Place Wanted Alive:
Spatial Justice Amongst Dispossession and Displacement

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For those who work as active, responsive, and deliberate
forces of change in their community.

For those who live the realities of sustainable change, youth development,
capacity building, and girl's empowerment.

For those who "sleep with their neighbor's burdens as their own."

For those who channel #LazimaNibonge

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Abbreviations

CBD	Central Business District
CBO	Community Based Organization
CFK	Carolina for Kibera
CLA	Community Land Act
KENSUP	Kenya Slum Upgrading Programme
KNCHR	Kenya National Commission on Human Rights
KURA	Kenya Urban Roads Authority
NGO	Non- Governmental Organization
NLCA	National Land Commission Act
PPA	Physical Planning Act
SAP	Structural Adjustment Program
SUP	Slum Upgrading Program

Chapter I- Introduction

The bustle and commotion inside Nairobi, Kenya reflects the constant change of the city itself. The creation of the city and change within specific periods in history offers explanations to the politicization of space that impact geography and the people that live within it. How space is used by residents, specifically people living in informal settlements on the margins of a city, offers a caveat to the fracturing of formal economic and land tenure policies.

This thesis aims to tease the tension between how state-led efforts on land governance has impacted residents living in informal settlements. Taking the investigation a step further, this thesis also serves to illustrate how residents in informal settlements are creating place amongst disenfranchisement of socio-economic human rights clearly stated in the 2010 Constitution of Kenya. The thesis aims to illustrate the intricacies of a place that stretches beyond the mere physical geography of an informal settlement, and demonstrates the complexities and power of social cohesion, even amongst demolition projects which are contributing to dispossession and displacement for certain Kenyan citizens.

The title of this thesis, "Place Wanted Alive" is a transformation from the name of a social movement called "Peace Wanted Alive" in an informal settlement called Kibera, which will serve as a case study for this thesis. Place Wanted Alive illustrates how place and space can be destroyed through efforts of land tenure policies, but also revived through experiences of residents in informal settlements; the polarization between actions are both significant contributions to placemaking, which will be explored in the following chapters. The power of a place extends beyond its physical containment and commotion.

In this chapter, I will explain the origins of the topic, methodology used in collecting evidence, conceptual frameworks of placemaking and seeking spatial justice for the subsequent claims, and explain the structure of the remaining chapters.

I.   Origin of the Topic

This thesis topic has had a life of its own. Over June and July in 2018, I was a James and Florence Peacock Fellow to an organization with close affiliation to the University of North Carolina (UNC) at Chapel Hill, called Carolina for Kibera. As explored later in the thesis, Carolina for Kibera has contributed significant program development for youth and women empowerment in Kibera, which is the largest informal settlement in Nairobi.

Over the course of my time, I was an intern under the Binti Pamoja or *Daughters United* Center and focused on attending safe space meetings for victims of sexual and gender based violence, assisting in outreach programs to formal and informal schools, and working on the skeletal formation of a young girl's parliament. The parliament would give room for conversation about creating political platforms for issues that girls, specifically teenage mothers, aspired to change their community. Working on this project contributed to my initial research interest on how women have participated in informal political processes, much like the example of the young girl's parliament.

During the internship period, state-led demolition projects in Kibera evicted 30,000 people from their homes in June 2018 ("Kenya Stop Forced Evictions"). Schools, mosques, churches, small businesses were demolished by Kenya Urban Roads Authority (KURA) in preparation for a highway splicing and segmenting Kibera into two. For people in Kibera whose homes, businesses, and places of worship were demolished, response became an immediate concern to issues of land

tenure that has surrounded this specific community for decades. Kibera serves as a case study for an analysis into the rights of land tenure and legitimacy of place for residents in informal settlements in Kenya.

II.   Methodology

Three sources of material in collecting evidence are used in conversation with each other for the methodology of this thesis. The first source of material involves an analysis of primary documents such as the 2010 Constitution of Kenya, National Land Commission Act (NLCA) of 2012, Physical Planning Act (PPA) of 2012, and Community Land Act (CLA) of 2016. The second source of material aims to contextualize the significance of the listed primary documents and their impacts on informal settlements through secondary sources in scholarly production, news articles, think-tanks, and international organizations. The third source of material has been collected through interviews with leaders of community organizations in Kibera.

Interviews were conducted in workplaces or in the quiet corners of local resturants. We spoke for spans of 20 to 30 minutes, often beginning the conversations about our families and ending our conversations with the importance of grassroots organizations and community involvement. All interviews were tape recorded, personally transcribed, and kept in a private location. All interviewees verbally consented to recording the interview and participating in the research project. The identities of interviewees will remain anonymous throughout the thesis, and names have been changed to conceal true identities. I am an accredited social science researcher according to CITI Program – Human Research: Group II Social and Behavioral Research credentials.

III.   Conceptual Foundations

This section will outline the conceptual foundations to placemaking as a framework to land policy and seeking spatial justice as an approach to human rights, which will guide the remainder of the thesis.

a. Placemaking as a Framework to Land Policy

The theoretical framework of place will guide discussion on land policy development in Kibera, especially in determining the ability to seek spatial justice for residents in informal settlements continually disenfranchised by spatial and economic manipulation. As Coleman (2011) mentions, places are sites of dynamic cultures, ecologies, and economies. However rooted in the process of urbanization, which has contributed the formation of informal settlements, space has been used as a mechanism for control over colonial occupation and economic imperialism in Kenya. Segregation as forced peripheral displacement is evidence for displays of power and control. As explained further in the next section, forced peripheral displacement emphasizes the role of spatial justice for residents in informal settlements enduring demolition and dispossession.

As Doreen Massey states, "within the history of modernity there was also a developed particular hegemonic understanding of the nature of space itself, and of the relation between space and society" (Massey 2005, p. 64). The process of urbanization in Nairobi has used space and its relation to society for the particular hegemonic purposes of control over the urban poor in informal settlements, especially because they are considered informal, public spaces themselves. An inequality of power exists for residents in informal settlements to practice formal and legal ownership over land, reinforcing hegemonic differences between society and their spaces.

Lefebvre's conception of space is amongst three variables; (a) *perceived space* shaped by materialized and objectified spatial practices (b) *conceived space* of how physical space is

understood through maps, laws, and normative practices and within subjective representations of space in ideas, images, ideologies (c) *lived space* as individual and collective temporal and social actors (Lefebvre 1992). The three layers of Lefebvre's contextualization of space are interrelated, each contributing to the existence of a space. Each layer of perceived, conceived, and lived space contributes to the interrelations of "interactions from the immensity of the global to the intimately tiny" and as the "sphere in which distinct trajectories coexist" and a place which is "always under construction" (Massey 2005, p. 9). Space is consistently being remade and reconstructed by actors within a multiplicity of layers.

Placemaking is lively and revived even among dispossession and displacement. Focusing on the perceived space as the construction and destruction of physical commodities, land policy as seen in Chapter III focuses on the material assets of space through demolition projects and infrastructure changes. Conceived and lived space adheres to Coleman's (2011) argument, stating that the production of a place can serve as a collective identity and contribute to a culture and society.

The significance of place, according to Massey, is "the product of social relations which constitute the social phenomena themselves" as an extension of space (Massey 2009, p. 121). If space is the embedded social relations which necessarily have spatial form in their interaction, then place consists of particular movements which intersect social relations, which have been "constructed, laid down, interacted with one another, decayed and renewed" (Massey 2009, p. 120). Place is a particular moment within a space which is consistently ongoing co-constitutive elements and relationships (Gregory et. Al 2009). As Massey continues, "contained within the place, others will stretch beyond it, typing any particular locality into wider relations and processes in which other places are implicated too" (Massey 2009, p. 120). Within a given space, the dynamic

layering of perceived, lived, and conceived space constitute the inter-relational existence of place. Placemaking thus involves the creation of place beyond the geographical boundaries of a given space. Place is dynamic and consistently evolving, changing, and altering scope of inter-relations. Conversation on place, for the particular purpose of this thesis, will be applied in Chapter III by state-led policies on land governance and in Chapter IV by residents in informal settlements on placemaking and seeking spatial justice.

To complement the production of space and placemaking, the dimensions to which gender is involved in the production of space is specific and unique to a locality. The way in which the differences among women and men relate to political struggles offers a particular salience (Massey 2009). In continuation, the "symbolic meaning of space/ place and the clearly gendered messages which they transmit to straightforward exclusion by violence, spaces and places are not only themselves gendered but, in their being so, they both reflect and affect the ways in which gender is constructed and understood" (Massey 2009). It is also suggested that women's mobility in spaces and places are restricted by subordinate positions, which further limit identity and mobility (Massey 2009). The differences amongst and within gender are relevant to the particular struggles for women in informal settlements in Nairobi, and their efforts to confront and curb gender-based barriers, which will be elaborated further in Chapter IV in efforts of placemaking and seeking spatial justice.

b.   Seeking Spatial Justice and a Human Rights Approach

Seeking spatial justice is part of reclaiming space and agency for individuals and the collective. Seeking spatial justice, termed by Edward Soja, "promotes more progressive and participatory forms of democratic politics and social activism, and provides new ideas about how

to mobilize and maintain cohesive coalitions and regional confederations of grassroots and justice-oriented social movements" (Soja 2010, p. 6). *Spatial (in)justice* is contextualized within colonial and contemporary land policies toward informal settlements, which "locates it in the specific condition of urban life… and in the collective struggles to achieve more equitable access of all residents" (Soja 2010, p. 32). When there are institutions commodifying livelihood and communities, seeking spatial justice is a response to human right violations and spatial injustice. The production of place, and thus, placemaking, is changed throughout demolition and destruction. Spatial justice is not in opposition with social justice and cannot be separated from social issues (Soja 2010).

