people and the government - You know sometimes people don't trust government much. Perhaps, previous experience; at a personal level or generally (Director for Research Statistics & Urban Policy Nairobi County, 2017).

There is a need to build up trust to move forward and to create an environment for people to work collaboratively without excluding some people. This can be reinforced by the following comments indicating a situation of full transformation of the victims: "I think one thing we do

is to build up trust. And so we build a trust relationship that will help them get transformed” (Director for Sex Workers Rehabilitation, 2017). The same should apply in stakeholder engagement between citizens, non-state actors and the government to form lasting relationships for the sustainability of projects and commitment. Unfortunately, more than often when trust is broken, the whole relationship no longer stands resulting to civil unrest by the public. Future research should look into ways of building trust and the role it could play in society and politics for a sustainable future.

Challenging Ideological Neutrality of Institutions

Ideological neutrality of institution is based the official ideology dominating planning based on the assumption that the state is neutral and pursues national interest and welfare (Kabeer, 1994). For instance, the state uses politically elected leaders as representatives of the public and government institutions and officials to achieve national welfare and interests. This assumption is what Kabeer calls ideological neutrality of the state institution and debunks the proposition as a myth (Kabeer, 1994). In line with her accord, I challenge ideological neutrality of politically elected leaders in representing the people by arguing that elected leaders do not necessarily represent the marginalized, who are in most cases invisible and unheard of by the elites. I argue in accord with Kabeer (1994) that institutions are not neutral, but they produce, reinforce and recreate social differences and inequalities among people. In the context of Ladder of disadvantage, the institutions are likely to work in favour of the privileged over the destitute. For instance, an elected woman representative is likely to serve the interests of already empowered women who have a voice and can be seen. The uneducated, poor woman dwelling in a slum is considered almost non-existent and they miss out in resource allocations. This is due to their lack of influence and support networks. It is from this point of view I move to challenge ideological neutrality of representation of the people by elected leaders.

The ideological neutrality of political institutions is challenged since people can exclude others at the local level to push their agenda all the way to the top. The reluctance by the national government to have its own ways to engage the public looks like a deliberate lack of commitment to ensure adequate and fair citizen engagement. Usually, the county government, here represented as the local government, is assumed to be best placed to reach the most marginalised at the grassroots level. The local people through various organizations and in their

own confessions deny being involved in any development or planning activity. This indicates there is a tendency by the local government to be selective in picking who participates and who does not. The mechanisms for promoting participation and inclusion are missing for enhanced equity and justice.

By use of an example, the focus of the planning body was on duplication of plans between governments rather than how well the plans represent the people: In the words of a government official she said:

Because now for example if you are trying to achieve goal number one, or even two; so, we do these maybe through projects. We come up with a project maybe which is geared towards reducing hunger or eradicating poverty so what we do we have to involve the public so that we see what best fits that area. So, what happens after that is when we look at, 'Okay, this is what we agreed with them. What about the county government? Is it the same thing?' So, we try not to duplicate things so that we don't misuse resources (Senior Economist for Ministry of Planning and Devolution, 2017).

There is an assumption of the intersectionality of the ideological neutrality in the market and community institutions. This is because the market profit making is pursued while in the community service delivered is not for profit but it has to be obtained from the market. The market is idealised as pursuing profit maximization, while the community is thought to focus on service provision. The two seem to have a need to go beyond the two roles in participation.

Lack of tangible benefits is mentioned by many other participants in different forms such as tokenism and handouts. Among these included one from civil society representing Albinism, and another government official from SDGs in the Ministry of Planning and Devolution.

Strategies to Empower and Engage for Active Citizen Participation and Inclusion

Faith Based Empowerment

In recent times, there has been a notable increase in non-profit organizations, indicating an increasing community trend of faith based playing a prominent role in development and empowerment (Clarke & Ware, 2015). The role of religion is unpacked in the next few quotes

and comments to highlight its influence in morals, values, and skill development. The following observation made during a community focus group describes the trend as follows:

Respondent: I have been observing there has been an increase in the emergence of non-profit making organizations. These organizations give people a chance to get involved. Yeah so, most organizations which NGOs are, FBOs, and the likes the government can use them to enhance equality and participation in governance. Working in collaboration to improve ownership of projects (Marurui - Jua Kali Women Focus Group, 2017).

There are various ways and forms of empowerment. For instance, in Marurui which is a shanty suburb in Nairobi, Faith Based Organizations play the role in various ways to empower women. The words of Dorcas Creation Director suggest this:

Dorcas creation is an organization that exists to empower women in the community. Not every woman, but the less privileged and the unemployed women here in Marurui and sometimes some come from outside of Marurui. Our empowerment includes discipleship and economic empowerment. On discipleship they do bible study and for economic they do table banking. We also empower them with skills like: they do beadwork, they also do table banking, they do skills like tailoring, card making and the rest; weaving and others (Director of Dorcas Creation, 2017).

Their focus is on the less privileged, with the assumption that the biggest group in this category would be women. Discipleship is seen to play a role, thus demonstrating the significance of religious culture to the Kenyan community as Faith-Based Organization under Christianity (Frame, 2016). The migration of women from other areas outside Marurui indicates widespread poverty and destitution. In these circumstances, the culture of keeping the faith is used to empower people. Empowerment with a spiritual perspective through pastoral care is described by sex work rehabilitation director as follows:

They will have known who they are; they will have life skills of how to live; they will have business skills, vocational skills; they will have social skills, how to deal with other people and of course we will also add the spiritual perspective. We will also have devotions that will help them to relate with a Supreme Being; a Superior Being than them where even when we are not there they are able to relate with him and get comfort from Him and that is God. We have seen that without God sometimes it's very hard to help them (Director for Sex Workers Rehabilitation, 2017).

The approach of giving people skills while providing them with pastoral care to uplift their hope for better future is commendable and practical. It gives the person a tangible skill which

one can use to gain some income and at the same time sets the person free to choose what they want to do with their lives. The rehabilitator can take on other roles by leaving the women to control themselves rather than monitor them. Their freedom of conscience and belief is not conditioned. The acquiring of a skill from a moral judgement, is viewed as essential as they now have an advantage in selecting economic opportunity over just using their bodies as sex workers.

Capacity Building and Public Civil Education Empowerment

Capacity building is a key requirement in stakeholder engagement that needs to be encouraged (Wehn, Collins, Anema, Basco-Carrera, & Lerebours, 2018). Where this component is lacking, it must be first facilitated as a very initial stage in the engagement process for optimum success (Pinsoneault, Connors, Jacobs, & Broeckling, 2019). This helps in laying out and understanding the rules, the people, the activities, the distribution of resources, authority and control in the engagement process. However, the issue of capacity is lamented as a challenge in efforts to engage the public in participation. The officials from the housing department said:

The other challenge like my colleague had said earlier is the capacity of those who are engaging. Some of them do not understand the issues; they don't understand what affects them. They are not objective like sometimes you have people from the civil societies and you find people from slums and informal settlements and when they come; first of all, some of them don't understand the issues so it's capacity (Deputy Director for Housing Slum Upgrading, 2017).

There is a need to ensure capacity building is not only focused on the public but also on the government officials in charge of regulating and governing activities who are also sometimes uncaring and unaware of current initiatives (Gualini, 2017). The following words by an official from the Nairobi County Government Planning Department make this recommendation by suggesting the following:

It's more and more awareness creation. We are not saying because we are the regulatory authority, we understand this participation thing so well even though we have done it for several years. So, we are saying there is a lot of awareness raising, capacity building so that even those who are expected to be the drivers of this process are also fully in the know. They fully understand the concept and appreciate it because there is no way I will be so enthusiastic about inviting people to participate or engaging them if myself I am not a believer of participatory governance because I know there are people who don't believe in it totally (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Successful participation calls for active stakeholder engagement through the process. The failure in consistency undermines the sustainability of the participation process. This was cited as a key challenge by the participants. In one interview with the official from housing the narrative went as follows:

The first challenge we have faced is the consistency; participation by those stakeholder organizations. When you start engaging them, they begin vigorously but as you move on with the processes; they tire off. I don't know whether they get fatigued or they tire off, then they start becoming absent. So, maintaining; sustaining the momentum. Partly I don't understand why (Deputy Director for Housing Slum Upgrading, 2017).

The lack of people to commit their time and resources continuously inhibits the participation. The result of this would be to either stop the activity altogether or to proceed with those who remain. The latter is the usual case, where the project is being carried out by the government as the main stakeholder. Hence, the cycle of exclusion and marginalization continues. The interests pursued would then shift from being to those in need to those of the service provider. Probing the issue further to investigate the reason for lack of consistency, the official said:

Maybe they find that because this is government and it's having its meetings and some of them are profit making organizations; so, they are like maybe it's a waste of time because time is money. Maybe they would have been engaging in something more important. Maybe the meetings are too frequent; we have never understood as government. But you find sustaining the momentum and the partnership is a challenge. Or you find today somebody comes, tomorrow another person so every other time you have a new person coming. Instead of building the capacity of one who builds others, you have inconsistency in participation (Deputy Director for Housing Slum Upgrading, 2017).

There is thus a need to address what measures need to be put in place in the planning processes to ensure the project and stakeholders remain consistent and committed throughout. The lack of consistency implies a lack of proper planning. The result for lack of both is collapse of projects which costs money, time and other resources.

Proper Planning and Management of Resources

Proper planning is crucial in development and governance matters. When the public is involved and a bigger stakeholder engagement, planning becomes more critical for the success of the

issue at hand. Planning activities therefore should involve budget allocations, timeline, meeting venues, stakeholder involvement and their roles. Successful public participation requires a clear plan laid out from the outset of the project to the end.

The following words by officials from the county government indicate the importance of a plan, including making specifications on at what stage to involve various stakeholders. They narrated as follows:

Our thinking is that these forums should be based on a particular calendar of events depending on the process. If it's a planning process, it should be anticipated at which point the public or other stakeholders need to be involved (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

Being consistent and determined while implementing plan would be important as it can help stem the drift to other agendas, especially where political interference is a potential threat. Still on planning, the choice of venue for meetings on development should be guided by the issue of the convenience of the people who should be at the meetings. This should act as a source of motivation to the people involved, according to Ulrich's Critical Heuristics. Proper management of resources needs to be accounted for in the plan. Planning failures results in poor management of available resources. An official from Urban Development in Slum Upgrading conveys this point in the following words:

Proper management of resources. It's also part of planning... Both human and financial. All resources; even natural resources. We need to manage them well (Deputy Director for Housing Slum Upgrading, 2017).

Proper land use supported by government legislation can be taken to be one way of proper management of land as a natural resource. Currently, physical planning in Nairobi is challenged, resulting in a threat to the environment. The planning process needs to be environmentally conscious. This is as indicated by the following comments from a focus group member during the discussion:

I think the government can intervene on land use and have some form of legislation on how people can use their land. The most important focus should be on planting trees to adequately deal with issues of climate change. For instance, you see all the coffee plantation on Kiambu road have now been replaced by houses. The area was fertile. What happens to those displaced

in the coffee farms? Building of houses in my opinion should be relocated to dry areas which are not very suitable for agriculture (Marurui - Jua Kali Women Focus Group, 2017).

More on physical planning, the National Treasury suggested planning should focus on decongesting the city by creating new cities away from Nairobi. In the words of an official from the ministry she said:

Through decongestion of people and creating new cities away from Nairobi... And opening up areas through infrastructure like with Thika road and other 'Thika roads' that will come up; superhighways; people will be able to live away from the CBD (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

The excessive congestion in Nairobi constrains resources and limits participation. It was also raised as a safety threat to those vulnerable, such as Albinos as mentioned by Positive Exposure Kenya Director (Waithera, 2017). Physical planning in Nairobi is being revitalised to align emerging needs with most suitable land use to accommodate the high density population of the city (Deputy Director for Housing in State Department of Housing and Urban Development, 2017). Proper planning under devolution is expected to reduce the influx of migrants into the city. This is through developing other regions in the rural counties, as suggested by the Ministry of Planning above through creating opportunities outside Nairobi.

Grassroots engagement at ward and sub county levels

Public participation, especially where marginal people are involved, must move to the most basic grassroots levels. There should be strategies and extra effort by those in power to go out and get in touch with marginalized people, considered as 'hard-to-reach' populations. The interest is to promote their welfare, and therefore grassroots engagement is a key strategy to engage the public, including the minority, who due to stigma and discrimination might not be easily accessible.

The idea of participation must have the interests of the people as a central agenda. Some participants narrated how well they have worked with the communities they serve through successful engagement practices. The practices involve people both in problem identification and problem solving. One of them said:

So, our strategy really is one; we use more of the community-based approach which is participatory, and we don't bring the answers; we look for the solutions to the problems of the people we serve together with them. So, we don't have specific initiatives for these ones; we just have like the framework and we always tailor make, or custom make it based on the specific needs of that specific group (Waithera, 2017).

Suggestions by community members through focus group discussions indicated the use of chiefs was more effective in engaging people at the local level. They indicated this in the following words:

Respondent 1: Formerly use of chiefs was more involving (meaning more engaging)

Respondent 2: Earlier chiefs used to call people to give them a public lecture or baraza meetings (Nairobi Githurai 44 Community Focus Group, 2017).

The role of the chief in engaging people has overtime reduced with the coming of devolution, which was meant to increase more grassroots engagement through political leaders such as the Members of the County Assembly who replaced the councillors in the previous constitution. The government needs to re-evaluate the roles to determine the most effective ones before wiping them out completely, even as the nation continues to transition fully into the devolution era.

On grassroots engagement, community initiatives to enhance unity were encouraged. The example of the 'Nyumba Kumi¹²' initiative was cited as a good way to engage. Nyumba kumi is a neighbourhood watch initiative to promote unity and security. Nyumba is the Swahili word for house or household, and kumi is the Swahili word for ten. This means ten adjacent households form a single unit where they get to know each other. It is a neighbourhood watch initiative to improve security. The comments from the discussion went as follows on the *Nyumba Kumi* initiative:

Respondent: Even these of *Nyumba kumi*. These *nyumba kumi* if only it is well organized can be up of importance. I think also it can be effective.

Respondent: You know *nyumba kumi* as per how the government had said is that we be knowing each other. Why should we know each other? To curb crime (Nairobi Githurai 44 Community Focus Group, 2017).

¹² *Nyumba Kumi* literal meaning is ten physical houses. May mean ten households too. It is a form of neighborhood watch in which residents need to be aware of who lives in the radius of ten houses from their residence.

The government official also indicated their commitment to involve the public in the planning process including in the budgeting process. An emphasis on grassroots engagement at county and sub-county levels needs to be promoted by all stakeholders to ensure sustained inclusion and participation of citizens in social, economic and political processes and activities.

Increased Public Awareness with Proper Communication

More public awareness and civil education is needed to improve knowledge of development projects. Government and other stakeholders in urban development need to consider the medium of communication used is effective enough to reach even marginalized people. An interactive forum is to be encouraged. This study has found that while sensitization and other public awareness efforts have been ongoing, there still needs to be significant effort to ensure the processes are effective. The strain on resources, which was cited as a challenge could be addressed by using suitable communication methods to reduce inefficiency.

Alternatives to making the public aware of projects happening, including making use of local people to make them feel part of the society should be encouraged. The following words by an official from the County Government of Nairobi indicated the need for more sensitization as follows:

More of public sensitization or education so that people know their responsibilities; that they have a right to demand services from the county and they should always know so that they feel encouraged to volunteer the information (Director for Budgeting NCC, 2017).