Seeking spatial justice is complementary to the role of human rights and activism, in protesting political issues as an individual or collective. Spatial justice is more political in nature than placemaking and focuses on empowering socio-spatial[1] relations. Seeking spatial justice contributes to a larger analysis on the role of human rights organized through primary and secondary agents of justice. When the state is a primary agent of justice it "may assign… and build with certain powers and capacities to act [and] typically have some means of coercion, by which they at least partially control the action of other agents" (O'Neill 2001, p. 181). However, when primary agents fail to act and fill the role of providing human rights, secondary agents of justice are "thought to contribute to justice mainly by meeting the demands of primary agents, most evidently by conforming to any legal requirements they establish" (O'Neill 2001, p. 181). Secondary agents of justice as an individual or community based organizations may lack the

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[1] Socio-spatial dialectic is termed by Edward Soja to explain the social and political production of space.
Soja, E. W. (1989). The Socio-Spatial Dialectic. London: Verso.

capacity to fulfill the same ordinance as primary agents of justice, however, fulfill the roles of seeking spatial justice and agency when the first agent is lacking.

The emergence of spatial justice and human rights discourse complicates the role of primary agents of justice because community stakeholders claim agency and voice, especially in the production of space and place for issues that are political and spatial in nature. For people forced to peripheral confines of space, "geography of social relations forces us to recognize our interconnectedness, and underscores the fact that both personal identity and the identity of those envelopes of space-time are constructed precisely through that interconnectedness" (Massey 2009, p. 122). When there is a violation of space and place by state-led demolition tactics, interconnectedness is degraded by infrastructure development, and injustice threatens the integrity of the primary agent. Placemaking by state-led intervention tactics demonstrates dispossession and displacement.

IV.   Structure of the Thesis

The thesis centers its debate to illustrate the role of state-led efforts and Kiberian efforts on placemaking and seeking spatial justice. The second chapter, titled "Historical Analysis: Urbanization in Nairobi" serves as a historical contextualization to urbanization, which current limitations and restrictions within informal settlements are situated. The chapter will connect colonialized periods of land occupation into the contemporary period and analyze demolition projects before the 2010 Constitution of Kenya. Debates about space and place will emerge from this contextualization.

The third chapter titled, "Contradictions of Placemaking: Constitutions and Commissions" illustrates contemporary land policies embedded in the 2010 Constitution of Kenya. Articles of the

2010 Constitution of Kenya aim to protect the human rights of residents in informal settlements, and serve as an entry point of protection against arbitrary land extortion in Kenya. The chapter then expands the discussion of specific land commissions and policies as legal frameworks to demolition practices around Nairobi. The chapter will then analyze and contextualize the practice of demolitions and Slum Upgrading Programs in Nairobi, after the emergence of the 2010 Constitution of Kenya.

The fourth chapter, titled "Place Wanted Alive: Efforts of Placemaking and Spatial Justice in Kibera" uses Kibera as a case study to illustrate how stakeholders are using the definition of community to construct place. Interviews follow the narratives of three organizations in Kibera; Power Women, Carolina for Kibera, Habari Kibra. These organizations contribute to methods of placemaking and situate the argument along the basis of daily lives and interactions of residents in Kibera. The chapter also explores their limitations. Overall, the chapter serves to illustrate how residents are actively changing and fighting to make place in their community one of empowerment, inclusion, and permanency.

The "Conclusion" reviews the main conceptual framework on how the 2010 Constitution of Kenya and contemporary policies are involved in the process of placemaking. The chapter will also synthesize emerging themes from interviews on how individual organizations are contributing to the production of place. The chapter will also describe a call for further research, which will become the framework for discussing the power of space and place.

Chapter II- Historical Analysis: Urbanization in Nairobi

The purpose of this chapter serves to tease the tension between theoretical aspects of urbanization and its prevalence in placemaking and spatial justice for residents living in the hilly margins of Nairobi. The production of land policy and claiming socio-economic rights for residents is rooted in the conceptual framework of urbanization. Actualizing human rights provided in the 2010 Constitution of Kenya is largely contradictory to public policy and land commission that leads to displacement, dispossession, and demolition in informal settlements. However, before entering the debates of the contemporary period, this chapter serves as a historical contextualization to theoretical debates on which current limitations and freedoms are situated.

This chapter is divided into four sections. The first section aims to contextualize land as a proxy for control in the colonial authoritarian regime. The second section aims to describe urban land management in Kenya in the 1960s. The third section will describe demolition projects before the 2010 Constitution of Kenya. Overall, this chapter will be focusing on historical debates of urbanization and fragmentation of wealth relevant to informal settlements around Nairobi. Pertaining to land policy, debates of place will emerge to construct the realities of seeking spatial justice for people living in informal settlements. A spatial perception "has traditionally been treated as a kind of fixed background [and perceived as] external to the social world," but is valuable in creating identity, interrelations, and place (Soja 2010, p. 3). Placemaking and seeking spatial justice will guide the discussion on how residents in informal settlements contribute to place amongst state-led demolition and displacement efforts.

I.   Land as a Proxy for Colonial Authoritarianism[2]

According to Kobia (1991), the origins of squatter and informal settlements in Nairobi are not an inconsequential effect of modernization, nor the outcome of indigenous people leaving a rural agrarian and pastoral culture[3] for economic prosperity in the urban spaces (Olima 2001). Rather, original squatter and informal settlements are the "consequence of the colonial capitalist development" which estranged "local people from their control over land in order to provide surplus labor for the settlers' farms and emerging urban centers" (Olima 2001, p. 10). People who migrated to Nairobi received insufficient wages to meet the basic living requirements of food, clothing, and housing and "informal settlements consequently developed on the outskirts of Nairobi and around high income residential areas" (Olima 2001, p. 10). For instance, outside of Kibera lies Woodley Estates, which was once a residential area for British colonials[4] (Awori 2017). Low-wage positions were a strategy enforced by the British colonials to maintain segregation in Nairobi and a physical distance between African living quarters from European residential areas (Olima 2001).

Racial segregation in Nairobi created patterns[5] of regional manipulation as seen in the case of the white highlands[6] that carved ancestral land as a political strategy for dominance and control.

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[2] Colonial authoritarianism is a term referenced from Ndege, P. O. (2009). Colonialism and its Legacies in Kenya. *Moi University*, 1-11.

[3] The waves of migration of the Bantu, Nilo-Hamitic, Nilotic Luo, Hamitic Galla and Somali people transformed the agriculturist and pastoralist societies of what is now contemporary Kenya (Soja 1968, p. 8). In geographical dispersion, "kinship segments united primarily in response to the natural environment and the pressure of competitive groups," as it also served as a form of territorial identification (Soja 1968, p. 10). In addition, "the kinship system was the basis of ownership of factors of production which included land, livestock, and labor" (Ndege 2009, p.1).

[4] Colonial occupation over the East African Protectorate forcibly construed foreign voices of British colonials in government positions at the Berlin Conference of 1885. The British colonial strategy was to emasculate the land of the East African Protectorate, including the Buganda kingdom of contemporary Uganda and to garner the resources from the area (Soja 1968).

[5] Buffer zones between territorial ownership also added to the geographical occupancy of traditional ethnic groups across the Rift Valley, grasslands, mountain ranges, and coastal regions of Kenya. Conflict over resources such as land and animals propelled the purpose of buffer-zones between groups, and served as neutral grounds leaving large pieces of land undisputed (Soja 1968, p. 13).

[6] The surrounding land occupancy of the Kenya- Uganda Railway estranged people from their land, which became a

In forced systems of control, the "[process of] underdevelopment actively involves the creation of discriminatory urban and regional built environments and a restrictive political organization of space that fix in place a persistent geography of dependent development, cultural domination, and efficient economic exploitation" (Soja 2010, p. 40). Forced fracturing of regional land[7] is a measure of control from capitalist market systems and colonialist efforts which carved exploitation. According to Ndege (2009), "capitalism, imperialism, and colonialism share the following definitions: political and cultural domination and economic exploitation" (Ndege 2009, p. 2). The intersections between capitalism, imperialism, and colonialism emerged as British colonials forced themselves into community governance for "political expenditure and imposition of administrative costs" (Ndege 2009, p.3).

Colonial settlers used the geographical exploitation of the Kenya-Uganda Railway to connect the coast to Lake Victoria in Uganda, as the Source of the River Nile. In the construction of the Kenya-Uganda Railway, over 32,000 laborers came from India, and about 6,000 of them chose to stay in Kenya after their contract was terminated (Soja 1968). From the construction of the Kenya-Uganda Railway between 1896 and 1902, the geographic overreach of the British contributed to the urbanization of cities and conglomerations of infrastructure development from communication and transportation methods. Originally imposed as a railway town, Nairobi transformed as the administrative headquarters (Soja 1968). Informal settlements on the periphery

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critical point in the British occupancy of the buffer-zones between ethnic groups and the large land divisions that became a vacuum for the intrusion of white highlands. (Soja 1968, 17). The white highlands was the crux of "political, economic, and cultural development of Kenya" (Soja 1968, p. 21).

[7] Change to coastal infrastructure projects began through the ports of Mombasa, Gedi, Lamu, and Malindi, and technological advancements did not spread inwards until the mid-1800s as Arab and Swahili merchants created trade routes (Otiso and Owusu 2008). Along the coast of Kenya, an influx of Arab and Swahili merchants began to take control of the trade routes and establish smaller settlements along them, and in the 1880s the northern trade route from Mombasa came under Arab control (Soja 1968, p.15). In 1498, the Portuguese came to the Port of Mombasa, and trade with East Asia became a dominant economic stimulus for the area ("A Brief History on Kenya"). The occupation of coastal regions by the Portuguese subdued to the Imam of Oman in the 1600s, until British intrusion during the 19th century ("A Brief History on Kenya").

of the Central Banking District (CBD) of Nairobi met the geographical closeness to employment centers, forcing "inhabitants to work as agricultural laborers or domestic servants, while others were employed in industrial and commercial concerns" (Olima 2001, p. 10). In the colonial urbanization period of Kenya, market-based economic enterprise forced the construction of cities and space (Otiso and Owusu 2008).

The manipulation of a space from colonial intruders had alienated families and individuals from ancestral land[8] during the period of settler colonialism. The colony was officially established in 1920, and forced levels of poverty in parts of Nairobi[9]. This "extensive redistribution of hundreds of thousands of Africans… provided the first major and often irreversible- formal break with tradition and became one of the strongest forces behind the social mobilization of the African masses" (Soja 1968).

II.   Urban Land Management in Kenya, Independence

Kenyan independence in 1963 echoed waves of regime transformation in various parts of the continent. However, even after the establishment of the Constitution and regime under Jomo Kenyatta, there was still deep segregation along income, religious, and ethnic lines (Otiso and Owusu 2008). The process of urbanization in the national phase from the 1960s to the 1980s,

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[8] In the sociopolitical organization of society, egalitarianism structured around age was ubiquitous amongst patterns of classes and kinship ties, specifically clans and lineage (Soja 1968, p. 10). Land and traditional ethnic groups throughout this time period, experienced a dynamic movement of "periodical splintering, regrouping, agglomerating, and solidifying in a process" aimed to create stability and "delicate equilibrium" (Soja 1968, p. 13). The movement of people across land contributed to the dispersion of territorial units and culture, as "clusters of people recognized certain mutual affinities existing as cells, fairly homogenous in their core areas but highly mixed on their peripheries" (Soja 1968, p. 13).
[9] During colonial occupation, Nairobi was separated into four sectors along racial lines. North and East "defined the Asian Sector (Parklands, Pangani and Eastleigh); East and South East defined the African Sector (Pumwani, Kariokor, Donholm); South East to South [was] another small Asian enclave before it was bounded by the Game Park (Nairobi South, Nairobi West). The line North and West marked European area" (Olima 2001, p. 8). After independence, the first decade "carried along both racial communities and socio-economic considerations as well as ethnic disparities" (Olima 2001, p. 9).

depicted an explosion of size in urban centers and "laissez-faire path consisting of African capitalism and socialism but a clear emphasis on economic growth over equity" (Otiso and Owusu 2008, p. 150) which has a particular relevancy to the management of informal settlements.

Informal settlements supported the influx of people searching for employment in Nairobi, however, national policy from 1963 to early 1970s was to "eradicate informal settlements" (Olima 2001, p.11) continuing British colonial strategy for informal housing settlements, which will be analyzed in the next section. Contributing to the historical contextualization of informal settlement management, "regimes can regulate and remove them to achieve political ends… given the existence of slums and their often illegal nature, states and regimes often take the step of demolishing them without offering compensation" (Wallace 2014, p. 34). After a stage of eradicating informal settlements, "there was a tacit acceptance with authorities adopting a laissez faire approach whereby the government generally did not demolish any settlements, but also made no efforts to institute improvement programs… consequently expanding and proliferating unchecked" (Olima 2001, p. 11). For instance, Nairobi dwellings grew from 500 dwellings in 1952 to 22,000 dwellings in 1972 to 111,000 dwellings in 1979 (Ngau 1995 & Olima 2001). Informal settlements accommodated the "rapid shifts and movements of the population, shortages of accommodation, high rents, and overcrowding" (Olima 2001, p. 7). Kibera grew at a rate of 220% in 1969, and even in the contemporary period, whose high density of about 2,000 people per hectare classifies it as "the most densely populated informal settlements in Sub-Saharan Africa" (Olima 2001, p. 8).

Spatial segregation, such as the regional occupancy of the white highlands, compartmentalized informal settlements and the rest of Nairobi into divided space based on class. Government evictions and demolitions supported the urban spatial segregation policy around

informal settlements, ensuring that the "land use standards [were set so high that] the poor cannot meet them, and the government forces them to informal and peripheral areas" (Olima 2001, p. 13). However harsh, eviction and demolition policy approaches are remnant of colonial segregation within Nairobi and echo responses to "futile colonial shanty management strategies" (Otiso and Owusu 2008, p. 150).

The construction of informal settlements resulted from economic and structural inefficiencies within Nairobi at the time of mass migration and urbanization. Within urbanization, "space is actively involved in generating and sustaining inequality, injustice, economic exploitation, racism, sexism, and other forms of oppression and discrimination" (Soja 2010, p. 4). Spatial organization, throughout history, has given certain groups the impetus for control, still suffocating people in the contemporary era with costs of colonial economic and spatial manipulation. Through a temporal lens of historical eras, spatial perspectives on the formation and abundance of informal settlements formed within the constraints and liberation of space. Informal settlements are places of community, agency, and power, despite the economic barriers and limitations to claiming socio-economic rights in practice.

III.   Complexities of Demolition Projects, Pre- 2010 Constitution of Kenya

The complexity and intricacy of state-led involvement in informal settlements are contributing to the marginalization of residents in the contemporary period. Certain residents in informal settlements are enduring remnants of historical trends to gain control and power in the construction of placemaking. In colonial times, demolition projects were specifically aimed to oppress anti-colonial movements, such as the Mau Mau anti-colonial movement in the 1950s as "shared repression and entrenched inequality… made a key constituency for nationalist and trans-

ethnic organizing" (Kloop 2008, p. 296). In 1953 and 1954, demolition projects rendered approximately 31,000 people homeless in informal settlements or "shanties" around Nairobi, Kikuyu, Embu, and Meru (Kloop 2008). Demolition projects in the colonial era have specific land purposes to achieve supremacy and dominance over the urban poor in making space and place. After independence, state-led demolition projects continued when residents in informal settlements were either rewarded or threatened by support for political parties, and "politicians used slum demolitions as a way to reward wealthy supporters with land or punish opponents" (Kloop 2008, p. 297). Demolition of urban space, where informal settlements and the urban poor resides has contributed to the politicization of space and control. The way the state is affecting the process of place-making in informal settlements has historically been issued for a controlled change.

IV.   Pre-2010 Constitution, Demolition and Infrastructure Projects

In 2004, accounts of demolition projects were recorded by the Global Information Network that left roughly 9,600 people homeless by mid-February, and threatened the homelessness of 190,000 additional residents within Kibera (Mulama 2004). Demolition projects in 2004 were motivated by the construction of a by-pass through Kibera ("Bypass Threat").

Accounts of demolitions specifically pertaining to Kibera in 2009 were framed as "slum clearance" and incentivizing families to move into homes constructed through management projects of Slum Upgrading Projects ("Kenya Begins"). While making room for new housing units that would be rented for the equivalent of $10/ month, residents in Kibera made claims to the land plotted for the new houses ("Kenya Begins").

Slum Upgrading Projects "were completed in early 1990s, public housing development including squatter upgrading and site and service schemes stalled but slum development continued

to an extent that more than 50% of the population of Nairobi" and served as a method of the government to construct houses according to standards of living through the Kenyan Slum Upgrading Programme (KENSUP) (Syagga 2011, p. 2). KENSUP is an effort between the Government of Kenya and the United Nations Human Settlement Program. In addition to infrastructure changes, tenure regularization through legal titles would be given to "allow beneficiaries to use property as collateral to obtain housing improvement loans… and generate revenue for the state… however, negates the assumption that slum residents are poor, in which case high tenue legalization costs will disenfranchise the majority poor, particularly the women" (Syagga 2011, p. 6).