This indicates there is still room for improvement by the government in reaching out to the public. The sensitization and communication in general should need to ensure people are given enough time to get the information and prepare to attend events. The subject of participation also needs to be disseminated in good time and in a language that people can understand using a medium of communication that is more likely to reach as many people as possible. Other forms of sensitization like workshops could be encouraged and conducted more frequently. Those that have collapsed should be revived. The State Department of Housing and Urban Development is on good course with such initiatives going by the following words from their official:

We used to observe the World Habitat... We have done it in most of the major towns in Kenya and even now we intend to do it; it's only that resources dwindle. We use those forums to sensitize people and educate them about the status of human settlement, their respective roles, the challenges, about climate change, about SDGs, about new urban agenda so that they can know; understand these things and know that they are real and participate in addressing these issues... We do even like sensitization workshops to counties to tell them about slum upgrading, housing policy and all that (Deputy Director for Housing Slum Upgrading, 2017).

The use of mainstream media such as newspapers, radio, TV and social media needs to remain consistent as it still reaches a lot of people in a short time. Extra efforts were mentioned by county officials such as using sub-county administrators to reach people even at the churches:

We put it in the papers, in the websites, social media. We also utilize our offices at the sub-county and wards.... And that is why we try to inform them through all spectrum of media; be it radio, newspapers and through our sub-county administrators where they go announce in churches so that we can be able to get as many people as possible (Director for Research Statistics & Urban Policy Nairobi County, 2017).

The focus group further encouraged the use of digital media by giving an example of a chief who could use twitter to combat crime. He accordingly came to be known as Creative Chief. The discussion went as follows:

Male respondent: By the way in Nakuru there is a chief called Creative Chief. He used Twitter.

Female respondent: That's what I am saying.

Male respondent: If the problem people used to tweet and when they tweet, that tweet gets to the chief he used to mobilize if it's the police to attend that issue (Nairobi Githurai 44 Community Focus Group, 2017).

This indicates that creativity should be encouraged in communication, both in digital and print media, or even mouth to mouth. Overall, communication is of great importance in engaging the public. The more avenues in use, the higher the outreach. The better the mode to specific target audience, the better outcome.

Provide incentives and Subsidies to the Disadvantaged

This study has focused on encouraging active participation by advocating for more inclusion of the disadvantaged to promote social justice. As such there is a need for incentives and subsidies to enhance equality and fairness. The challenge of lack of tangible benefits and the immediacy of realizing the benefits could be addressed by providing some incentives to the

disadvantaged to encourage their participation. Sectors offering incentives were highlighted as getting better results in participation. The following words by County Government officials indicate this scenario as follows:

And perhaps, where the civil society beats government in participation is that they give incentives. People come to a meeting and when they are leaving; they have earned something but in government; we think we are partners with the public on this and therefore we don't set aside any resources for compensating these people for their time. And so sometimes it leads to people opting not to show up (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

In other sectors in the government, for instance, housing, the subsidies are more efficient and effective in reducing the inequality gap. The following quote from an official from Housing Department shows a case of successful subsidies in housing with respect to a slum upgrading project:

Like now in slum upgrading in the case of housing; the Kibera houses; one room costs eight hundred thousand; two bedrooms costs I think one point two million, one point five million for three rooms. There's nowhere in Kenya where you can get a three roomed house for one point five million with services; so, we have tried to subsidize but when you look at the percentage of people we have achieved; it's a drop in the ocean. So, it's a trial; other governments may not have done that but now what we say; government does not really have sufficient resources. In fact, that is one of our challenges; inadequate resources, finance (Deputy Director for Housing Slum Upgrading, 2017).

The engagement process in the slum upgrading project is carried out both during the development of the policies, during the actual house development and at the time of issuance of the houses to new owners. The following narrative by the slum upgrading director gives more insights on this discourse as follows:

Every policy we are doing, we constitute a committee; bring all stakeholders and we work with them from the beginning of the process to the end; even slum upgrading. As we were working on the policies, the MOU's, as we were developing the houses, as we were even issuing the houses; we do it in those stake-holders forums (Deputy Director for Housing Slum Upgrading, 2017).

This is quite interesting and a great effort considering that most of the dwellers in the slum are marginalised populations and considered to be a 'hard-to-reach' group. The efforts done by the Ministry, even though they have their own shortcomings, can be used to provide a basis for a

good stakeholder engagement process. This is discussed further in the policy recommendation section below to encourage other departments to consult among directorates to further learning from ongoing best practices within and outside the government. Waithera, from Positive Exposure said the following words:

On our advocacy strategies and you remember I've mentioned to you about the regional action plan on albinism that we worked on, we had very specific measures on preventive and it all had to do with. With the preventive, it's about constructing proper housing probably for persons with albinism with burglar proof doors, with grills you know those very basic things that a landlord will not put in mind when they are building their houses (Waithera, 2017).

The comments, from Directors of Housing and Positive Exposure, indicate there is still a lot that could be done considering this initiative has benefited only from a very small proportion of the entire slum population. Nonetheless, the trial results indicate it is a good path for the government to pursue to keep up participation levels, whilst addressing various income inequalities and improving standards of living.

Elsewhere, quotas could be used to reduce inequality of gender and disability gap, and make market competition favourable to the disadvantaged. The following words by a participant from the civil society indicate a good measure by the government of placing some quotas for women and the disabled in tendering processes as follows:

You know like right now the government has a quota system where there are some specific tenders that are set aside for women and persons with disabilities. So, we link them; we advise them on how to register a business, how to make sure they have expertise on the product they register the business with so that when it comes to tendering, they are also able to provide those same products of good quality to the government like any other person (Waithera, 2017).

The government has pursued equality for all through legislative process – i.e. the taxation system. The disabled are exempted from paying income tax and the business levy. The initiative to exempt people with disability from paying income tax and business levy is an incentive to reduce competitive gap they experience under normal circumstances. The narrative below explains this in the following words:

If I have a *kibanda*¹³ here, at least I am exempted from the daily levies. You know that already means something for me because we are not on equal playing grounds; like if you have to go to the market to get your products within ten minutes, I'll probably take two hours. So, there are a lot of provisions within the constitution and within the law, but people are not aware of them. So, the main thing is to look at what is the specific gap individualized (Waithera, 2017).

Recognition of outstanding innovation and initiatives, and the award of best practice awards, could be used as other forms of encouraging community engagement and participation. It could also create widespread opportunities for those creating them for others. The Ministry of Transport, Infrastructure, Housing and Urban Development has embraced this path. In the words of an official from the ministry, she describes the situation as follows:

Like for instance in our ministry we have been having an initiative we call best practices initiative which is now not very vibrant because of lack of resources by government; whereby we just do a call to all Kenyans; any citizen and any organization to submit to us any innovation they think they are doing...they are competitive. We normally have even awards although for some years now we have not had it because the resources have been dwindling but when we have resources we call for a best practices competition award to motivate the public to be able to encourage them that whatever you are doing is good and it's recognized... And when we do it locally then we do it nationally, then the ones we think are good and are above board we send them to Dubai. There's normally a Dubai award for best practices every two years (Deputy Director for Housing Slum Upgrading, 2017).

Institutionalizing participation in governance and democracy through different initiatives enhances operationalizing inclusion through active dialogue and devolving power. The Planning Department advocated for such mechanism to which would in turn reduce conflicts that emerge due to lack of involvement.

Measures for Coordination and Monitoring in Resource Distribution

Distribution of resources by various government agencies has overlapping roles that result to unclear responsibilities, making coordination and monitoring process to be challenging (Bhargava, 2019). In Kenya, the existence of National and County governments has resulted to overlapping roles between the two levels of governments with the change of locus of power from national to sub-national levels (McCollum et al., 2018). The findings of this doctoral

¹³ An informal set up of a vending kiosk. It is usually made on locally available materials and commonly of the streets. A typical Kibanda would involve a raised platform with wooden stands and wood lying to form the base where good are placed. The walls are made from mostly pieces of sacks, cardboard and in some instances pieces of old iron sheets are joined together. It is seen as a semi-permeant structure compared to spreading of wares on the ground by most street vendors.

study, as discussed in chapter six point that responsibilities of each level of government become unclear, conflicting priorities emerge and subsequently monitoring and coordination becomes hard impacting negatively on governance. To address the difficulties of resource coordination between national and county governments, strategies are suggested and presented as expressed by the research participants based on their experiences and views.

Adopting Universal Action Plan - National Regional and International

Institutions and organizations need to have an action plan to guide the activities they engage in. As such, the adoption of the action plan is discussed within the domain of state and international spheres in the institutional analysis framework. This is because the action plan must be one that caters for the need of the larger society and the relationships of those affected. Wider stakeholder engagement is therefore needed in developing an action plan. In the case of Albinism, the action plan has been developed as follows by various parties:

Like we recently worked on a regional action plan on albinism; that is very specific. The regional action plan on albinism has specific measures; preventive, protective and accountability measures on how to safeguard the rights and the welfare of persons with and the good news is that regional action plan that we worked on last year in November was adopted this year in May by the African Union (Waithera, 2017).

It is crucial to note the key stakeholders are the people with Albinism who through representative organizations discuss their needs and then present them to the larger established national, regional and international bodies. The role of the community is seen as very critical. The community is in turn shaped and informed by the households. Families with members living with Albinism are the core. It is not the big organizations. The African Union (AU) comes in to help in reinforcing the law to protect people with Albinism and to provide resources. AU is considered a state authority at the International Level. Their main influence relates to the categories of resources, power and rules. Their role in the rules is mainly for protection and enhancing accountability. Power is in the notions of state authority accorded under the charter of Human Rights. Regarding resources, they offer financial and human capital to help people with Albinism as vulnerable people.

Still at the international level, proper coordination of resources can result in better investments that subsequently can improve city imaging and thus attract international investors. This has

been witnessed in Nairobi, as narrated by officials from the County Government – Economic and Budgeting, as follows:

So we wanted to have a twenty-four-hour economy concept and that's why you see ... Security is tight... Over thirty-eight thousand new lights have been installed both in CBD and in the estates and we have expanded the economic time available to Nairobians by over six hours so it is something that is geared towards addressing security and making Nairobi a choice; a city of choice for investors.... in the last one year we've had more than six international conferences here... there are more than six major malls you have seen around. The hospitality industry; we have over sixteen new chains of hotels that have checked in and are now operational. So, the city is growing... I admit that we also have challenges but so far, we are moving in the right direction (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

The aligning of planning processes by the national and county governments is aimed at seeking consistency and reducing duplication. This is also to help in budgeting processes, as the county governments also get most funding from the national governments. The senior economist from the Planning Department said:

Actually, there are forums which are had because you find that they have maybe a five-year plan or something. So, we do make forums and try to align to their plan.... Actually, in the alignment the public is not there because they were involved in the plans there but now the county government of Nairobi when they were doing their plans they had workshops and forums in which they had to call the public but then now when we are aligning because it is something which is already agreed on by the public, ours is just to align (Senior Economist for Ministry of Planning and Devolution, 2017).

Therefore, the participation by the public at the national level is exercised indirectly. The assumption that the public participated in the local level is taken as representative enough. At a national level, there are institutions aimed at bringing various government agencies together, as described below by an official from National Government in the Ministry of Planning and Devolution:

We have a number of institutions that bring us together; we have the summit an institution called the Summit and the Summit is a membership institution of the president and the forty-seven governors and the Nairobi governor sits in that group of forty-eight. The president is number forty-eight and then he has forty-seven. The law prescribes that they have an annual summit. So, the president will always summon the governors to the state house sometimes... Number two; there is an institution called IBEC; Intergovernmental Budget and Economic Committee So, the deputy president is the chair of IBEC; okay? And it draws membership from again all the forty-seven. One would think of the Summit as a political meeting whereas IBEC

is a technical meeting whereby the deputy president is the chair and I think county executives from the counties responsible for economics and finance come in. So, that is the second level that one would say brings the national and the county governments together (National Director for SDGs, 2017).

To address day to day interactions which cannot be addressed by the annual meeting of the Summit and IBEC, there is the Council of Governors which is described below as follows:

Now, because of the day to day interactions with the county government, the governors formed the Council of Governors; that's an organization again. And the council of governors has got a secretariat. So now in order to facilitate and speed up our interaction with the county governments; we go through the secretariat (National Director for SDGs, 2017).

Integration, collaborations and partnerships between various organizations and the government have been known to impact positively on public service delivery (McBride, Toots, Kalvet, & Krimmer, 2018). Collaboration is instrumental in facilitating innovation and knowledge management among institutions (Ribeiro & Nagano, 2018). In the domains of citizenry organization, joint approaches enhance public value in management by through collective agreement decision making processes (Blauvelt et al., 2018; Picazo-Vela, Gutiérrez-Martínez, Duhamel, Luna, & Luna-Reyes, 2018). This strategy was advocated for by most participants as a necessary and vital ingredient for public participation in governance and development in Nairobi.

A collaborative framework is needed even within governments and departments to ensure active participation occurs. Different stakeholders either state or non-state actor, have different inputs and roles hence integration is necessary for optimum output. Since planning is not a standalone sector, inputs from all sectors need to be integrated. The plan then needs to be presented to the people to allow them to make their contribution by giving input relating to their respective areas of interests.

Collaboration emerged as a needed component in the planning process. This was also consistent with the contributions of other participants. According to the National Treasury, finances mainly drive the grounds for collaboration. As such the official said:

And there are things which might be done in collaboration whereby the national government is doing this in collaboration with the county government of Nairobi; maybe because of the finances usually (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

With finances being a vital resource in development, there is a need to carefully consider the allocation of funds and have the roles of political and civil leaders well defined in the era of devolution. There seems to be conflicting roles, making the allocation of funds a difficult task. Issues of who is accountable and responsible for certain activities and provision of services get blurred. The following words indicate such concerns from a participant as follows:

Yeah but what I would say must be looked at so keenly is the channelling of funds. I think that is the most important. Where these funds should...because I don't see why we have some funds going to the same government. Some are given to I don't know the women representative, some is with the MP and everybody is trying to work for the public and you find them duplicating the work (Senior Economist for Ministry of Planning and Devolution, 2017).

Community focus group discussion indicated the need for a separation of roles between development and civil. In saying this, development agenda is left to the Member of County Assembly at the ward level while the chief addresses civil issues. The roles seem to have overlapped following the inception of the new constitution, as indicated in the discussion below:

Male respondent: What there is? What there is I have said this. Do you know *kasumba* of long ago of the colony, it's still there with the chief. And we have gotten devolution now, we have devolution and I urge all of us here that we can try now to try the devolution platform to share our needs. Devolution is very powerful whereby we have our own who is Mathenge. Mathenge knows us. You understand? And then when we do that because chief; he is dealing with civil. Civil cases. He is the person who says; mother has been beaten by who? That's why when I go there, he tells me, 'You just stay there, and pastor come first'; because he doesn't deal with development. The chief in fact deals with the civil (Nairobi Githurai 44 Community Focus Group, 2017).

The confusion in overlapping of roles between Member of County Assembly and Chief under devolution makes it hard for community members to decide where to direct their concerns on civil and democratic matters. The confusion makes it hard to know who is responsible for what and thus gives leeway for leaders to potentially underperform. It is also hard for the community to effectively engage and participate in development and governance processes under unclear

roles of government departments. Thus, unclear roles within government departments makes it hard to hold officials accountable and at the same time hard for people to participate effectively in working with the government.

To counter this challenge, there is a need for development committees to address specific issues. Developing a consensus on the development project is also a crucial step before embarking on the actual development. These are steps to be taken during the planning process, and community members can be involved by becoming members of the development committees. This then leads to the big picture of engagement and partnerships, which is also one of the UN Sustainable Development Goals. The official narrated various sectors they do work with, as earlier mentioned, and therefore gave the following institutions in which they have worked and are still working with:

Actually, we have worked with so many stakeholders. We map them. Actually, they are in our roadmap. It was one of the strategies in achieving the SDGs. So, we were to map out the stakeholders; they are so many; the private sector, the research institutions, civil society and many others (National Director for SDGs, 2017).