However, the SUP in 2009 was targeted toward a smaller fraction of the population in Kibera, specifically those in Soweto East Zone, where 5,000 of 6,288 people were relocated to Lang'ata and paying monthly rent six times higher than their typical amount (Fernandez & Calas 2011). The 2009 relocation efforts affected how individuals were able to participate in an informal market economy, reach customers, and afford rent (Fernandez & Calas 2011). The destruction of these social networks ultimately caused emerging psychological disorders for individuals (Fernandez & Calas 2011). The provision of public space has been owned and manipulated by the national government in 2009 in determining the physical location of citizens with low-economic statuses. The efforts to create space within informal settlements, specifically focusing on Kibera, are fragmented when the government chooses to select the methods of marginalization for its citizens, exemplified in demolition projects. State-led placemaking have an asymmetrical control over space and residency. Displacement and dispossession is legally bounded and socially produced. Impermanent ownership and creation of space and community are central to the experience of people living in informal settlements around Nairobi.

V.   Conclusion

Urban segregation of Nairobi mirrored a national approach to maintaining colonial domination through the construction of the Kenya-Uganda Railway and occupancy of the white highlands; displacing agents of society from their land. The origins of informal settlements began from a rural to urban sprawl as incentivized by a capitalist economy that estranged people from their ancestral land as surplus labor during colonial authoritarianism (Kobia 1991).

After the independence movement, informal settlements accommodated the hundreds of thousands of people working low wage positions and in search of affordable housing. Informal settlements expanded their *perceived space* shaped by materialized spatial practices of number of dwellings and expanding physical boundaries of settlement land (Lefebvre 1992). Residents in informal settlements construct and participate to alter *conceived space* and *lived space* of collective identity (Lefebvre 1992). This leads to specific roles of placemaking for residents in informal settlements and the production of place and space within a specific local, and for the purpose of this thesis, Kibera as a place consistently evolving and being remade. As communities see the production of placemaking, given a certain space and gendered lens, seeking spatial justice exists within the context of displacement and dispossession.

In the subsequent chapter, contemporary policies born from the 2010 Constitution of Kenya such as the National Land Commission Act, Physical Planning Act, and Community Land Act contribute to the making and remaking of informal settlements in Nairobi, such as Kibera. State-led policies regarding evictions and demolition projects affect the layering of space in accordance with Lefebvre, and the production of space and place within the arguments of Massey. Although contributing to displacement and dispossession, legally permissible standards guide the discussion

on the production of place following historical contextualization of marginalization and exploitation. Homes within informal settlements are subject to the continuation of "colonial shanty management strategies" (Otiso and Owusu 2008, p. 150) and place shared amongst residents is destroyed, yet also revived as explained in Chapter IV. Seeking justice within contemporary spaces of Kibera, limited by the process of urbanization has contributed to the displacement and demolition projects of contemporary land policies. Chapter III will focus on the 2010 Constitution of Kenya as a point of intervention seeking the practice of human rights and the agency of residents in Kibera in the process of making and recreating place and seeking spatial justice.

Chapter III- Contradictions of Placemaking: Constitutions and Commissions

In the context of contemporary urbanization of Nairobi, the Kenyan government is involved in the process of placemaking through land policies, and their impact on informal settlements. As seen in the previous chapter, urbanization has fractured urban space into informal and formal sectors that appear in contemporary Nairobi. Taking the argument a step further, the creation of informal settlements as seen in Chapter II has given emphasis to the historical process of placemaking, and its relevance into the discussion of contemporary land policy management, with a specific focus on demolition projects. The 2010 Constitution of Kenya outlines state-led intervention strategies within informal settlements, and this chapter serves to tease the tension between Articles of human rights, with the legal permissibility of state-led demolition projects in informal settlements.

The 2010 Constitution of Kenya outlines the protection of vulnerable groups, right to equal protection and opportunity, security of the person to forms of violence, and right to housing for citizens. Provisions on the right to place and protection from destruction are the legal infrastructure which people are shaping and creating community through Kibera. Embedded in the accessibility and provision of human rights outlined in these bodies, the devolution of responsibility has separated governance to informal settlements through Kenyan National and Nairobi County actors (Ouna 2017).

The Kenyan government is the primary agent of justice[10] in the creation of placemaking, to "assign powers to and build with certain powers and capacities to act… in addition to

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[10] Primary agent of justice are agencies that "assign powers to and build with certain powers and capacities to act," and governments are typically considered primary agents (O'Neill 2001). Secondary agents refer to agency which meet the demands of primary agents by conforming to the legal requirements they establish, but often face limitation in their capacities to organize (O'Neill 2001). O'Neill argues that actors can also be agents of injustice.

control[ling] and limit[ing] the ways in which they may act without incurring sanctions" (O'Neill 2001, p. 181). Within the practice of exercising and enforcing human rights, legislation concerning the devolution of land policy and city planning from the Kenyan National and Nairobi County government as a primary agent of justice is woven within the role of place-making for citizens and residents, including those in informal settlements. The Kenyan National government and Nairobi County government act as a primary agents of justice within the 2010 Constitution of Kenya through three land acts that directly involve the creation of space in informal settlements.

The NLCA of 2012, PPA of 2012, and CLA of 2016 outline the power dynamics of public and private space. Demolition projects between private-public ownership are contingent on informal and formal land and the economic privilege to privatize land. Between the conversation on public and private land, the CLA provides the opportunity to legalize community property, without facing the threats of public land in demolition and dispossession projects. This chapter serves to explore the dynamics of state-led demolition practices in the process of creating place post- 2010 Constitution of Kenya.

Section one of this chapter illustrates Articles provided in the 2010 Constitution of Kenya that serve to protect vulnerable groups and displaced communities. Section two outlines the NLCA of 2012. Section three outlines the PPA of 2012, and section four outlines the CLA of 2016, which are in contention with the Articles of the Constitution outlined in section one. Section five will analyze the complexities of demolition projects sponsored by the National and County governments after the 2010 Constitution of Kenya in the context of place-making, leading to dispossession and displacement in informal settlements. Overall, this chapter outlines the methods in which the Kenyan National and County governments are in involved in placemaking and its

tension between human rights and land policies, which are contesting the production of their placemaking.

I.	Rights Guaranteed through the 2010 Constitution of Kenya

In the 2010 Constitution of Kenya, there is a tension between fulfilling human rights and its land policy directed at informal settlements. The 2010 Constitution of Kenya at large replaced the first Constitution of Kenya in 1963, and "heralds the deep desire of Kenyans, as individuals and communities, to live in a society that respects and protects their liberties and livelihoods without discrimination" (Akech 2010, p. 7). However, demolition projects have seeped between the confines in a transitional period for human rights of Kenyan society, contributing to the "futile shanty colonial management strategies" (Otiso and Owusu 2008, p. 150), and threatening the opportunity for communities affected to actualize rights granted through the Constitution. The Bill of Rights expands the human rights of the urban poor specifically in Article 21, Article 27, Article 29, and Article 40 which emphasize the right to state-led protection.

Article 21 of the Constitution of Kenya, *Implementation of Rights and Fundamental Freedoms*, outlines the "duty to address the needs of vulnerable groups within a society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious, or cultural communities."[11] The provision of Article 21 is necessary in securing the protection for individuals, specifically in marginalized situations, in the context of space and access to government representation. The NLCA and PPA threaten the practice of human rights for marginalized communities in urban spaces, or make it exceedingly harder to practice.

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[11] *The Constitution of Kenya* [Kenya], Article 21, 27 August 2010, available at: https://www.refworld.org/docid/4c8508822.html [accessed 28 November 2018]

Ingrained in the proliferation of women's rights, Article 27, *Equality and Freedom from Discrimination* states that "every person is equal before the law and has the right to equal protection and equal benefit, women and men have the right to equal treatment including the right to equal opportunities in political,[12] cultural, and social spheres."[13] Article 27 is contextualized in how the dimensions of gender are involved in placemaking and necessary for mobility and identity (Massey 2009).

Article 29 *Freedom and Security of the Person* provides "security of the person, which includes the right not to be subjected to any form of violence from either public or private sources."[14] Article 29 states that the security against all forms of violence in public or private sectors is pertinent in the provision of land ownership. State-sponsored violence through demolition project contradicts the rights to citizens prescribed in 2010 Constitution's Article 21, Article 27, and specifically Article 29. Qualifications for property rights are defined through the NLCA enacted within the Constitution of Kenya while the PPA administers the state ownership of private lands and the provisions to "remove, alter, demolish, or prohibit" spaces.[15]

Article 40 *Protection of Right to Property* provides the structure for citizens to practice and attain housing rights, which is particularly important for residents of Kibera living in informal settlements. Article 40 states that "(2) Parliament should not enact a law that permits the State or

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[12] Article 27 Continuation: "The State shall take legislative and other measure to implement the principle that not more than 2/3 of members of elective or appointee bodies shall be of the same gender" (*The Constitution of Kenya*).

[13] *The Constitution of Kenya* [Kenya], Article 21, 27 August 2010, available at: https://www.refworld.org/docid/4c8508822.html [accessed 28 November 2018]

[14] *The Constitution of Kenya* [Kenya], Article 29, 27 August 2010, available at: https://www.refworld.org/docid/4c8508822.html [accessed 28 November 2018]
Article 29 protects women against sexual and gender based violence, which is a reality encountered by young women living on a daily basis, within the locality of Kibera. Specifically, at the intersectionality of women's rights and rights to a city.

[15] *Physical Planning Act*, Revised 2012. 17/29. Kenya

any person (a) to arbitrarily deprive a person of property."[16] In addition, clause (3) of Article 40

suggests the "state shall not deprive a person of property of any description, or of any interest in,

or right over, property of any description- unless the deprivation (a) results from an acquisition of

land or an interest in land or (b) is for a public purpose or in the public interest and (i) requires

prompt payment in full, of just compensation to the person; and (ii) allows any person who has an

interest in, or right over, that property a right of access to a court of law."[17] Because Kibera was

formed on public land[18], the state has an exceptional power to exercise authority in the construction

of space, specifically because it is in the interest of the public purpose or public interest. If the state

acquires public land where people have lived, they are required to be compensated for their loss

or provided access to a court of law.

When rights granted through the Constitution are to provide either compensation or access

to court of law for the urban poor when the state takes land, the challenge is giving access for the

urban poor to claim and exercise these human rights. A critique of land policy in the 2010

Constitution has been that the "administrative framework [over land] gives excess power to

administrators without establishing mechanisms to ensure that they not only perform their duties,

but also do not abuse their powers" (Akech 2010, p. 25). The 2010 Constitution, although

providing equal protection for vulnerable groups and security against forms of violence in public

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[16] *The Constitution of Kenya* [Kenya], Article 40 (2a), 27 August 2010, available at: https://www.refworld.org/docid/4c8508822.html [accessed 28 November 2018]
[17] *The Constitution of Kenya* [Kenya], Article 40 (3a, 3b i- ii), 27 August 2010, available at: https://www.refworld.org/docid/4c8508822.html [accessed 28 November 2018]
[18] In the 2010 Constitution, there are three divisions of land.
The first, public land, is land which "no individual or community ownership can be established by any legal process" (Constitution of Kenya, Legislation on Land- 62 (b, c, d)).
The second, private land, is land which is defined as "registered land held by any person under any freehold tenure; land held by any person under leasehold tenure" (The Constitution of Kenya, Legislation on Land- 42 (a,b).
The third, community land, is land which "shall vest in and be held by communities identifies on the basis of ethnicity, culture, or similar community of interest; land lawfully registered in the name of the group representatives under the provisions of any law; any registered community land shall be held in trust by county governments on behalf of the communities for which it is held" (*The Constitution of Kenya*, Legislation on Land 63 (1, 2a, 3).

and private sectors, it also serves as the foundation of legal permissibility for the NLCA and PPA. These two acts outline the role of the state in placemaking efforts, and elaborate on the consequences of fulfilling their land reform roles in nation-state governance.

II.   National Land Commission Act (NLCA), No. 5 of 2012

Created as a "constitutional body" under Article 67 of the 2010 Constitution of Kenya, the focus of the NLCA is to "manage public lands on behalf of the national and county governments" as "national land policy to the national government."[19] The National Land Commission body is concerned with four aspects of land rights containing; ownership, value, use, and development of land (Ouna 2017). The NLCA is able to process historical land injustices, which are defined as "violation[s] of a right in land, result[ing] in displacement from habitual residence, occur[ing] between 1895 when Kenya became a protectorate under the British East Africa Protectorate and 2010 when the Constitution of Kenya was promulgated."[20] According to the NLCA, violations of public land through historical injustices are permissible if occasioned by "colonial occupation; independence struggle; pre-independence treaty or agreement between a community and a government; development-induced displacement for which no adequate compensation or other form of remedy was provided, including conversion of non-public land into public land; inequitable land adjudication process or resettlement scheme."[21]

Public land through the NLCA is able to process historically unjust acquisition of land, alluding to the displacement across the country in times of colonial occupation, as explained in the previous chapter. However, through state-led projects of place making in demolition projects in

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[19] *National Land Commission Act (5)*, Revised 2012. Chapter 286. Kenya.
[20] *National Land Commission Act*, Revised 2012. Chapter 286. Kenya.
[21] *National Land Commission Act*, Revised 2012. Chapter 286. Kenya.

Kibera, residents have been "displaced from habitual residence" and "not adequately compensated or other form of a remedy," as seen through the demolition practices of the contemporary era.[22] Although there is a framework to process unjust violations of land rights for individuals, there are limitations for residents in informal settlements to actualize these rights.

Land policy is used to maintain control and dominance, especially over the urban poor in maintaining economic barriers when the "cost of land coupled with the cost of construction materials make it difficult for a majority of Nairobi residents to access formal housing markets" (Ouna 2017, p. 6). Through urbanization and rapid population growth, property rights were difficult to define in Kibera, in addition to being a costly investment (Ouna 2017). In addition to being unable to afford the cost of formal living structures for residents, "failure to formalize property rights leads to eroded security of tenure and hence land transactions are carried out in informal land markets which are difficult to regulate" (Ouna 2017, p. 6). The provision of property ownership excludes residents and land owners unable to forgo the cost of formalizing property. The state maintains power and control against residents in informal settlements, creating a class division between people able to afford formal and informal living arrangements within the informal sector itself. For people within informal settlements, seeking legal parameters to physical space, as a concept of material commodities gained and constructed is provide to be an economic barrier to their actualization of rights provided in the Constitution, through the NLCA in addition to Article 21, Article 27, Article 29, and Article 40 as mentioned earlier.

Without the logistical and economic stability to obtain rights of property ownership, the NLCA seems to accentuate a barrier between people living in formal settlements to informal settlements in actualizing their human rights. The geography of human rights is an "engagement

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[22] *National Land Commission Act*, Revised 2012. Chapter 286. Kenya.

with the (dis)connection between places and multiple scales… [and] it also examines how different forms of power, such as jurisdictional power in the case of rights litigation, are scaled differently" (Laliberté 2015, p.58). Divisive policies based on economic class reiterate a thematic paradigm of land grabs and divisive land policies from the colonial era. Public space occupied by the urban poor are usually the first to be grabbed for the construction of road and airport reserves (Ouna 2017). Through the NLCA, the protection of vulnerable citizens in Article 21 is threatened by the lack of attainment and actualization of this right, and the space within land remains to be in a luxury for those able to afford it.

Language surrounding the conceptualization of *formal* and *informal* settlements has created a dichotomy on qualifications for legally permissible or inadmissible boundaries. Residential places and economic market systems created within a structure of control is thus creating a notion of *formality*, and a legal boundary premised on the inclusion and exclusion space. *Formality* in the period of urbanization included segregated urban planning, regional control of land ownership, and economic incentives for employment within Nairobi. *Informality* does not provide a legal legitimacy to spatial control of state-led efforts. *Formality* concerns both recognition from the state on legitimate claims to human rights and land rights. Informality and formality within the political and spatial control of the country, and accentuated by class divisions in a neoliberal economy[23]. The dichotomy of formal and informal structures is relevant to construction of place, specifically policies which support or exclude residents of informal settlements from actualizing their rights guaranteed through the 2010 Constitution of Kenya

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[23] "Economic decline has gone hand in hand with the depreciation of the Kenyan shilling, rising interest rates, the reduction of government expenditure, especially in the development and welfare sectors, the limiting of wage increases and the reduction of government subsides at national level. SAPs have increased the gap between the rich and the poor as well as the income gap between the rural and the urban population in Kenya thus increasing poverty" (Rono 2002, p. 87). During the period of SAP implementation, the wealthiest 10 percent of Kenyans earned a total 47.7 percent of the income (Rono 2002).

through the establishment of public or private land.

The NLCA supports the formal construction of perceived space which is physical, abstract, surfaces, material and visual through the process of legalizing formal spaces (Lefebvre 1992), as it supports the property rights of people who are able to afford the formalization process. Conceived space, as a set of normalized rules within a community, has been constructed with inclusive and exclusive barriers of informal settlements, specifically through the NLCA as it constructs places which will be included within the formal boundaries of space, and which space will be subjected to informality. The NLCA degrades lived space and social spheres for communities that live on public land or face economic barriers too high to afford formalization process. The economic barrier to geographic positioning and legal, formal place threatens the exercise of rights provided in the 2010 Constitution of Kenya, and the livelihood of those living in informal communities. The PPA of 2012 dictates demolition projects within informal sectors of Kibera, which is separate from Olympic Estate, as its formal sector. See Figure II.