The Department of Public Service (Monitoring and Evaluation), cited working collaboratively with various stakeholders in Nairobi. In the words of their Director, stakeholder engagement is as follows:

Yes, we work with other stakeholders. For example, I just called someone a while ago, an officer from the Ethics and Anti-Corruption Commission. So, we collaborate with them on issues to do with ethics and integrity. And then we have a structure; a public structure in terms of how we mainstream integrity, both within the county and without the county. Now, when we go outside again, we collaborate with other institutions; let's say government institutions, ministries, NEMA; on issues of the environment, we work with them. Now, come to people from the private sector; the Kenya Private Sector Alliance; we collaborate with them in terms of issues of service, the Kenya Residents Association, KARA; these are estates associations. We collaborate with them in terms of service delivery (Director for Public Service NCC, 2017).

The stakeholder engagement is done systematically and in all areas. This is to ensure proper planning as determined by the resources available. The discourse unfolded further as below:

We engage them first of all in terms of planning, this is done with this known as economic planning. Before you plan you must get the input of the stakeholders. When it comes to finance,

when they are preparing the budget, we have the facility of finance; they must get the views of the resident in terms of their needs before they do the budget. Even before the approval of the budget we must get input from the stakeholders. Again, when you look in terms service delivery, you must be engaging them in terms of service delivery because they tell you, ‘This is what is ailing us. We are having this problem’; project implementations, they know which projects are good for them on the ground, so you must involve them. Again, there’s also what we call social audits; we involve them so that they can audit for us what we are doing on the ground, to provide oversight (Director for Public Service NCC, 2017).

Financial budgeting and economic planning are essential to allocate resources and project welfare of the people overtime. They are critical in public service delivery to determine distribution of resources and services to the people. The social audit was probed further to get a clarification of what the term means and what exactly the process involves. The response was as follows:

These are committees that have been formed jointly, participatory committees between us and the public so when we you have a project, to ensure that the money spent is used appropriately. We involve them because they are on the ground... The chair is from outside the county and the secretary is from the county. So, they validate even the reports on the projects because at times you may give a report saying that the project is completely within the reserve but in reality, there’s no project. Yes, so these are the guys who are supposed to do a social audit (Director for Public Service NCC, 2017).

Social audits give the community a platform to raise their concerns on governments’ accountability. This is something that government should encourage and make it aware to the public that such activities happen. This would give power back to the people and promote accountability and transparency in service delivery. It could also provide a basis to monitor projects to determine necessary actions to be taken to ensure the intended targets are achieved.

Collaboration of Institutions in the Civil Society – Community

The civil society ideally plays an important role in governance to represent, through activism and advocacy, the rights and needs of the community. As such, parallel collaborations exist to achieve universal goals among the community groups. Cross-sectorial collaborations between agencies are also seen and form part of the network. Waithera from Positive Exposure Kenya, discussed organizations those that are very much associated with Albinism as follows at local, regional and international level:

...but now within the Disability Movement we work together with the albinism foundation of East Africa, we work with international organizations like Under the Same Sun and all these we are working collectively on albinism issues at a regional level (Waithera, 2017).

The community agencies based in the church also have a wide collaboration with non-faith-based groups. For instance, the Ministry of Rehabilitating Prostitutes in the church have co-worked with other institutions such as the banks and other NGOS. The following words of the rehabilitation director give a more detailed account:

We have people from the banks; we have people from other NGO's and other faith based organizations that support us in one way or another because we are open to them; any person who wants to come and give services to the program; we always work with them because we may be trained in a specific area but we lack some skills on another area; like recently we have been working with one lady who has been training us on table banking to be able to lift up their financial levels; yeah. And of course, as you do that, you help them also learn other skills that will help them go and work and have a decent job (Director for Sex Workers Rehabilitation, 2017).

The aim of the collaboration is to acquire resources and skills they could be missing to achieve their goals. As such they have branched far and wide to reach various departments and schools of thoughts as follows:

As a department of the church, we have embraced other schools of thought like counselling psychology. We have embraced business; we have embraced other schools of thought that help us to enhance the program in a way that is going to benefit the women. One thing once the women come here, what we do is we do a thorough psychological counselling to create self-awareness of who they are; we help them with life skills and you know that WHO talks about the life skills in a big way. So, at the end of the day when a woman comes here, we equip them with a holistic training where the person will be a different person when they leave here (Director for Sex Workers Rehabilitation, 2017).

Human empowerment should focus on making individuals independent by promoting freedom that is accompanied by a power to support the choices one wishes to make. Emancipation and liberation should be holistic for a stronger agency from individual level to society level. The lack of holistic training to equip people to be idealistically rational yet free is still a challenge confronting human empowerment especially that of women.

Partnership between civil society, community and local authorities on Disability

The interaction between community, household and the government as institutions are necessary for successful service delivery. One agency helps in identifying the person, the other identifies the needs of the person and the other agency provides the needs. The roles can be interchanged based on the connectedness and overlap of the scenario. The following list by an official from Housing Department indicates the list of non- state actors in development as follows:

Non-state actors. In non-state actors we have the private sector, we have non-governmental organizations and we have civil society organizations. And we have this umbrella body, the CSUDP I've told you about. Then we have residents' association; the umbrella. You know when you have KARA; they have a lot of residents associations and represent all of them. So, whoever was left out under civil societies can also be captured under this; when we have NGOs to do with housing, like we have Habitat for humanity in those non-state. We used to have Shelter Forum, but it fizzled out (Deputy Director for Housing Slum Upgrading, 2017).

The comprehensive nature of the actors involved is a good sign showing the commitment to have everyone included in the development process. The increase in such collaborations and partnerships is essential to encourage public participation and the ownership of projects. This also eases the burden on resources. These collaboration and partnerships need to involve academia to promote research-based knowledge for solving problems and in advancing innovation. The following words by Director from Housing indicate some government departments, such as housing, could utilize the research skills of university students:

In fact even on our national habitat committee we have institutions of higher learning; research. Yes, because we expect that whatever we are discussing should be passed on to students in the university. And if there is a challenge we encourage students to do research in areas where we feel we are lacking (Deputy Director for Housing Slum Upgrading, 2017).

The county government also shared similar views on the need for universities to be encouraged to disseminate information gained through research. The current partnership and linkage between government and universities is not very strong, as described by the comments below:

Academia Research Documentation and Dissemination by Universities - I think that is the kind of collaboration that needs to be encouraged so that those kind of researches and documentation

are not just kept there but it is not very robust and regularized and I think it's an area that needs to be encouraged but universities are asked to share the information on whatever they have for the benefit of the *Mwananchi* but it is not very common that happen (Director for Budgeting NCC, 2017; Director for Economic Planning NCC, 2017).

The universities were actually listed as state actors in development and should therefore be at the forefront of making a contribution through research and knowledge dissemination. The universities come in the collaboration as institutions of higher learning to contribute through research in development. This would involve identify people and areas of specific need that are likely to be left out. As such, collaborative efforts need to be in place to identify marginalized including those with disability to provide help. This narrative of At Doorstep Empowerment Program indicates how such success can be achieved:

One of the things we do is that we try to work with the key leaders in the community and they are the same ones who help us identify especially the women who can help in a certain area. Like now we have a program we call At Doorstep Empowerment Program where in the community we try to get the women that are in need or are bedridden or they have a child who is disabled, and all this is the idea of the woman and she runs with it, so we only come and facilitate her and walk with her. For us to know where those women are actually, we involve the key leaders in the community. They are the ones who direct us to get where these women are. Sometimes we are forced to go to the local authorities to get to know where they are.

Researcher: And then from there, you start now something?

Respondent: Yes. Then we are able to come together, like now this month we started bringing in together the women who have children with cerebral palsy and they are the ones who are telling us how they want us to help them (Director of Dorcas Creation, 2017).

The narrative from Waithera, who advocates for People with Albinism (PWA), indicates the vital role the civil society plays in linking those in need with the government. A discussion with her unfolded as follows:

We sensitize members of Albinism Community about existence of free services from the government...So it's really like linking them to the government services that are provided for them.... (Researcher) So at least you link people with government services?

(Waithera) Yes we link them to the government services and then there's also the registration with the National Council for Persons with Disabilities (Waithera, 2017).

With 3.5% of Kenya total population, an equivalent of 1.3 million people living with disability, there is need for the government and the society to be more vibrant to support the

disabled to actively participate and function (Kimani, 2018). Kenyan people with disability have continued to face barriers that hinder their full enjoyment of social, political, cultural and economic rights implying thus experience bigger difficulties to participate and get involved (Opini, 2010). Empowering established civil societies can play a big role in enhancing the wellbeing and welfare of people with disability to reduce existing barriers and stigma by acting as bridges to accessing support and services they need from state and non-state actors and institutions.

Interdependence of Institutions with Complementary and Supplementary Roles

Kabeer (1994) social relations approach to institutional analysis posits institutions are not independent. Accordingly, she argues that they are interdependent of each other and should thus work to complement and supplement each other. For instance, the church can play a role in shaping values to complement civility and enhance social order. The interdependence of institutions is however apparent. Kabeer's view to challenge the independence of institutions is supported as follows by the words Director of Sex Work Rehabilitation:

I think everybody has their framework that they work on and so you choose what you want to choose. If you want to do HIV prevention, then you have to work under their framework and the framework is; it's not very difficult because it's either educating them on HIV prevention, helping them to access ARV's, helping them to have the knowledge about HIV; educating them and maybe behaviour change and I don't think that is far away from what church does because actually in our programs even when we are in the church we actually refer them to HIV programs where we feel they will get the proper support that they don't have; because as a church we don't have a clinic so any other gap that the church feels, we have to work with the government at the end of the day. For issues like medical, we refer them to health facilities that are government. So, there is no time you can work in isolation without the government because even the women belong to the Kenyan government (Director for Sex Workers Rehabilitation, 2017).

The church and the state can complement and supplement each other in their roles where the church is regarded as an institution in the domain of the community. Every organization is however expected to play its role. The organizations draw on different ideologies that shape their roles and the way they go about their business. The following words sex work rehabilitation director open a discourse on complementary and supplementary roles with institutions:

If we want people to come and train us; definitely we can look for people like when we want to train on issues of HIV, the county DASCO can provide for facilitators to come and they are very willing because they already have a framework of how to implement HIV programs within the community. However, whatever you are implementing sometimes; the National AIDS Control Council has no funding to do that so they will come and they don't have the funding to provide for the activities that you want to do; but as a church we have been able to support that, we've been able to reach out to the women through our support from the church and so that is how we breach the gap (Director for Sex Workers Rehabilitation, 2017).

The church as an institution therefore plays both complementary and supplementary roles in furthering their agenda of empowering the people. The government plays the role of establishing the framework, and thereby having a direct influence on the institutional dimensions of rules and power, while the church influences the institutional dimension of resources. People and activity are co-shared between the two institutions.

The complementary role of institutions should aim to pursue the welfare of all in the universal agenda of development seeking a better quality of life for all. The following words by a civil society advocate indicate the need for a complementary motive, rather than a competitive one, as follows:

The like civil societies need to start working not against the government but with the government and complement each other because it's not even a competition. So, I see myself playing a role as an organization; the role of complementing what probably the government has not done like I gave you that example of sunscreen. Good, the government has purchased sunscreen but persons with albinism don't know the sunscreen is there; number two they don't maybe know even why use the sunscreen. So, it's our role as the civil society to sensitize them and link them to the services (Waithera, 2017).

Development is for everyone and by everyone. Institutions and individuals should therefore seek to work together on collaborative basis rather than competitively and without any form of rivalry.

This chapter has presented findings of the strategies suggested to enable participation and inclusion of all citizens in an 'ought to be' situation in quest for democratic agency, justice and sustainable development. Good leadership and governance that is representative and inclusive is seen to have high public value. Political leaders, elected by popular vote in elections need to uphold trust of the electorate and remain committed, responsible and accountable to their roles.

This is an area facing a big challenge in current governance of Nairobi and in Kenya at large undermining the role of the state in serving the public.

CONCLUSION

This doctoral conclusion highlights the main policy recommendations that the study suggests could be used by policy and decision makers and other stakeholders in urban governance to promote agency, participation and inclusion towards achieving a resilient, just and sustainable city and society in the contemporary and future urban development of Nairobi. Further, I confirm my original contribution to knowledge.

The strategies presented in this doctoral research advocate for more collaborative and integrative approaches for a wide stakeholder engagement and collective agreement in decision making processes. To ensure inclusion and active participation of those with numerous disadvantages a more deliberate effort by those in power and with capital is needed to reach out to the voiceless and less visible. This is by way of increasing individual community empowerment, provision of empowerment and proper planning and coordination of resources.

Drawing on the strategies suggested in the previous chapter, the conclusions exclusively gives key policy recommendations and government reforms that need to be adopted to address the research challenge of this doctoral study. The recommendations have been aligned with the UN Sustainable Development Goals; goal one, eight and eleven, that were of central concern to this study. The suggested reforms and remedies however would have an overlapping effect across all the goals due to their interrelatedness and interconnectedness.

Overall, from the findings of this thesis, there is notable progress and commendable achievement in citizen engagement by the government, though this varies across ministries, departments, and sectors. Institutional interdependence is encouraged by collaborating and partnering organizations playing complementary and supplementary roles under clear guidelines and frameworks. Decentralized and devolved forms of government were well anticipated to mitigate the challenges of inequalities associated with ethnicity, income, and regions in Kenya (Kanyinga, 2016). This was to be achieved through fair and equal distribution of resources from the national government to county governments enhanced through devolution. Essentially, most governance reforms have involved measures such as decentralization (Gilson & Agyepong, 2018). To a notable extent the New Constitution came with changes in funding. The funding is now more straightforward and directly from the

respective Ministry, unlike before, when Ministry of Local Government oversaw 175 local authorities nationwide.

Constitutional, Legal and Judicial Reforms

Largely, notable gaps have been identified by this study within the legal system. The legislation around the informal sector has widely been left unregulated. In many ways the sector is considered disruptive and illegal. Culture, values and morality have been left in some cases to determine what's legitimate and what is not, particularly in the sex work industry. The local by-laws and national laws have been marred by widespread inconsistencies making it hard for the citizens to not only enjoy their rights and freedom but also harder to establish ways in which to fight for them.

The Public Participation Act largely discusses participation within institutions and not within peoples' day to day exercises and experiences in government. This therefore means it is in itself exclusionary, considering there are many people working outside formal institutions where representation and accountability is easy to identify. The people in the ghettos and informal industry are left out by the Act since they have no established institutions to voice their concerns.

Labour unions in Kenya are mainly for those in the public and renowned private sector. The marginalised are further excluded and left voiceless and powerless to raise their concerns. The Act needs updating to incorporate ways to have the public included in decision making processes. Even then, the Act is still not very well understood among government institutions. This can be evidenced by the quote below from Wafula Chebukati, Chairman of Independent Electoral and Boundaries Commission, IEBC following the High Court ruling of 2017 stopping the printing of presidential ballot papers as there was no public participation in tendering process. The chairman said: "We will be appealing to get a clarification on the process of engaging the public because there is neither a legislative framework nor policy guidelines in place" (Daily Nation, 2017).

Clearly there remains a deficient legislative framework and deficient policy guidelines to engage the public across various sectors. This is a collective national problem that the

government needs to start taking more seriously and needs to redress to ensure a better future for all.

The judiciary have sometimes been compromised and have failed in many instances to deliver justice. The constitution in its current state, does not provide sufficient checks and balances to assist in this regard. The judiciary needs to accord justice as required by law regardless of a person's background. The prosecutions and court rulings have been perceived by some to be biased and in favour of those in power, due to corruption. Institutions such as the Kenya Anti-Corruption Commission have failed with regard to integrity themselves, whilst at the same time past and present bosses of the Commission have placed blame on the judiciary for serious judicial failures. The powers and functioning of organizations policing integrity need to be re-evaluated and adjusted to afford them more power. This would mean giving them a more public voice in the interests of securing more justice. The executive arm needs to be more aware of the needs of its citizens and be practical in service delivery. The police force, for instance, needs to be better informed on rights of citizens during the process of arrest and they should cease demanding bribes in exchange for release of suspects. The law should also be clearer and not leave discretion of a judgement of an activity as either illegal or legal to a police officer, particularly in the sex work industry and street vending.

Risk, Danger and Caring as Decency

To addressing Justice and Freedom of Choice in Decency of Work, I begin by asking a set of questions to address issues of justice, freedom and decency in sex work legislation. These questions are who sets the rules and, in whose favour, do the rules work? What are the prevailing conditions that determine decency and illegality of sex work? Who benefits from the rules and the activity and who are the people in terms of roles, inclusion – exclusion and the positions they take? Who has the authority to control and reinforce the rules?

The cumulative disadvantages facing some families have resulted in people engaging in prostitution as an economic activity. These include but not limited to HIV/AIDS prevalence causing loss of parents and guardians, and untimely deaths of breadwinners from risks and dangers surrounding their income generating activities of the disadvantaged among others. The comments by the rehabilitation of prostitution director explain the scenario as follows:

There are issues that have promoted women going to prostitution like HIV infections that has left orphans, that has left widows and many other issues like if a father dies and he was the bread winner of that family, then what happens to that family? They are left desperate and of course the mother might end up in the street to look for food for the children. Other issues like joblessness; let me say there are many factors that have contributed to women going to prostitution (Director for Sex Workers Rehabilitation, 2017).

HIV/ AIDS, as a chronic illness, summons hopelessness in life. With lack of proper guidance, counselling and treatment, most victims feel no need to be cautious anymore with life for sooner or later, they will be dying. I asked the director how HIV/AIDS influences the choices victims make once they realise, they are positive, including their reluctance to give up certain ways of life, or not to care for those not yet sick and she said:

Sometimes they do; sometimes they feel desperate. They were faithful to their husbands or the husband was faithful on the other side but they feel maybe offended because of how they got it and sometimes they might end up there because they don't care but the women that we interact with mostly go there because of their children. They feel I have been left alone and I don't have livelihood for my children. That promotes them to go to prostitution so that they can feed their children and take care of their other financial issues (Director for Sex Workers Rehabilitation, 2017).

The comment indicates that the main factor driving people into the industry is to provide for their families. This can be considered decent by some, considering the women have put their lives last to provide for their families under unequal social and political circumstances that offer women unequal human capabilities (Nussbaum, 2002). Decency can therefore be viewed from the lenses of motive and care for others rather than on the basis of beliefs and values. Nussbaum considers the issues of norms as more central in social justice to empower people in her ten capabilities. The focus on social justice should be towards achieving substantive freedoms arising from empowered capabilities (Nussbaum, 2009; Alexander, 2008).

The women and the fathers who also die at work put their lives last and confront the risks and dangers they face in their positions of disadvantage to provide for their families. This is an indicator of responsibility considering the lack of choice they have. It is misguided when the community regards such behaviour as indecent. The authorities on the other hand fail to protect the vulnerable and instead criminalize both the activity and the people rather than providing alternatives to promote freedom. The law in itself becomes oppressive to the poor.

The industry of commercial sex work has received mass support from the civil society through gender and human rights campaigns. As such the industry has seen an increase in male sex workers:

Male sex work is an industry that is really growing. We know very well the civil society has been trying to promote issues of gender and issues of choices and human rights. That has really promoted that because they are now being supported to be what they want to be and so that has also contributed a lot (Director for Sex Workers Rehabilitation, 2017).

Other bodies, including governmental organizations, such as the Kenya National Commission of Human Rights, in the words of one of their commissioners narrated similar sentiments in their push for human rights by calling for declassification and decriminalization of petty offenses and some activities, e.g. prostitution (National Commissioner for Human Rights in Kenya, 2018). They based their argument on the debate between bad behaviour and morality versus criminality. They expressed their support for the review of the Kenya Penal code to ensure fairness in delivery of criminal justice especially to the poor.

Declassification and Decriminalisation to Differentiate Behaviour and Crime

The focus by the government and other stakeholders should be to promote agency by providing means and forms that facilitate a wide range of economic choices rather than criminalising civil behaviour which results from limited or lack of choice. Nonetheless, the Kenya Penal Code criminalizes prostitution and prescribes a custodial sentence in Cap 63 of the Constitution of Kenya (Laws of Kenya, 2014). However, in an interview with the an official from the national commission for human rights, she explained that there is hope following ongoing efforts to reform the criminal justice system by the National Commission on Criminal Justice Reform (National Commissioner for Human Rights in Kenya, 2018). The reforms that came about after an audit into the delivery of criminal justice in Kenya seeks to declassify prostitution from a serious crime to a petty offense or to decriminalize it altogether. The process of declassifying and decriminalizing petty crimes has been suggested to involve the decolonization of the Laws of Kenya. A non-custodial sentence is to be given to those prosecuted. The words of the human rights official are as follows:

There is a great need to update our penal code which is still very colonial and puts people down. It had ways to target people like Africans and keep them low. The questioning should move to how do we differentiate bad behavior versus criminality (National Commissioner for Human Rights in Kenya, 2018).

Therefore, in search of livelihoods the women end up becoming so desperate that the only thing they have left to offer is their bodies. By applying Kabeer's (1994) social relations approach to analyse the informal sector industry, the market sector is responsible for the commodification of destitute women into sex work. The women lack no good or service to trade other than the commercialisation of their own bodies. A lack of education, that would direct imply lack of profession, makes them unemployable. They also lack crucial entrepreneurial skills to run their own businesses.

According to the International Labour Organization Declaration on Fundamental Principles and Rights to Work adopted in 1998, member countries like Kenya are required to promote the elimination of discrimination in respect of employment and occupation (International Labour Organization, 2019a). Rights and Declaration. The Declaration considers unemployed as people with special needs for their protection of rights and freedom. Sex workers are mostly unemployed people working in the informal sector who thus need protection by the law rather than criminalization.

Adopting a New Sex Work Legislation Model

Kenya needs to adapt a model similar to the Swedish one which distinguishes between the victims of prostitution (women and children) and the perpetrators of abuse (those who profit from their labour and those who buy their services). The Swedish system argues that the former are innocent and the latter need to be criminalised. The Swedish model responds to this by ensuring that those who are victims are not criminalised. This is a very important point and the first step for enhancing capabilities through providing vocational options so that prostitution is not seen as an inevitable option for those with minimal skills.

The freedom to enter an industry (when above 18 years of age) is an argument put forward by the industry – others say this is not enough because often those who enter the industry are already victims of abuse or early introduction to sex whilst under age (often by members of

their own family or a step family). This is, as described below, indicating prostitution as a generational issue among some families. The effects are both psychological and economic as illustrated below by sex work rehabilitation director:

Because if your mother actually used to do prostitution, you find that being a cycle of prostitutes in that house. Yeah, because they know nothing else; they know we get food through prostitution and so they will think that is a lifestyle that is acceptable to their family despite the fact that they know it's wrong. ... And in psychology, what we say is that behaviour is informed from childhood experiences. Hardly would somebody start a behaviour without having an experience of what they are doing because most people behave the way they grew up and so that is one thing that we know and we are trying to help them change that because they were not privileged to grow up in families where there were moral standards of behaviour and so their childhood experiences make them behave the way they behave and that's why we are very open to them even as a church, as a department, we are very open to them because we know that the fact that we preach the gospel we also know that some of these experiences they went through when they were growing up promoted them to be what they are.... However, the society judges them so harshly; they think they have decided to do that but according to my experience, having worked with these women; I've seen where sometimes the problem started; it is within the childhood experiences that they went through (Director for Sex Workers Rehabilitation, 2017).

Legal prohibition should be there to prevent the risk of children engaging in the sex work industry and to protect against associated exploitation, but not to compromise the entire freedom of people who make deliberate and informed choices (but sometimes highly constrained choices) to work as sex workers. Nonetheless, from data collected and earlier cited from a sex worker rehabilitation director, even with prohibition children as young as nine years old join the industry for survival and in some instances do so because of parental and guardian influence.

Public participation needs to go beyond policies in paper, either in the form of Acts or constitutional articles, to developing specific guidelines and a framework to regulate the day to day activities in real life. Such measures should look into consideration of effects of livelihoods to individuals to design regulatory frameworks and platforms to engage with disenfranchised people who are likely to be criminalized due to their cumulative disadvantage.

Socio-Economic Reforms to Mainstream Gender and Informal Sector

Empowering women at grassroots level is perceived to yield higher success compared to empowering men. At a household level, the women are more connected with problems and suffer most. They also have less or no ego, and unlike men, getting wealthy to them does not translate into getting into another marriage. This scenario is as narrated below by a woman running an organization to empower women:

Researcher: What triggers you to empower the woman over the man?

Respondent: Because it is not easy to empower a man, I have tried. They can't submit to a woman, that is one. (Laughter) We tried starting a group of men and they are the ones who requested, and they started by saying, we will not be contributing twenty; we will be contributing one hundred. We will not be meeting weekly; we will be meeting after two weeks and finally it could not stand. So, there is a way they will not take it from a woman (Director of Dorcas Creation, 2017).

This is also an indication of the place of women in Kenyan society. Many men would rather suffer than take orders from a woman. The cumulative effect is that the men and their household end up suffering. A child who is only from a single parent household, if it is a male household, remain a little more disadvantaged than the average Kenyan household.

The role of women in leadership positions is undermined across institutions. However, from the above narrative, it is safe to suggest if gender is mainstreamed and more women empowered, men will overall come to accept the development. In such efforts, there is a need to show case the role of women and for more support to be given to both the woman in power and the benefiting woman. The vulnerable woman in need of help may fail to receive it if the husband does not support the help if it is coming from a woman. This further deepens the family in destitution and hopelessness. Polygamy, is seen as a threat to women empowerment. The more resources a man gets, the more he thinks of another wife. In the words Dorcas Director this is expressed as below:

They also are not very good in respecting rules set by themselves and group table banking are usually guided by the rules so without rules you can't keep the table banking going on. Then, when you empower the man especially in our context and the man gets money, then the next thing they think about is another wife, the next thing they think about is themselves. It is not so much the family but when you empower a woman, a woman is thinking about the child and our aim is that the child will be empowered and continue with school, he will be fed and all that. It

became very hard to think of empowering a man. But a woman with our way of empowerment, there is a way we empower the man through the woman (Director of Dorcas Creation, 2017).

The egotistic nature of some men in Kenya that is hostile towards women empowerment is apparent and strategies to curb the toxic patriarchy need to be established at all levels within institutions. The approach of making women successful has worked in some instances for Dorcas creation. When asked if women can be empowered by empowering the man a woman from Dorcas commented:

No, that doesn't work in Kenya (laughter). The way we empower a man through the woman is that the man can now access loan facility from the table banking of a woman. The other thing we do is that if we discover the man is too strong, we intervene, and we call the man and talk with the man and there are men who have started businesses because we have educated them. There are even men we have given loans ourselves and they have paid. So, because of what we are doing with their wives they accept us and so they can even benefit through us because they have seen what we are doing with their women so they can come to us seeking for counsel, they can even come tell us even about their marital problems but it's because our women we not only teach them on economic empowerment but also spiritual so they respect their husbands, they honor their husbands and because of that there are men who have been changed because of the way the wife is changed (Director of Dorcas Creation, 2017).

Considering there are slightly more women in Kenya than men, influencing change through women could have an enormous effect. A social transformation would also occur, resulting in less gender inequality and discrimination. The discourse further continues to show how in the event of a man who has control over a woman making a wrong decision the effect will be great. The words below elaborate this further:

One wanted the wife to go back upcountry; I took the phone and called him and told him you can't do that. This is the one who teaches women how to bead. Now if you take her, what will happen? And he called me back and told me she will not go she will stay. So last week, he sent the wife to me asking if we can give him a loan of one thousand because they wanted to shift houses, which we did. Therefore, with the transformation of the woman, we are able to change the man, but it cannot be the other way around. Not in Kenya. Another country, maybe (Director of Dorcas Creation, 2017).

This statement highlights the power women possess in the household. Had the woman gone back upcountry, her chances of doing well would have been compromised. Others relying on her would also have been deprived of her services. There is thus a need for more advocacy for women and support, especially at the household level. A powerful woman at the household level will yield a higher influence in the community, market and in the state. Jane is a perfect example of what an empowered woman can achieve. There are fewer men in community-based empowerment programs than women. For this study, only two men participated in a focus group meeting. I also did not come across a man who was willing or running such an organization during the recruitment process and even in the entire field work. The survey, however, gave a picture of their perspectives and there were men who gave insights through individual interviews, either based on their occupations or government positions they hold.

Gender unconsciousness was noticeable. When asked if there are groups or categories of people left out in governance, the research director said: ‘Now you are making me think; do I even look at the gender? I just see a meeting I see many women, many men’ (Director for Research Statistics & Urban Policy Nairobi County, 2017). There is however an indication that there are more women again who participate than men, even though gender sensitivity has not been taken very seriously. However, in issues involving power and representation, men are more dominant than women. This is as illustrated below by a county official:

...there are people who come here to bring their grievances; maybe representatives over certain neighborhoods, and more often I see men. I have not thought; now that you’ve made me think of gender, I’m thinking of the several that I have held even in the recent past. It is men who come here to lodge the complaints and say, ‘I am the chairman of this... I am the secretary, I am the treasurer, I am the who (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Gender equality is being emphasized in almost all development debates. The inclusion of women and other less powerful people on the decision-making process is gaining momentum across various sectors and institutions in Kenya (National Gender and Equality Commission, 2016; Owour, 2016). In Nairobi, the trajectory is on good course with legal support backing the inclusion of all the people in development issues as narrated below:

...Yeah but because of the constitution and saying what should constitute leadership of a community, I have seen a requirement. We do a lot of work in the informal settlements and we require them to be organized. We require that there is representation of men, women, elderly,

disabled person and youth. So, if you have to select five people and only five, there must be a man, a woman, a person representing disabilities, a person representing youth (Director for Research Statistics & Urban Policy Nairobi County, 2017).

This indicate good efforts to enhance diversity and inclusion to reduce participation gap. With greater commitment, Nairobi is on course to becoming an inclusive city for all including those most disadvantage. The challenge remains in the lack of consistency in the commitment and legitimacy crisis which often result to overlooking designed frameworks for personal gains and conveniences by those in power and with control of resources.

Political and Electoral Reforms

There is a need to get good political reforms by the country conducting free and fair elections. The opposition leader said the problem facing Kenya is fundamentally that of democracy, constitutionalism and the rule of law. Concurring with him, Kenya currently has a good constitution, but the elites have deliberately failed to follow it to the letter. Abuse of human rights is normalised so long as one in power is abusing a less powerful victim. The need for political soundness to ensure the people's voice is heard through their elected leaders is essential. Most government agencies said their main deterrent to success in most departments was political interference by powerful political leaders seeking their own interests. If controlling political interference is very hard for the legislature and executive arms of the government, the judiciary should be strengthened to bring justice by punishing law breakers accordingly.

The parliament, being the legislative arm of the government, must accept failures in the legislation processes and move to face them with realistic measures. This includes, and is not limited to, setting up policies not biased by political affiliations. The well-being of the people must be considered a central priority over and above one's political ambitions, associations, aspirations and motives. Political interference has been cited as one of the most detrimental vices affecting progress in development and governance. Political capitalism, primarily aimed at retaining power and wealth at the expense of oppressing the majority for the sake of a few minorities, must be condemned and stopped.