III.   Physical Planning Act (PPA) of 2012

The PPA of 2012 gives power to "local authorities" in the management of physical planning under the following conditions: "(a) prohibit or control the use and development of land and buildings in the interests of power and orderly development of its area, (b) control or prohibit the subdivision of land, (c) consider and approve all development applications and grant all development permissions, (d) ensure implementation of approved physical development plans, (e) formulate by-laws to regulate zoning in respect of use and density of development."[24] In addition to the powers ascertained by the local government authorities, the PPA also prescribes conditions

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[24] *Physical Planning Act*, Revised 2012. 29. Kenya

for demolition practices. The act gives "the basis of local authority to remove, alter or demolish and to prohibit, regulate and control the maintenance, alteration and reconstruction of any building which obstructs the observance."[25]

In the context of devolution from the 2010 Constitution of Kenya, power given to "local authorities" for demolition practices and control over space is legally bounded in the Constitution to decide where construction and demolition will be designated.[26] Power and control over placemaking within informal settlements are granted to "local authorities" to which land will be considered part of roads or reserves, or whether the land will be granted to the public, as seen through Kenya Urban Roads Authority (KURA), a State Corporation under the Ministry of Transport and Infrastructure to establish roadways. Contention between National or County provisions of land is intricate within jurisdictional rights over land, and there has been a push by the Council of Governors to separate the distinction of roadways managed by National or County committees (Moseti 2016). Although relevant, conversation about the devolution of power from road authorities is outside the scope of this thesis, however there is power in demolition projects to "remove, alter, demolish, or prohibit" residential areas for the construction of roads.[27]

The NLCA and PPA interact to enforce the domination of government in determining the legal parameters for the perceived and lived space of communities in informal settlements and fostering the protection of rights for people living within Kibera. The 2010 Constitution of Kenya outlines Article 21 as the duty to address the needs of groups placed in vulnerable situations within a society, yet its protection is contradicted by the PPA for people in informal settlements who are estranged from access to living as permanent residents and affording private housing. In addition,

[25] *Physical Planning Act*, Revised 2012. 13. Kenya
[26] *Physical Planning Act*, Revised 2012. 17/29. Kenya
[27] *Physical Planning Act*, Revised 2012. 17/29. Kenya

the practice of the PPA and NLCA contribute to violence against its citizens, when demolition practices evict 30,000 people from their homes even after the emergence of the 2010 Constitution of Kenya. Specific trends of demolition practices in informal settlements around Nairobi, specifically in Kibera will be explained further in the chapter.

In terms of the spatial significance of the PPA of 2012, "place is blanketed with thick layers of macro-spatial organization arising not just from administrative convenience but also from the imposition of political power, cultural domination, and social control over individuals, groups, and the places they inhabit" (Soja 2010, p. 32). For the demolition of place by the National and County governments, seeking spatial justice for the requisition of land lost is limited through a formal structure of the National Land Commissions Act, because of hefty economic barriers limiting individual land owners and property owners to formal housing. Within informal settlements and communities like Kibera, the recognition of land and property is a privilege prescribed through the NLCA of 2012 and the Physical Planning Act of 2012 as well as the actualization of rights to protections such as Article 21, Article 27, Article 29, and Article 40.

The practice of human rights by individuals is further complicated for women within informal settlements facing gendered barriers to space and claiming protection by Article 27 of the 2010 Constitution of Kenya. As mentioned in Chapter II, the limitations on mobility in space and attempted confinement has been specific to the construction of gender in a specific location (Massey 2009). Space and placemaking are also dependent on the location, but human rights protect the interests of individuals independent from economic strata.

The demolition practices outlined through the NLCA and PPA define the rights to the city and the production of space by residents in marginal urban places. The NLCA and PPA are

strengthened by the politics between formal and informal claims to land, and are involving actors between how the state is leading the construction and destructing of placemaking in Kibera.

IV.   The Community Land Act, No. 27 of 2016

An important caveat to this conversation is the notion of Kibera considered to be public land. In the "Principles of Land Policy" described in the 2010 Constitution, three separate ownership definitions of public, private, community land tenure provide a caveat to the provisions of national and local control over land and proclamation of human rights. In the case of public land, specifically as Kibera, the NLCA and the PPA serves as critical determents of spatial organization and legal provisions which violate rights in the 2010 Constitution. Public land is defined as "land lawfully held, used or occupied by any State organ, except any such land that is occupied by the State organ as lessee under a private lease; land transferred to the State by way of sale, revision or surrender; land in respect of which no individual or community ownership can be established by any legal process."[28] In contrast, private land is defined as "registered land held by any person under any freehold tenure; land held by any person under leasehold tenure."[29] These two definitions apply to the dichotomy of public land which is state-owned, and private land which is owned by the individual.

However, community land as defined in the 2010 Constitution is land which "shall vest in and be held by communities identified on the basis of ethnicity, culture, or similar community of interest; land lawfully registered in the name of the group representatives under the provisions of any law; any registered community land shall be held in trust by county governments on behalf of

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[28] *Community Land Act,* Revised 2016. (62 (b,c,d)). Kenya.
[29] *The Constitution of Kenya*, Legislation on Land- 42 (a,b). Kenya.

the communities for which it is held."[30] The CLA of 2016, outlined by the guidance of the 2010 Constitution, has seemingly been intended for the distinction of communities in rural areas within the country for protection of ancestral land (Alden Wily 2018).

In the CLA of 2016, "each community may, if it wishes, secure a single collective title over all parts of its lands, and lawfully govern this property" (Alden Wily 2018, p. 1). In its application to Kibera, the Nubian people were designated legal authority of community land by the British colonial government.[31] During the road construction and demolition practices in 2018, the Nubian community largely avoided destruction. However, the CLA raises the question if the entire Kibera community could legally claim itself as an owner to the land as a singular land entity. If so, the intrusion of demolition projects by the government through Kibera's legal recognition as public land could be deemed unlawful acts of violence to the community in terms of destruction of land and violation of Constitutional rights. Through the legal ownership of Kibera as a community, residents seek socio-spatial justice as broadening the geographical ownership of their community against the threat of intrusion, in addition to the flourshing of placemaking within space. Registering Kibera as community land requires further research outside the scope of this thesis, but offers an alternative to demolition and displacement of residents on public land.

V.   Complexities of Demolition Projects, Post-2010 Constitution

In the contemporary period, bodies of government on the national and county levels are acting in forms of friction with each other in providing human rights to the urban poor and simultaneously displacing them. Because the 2010 Constitution of Kenya outlines the framework

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[30] *The Constitution of Kenya*, Legislation on Land 63 (1, 2a, 3). Kenya.
[31] Kibera was originally formed in 1913 as colonial government reserves for the Nubian population, who fought in WWI (Vidija 2018).

for a revision of human rights guaranteed to the urban-poor, the rest of this analysis will focus on demolition practices within informal settlements before and after the 2010 Constitution, to compare the analysis of state-led efforts in the construction of place-making.

The demolition and displacement policies in 2004 and 2009, mentioned in Chapter II, occurred in Kibera before the 2010 Constitution was ratified, and before devolution of land acts were designated from the National to County governments in 2013. However, Kibera endured demolition projects completed by KURA, and June 2018 demolition projects served to be the largest in contemporary history.

Demolitions proceeded in 2018 with resistance and contention from segments of government such as the Kenyan National Commission on Human Rights (KNCHR), and international organizations such as Amnesty International. In the case of the 2018 demolitions, houses, schools, mosques, churches, small businesses were demolished by KURA in preparation for a highway segmenting the two pieces of Kibera and evicting 30,000 people from their houses ("Kenya: Stop," 2018). For people in Kibera whose homes, businesses and places of worship that were demolished, in addition to other population demographics who have been evicted from their homes, as seen in Kibera in 2009, access to informal markets, customers, and communities were eradicated. Residents in Kibera are treated as second class citizens by demolitions and displacement, violating human rights that should promote equity and freedom from violence. Demolition projects and policies supporting Slum Upgrading Projects are aimed toward infrastructure change of physical space, but also serve as forms of political manipulation to fracture economies and communities of the urban poor at the benefit of the state.

VI.   Conclusion

The 2010 Constitution of Kenya serves as an entry point to new provisions of human rights, specifically for residents in informal settlements such as Kibera. The NLCA of 2012 and PPA of 2012 stem from the infrastructure of the Constitution, and ground interventions of demolition and displacement efforts in informal settlements. Through demolition practices, violations of Article 21, Article 27, Article 29, and Article 40 of the Constitution are also in place.

In the erosion of individual human rights in Kibera, and thus a collective society by the policies of the state, actors are responsible for injustice, although not to blame for it (Young 2003). Identifying the structural connection between human rights proclaimed by the 2010 Constitution and the land policies surrounding demolition projects gives opportunity to identify how individuals are agents of their own rights and placemaking. However, stability of land and property rights are based on the economic mobility of residents and land owners to ascertain formalization process from an informal settlement. Policies enacted by local authorities to demolish informal settlements capitalize and control perceived space and establish the norms and rules of conceived space. Displacement and demolition threatens lived space as the social fabric of a community.

It should be noted that the economic mobility of residents is also contingent on the source of employment and right to work. As Donnelly writes, "property is often defended because it provides needed resources and space for the effective exercises of liberty. A right to work, however, seems at least as plausible a way to ensure resources for every person, given what we know about the tendency of private property to be very unevenly distributed and readily alienated in most legal systems" (Donnelly 2013, p. 31). The right to work, and a larger discussion on "whose principal 'property' is their labor power or skills- other economic and social rights would seem to be a better mechanism to realize economic security and autonomy" (Donnelly 2013, p. 32). However with eviction and displacement tactics, the ability for informal economies to flourish

and entrepreneurs to grow their businesses is damaged. Urbanization, as explained in Chapter II, increased the rural to urban migration through incentives of employment, and gave the mechanisms to create Kibera and informal settlements around Nairobi. Although the scope of this research thesis does not focus on the right to work or labor, it is an important piece in the conversation about socio-economic rights contributing to the affordability of formalization processes to prevent demolition practices and state conducted violence on public land.

Chapter IV serves to illustrate how the construction of space is consistently defined and remade through community stakeholders in Kibera, and efforts of placemaking. As described by O'Neill, "when weak states lack the capabilities to be primary agents of justice, there is usually no other agent or agency that has acquired these missing capabilities" (O'Neil 2001, p.190). Contrary to O'Neill's agents of change in a weak state, the narratives of individual women as agents of justice in proclaiming rights, are actively participating, creating, and seeking social spatial justice for Kibera and evolution of their community and production of place.

Chapter IV- Place Wanted Alive: Efforts of Placemaking and Spatial Justice in Kibera

Situated amongst demolition projects of dispossession and displacement, residents in informal settlements around Nairobi are actively involved in the production of placemaking. As seen in Chapter III, identifying the structural connection between human rights proclaimed in the 2010 Constitution and land policies outlining demolition projects creates a tension between how the National and County government is involved in the creation of place-making within Kibera, as the case study for this thesis. For a map of Kibera, please refer to Figure I and II in the Appendix. As a review, land ownership and property rights are based on the economic mobility of residents to possess the conceptual framework of "private" land, and homes are constructed and demolished with a sense of changing temporality.

The connection between how the government is constructing and destructing the physical, conceived, and lived space of Kibera not only dictates its perception of informal settlements in Nairobi, but also the relationship with its own citizens, specifically the urban poor. As previously mentioned in Chapter III, contemporary policies enacted by "local authorities" of the PPA to demolish the perceived space of informal settlements. C*onceived space* is tailored by an asymmetrical power dynamic between the dominance of government land commissions making decisions about place over residents in informal settlements. *Lived space* within Kibera is threatened by displacement and demolition. This chapter serves to construct the ways in which residents in Kibera are contributing to the production of place and seeking spatial justice for causes that are political in nature, and involve the formation of agency amongst limitations and barriers. As illustrated through interviews with leaders of non-profit and Community Based Organizations (CBOs) in Kibera, placemaking serves as a key component to seeking spatial justice in the community, especially for organizations centered on human rights for women, who face a specific

set of challenges unique to gender and collective production of place. Interviews center on female community leaders, actively involved in the production of space and place.

Section one will outline place and its relevancy to community, as defined by residents, specifically women who are responding and creating place amongst definitions by Massey (2009) and Lefebvre (1992). Section two of this chapter serves to illustrate definitions of community development through leaders of CBOs who empower younger generations and seek spatial justice at three organizations: Power Women, Carolina for Kibera, Habari Kibra. Section three outlines core themes between the organizations. Section four explores the limitations and restrictions of claiming human rights within an informal settlement. Overall, this chapter serves to illustrate the dynamic involvement of placemaking for residents in Kibera, not as mere recipients of human rights in the 2010 Constitution nor mere victims to demolition projects, but those actively changing and fighting to make place one of empowerment, inclusion, and permanency. Place is something that can be destroyed, but also revived, and this chapter serves to illustrate and expand the argumentative complexities of placemaking within Kibera.

I.   Place and it's Relevancy to Community

The following piece is an interlay of personal observations from the June 2018 demolition projects, which can serve as an introduction to Kibera as a place constantly changing amongst dispossession and displacement:

Box 1:

As I trace Chineye's steps through the clay, a brisk winter wind stings my face. We carefully trot between the husks of corn and slices of thread burying itself in the mud along our feet and two women sit quietly peeling the kernels of corn from its husk. They each add the kernels to systemically woven trays and baskets which fill their business for the day. Chineye stops walking and points at a clearing below our feet. In the distance, an excavated pathway is now filled with cement, and threatens the existence of homes, mosques, churches, shops, restaurants, M-PESA stands, graveyards, schools, and bus lots as it approaches closer to Kibera. Although still in the distance from residential areas, voices spread around the community that families have been given notice to leave their houses in the coming weeks. Houses placed on the designated road reserve will be demolished and force 30,000 families into homelessness. The state-led highway construction will divide the informal sector of Kibera into two segments of land.

In the evening, voices coming from the television set of my host family's living room mentions the demolition project in Kibera. A representative from Amnesty International speaks with Kenyan government officials about the degradation of human rights, and the threat the demolition project beholds on the community. There is a suggested resettlement program for evicted families or compensation from the government for their lost possessions, but their language is vague and my host mother says it will never come true. Directors at local organizations collectively analyze the potential for supplying resources and places to stay for families impacted. The Carolina for Kibera board mentions there could be no way the organization could run their education and women's empowerment program, if their children are homeless and looking for food.

During the last day of my work in Kibera, I was assisting with Safe Space meetings around the community. Following my co-workers through the tightened corridors of Line Saba district, buildings and doors are covered with the remnants of a peace movement by an artist called "Solo 7." Squeezing through the alleyways, we pass "Peace Wanted Alive," "Keep Peace Alive," and "We Must Learn to Live Together as Brothers or We Will Fall Together as Fools" written along the walls and homes. The buildings end, alleyways close, and we stand in front of an amassed clearing of red clay. Lone men and women scavenge for items left in the rubble, and pieces of black plastic shine in the reflection of the sun. A single tree remains standing, and I wondered if it too, would remain alive or be cut in the coming days. A Nubian wedding parades through the clearing and guides a new groom toward his wife on the other side of the demolition. The vibrancy of their singing voices and printed cloth continue without hesitation through the mud. In my mind, I focus on the houses and schools left on the border of the destruction, and now remember a walk taken a few weeks earlier trotting behind Chineye and seeing the two women peeling the kernels of corn who now exist in this place as a silent, collective memory.

Throughout this vignette (see box 1)[32], economic markets illustrated through selling corn, are changed and altered through displacement of the demolition project[33], but also the lived connection and shared space between mosques, churches, graveyards, and a school that now is the border of community and roadway. Safe Space meetings are places for women and girls to talk about issues of gender and sexual based violence in the community, and in their individual lives. At the meetings, there is one mentor who conducts the meeting and is responsible for 30 mentee students. Safe Space meetings is a program of Carolina for Kibera Binti Pamoja, Girl's Empowerment center. Residents from the demolished areas are actively claiming their personal items amongst the rubble, while a wedding procession marches through the demolition. The space of Kibera is actively involved in the production of placemaking by residents, and amongst displacement, creates a shared environment which is intricately involved as actors of social change, and seeking to claim space amongst dispossession. Please refer to Figure III in the Appendix for a visual of Kibera.

Place is the product of interrelations from global to local scales, spheres of existence from multiple and plural entities, and under construction by interrelations (Massey 2005). Place contextualizes the realities of people living amongst each other and connects social relations, bonds, and existence of what makes identity contextualized in a given place. Lived space is the social fabric embedded within the conception of what a perceived physical space should be and who it should exist to benefit. Although legal ownership of the perceived space of Kibera belongs to the National and County governments because it is considered public land, as explained in Chapter III, the connection and interrelations of what Massey (2009) and Lefebvre (1992) theories

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[32]Names in the vignette have been changed to conceal true identities.
[33] A representation of the physical destruction can be found here: https://www.youtube.com/watch?v=_i97Hep4rK0

of place and space explain that both are deeply rooted in significant contributions beyond physical, material aspects.