Nationally, the political subdivision of Kenya needs to be restructured into regions rather than counties. The present adoption of counties has resulted in complex small units of administration making it hard to allocate resources effectively. The counties are also based on regional and ethnic lines, thus perpetuating identity politics and undermining the oneness of all Kenyans. Coordination, control and monitoring of resources in the current era of devolution was found to be experiencing a crisis in role and responsibility. Thus, there is conflict among various government agencies and departments.

This study also found that most communities and their resources are divided mainly along geographical lines by region. Currently, a shared national political ideology is lacking, with voters being divided by regional and individual biases and interests. Region is used by the elites to divide voters on ethnic lines. The ten regions identified by this study would be easier to govern and less resources would be used to coordinate and manage each region if the aforementioned problem was solved. This in turn would lead to a direct reduction in government spending.

Future Research

Future research which this study did not accomplish is specified in this section. It could help improve the findings and adoption of this doctoral research. Future research needs to explore ways in which policy research findings could be adopted, assimilated and applied in real life, and also to help accomplish what this study did not due to the limitations mentioned in chapter three.

This research adopted the approach of sequential transformative mixed method research and auto-ethnography, with the researcher playing the role of the researcher and the researched (in some respects), while the participants were considered as co-researchers. This therefore warranted having reflective questions to enhance the responsible use of research as a way of knowing. The process therefore involved asking the participants to give their views on how they felt the research process was in terms of adding knowledge, raising awareness and influencing critical thinking.

There were reflections that came up, some of which act as a basis for future research and as an evidence of how a responsible research process can facilitate learning for both the researcher and the researched. A request for a workshop meeting to be conducted in the form of a multi stakeholder seminar discussion was also posed to facilitate a soft system mapping into the issues of governance and development.

There is paramount need for a greater linkage between academia and industry in joining the dots in the discourse of development. For instance, findings from this research may struggle to make their way to policy makers because of the gap that still exists between scholarly work and government bodies. This is especially so for private scholars or people working for non-governmental organizations.

Future research could seek to develop an actual model of urban governance to help in monitoring and evaluation, alongside guiding the participation process in the devolution era. This is to close the gaps, as stated below by an official from housing:

I think a model would do; would help us to check where we are, where we fail, where we are going... you have talked to UN-Habitat; they used to have a campaign on urban governance and secure land tenures so I was thinking; they have a campaign on urban governance and I think they had parameters... But now, I don't think there was a monitoring element... So, you can marry that, because the principles are the same. So, using those principles and what you gather from your research then that model so that we don't deviate from what... So that we are not re-inventing the wheel and duplicating what others have already done. We are just building on something that has existed (Deputy Director for Housing Slum Upgrading, 2017).

Future research could explore the specific and unique disadvantages of each group of marginalized peoples. A case in point is the research regarding people living with Albinism, as it was suggested that there is very little done about this category of people. Jane, a woman living with Albinism working in the civil society and providing advocacy to people with Albinism, in relation to the research gap said:

There is a lot of investment around research and you see a lot of social researches; very few have actually been directed to the marginalized; if there is any. Like even on albinism, I bet you try I don't think there is anyone who's even ever done any research on albinism even at a PHD level or anything. So, you see, and those are the things that guide programming and those are the things that guide budgeting. And those are the things even like bodies like the UN develop

their work plans based on researches that have been done; so, if there's no research on the marginalized, then they will not even have it as an agenda; it comes as an AOB... It counts for you Machuki to do something and another one to do something and another one to do something; then there is a point of reference (Waithera, 2017).

The comments give my doctoral research a bigger significance in original knowledge contribution for understanding how the dynamics of stigmatized disadvantages, such as Albinism, evolve and threaten the survival of victims across various institutions. Nonetheless, there remains considerable work to be done to comprehensively explore the condition of Albinism and the challenges faced by people living with the condition, as well as to identify measures to fully support their functioning and improve their quality of life.

To further add to her frustration on the limited research and the struggles she has made to put her concerns across to the policy makers, Jane narrated the situation as follows:

I have written a lot of papers like the most recent one I wrote was on the social reconstruction of albinism and it's actually being published by the centre for human rights in South Africa but you see mostly I used my personal experiences and experiences of my friends because there was literally nothing on book that I could have reference; but the things that came up in the research and the recommendations that I made on the papers are things that can be done and that should be done... But you see a lot of people, policy makers and even people who work on budgeting and all that may not take that seriously if it's not backed up by another academic back up (Waithera, 2017).

The failure policy makers to take marginalized people more seriously is a theme that has been presented by this doctoral as very apparent in governance. The attitude of ignorance and arrogance towards the disadvantaged has been used to discriminate against the minority and thus exclude them from mainstream society in governance and development processes. The lack of sufficient research to back up their claims of discrimination enhances the vicious cycle of disadvantage as they remain less visible members of the society. Future research therefore needs to focus more on marginalized communities as a way of making them more visible and giving them a voice, as this study has done in the case of Jane and the people she represents.

The missing voices from LGBTQI+, male sex workers and foreign communities in Kenya that were not included in this research should be included in future studies. They are significant

minority groups whose insights would inform policy for greater inclusion, equality and diversity. In this regard, future research should seek to engage the international community as the fifth domain of institutional analysis.

Further, future research should seek to advance the strategies suggested by looking into the deeper details of each to determine their adoption, application and implementation to policy. Specifically, the issues of trust, decency, morality, values and beliefs on impacts of the impacts they have on society, politics and economic. The qualitative aspect of these factors need to be researched in future to determine specific effects they make on people welfare and economic production systems.

Research Reflections

Following the conclusion of an interview session or focus group, I would reflect on the participants' experience. The aim would be to identify if there were concerns they had not addressed and to get their perception of how useful and engaged they felt during the interview or discussion. This was to ensure responsible use of the research as a way of enhancing learning to both the researcher and the interviewee.

Some of the reflections that came up are as follows:

I think it was a good experience and I also benefitted from it; to be able now to open my eyes towards governance and development and issues that relate to the work I'm doing (Director for Sex Workers Rehabilitation, 2017).

Those are the words of the sex work rehabilitation director indicating the process was an eye opener. This implies, not only did I get the data from her, but I also passed useful information to her to reflect on and apply in her work. Another participant, an official from the Ministry of Planning and Devolution said:

It was good. It was helpful. At least it made me recap on some issues that I had not thought about and it's a good research anyway. Give me the findings after you are done; I see what other respondents are saying (Coordinator for Resource Mobilization Ministry of Planning and Devolution, 2017).

To her, the process was informative and made her think of things she had never thought about. Interesting is her indication of her interest in getting the perspective of other contributors to see

what they think. In our discussion with the research director at Nairobi City Hall, I asked if there were scenarios where government officials benefited from the scholars from the findings of their research. The aim was to try and begin discussions on how academia could be involved in policy making. This was to help identify the avenues for how research findings could be adopted in real life and be operationalized. Her response indicated this as an area that may require attention, since she suggested that currently they mostly engage with academia through the training of students for internships. In her words she said:

Mmmh ...Whoa. Let me say maybe that's an area we need to consider and if it has happened, it's isolated. You know city hall is so big (Director for Research Statistics & Urban Policy Nairobi County, 2017).

Research process can be taken to discover problems together between the researcher and the research participants. This is indicated by the following comments from another research participant:

I think we will hear about governance and there are principles of governance but not much has been done about it to exactly get the real; what is the problem, what are the gaps, yeah. So I think by engaging with you, I have gotten more interests; like so what? We talk about governance; so what? So where are we headed? So what next, you know? So it has provoked my thinking with regard to governance and like we are not yet there. So we still need to work towards it and the aspect of denial which was coming very well. Sometimes we say, 'Okay we have tried to do this' and we think that is it but there is a lot that needs to be done. It was an eye-opener. In addition to the experience I have, the knowledge that much more can and still needs to be done (Deputy Director for Housing Slum Upgrading, 2017).

These comments indicate the research process can go a long way to informing both the researcher and the researched to develop new ways of knowing. It is a great way of collaboration. The gap in theory and practice is collaboratively identified implying the solutions are more likely to be accurate. The following questions by community members in a focus group meeting indicate the need for us as researchers to be responsible and make commitments to problem solving through the findings we obtain. The questions were as follows:

Even as I go, after doing what we have done, you as our facilitator; will you leave us and go...Because we need to get a way forward and say now because we have done this research you want to implement. We want to get the impact. When we gain the way forward here we say let's go. Then you will be able to reckon and say the major hindrances that we

are saying; that my sister is saying and others here are saying they have not yet been able to knock those doors; how is your study going to help us rise over all these? (Nairobi Githurai 44 Community Focus Group, 2017).

While researchers, including myself, might not be able to offer solutions to all these questions in one study, there is need to acknowledge that we can make a contribution to the society. This policy research aims to make transformative effects in society by addressing inequality, and thus raising awareness of the challenges facing communities was a good indicator of the research impact. The comments and reflections made by the participants indicate the beginning of new thinking in pursuing social justice as a desired goal of sustainable development.

To conclude I reiterate in the words of (Abdul-Hafiz, 2016) ‘that any process of development, be it economic or socio-political or both, that does not take the human element as its core, is a predetermined failed, unfair and unsustainable’ p. 9. It is therefore of great importance to put the welfare of all the people as a central concern in the governance process in pursuit of sustainable development. Thus, the consideration of people as core in any development must be supported by their ability to actively participate in decision making that influence, shape and govern the development process.

This doctoral research explored the dynamics of disadvantage focusing mainly on marginalised people who remain vulnerable to various forms of abuse and exploitation due to their limited voice and power. The core sources of disadvantage emerge from the life chances they possess that are unfavourable. These include poverty, disability, ethnic minority, female gender, unemployment and engagement in informal sector work. Based on the support network and empowerment available to these people or lack thereof, the disadvantaged group can either move from surviving to thriving or vice versa. The accumulation of disadvantage makes one less powerful and more voiceless rendering many hopeless out of absolute destitution. They hence occupy the lowest levels of the Ladder of Disadvantage, as discussed by this study. The result of this is extreme marginalization with no chance to participate in governance and development processes. They become survivors and hustlers.

I have argued in this thesis that the continued increase in inequalities and injustices in Nairobi has been persistent mainly due to lack of commitment and responsibility by those with power and resources to bring a balance. The reluctance by the elite to bring change is to maintain

status quo by relying on market competitiveness and legal measures that have been found by this study to be unfair to those disadvantaged. There is progress made by Kenya in promoting public participation including the Public Participation Act and several Articles in the Constitution like Article 10, but there remains a lack of practical guidelines on how to engage the public especially the minority.

Poverty, as a factor associated with low or no income, based on employment status and nature of work, is the root cause of various disadvantages. Those completely entangled in abject poverty have little chance to move up the ladder as it significantly affects most forms of empowerment available. Destitution is seen to get people into worse situations when people resolve to engage in more risky and dangerous work for survival. Powerlessness, lack of voice and agency increases as the capabilities diminish. The implication is that an inverse relationship exists between power and disadvantage. The opposite, power and voice increase as people improve their capabilities, is true. It has been recommended, for active participation to occur, a certain degree of empowerment must prevail for the citizens to allow engagement and the exercise of democratic agency. To achieve this, I have presented strategies for empowerment and ways to engage as remedies to address the challenges identified by this research that limit participation. The study concludes by suggesting key reforms – constitutional, social, political, educational and economic – that need to be enacted to increase inclusive and participatory governance. The conclusion drawn is that the more participatory and inclusive the governance processes will be, the more just and sustainable the development process will be.

To achieve more participation and inclusion this doctoral research makes a significant and original contribution by presenting a unique understanding the formation and evolution of inequalities and disadvantage in wealth and power across institution which in turn shape exclusion and marginalisation. The Ladder of Disadvantage is developed as conceptual framework to analyse and understand dynamics of power and disadvantage in the context of urban governance and development. The strategies to promote inclusion, participation and agency have been presented with a focus on improving citizen life chances and enhancing capabilities in the institutional domain of family, community, market and state.

Personal Reflections

This section gives my honest reflections of conducting this doctoral study. It comes as a sequel to the autoethnography discussed in the methodology section. I reflect the lessons learnt from the findings and the experience gained from conducting the study. The reflections are personal and provide hindsight information gained from the study. It reflects the entire doctoral journey to express how the experience has impacted on me both as a person and as a researcher.

Conducting this study has been an eye-opening experience to see things differently and think critically. As a researcher I have come to learn the value of conducting research and appreciate the effort it takes to conduct a research study. My desire to learn new and understand existing philosophies, ideologies, theories, concepts and approaches have grown tremendously.

The experience of doing this doctoral study presented me with a chance to see the world in someone's else eyes and reason in their perspectives. These people include the authors I have read and used their work in writing this thesis. The insights of the supervisors who have also guided me through the study have also largely shaped my way of thinking, viewing things and presenting myself in writing, speaking and action. My research participants greatly enhanced my perception about different things in life. In whatever capacity they contributed, through them I came to appreciate our diverse view and understanding of life as humans. Interacting with them gave me a unique chance to get a feel and personal touch of their life chance and their lived experiences.

In matters pertaining research, I have come to realize there are challenges in conducting studies, especially in Kenya. Although, I have discussed the challenges as limitations in this study, I will use this reflection to present the challenges from a personal view. There is a big disconnection between research and the industry. From my experience, the gap is more deliberate than otherwise as a means to suppress creation and absorption of knowledge to maintain status quo. Even though I observed and found there has been advancement in research, I strongly feel from the experience of this study there is need for more localized research to be done in Kenya. The literature and voices of the local are thin and it would be important if more studies draw on local knowledge for homegrown solutions. More empirical studies are necessary to create a rich pool of foundation studies that with less foreign influenced.

The experience of doing the research exposed to a personal understanding of privilege, power and destitution uniquely. This is following my life transitions from a humble socio-economic

background, to a position I can lead a study that gives a voice to the voiceless. I have not taken the honour of doing a PhD as an ordinary undertaking, but as a privilege arising from cumulative effort that extends my capacity. Doing this PhD and coming to its completion has been a culmination of many years of struggle, hard work, persistence, discipline and excellence. I have found the journey very fulfilling and transformative.

APPENDIXES

Appendix 1: A Table showing the UN Sustainable Development Goals

Sustainable Development Goals

- Goal 1. End poverty in all its forms everywhere
- Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture
- Goal 3. Ensure healthy lives and promote well-being for all at all ages
- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 5. Achieve gender equality and empower all women and girls
- Goal 6. Ensure availability and sustainable management of water and sanitation for all
- Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Goal 10. Reduce inequality within and among countries
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- Goal 12. Ensure sustainable consumption and production patterns
- Goal 13. Take urgent action to combat climate change and its impacts*
- Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development
- Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
- Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels
- Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

* Acknowledging that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change.



**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

Telephone: +254-20-2213471,
2241 349, 3310571, 2219420

Fax: +254-20-318245, 318249

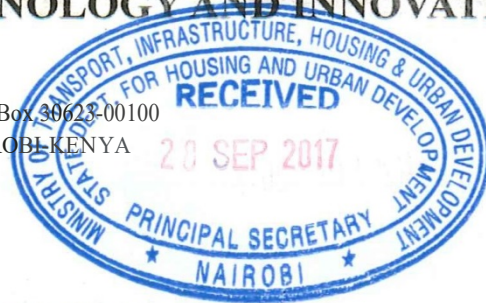
Email: dv@nacosti.go.ke

Website: www.nacosti.go.ke

When replying Please quote

P. O. Box 30623-00100
NAIROBI-KENYA

9th Floor, Utalii House
Uhuru Highway



Ref: No.

NACOSTI/P/16/46945/13805

Date:

13th October, 2016

Stanley Muchiri Machuki
Flinders University
AUSTRALIA.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on *"The role of participatory and inclusive governance in sustainable urban development of Nairobi, Kenya - A participatory approach,"* I am pleased to inform you that you have been authorized to undertake research in Nairobi County for the period ending 3rd October, 2017.

You are advised to report to the Principal Secretaries of selected Ministries, the Director General, Kenya Bureau of Statistics, the County Commissioner and the County Director of Education, Nairobi County before embarking on the research project.

On completion of the research, you are expected to submit two hard copies and one soft copy in pdf of the research report/thesis to our office.


BONIFACE WANYAMA
FOR: DIRECTOR-GENERAL

Copy to:

Principal Secretaries
Selected Ministries.

The Director General



The County Commissioner
Nairobi County.

COUNTY COMMISSIONER
NAIROBI COUNTY
P. O. Box 30124-00100, NBI
TEL: 341666

The County Director of Education
Nairobi County.

03 FEB 2017 '16

THIS IS TO CERTIFY THAT:
MR. STANLEY MUCH/RI MACHUKI
of FLINDERS UNIVERISTY, 0-5000
Adelalde, has been permitted to conduct
research in *Nair.obi County*

Permit No : NACOSTI/P/16/46945/13805
Date Of Issue : 13th October, 2016
Fee Recieved : ksh 2000

on the topic: *THE ROLE OF
PARTICIPATORY AND INCLUSIVE
GovERNANCE IN SUSTAINABLE URBAN
DEVELOPMENT OF NAIROBI, KENYA - A
PARTICIPATORY APPROACH*

for the period ending:
3rd October, 2017



[Handwritten Signature]
Applicant's
Signature

[Handwritten Signature]
Director General
National Commission for Science,
Technology & Innovation

CONDITIONS

- t. You must report to County Commissioner and the County Executive Officer of the relevant area regarding on your reasons for applying to cancel the permit.
2. Government Officer will be interviewed "in person" appointment questionnaire must be used unless it has been approved.
3. Evaluation and approval of applications are subject to further permission from the relevant Government Ministries.
5. You are required to submit at least (2) hard copies and one (1) soft copy of your final report.
- f. The Government of Kenya reserves the right to modify the conditions of this permit in writing in consultation with the notice



REPUBLIC OF KENYA



National Commission for Science,
Technology and Innovation

:RESEARCH CLEARANCE PERMIT

Appendix 3: Receipt of Payment of Payment for First Kenya National Research Permit



Date: 09/09/2016

CREDIT ADVICE
CASH DEPOSIT

KCB KIAMBU
Account AT KCB KIPANDE HOUSE



ACCOUNT DETAILS

A/C NO: 1104162547
A/C REF: 005241970364
NAT COMM FOR SCI ,TECH AND INNOV
Current Account - Bundled

We have credited your above account with

2,000.00 KES

Kenya Shillings TWO THOUSAND ONLY

CASH PAID IN BY: STANLEY MUCHIRI MACHUKI

Signature : 

Transaction Number: TT16253FFNKM at 15:20:40 On 09/09/2016

Thank you for banking with us. You were served by: FELIX WOHO RO NDUNGU

*** Advice not valid unless Transaction Number is shown ***

PAP-1064 Beam Version 11 (Revised Sep 2010)



**NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY
AND INNOVATION**

Telephone: 020 400 7000 ,
0713 788787,0735404245
Fax: +254-20-318245 ,3 !
8249
Email: dg@nacosti.go .ke
Website : www.nacost i.go .
ke When replyi ng plea s e
quote

NACOSTI, Upper Kabete
OffWaiyaki Way
P.O. Box 30623-00100
NAIROBI - KENYA

Ref No. **NACOSTI/P/17/46945/19970**

Date **22nd November, 2017**

Stanley Muchiri Machuki Flinders University AUSTRALIA.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on ***"Role and operationalization of participatory governance in sustainable urban development of Nairobi"*** I am pleased to inform you that you have been authorized to undertake research in **Nairobi County** for the period ending **20th November, 2018**.

You are advised to report to **the County Commissioner and the County Director of Education, Nairobi County** before embarking on the research project.

Kindly note that, as an applicant who has been licensed under the Science, Technology and Innovation Act, 2013 to conduct research in Kenya, you shall deposit **a copy** of the final research report to the Commission within **one year** of completion. The soft copy of the same should be submitted through the Online Research Information System.

#<?%zle

**GODFREY P. KALERWA MSc., MBA, MKIM FOR:
DIRECTOR-GENERAL/CEO**

Copy to:

The County
Commissioner Nairobi
County.

The County Director of Education
Nairobi County.

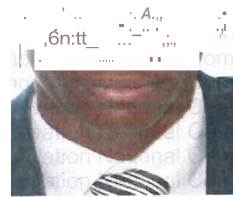
National Commission for Science, Technology and Innovation/10111s/SO900t 2008 Certificate

THIS IS TO CERTIFY THAT:
MR. STANLEY MUCH/RI MACHUKI
of **FLINDERS UNIVERISTY**, 0-5000
Adelaide,has been permitted to conduct
research in *Nairobi County*

Permit No : NACOSTI/P/17 /46945/19970 Date
Of Issue: 22nd November,2017 Fee Recieved
:Ksh 2000

on the topic: **ROLE AND
OPERATIONALIZATION OF
PARTICIPATORY GOVERNANCE IN
SUSTAINABLE URBAN DEVELOPMENT OF
NAIROBI**

30-11-17



for the period ending:
20th November,2018

— Applicant's Signature —

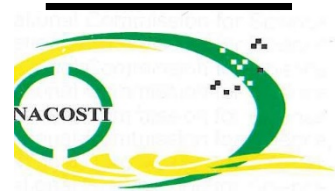
.....
Director General
National Commission for Science,
Technology & Innovation

CONDITIONS

1. The License is valid for the proposed research, research site specified period.
2. Both the Licence and any rights thereunder are non-transferable.
3. Upon request of the Commission, the Licensee shall submit a progress report.
4. The Licensee shall report to the County Director of Education and County Governor in the area of research before commencement of the research.
5. Excavation, filming and collection of specimens are subject to further permissions from relevant Government agencies.
6. This Licence does not give authority to transfer research materials.
7. The Licensee shall submit two (2) hard copies and upload a soft copy of their final report.
8. The Commission reserves the right to modify the conditions of this Licence including its cancellation without prior notice.



REPUBLIC OF KENYA



National Commission for Science, Technology and Innovation
RESEARCH CLEARANCE PERMIT

Serial No.A 16608 CONDITIONS: see back page

Appendix 5: Receipt of Payment for Second Kenya National Research Permit

ORIGINAL National Commission for Science, Technology and Innovation National Commission for Science, Technology and Innovation

OFFICIAL RECEIPT AC **21376**

Station Nairobi Date 15/11/17

RECEIVED from Stanley Muthuri Madhuki

Shillings Two Thousand only

Nil cents

on account of Research permit

Vote R-43

Head NACOSTI

Item A15

Cash Direct Deposit

Cheque No: q

Signature of Officer receiving remittance

USD	
Kshs	<u>2,000.00</u>
AC	
No.	

Appendix 6: Conditional Ethics Approval from Flinders University

CONDITIONAL APPROVAL NOTICE

Project No.: 745

Project Title: The Role of Participatory and Inclusive Governance in Sustainable Urban Development of Nairobi-Kenya: A Participatory Approach

Principal Researcher: Mr Stanley Machuki

Email: stanley.machuki@flinders.edu.au

The SBREC Low Risk Sub-Committee is satisfied that in most respects the above project meets the requirements of the *National Statement on Ethical Conduct in Human Research (March 2007)*. However, some further clarification is needed before final ethics approval can be granted and before data collection can commence.

The project has been given conditional approval subject to response to the following comments.

Ethical Issues

1. Commencement Date (item A3)

Please confirm that data collection has not commenced given that the date that data collection is due to commence was listed as 1st November, 2016. Please be reminded that projects may not commence without prior written approval from the Social and Behavioural Research Ethics Committee (see paragraph 2 under

'When is ethical review needed?'. in the section called 'Purpose, Scope and Limits of this Document' in the

National Statement on Ethical Conduct in Human Research).

2. Researcher Information (item 8) and Overseas Co-Researcher (item ES)

Please provide contact details (and any possible conflict of interests) for the research assistant, once they are employed, to the Sub-Committee. Please provide this information via the Modification Request Form.

3. Medical or Health Research Involving the Privacy Act 1988 (item C2)

The Sub-Committee notes that the health research box is ticket (within the application), but it is unclear how this research relates to the privacy act. Please provide additional information.

4. Research Method (item C5)

Please provide additional information regarding the research method:

- a) Will all participants be involved in all aspects of the research method (ie, focus group and interview);
- b) Provide details regarding how the randomly selected households will be chosen for the survey;
- c) Provide details regarding recruitment for participation in the focus group discussions.

Additional Information regarding the secondary data analysis (no further information was provided about this under item C5). Please provide a response to the following:

- a) Please provide a more detailed explanation of the secondary data analysis to be undertaken;
- b) If a data set will be accessed, please explain what types of information the data set(s) will contain;
- c) If a data set will be accessed, please explain how it will be accessed;
- d) If documents will be analysed please explain what types of information will these documents contain? (e.g., identifiable information; sensitive information etc);
- e) If documents will be analysed, please explain how will the documents to be reviewed and accessed? (e.g, publically available; sourced from an organization etc); and
- f) Are there any permission(s) that need to be sought to access these documents? If yes, please provide copies of correspondence granting permission to conduct the research from the relevant individuals and/or organizations. Please ensure that all correspondence clearly outlines the specifics of what permission is being granted. If the documentation cannot be provided at the time of response to conditional approval please confirm that it will be provided to the Committee on receipt. Please note that data collection cannot commence until all relevant permissions have been granted

5. Participation Rate (for NGOs) (item 01b)

The Sub-Committee noted that the researcher expects a 100% participation rate for the NGOs participant group. Given the voluntary nature of research participation the Sub-Committee suggests that an expected 100% participation rate may be unrealistic and should be reconsidered. Please consider and provide comment.

6. Source of Participants (item 01c)

Please provide a comprehensive list of all possible sources of research participants (ie, all NGOs, Government Ministries and communal groups to be approached). The Sub-Committee noted that this information had not been provided.

7. Translations (item 03)

Please provide translated copies of the final versions of all documents to be distributed to potential participants. Please also provide a signed copy of the Translation Accuracy Certification document, available from the [Guidelines, Forms and Templates](#) web page, to verify that accurate translations have been provided.

8. Contact and Recruitment (item 04a)

Please provide a more detailed explanation of the method to be used to contact and recruit potential participants for each participant group. If relevant, please also include information about selection or exclusion criteria to be used. The Sub-Committee noted that insufficient information had been provided.

- a) How will contact details be gained from the government? Are they publically available;
- b) Please clarify who will be doing the recruitment – the verbal script (item 04b) seems to indicate a third party will be recruitment,

9. Verbal Script (item 04b)

Please note the Verbal script should reflect what will be said to potential participants during contact and recruitment. For instance, what will be said if potential participants decline to be involved; what will be said if potential participants agree to be involved in this research, what will be the next steps for them, etc.

The Sub-Committee recognises that a verbal script cannot predict all the possible responses or questions from potential participants and does not expect that the researcher will read directly from it during interaction with participants as this would impede open and natural communication. The verbal script should be an explanation of the key points that will be communicated to participants during contact and recruitment so that the Sub-

Committee can be confident that participants will receive a complete picture of what the research entails to ensure that informed consent can be (see Chapter 2.2. under General Requirements for Consent and 5.2.16 under Participants' Interests in the *National Statement on Ethical Conduct in Human Research*). Please refer to the Application Submission Guide, available from the Applying for Human Ethics Approval web page for more information about what information should be included in a verbal script.

Please submit a revised version of the verbal script for the Sub-Committee to review.

10. Email Text (item D4c)

Please revise the email text by:

- a) Ensuring it is written by the student's supervisor and is based on the Letter of Introduction template available from the Guidelines, Forms and Templates web page;
- b) Emails will be sent to government officials, they should not be addressed as 'participants' – they have not agreed to be involved in the research as yet;
- c) The Email should 'invite' not 'request' for participation in the research.

Please submit a revised version of the email text for the Sub-Committee to review.

11. Participant Information (item 05)

Please confirm that a copy of the Consent Form will be provided to potential participants at the same time as the Information Sheet. To ensure that informed consent can be obtained, the Sub-Committee advises it is important for all information relating to the research project to be provided upfront prior to a decision being made about participation (see section 2.2.6 under General Requirements for Consent in the *National Statement on Ethical Conduct in Human Research*).

12. Direct Recruitment Approaches (item 06)

The Sub-Committee notes that under item D4a, some participants will be recruited via direct

recruitment. Please explain in detail how the researchers will address any real, or perceived, feelings of obligation and/or pressure to participate.

13. Anonymity (item 07)

Even though information provided will be treated in the strictest confidence by the researcher, given the nature of focus groups the Sub-Committee advises that participant anonymity cannot be guaranteed. To ensure that informed consent can be obtained, please ensure that all documentation to be given to potential participants

(e.g., verbal script (item D4b), email text (item D4c), Letter of Introduction, Information Sheet, Consent Form) are revised to include a clear explanation of anonymity and confidentiality assurances (see section 2.2.6 under General Requirements for Consent in the *National Statement on Ethical Conduct in Human Research*).

14. Incidental People (item 09)

Please reconsider the 'not applicable' response given to item 09 regarding incidental people. The Sub- committee suggests that people are likely to be incidentally involved in the research (eg, colleagues, family, teachers, etc) when surveys will be undertaken in participants' homes; interviews undertaken in some of the offices of participants. If yes, please explain how they will be informed of the research and how consent may be obtained for their incidental involvement (eg, verbal explanation; flyers, posters, emails etc.)

15. Time Commitment (item 010)

Please reconsider and comment on the expected time commitment for participants as the Sub-Committee suggests that some components of the research may take longer for participants to complete than indicated (eg, 30 minutes for the survey, and there are over 120 questions). If the time commitment is extended, please ensure the time commitment stated in information to be given to potential participants (eg, Email text, Letter of Introduction, Information Sheet, Consent Form) accurately reflects any changes in time commitment made.

The Sub-Committee suggests that a pre-test be run to better determine the time commitment in answering the questions.

16. Burdens and/or Risks (item F2)

Please provide a more considered and complete analysis of any burdens and/or risks which may not have been articulated within the application (eg, time commitment for the survey which is burdensome for participants; discussing possible corruption may be upsetting for participants; any safety issues for the researcher when discussing possible corruption with government officials; anonymity issues for focus group participants). The Sub-Committee advises that even if the possible burdens and/or risks associated with the project may be unlikely or minor that they need to be considered and discussed. Please explain how the

researchers will manage any potential burdens and/or risks identified. To ensure that informed consent can be obtained please also revise the Information Sheet to include clear advice about possible burdens and/or risks

the section 2.2.6 under General Requirements for Consent in the *National Statement on Ethical Conduct in Human Research*.

Please submit a copy of the revised Information Sheet for review.

17. Management of Burdens and/or Risks (item F3)

Please provide a management strategy for conducting the survey in people's homes.

18. Feedback and Debriefing (item FS)

Please clarify whether any feedback will be provided to participants. If yes, please clarify how the feedback will be provided and how participants will be informed of this arrangement. The Sub-Committee notes that an appropriate response was not provided for this question.

19. Questionnaire (item F6)

Please provide a more detailed explanation regarding management of the questionnaire (eg, how will houses be chosen for participation; how will the survey be administered; anonymity issues if researcher is physically collecting the survey). Please revise the Information Sheet by ensuring questionnaire return arrangements are clearly indicated.

20. Letter of Introduction (Survey) (Attachment)

Please revise the Letter of Introduction (Survey) by removing 'short', as in 'short' survey. The Sub-Committee notes that this is misleading as the survey has 120+ questions.

Please provide a copy of the revised Letter of Introduction (Survey) for the Sub-Committee to review.

21. Information Sheet (Attachment)

Please revise the Information Sheet (Focus Group) by:

- a) Including a statement stating that focus group participants can withdraw at any stage but their data and recordings of their input cannot be deleted/withdrawn;
- b) Under the heading '*What will I be asked to do*' change 'will improve' to 'may improve';
- c) noting that anonymity cannot be guaranteed for focus group participants
- d) Include contact details for support services and possible disclosure of illegal activities;
- e) Include clear explanation how feedback may be given to participants.

Please revise the Information Sheet (Interview) by:

- a) Under '*Are there any risks or discomforts if I am involved*', delete sentence 'Other group members...directly attributed to you', as this is not relevant for these research participants;
- b) Include contact details for support services and possible disclosure of illegal activities;
- c) Under '*How do I agree to participate*' – this Information Sheet is for Interview participants, not Focus Group

- participants;
- d) Include clear explanation how feedback may be given to participants.

Please review the Information Sheet (Survey) by:

- a) Under '*What will / be asked to do?*' remove 'interview' – this Information Sheet is for Survey participants, not Interview participants;
- b) Under '*Are there any risks or discomforts if I am involved*', delete sentence 'Other group members...directly attributed to you', as this is not relevant for these research participants;
- c) Include contact details for support services and possible disclosure of illegal activities;
- d) Include clear explanation how feedback may be given to participants.

Please provide revised versions of all Information Sheets for the Sub-Committee to review.

22. Questionnaire/s (Attachment)

The Sub-Committee notes that there are 120 questions provided with the application. Please clarify whether all these questions will be asked in the focus group AND interview AND the survey. If not, please provide a submission for which questions will be asked of which participant groups.

23. Consent Form/s

(Attachment) Consent

Form (Focus Group)

Please revise the Consent Form by:

- a) Including a point (maybe after dot point 5.3) that asks participants to maintain the confidentiality of the members and discussion within the focus group. While anonymity cannot be guaranteed, to minimise possible risks for participants as much as possible, the Sub-Committee advises it would be preferable to include this point;
- b) Deleting dot point 5.4 regarding '*treatment or service*' as it is not relevant to these research participants;
- c) Deleting dot point 5.5 regarding '*course of study*' as it is not relevant to these research participants
- d) Revising dot point 5.6 clearly explaining that participants are free to withdraw at any stage but that the recording will not be stopped and the information they have provided up until that point cannot be retracted;
- e) Deleting number 9 regarding participants being given the opportunity to review the researcher's report prior to publication. This is not relevant to these research participants.

Consent Form (Interview)

Please revise the Consent Form by:

- a) Deleting reference to video recording of participation, as this is not relevant for these research participants;
- b) Deleting dot point 5.4 regarding '*treatment or service*' as it is not relevant to these research participants;
- c) Deleting dot point 5.5 regarding '*course of study*' as it is not relevant to these research participants;
- d) Deleting dot point 5.6 regarding '*observation*' as it is not relevant to these research participants;
- e) Deleting number 7 regarding participants having the opportunity to discuss participation in the research with a family member or friend. This is not applicable for the participants in this research project;
- f) Deleting number 9 regarding participants being given the opportunity to review the researcher's report prior to publication. This is not relevant to these research participants.

Consent Form (Survey)

Please confirm that the Consent Form for survey participation will be excluded from the research protocol. The Sub-Committee advises that a Consent Form is not required in the case of questionnaire studies with adult participants. Completion of the questionnaire is considered to be consent and protects the anonymity of participants.

Please provide revised versions for the Consent Forms (Focus Group and Interview) for the Sub-Committee to review.

Governance Issues

24. Permissions (item D8)

Please provide copies of correspondence granting permission to conduct the research from the individuals and/or organizations outlined (ie, National Commission for Science, Technology & Innovation (now provided by researcher); UN-Habitat; University of Nairobi). Please ensure that

all correspondence clearly outlines the specifics of what permission is being granted. If the documentation cannot be provided at the time of response to conditional approval please confirm that it will be provided to the Sub-Committee on receipt. Please note that data collection cannot commence until all relevant permissions have been granted.

25. Data Transcription (item F8)

Please clarify what will happen to interview audio tapes once they have been transcribed as this information was not provided. The Sub-Committee advises that, unless written transcriptions have been reviewed and agreed to by participants, the audio tapes should be retained as they may be required for the verification of results and/or secondary data analysis.

26. Data Transmission Protocols (item F10a)

Please explain what protocols will be used for the secure transmission of research data to other members of the research team and/or supervisor. The Sub-Committee notes that the researcher will handle the data safely by working closely with all my supervisors to ensure data is securely handled', but doesn't provide details of how this will be done.

27. Data Storage Location (item F10d)

Please confirm that copy of the data will be stored securely on the Flinders University computer server for the time periods outlined in the application.

28. Other Ethics Committees (item G1)

Please provide copies of the ethics approval notifications granted from the ethics committees outlined in the application. If the approval notice(s) cannot be provided at the time of response to conditional approval please confirm that you will provide the ethics approval notification(s) *on receipt*. Please note that data collection cannot commence until all relevant ethics approvals have been granted.

29. The Chairperson of the Sub-Committee, NProf Lorna Hallahan, invites the student researcher and supervisor(s) to meet with her before responding to this conditional approval notice and to discuss this proposed research. Lorna can be contacted for an appointment by email at: lorna.hallahan@flinders.edu.au

Additional Comments (no response required)

Additional Comments from SBREC

Audio Recordings: To preserve the confidentiality of information provided by participants, the SBREC does not approve of smart phones (or any other device with access to the internet) being used to audio record interviews and/or focus groups. Please ensure that smart phones are not used to audio record interviews and/or focus groups.

Responsibilities of Researchers and Supervisors

Please note that it is the responsibility of researchers and supervisors (in the case of student projects) to ensure the following:

- Flinders University Counselling Service

If participants who experience emotional discomfort and/or distress will be referred to the Flinders University Counselling Service, please ensure that the following contact details are included in all Information Sheets.

Tel: 8201 2118

Email: counselling@flinders.edu.au (provide your full name, phone number and student ID in the email and a counsellor will contact you by phone).

Appointments - Monday to Friday; 8:45am to 5:00pm.

- Checking Documents for Errors

All participant documents are checked for spelling, grammatical, numbering and formatting errors. The Committee does not accept any responsibility for the above mentioned errors.

- Flinders University Logo

The Flinders University logo is included on all participant documentation (e.g., letters of Introduction, information Sheets, consent forms, debriefing information and questionnaires – with the exception of purchased research tools) and the current Flinders University letterhead is included in the header of all letters of introduction. The Flinders University international logo/letterhead should be used and documentation should contain international dialling codes for all telephone and fax numbers listed for all research to be conducted overseas.

- SBREC Contact Details

The SBREC contact details, listed below, are included in the footer of all letters of introduction and information sheets.

This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 'INSERT PROJECT No. here following approval'). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email human.researchethics@flinders.edu.au.

How do I respond to conditional approval?

Please complete and submit the *Conditional Approval Response Form* available for download from the from the Guidelines, Forms and Templates SBREC web page (under the heading of 'Response to Committee Request Forms'. Download the response form from the .website every time you respond to a conditional approval to ensure that the current form is used.

- Using the pro forma, please provide a written response to each of the above conditions and provide copies of any documentation that required amendment;
- Please DO NOT submit an amended copy of your SBREC or NEAF application form.
- Please email your response to conditional approval to the Executive Officer.
- You can submit your response to conditional approval at any time as the Chair will review your response between SBREC meetings and you should expect to receive an email response from the Committee seven to ten days following submission of a conditional approval response.

Please be reminded that data collection must not commence until final ethics approval has been received.

Kind regards Rae

Mrs Andra Fiegert and Ms Rae Tyler
Ethics Officers and Executive Officer, Social and Behavioural Research Ethics Committee Andrea
- Telephone: +618 8201-3116 | Monday, Tuesday and Wednesday
Rae -Telephone: +618 8201-7938 | Y, day Wednesday, Thursday and Friday

Email: human.researchethics@flinders.edu.au
Web: [Social and Behavioural Research Ethics Committee \(SBREC\)](#)

Manager, Research Ethics and Integrity – Dr Peter Wigley Telephone:
+618 8201-5466 | email: peter.wigley@flinders.edu.au [Research Services Office](#) | Union Building Basement
Flinders University
Sturt Road, Bedford Park | South Australia | 5042 GPO
Box 2100 | Adelaide SA 5001

CRICOS RegisterId Provider: The Flinders University of South Australia | CRICOS Provide! Number 00114A

This email and attachments may be confidential. If you are not the intended recipient, please inform the sender by reply email and delete all copies of this message.

Appendix 7: Final Ethics Approval from Flinders University SBREC

Final Ethics Approval

Stanley Machuki

From: Sent: Human Research Ethics
To: Friday, 2 December 2016 9:33 AM
Subject: Stanley Machuki; Janet McIntyre; Iain Hay; mitulla@uonbi.ac.ke 7445 SBREC Final approval notice (2 December 2016)
Importance: High

Dear Stanley,

The Chair of the Social and Behavioural Research Ethics Committee (SBREC) at Flinders University considered your response to conditional approval out of session and your project has now been granted final ethics approval. This means that you now have approval to commence your research. Your ethics final approval notice can be found below.

FINAL APPROVAL NOTICE

Project No.: **7445**
Project Title:

The Role of Participatory Governance in Nairobi's Sustainable Urban
Development

Principal Researcher: j_M_r_S_t_a_n_l_e_y_M_a_c_h_u_k_i
| stanley.machuki@flinders.edu.au

Email:

Approval Date: | 2 December 2016 | Ethics Approval Expiry Date: 31 December 2019

The above proposed project has been **approved** on the basis of the information contained in the application, its attachments and the information subsequently provided with the addition of the following comment(s):

Additional information required following commencement of research:

1. Permissions

Please ensure that copies of the correspondence granting permission to conduct the research are submitted to the Committee *on receipt*. Please ensure that the SBREC project number is included in the subject line of any

permission emails forwarded to the Committee. Please note that data collection should not commence until the researcher has received the relevant permissions (item DB and Conditional approval response - number 24).

RESPONSIBILITIES OF RESEARCHERS AND SUPERVISORS

1. Participant Documentation

Please note that it is the responsibility of researchers and supervisors, in the case of student projects, to ensure that:

- all participant documents are checked for spelling, grammatical, numbering and formatting errors. The Committee does not accept any responsibility for the above mentioned errors.
- the Flinders University logo is included on all participant documentation (e.g., letters of Introduction, information sheets, consent forms, debriefing information and questionnaires - with the exception of purchased research tools) and the current Flinders University letterhead is included in the header of all letters of introduction. The Flinders University international logo/letterhead should be used and documentation should contain international dialling codes for all telephone and fax numbers listed for all research to be conducted overseas.
- the SBREC contact details, listed below, are included in the footer of all letters of introduction and information sheets.

This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 'INSERT PROJECT No. here following approval'). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email human.researchethics@flinders.edu.au.

2. Annual Progress/ Final Reports

In order to comply with the monitoring requirements of the National Statement on Ethical Conduct in Human Research (March 2007) an annual progress report must be submitted each year on the **2 December** (approval anniversary date) for the duration of the ethics approval using the report template available from the Managing Your Ethics Approval SBREC web page. *Please retain this notice for reference when completing annual progress or final reports.*

If the project is completed *before* ethics approval has expired please ensure a final report is submitted immediately. If ethics approval for your project expires please submit either (1) a final report; or (2) an extension of time request and an annual report.

Student Projects

The SBREC recommends that current ethics approval is maintained until a student's thesis has been submitted, reviewed and approved. This is to protect the student in the event that reviewers recommend some changes that may include the collection of additional participant data.

Your first report is due on **2 December 2017** or on completion of the project, whichever is the earliest.

3. Modifications to Project

Modifications to the project must not proceed until approval has been obtained from the Ethics Committee. Such proposed changes / modifications include:

- change of project title;
- change to research team (e.g., additions, removals, principal researcher or supervisor change);
- changes to research objectives;
- changes to research protocol;
- changes to participant recruitment methods;
- changes/ additions to source(s) of participants;
- changes of procedures used to seek informed consent;
- changes to reimbursements provided to participants;
- changes / additions to information and/or documentation to be provided to potential participants;
- changes to research tools (e.g., questionnaire, interview questions, focus group questions);

- extensions of time.

To notify the Committee of any proposed modifications to the project please complete and submit the *Modification Request Form* which is available from the [Managing Your Ethics Approval](#) SBREC web page. Download the form from the website every time a new modification request is submitted to ensure that the most recent form is used. Please note that extension of time requests should be submitted prior to the Ethics Approval Expiry Date listed on this notice.

Change of Contact Details

Please ensure that you notify the Committee if either your mailing or email address changes to ensure that correspondence relating to this project can be sent to you. A modification request is not required to change your contact details.

4. Adverse Events and/or Complaints

Researchers should advise the Executive Officer of the Ethics Committee on 08 8201-3116 or human.researchethics@flinders.edu.au immediately if:

- any complaints regarding the research are received;
- a serious or unexpected adverse event occurs that effects participants;
- an unforeseen event occurs that may affect the ethical acceptability of the project.

Kind regards Rae

Mrs Andrea Fiegert and Ms Rae Tyler

Ethics Officers and Executive Officer, Social and Behavioural Research Ethics Committee
Andrea - Telephone: +6188201-3116 | Monday, Tuesday and Wednesday
Rae-Telephone: +618 8201-7938 | ½ day Wednesday, Thursday and Friday

Email: human.researchethics@flinders.edu.au

Web: [Social and Behavioural Research Ethics Committee \(SBREC\)](#)

Manager, Research Ethics and Integrity- Dr Peter Wigley Telephone: +61 8 8201-5466 | email: peter.wigley@flinders.edu.au. [Research Services Office](#) | Union Building Basement
Flinders University
Sturt Road, Bedford Park | South Australia | 5042 GPO Box 2100 | Adelaide SA 5001

CRICOS Registered Provider: The Flinders University of South Australia | CRICOS Provider Number 00114A This email and attachments may be confidential. If you are not the intended recipient, please inform the sender by reply email and delete all copies of this message.

Appendix 8: Nairobi Interview Questions (Interview Guide)

Name of the Interviewee	
Ministry/ Department/ Organization	
Position Held	
Office Location	
Interview Location	
Interview Start Time	
Interview End Time	

1. How would you describe the urban planning, development and governance process of Nairobi in relation to Sustainable Development? Past and present (before and after new constitution).
2. What are the issues, impacts and/ or challenges associated with urbanization and urban development process that have been or are emerging in Nairobi?
3. How is your ministry/ department/ organization involved in the processes of planning, governance and / or development in Nairobi? You can mention specific roles
4. Do you work with other stakeholders to as means to meet universal goal? If any state and explain the collaboration/ partnership?
5. Do you engage the community/ citizens in development and governance processes of Nairobi or initiatives that you and your organization operate/ control? Are there groups/ people that are engaged more than others?
6. Are you aware of the UN Sustainable Development Goals? How is your ministry/ department/ organization working towards achieving them? You can discuss those relevant to your area.
7. Do you think the participatory and inclusive governance can lead to sustainable urban development of Nairobi in line with the SDGs in the current urbanization trend?
8. What are the main challenges that you experience as a ministry/ department/ organization affecting public participation in development and governance processes of Nairobi?
9. What are the remedies/ measures to mitigate the challenges affecting citizen participation in governance and development processes of Nairobi?
10. How best can participatory and inclusive governance be operationalised in Nairobi? Do you think it could lead to sustainable urban development with improved welfare with better life chances/ capabilities of citizens?

Appendix 9: Consent Form for Research participation by Interview



CONSENT FORM FOR PARTICIPATION IN RESEARCH

by interview

The Role of Participatory Governance in Sustainable Urban Development of Nairobi

I

being over the age of 18 years hereby consent to participate as requested in the for the research project on

1. I have read the information provided.
2. Details of procedures and any risks have been explained to my satisfaction.
3. I agree to audio/video recording of my information and participation.
4. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.
5. I understand that:
 - I may not directly benefit from taking part in this research.
 - I am free to withdraw from the project at any time and am free to decline to answer particular questions.
 - While the information gained in this study will be published as explained, I will not be identified, and individual information will remain confidential.
 - Whether I participate or not, or withdraw after participating, will have no effect on any treatment or service that is being provided to me.
 - Whether I participate or not, or withdraw after participating, will have no effect on my progress in my course of study, or results gained.
 - I may ask that the recording/observation be stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.
6. I agree/do not agree* to the tape/transcript* being made available to other researchers who are not members of this research team, but who are judged by the research team to be doing related research, on condition that my identity is not revealed. * *delete as appropriate*
7. I have had the opportunity to discuss taking part in this research with a family member or friend.

Participant's signature.....Date.....

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

Researcher's name.....

Researcher's signature.....**Date**.....

NB: Two signed copies should be obtained. The copy retained by the researcher may then be used for authorisation of Items 8 and 9, as appropriate.

8. I, the participant whose signature appears below, have read a transcript of my participation and agree to its use by the researcher as explained.

Participant's signature.....**Date**.....

9. I, the participant whose signature appears below, have read the researcher's report and agree to the publication of my information as reported.

Participant's signature.....**Date**.....

Appendix 10: Nairobi Focus Group Questions/ Topics

Name of the Group	
Location/ Suburb	
Meeting Venue	
Chair of the Group	
Contact Details of Chair	
Women Present	
Men Present	
Meeting Start Time	
Meeting End Time	

1. How do you feel urban development affects individual and society welfare in the following areas and their governance? How can each situation be addressed and by who?
 - A. Food security; water & sanitation; and energy & clean environment
 - B. Education & training attainment
 - C. Health
 - D. Safety/ Crime Prevalence
 - E. Mobility/ Transport
 - F. Employment Opportunities
 - G. Housing

2. How are you involved in the governance and development process? How would you like to be involved?

3. Has the individual and communal level of participation and inclusion in governance and development process increased or decreased in the era of devolution (under new constitution)? Explain

4. How do these category of people participate in governance and development processes?
 - Women and Men
 - Rich and Poor
 - Educated and uneducated
 - Elderly and disabled
 - Employed and Unemployed

5. What do you think participatory and inclusive governance should involve and how well could it be executed?

6. What are the main problems facing the urban development process of Nairobi and how can they best be addressed for the goodness of all.

7. In general do you and other community members consider Nairobi as a good place with equal opportunity to live now and in the future?

Appendix 11: Consent Form for Research Participation by Focus Group



CONSENT FORM FOR PARTICIPATION IN RESEARCH

By Focus Group

The Role of Participatory and Inclusive Governance in Sustainable Urban Development of Nairobi: A Participatory Approach.

I

being over the age of 18 years hereby consent to participate as requested in the focus group for the research project on ***The role of Participatory and Inclusive Governance in Sustainable Urban Development of Nairobi: A Participatory Approach.*** I have read the information provided.

4. Details of procedures and any risks have been explained to my satisfaction.
5. I agree to audio/video recording of my information and participation.
4. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.
5. I understand that:
 - I may not directly benefit from taking part in this research.
 - I am free to withdraw from the project at any time and am free to decline to answer particular questions.
 - While the information gained in this study will be published as explained, I will not be identified, and individual information will remain confidential.
 - Whether I participate or not, or withdraw after participating, will have no effect on any treatment or service that is being provided to me.
 - Whether I participate or not, or withdraw after participating, will have no effect on my progress in my course of study, or results gained.

- I may ask that the recording/observation be stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.
6. I agree/do not agree* to the tape/transcript* being made available to other researchers who are not members of this research team, but who are judged by the research team to be doing related research, on condition that my identity is not revealed. * *delete as appropriate*
 7. I have had the opportunity to discuss taking part in this research with a family member or friend.

Participant's signature.....Date.....

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

Researcher's name.....

Researcher's signature.....Date.....

NB: Two signed copies should be obtained. The copy retained by the researcher may then be used for authorisation of Items 8 and 9, as appropriate.

8. I, the participant whose signature appears below, have read a transcript of my participation and agree to its use by the researcher as explained.

Participant's signature.....Date.....

9. I, the participant whose signature appears below, have read the researcher's report and agree to the publication of my information as reported.

Participant's signature.....Date.....

Appendix 12: Nairobi Focus Group Participants List

Group Name/ Group Category:

Full Name of Participant	Gender	Age	Contact (Optional)	Sign

Appendix 13: Focus Group One Appreciation Receipt

No. 54 Date 14/11 2017

Received from Stanley Machuki

The sum of Shillings One thousand shillings
only

being payment of Appreciation to Women for
focus group

SHS. 1000/-
cash/cheque

WMA Thanks for 14/11/2017
DORCAS CREATION
P.O. Box 55194 00612 NAIROBI

Appendix 14: Survey Questionnaire

This questionnaire is on **Investigating the Role and Operationalization of Participatory Governance in Sustainable Urban development of Nairobi**. Your kind response would be very valuable and helpful in getting relevant information to present a sound report and or publications to inform policies. All information divulged will be treated as strictly confidential and purely for academic purposes only. Thank you in advance for your responses.

Details of Participant

Name (Optional)	
Contact (Optional)	
Age	
Gender	
Occupation/ Main Source of Income	
Monthly Income (Optional)	
Home County	
Suburb/ Estate in Nairobi	
Migratory Reason to Nairobi	
Education Level	
Household Size (Family Memebrs)	

Please tick only one answer in every question

1. To what extent do you consider urban governance of Nairobi participatory to all citizens?
 - I. Very Participatory
 - II. Participatory
 - III. Average
 - IV. Un participatory
 - V. Very Unparticipatory

2. To what extent do you consider urban planning processes of Nairobi participative to citizens?
 - I. Very Participatory
 - II. Participatory
 - III. Average
 - IV. Un participatory
 - V. Very unparticipatory

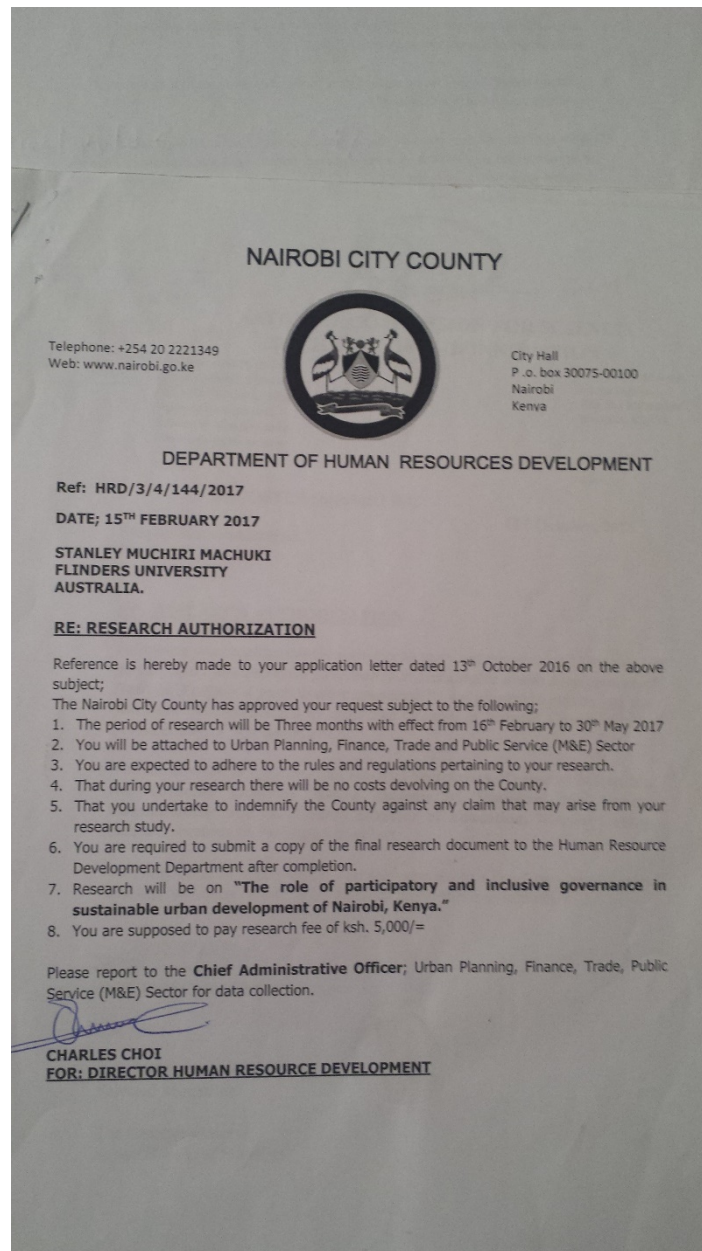
3. How do you consider the urban development process of Nairobi in respect to its sustainability?
 - i. Very Sustainable
 - ii. Sustainable
 - iii. Average
 - iv. Unsustainable
 - v. Very Unsustainable

4. Participatory and inclusive governance can lead to sustainable urban development of Nairobi.
 - i. Strongly agree
 - ii. Agree
 - iii. Neutral/ Somehow
 - iv. Disagree
 - v. Strongly disagree
5. How is the new constitution enhancing citizen participation in governance processes?
 - i. Very well
 - ii. Well
 - iii. Average
 - iv. Un well
 - v. Very unwell
6. Who do you feel participate more in governance processes of Nairobi?
 - i. Very rich
 - ii. Rich
 - iii. Middle Income
 - iv. Poor
 - v. Very poor
7. To what extent do you agree high education level makes one participate more in governance matters of Nairobi?
 - i. Strongly agree
 - ii. Agree
 - iii. Neutral
 - iv. Disagree
 - v. Totally disagree
8. To what level do you feel Nairobi is an equal opportunity city overall?
 - i. Very equal
 - ii. Equal
 - iii. Neutral
 - iv. Unequal
 - v. Very unequal
9. Who makes most decisions of urban planning, development and governance of Nairobi?

i. Governor (MCAs)	v. Members of County Assembly
ii. Senator	vi. Community Leaders
iii. Members of Parliament (MPs)	vii. General Public
iv. Everyone	viii. Civil Society
10. Who do you feel needs to make most decisions of urban planning, development and governance of Nairobi?

i. Governor (MCAs)	v. Members of County Assembly
ii. Senator	vi. Community Leaders
iii. Members of Parliament (MPs)	vii. General Public
iv. Everyone	viii. Civil Society

Appendix 15: Endorsement Letter from Nairobi City County



Appendix 16: Endorsement MEMO from Nairobi City County Revenue Department

Telephone: +254 20 2221349
Website: www.nairobi.go.ke

NAIROBI CITY COUNTY



City Hall
P. O. Box 30075 00100
Nairobi
KENYA

M E M O

TO : HEAD OF COUNTY REVENUE

FROM : CHIEF ADMINISTRATIVE OFFICER

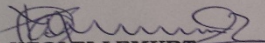
REF : CT/CAO/ VOL.1//2017

DATE : 21st March, 2017

RE: RESEARCH AUTHORISATION – STANLEY MUCHIRI MACHUKI


The above named person has been authorized by the county to do research on "The role of participatory and inclusive governance in sustainable urban development of Nairobi Kenya.

The purpose of this letter is to introduce him to you and request that you accord him with the necessary assistance he may require from the sector.


NTOLEI LEMURT
CHIEF ADMINISTRATIVE OFFICER

Appendix 17: Receipt of Payment for Nairobi City County Research Fees

LOCAL AUTHORITY INTEGRATED FINANCIAL OPERATIONS MANAGEMENT SYSTEMS



BILL

Bill No.	ED1702-00018
Date Issued	15-Feb-2017

LA Name: **001 NAIROBI CITY COUNTY** *(Customer Copy)*

CUSTOMER SERVICES OFFICE
The Customer Services Office Notifies
STANLEY MUCHIRI MACHUKI

that the amount shown below is due to be paid at your earliest convenience.
Payment is due at the CASH OFFICE of the Council
HRD/3/4/144/2017

DETAIL OF CHARGES		Amount (KSh)
<u>No.</u>	<u>Account Code</u>	
1.	1-8243	
	<u>Description</u>	
	ATTACHMENT AND RESEARCH FEES	5,000.00
BILL TOTAL AMOUNT (KSH)		5,000.00

001792017020377 CSH5000 ED1702-00018-5000 [STANLEY MUCHIRI MACHUKI] 201702151426

RECEIVED BY WAIRIHU

THANK YOU

Payment Information

**Appendix 18: Endorsement Letter from Ministry of Transport, Infrastructure, Housing
and Urban Development**



**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING AND
URBAN DEVELOPMENT**
State Department of Housing and Urban Development

6th Floor, Ardhi House
1st Ngong Avenue
Nairobi

Office of the Principal Secretary
P.O. Box 30119-00100
Tel: +254 (0) 20 2718050
Fax: +254 (0) 20 2734886

Ref. NACOSTI/P/16/46945/13805

Date: 14th Aug, 2017

TO WHOM IT MAY CONCERN

**RESEARCH AUTHORIZATION: STANLEY MUCHIRI MACHUKI, FLINDERS
UNIVERSITY, AUSTRALIA**

Reference is made to a letter ref. NACOSTI/P/16/46945/13805 dated 13th October 2016 from the National Commission for Science, Technology and Innovation authorizing Mr. Stanley Muchiri Machuki, a PhD candidate at Flinders University, Australia; to collect data from relevant ministries; that will enable him carry out a research on 'The role of participatory and inclusive governance in sustainable urban development of Nairobi, Kenya- A participatory approach'.

The researcher has identified the State Department for Housing and Urban Development as one of the relevant ministries to inform his research. He therefore intends to carry out interviews from Housing Directorate and Urban Development Directorate up to 3rd October 2017 as per the research permit attached.

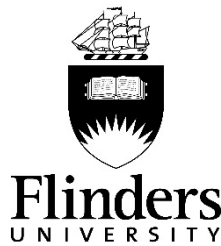
This is therefore to request you to assist Mr. Stanley Muchiri Machuki to conduct research within the Ministry.

Yours

**Arch. Aida Munano, CBS
PRINCIPAL SECRETARY**

**Principal Secretary
Ministry of Transport, Infrastructure, Housing and Urban Development
State Department for Housing and Urban Development**

Appendix 19: Confidentiality Agreement Transcription Services Form



CONFIDENTIALITY AGREEMENT Transcription

Services

Role and Operationalization of Participatory Governance in Sustainable Urban Development of Nairobi
--

I, _____, transcriptionist, agree to maintain full confidentiality in regards to any and all audiotapes and documentation received from Stanley Machuki related to his doctoral study on Role and operationalization of participatory governance in sustainable urban development of Nairobi. Furthermore, I agree:

1. To hold in strictest confidence the identification of any individual that may be inadvertently revealed during the transcription of audio-taped interviews, or in any associated documents;
2. To not make copies of any audiotapes or computerized files of the transcribed interview texts, unless specifically requested to do so by Stanley Machuki;
3. To store all study-related audiotapes and materials in a safe, secure location as long as they are in my possession;
4. To return all audiotapes and study-related documents to in a complete and timely manner.
5. To delete all electronic files containing study-related documents from my computer hard drive and any backup devices.

I am aware that I can be held legally liable for any breach of this confidentiality agreement, and for any harm incurred by individuals if I disclose identifiable information contained in the audiotapes and/or files to which I will have access.

Transcriber's name (printed) _____

Transcriber's signature _____

Date _____

REFERENCES

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