The social production of placemaking exists within the interrelations of macro and micro interactions. When asking about the meaning of community to interviewees, common themes emerged within the interviews as "just a group of people who do together- okay- the community in Kibera, there are difference 'tribes'[34] from different parts of Kenya. For something like salt, an African tradition, when you lack something, you go and ask your neighbor. A community carries different people with different characters" (Interview I). In this definition, a community within the same geographical area carries an exchange of resources despite the differences in identity, and serves as a process of placemaking through reciprocated relations. However, subsequent interviews entailed a certain level of "sameness," ultimately leads to the production of community as a lived space in a geographical region. Community is a "set of people who live together in the same geographical region, and they share common amenities, such as schools, hospitals, the same road, the same inception spot, and they share the same values" (Interview II). The interlayering of perceived and conceived space as a shared space of roads and values is important within the context of demolition projects because it supports the shared roads of upper-class citizens, rather than the roads of networks that already exist amongst residents within informal settlements because many people live without the ability to afford a car (Golla 2018). Placemaking by the urban poor is destroyed amongst demolition and displacement efforts, and prioritizes the utility of an upper class in the same geographical region.

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[34] The origin of the word 'tribe' is a racist, colonial term socialized in the contemporary era. "Citizen and Subject" by Mahmood Mamdani (1996) and "The Invention of Tradition" by Eric Hobsbawm and Terence Ranger (1992) contextualize its origins and implications.

In continuation, community is a "group of people coming together with the same objective. What I think community development is, is what people in the community are implementing in terms of activities. The activities that community members implement to improve and transform their lives" (Interview III). The shared values and objectives within social fabric which unites and transforms the realities of placemaking, even situated amongst projects of displacement, tears social relations and economic productions embedded within a community. For community leaders in Kibera, community is defined as a reciprocal exchange within the same place to fulfill shared objectives (Interviews I-III). Although divisions and differences amongst the population in Kibera are existent, the operational definition of community by the interviewed community leaders is situated in a place where community, and the production of placemaking for all residents, has the potential to unite and empower residents without legal rights to land, especially in the context of dispossession and displacement. Throughout all three definitions of community based on the interviews, the description of a shared experience aligns with the theoretical conceptions of place amongst Lefebvre (1992) within perceived, conceived, and lived spaces that are also interrelations of real and valued practices of everyday life (Massey 2005). The operation of this definition will be used to highlight its intricacies and development amongst seeking spatial justice later in section two.

As seen in Chapter III, illustrating the 2018 demolition project in Kibera, the Nubian population was legally able to obvert the construction of the roadway project from legal protection of the Community Land Act, however, it suggests that residents in Kibera are not living on equal terms with each other. Demolition projects impact the social fabric and development of the entire community. Demolition practices in Kibera are legal violations of Articles in the 2010 Constitution of Kenya, in addition to the degradation of lived space and community networks across the uneven

legal permissibility of land rights. The next section of this chapter will allude to how the community is involved in placemaking amongst uneven levels of displacement and dispossession, with common goals of "fulfilling shared objectives" (Interview III).

II.   Community Based Organizations and Production of Place

Demolition projects aim to make recommendations on norms and laws as examples of conceived space for residents in Kibera, which continues the historical power struggle of top-down government policymaking, referenced in Chapter III. Physical space has immensely impacted the economic and social exchanges within Kibera as seen in the SUP project of 2004, and how residents have largely responded to seeking spatial justice has manifested itself in CBOs, which in the context of Kibera have operated as secondary agents of justice (Soja 2010; O'Neill 2001). In the process of placemaking by government-led demolition projects, residents are seeking spatial justice by organizing and acting as agents of justice. When the government as the primary agent of justice fails to uphold the notion of protecting human rights, such as demolition projects in Kibera, residents are collectively and individually claiming agency over space and seeking spatial justice through their own production of place. The following sections outline how three organizations Power Women, Carolina for Kibera, and Habari Kibra are actively involved in placemaking in Kibera and how their inter-relational connections within place are actively challenging historical and contemporary notions of agency and power.

A. Power Women

Established in 2004, Power Women is located in Olympic Estate, which is a formal sector of Kibera. Formed by a group of HIV positive women, Power Women aims to form as a support group for themselves and children who are also HIV positive. The organization has a shop with

products made from tailoring and sewing training sessions for young women. The interview was held in the shop one afternoon. Revenue from bags, aprons, ties, and jewelry is then transferred to young women to support themselves and their families. Economic revenue gained from Power Women's products and services about tailoring jobs can be made after completion of courses, which then enables the hairdressing student to have customers at the salon, and then use the revenue to help their families (Interview I).

For students involved in tailoring, "when they are finished, they can go in Makina market and look for a job there" (Interview I). Gaining economic revenue through products and services within Power Women supports the economic liberation of young women to support themselves and families independent from HIV status. Economic revenue within the social fabric of young women in Kibera leads to a process of contributing to an informal market, which as seen in the 2004 Slum Upgrading Program was damaged by relocating entrepreneurs and employment outside of regular market districts. Displacement threatens the viability of contribution to an economic market. Power Women responds to the community by a reciprocal exchange of goods and services of an informal settlement, and this economic network is a tangential product of placemaking within the informal sector. Women are trained and employed within various districts of Kibera.

Another mission of Power Women is mentoring and educating young women about the risks of HIV. Mentors in Power Women, some of who also HIV positive, talk to young girls at schools in Kibera about the risks of HIV (Interview I). Mentors also go into health clinics giving health talks to target the audience of people who are already sick (Interview I). By walking from door to door around homes in Kibera, mentors can also target men, and when "they have questions, we answer. When you are taking medicine for the whole, and the rest of your life, sometimes you feel tired of taking medication. So, it is better to prevent it" (Interview I). The engagement of

Power Women within the intergenerational movement of health education participates within the social fabric of Kibera and the ways in which the organization is creating place and social cohesion. Those who are actively involved in the production of economic and educational placemaking adds to the value of a perceived space, and creates the network of a lived space that is threatened by demolition and destruction. Mentorship programs are actively connecting with mentees to prevent the onset of HIV.

As an agent of justice, the responsibility for community development according to Interviewee I is through Non-Governmental Organizations (NGOs) which support the health and progression of HIV positive girls and women. Power Women contributes to the production of place through economic opportunities and health care awareness campaigns for young women in Kibera. Power Women is an agent of justice, although limited by formally certifying trainees and participating in the formal sectors of the economy (Interview I). The organization aims to support the production of economic revenue and health care for residents and is an example of how an informal settlement is contributing to building capacity to organize (O'Neill 2001). Mentors at Power Women address daily issues in the community and are proactively changing the ways in which people are able to build individual capacity despite barriers to enter formal markets in Kibera.

B. Carolina for Kibera (CFK)

Carolina for Kibera is a non-profit organization that began in 2001 through a partnership with Tabitha Festo, Salim Mohamed, and Rye Barcott to create an organization focused on health development, youth empowerment, and gender equity. The headquarters of CFK are located near Power Women in Olympic Estate of Kibera in their Binti Pamoja, *Daughter's United*, building. The organization focuses on areas of education equity, primary health care within clinics, girl's

empowerment, and youth development. In the area of education equity, the organization supports secondary schools in promoting mentorship and holistic development of children within formal and informal schools. Primary health care at CFK is focused on nutrition and health and wellness through community outreach. Girl's empowerment is focused on mentoring teenage mothers who are inside and outside of school systems, and youth development concentrates on future economic development though entrepreneurship and sports programs. The strategy of CFK is to first identify the community's needs, and then develop a wholistic approach with monitoring and evaluation techniques. The expansion of CFK stretches through districts of Kibera, and works alongside local leaders across 43 ethnic groups represented in the community. The mission of the organization is to develop local leaders, catalyze positive change, and alleviate poverty (*Carolina for Kibera*).

The Binti Pamoja Girl's Empowerment programming aims to empower young women in the community through mentorship and education programs.[35] As one of the leaders at CFK is a mentor and programmer for Binti Pamoja, layers of interrelations between government and non-governmental actors contribute to the process of placemaking, however "organizations are providing support to the community members. Every organization implements a specific activity and the activities which they want to conduct in the community. So most people benefit from the organizations. Because there are some which offer entrepreneurship skills and they also give soft loans to improve the lives of those living in the community" (Interview III).

Agency to create economic and social change in Kibera is organized through CBOs, and complicates the role of placemaking and provision of human rights, apart from the government as the primary agent of justice. Agency and voice is a common theme throughout the interviews because when there are "community members, they are empowered, and they are doing the right

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[35] Please refer to Figure IV in the Appendix for a photo of CFK's signs into the Binti Pamoja Center.

thing" (Interview III). Empowerment through community members manifests itself through a multitude of ways, for instance, "when a man can stand up and say that another man has done a wrong thing and defiled a girl," or "community hygiene is improving," and also when "community members can sit together and come up with idea, and try to implement that idea which will benefit the whole society" (Interview III). Individual agency to "do the right thing" is contributing to a collective, societal notion of empowerment and agency in the process of creating lived space amongst the physical restrictions of demolition projects. The empowerment of women relates to curbing the challenges of a given space, especially in response to defilement and violence. Agency and voice to decisions on how the community will progress is authentic to the voices of leaders and stakeholders, especially when speaking out about the perpetuations of gender based violence.

To overcome gender and economic barriers, the notion of empowerment serves to enhance the agency. Within the work at CFK, "I have been working for my community to empower girls, because while I was growing up, someone was there for me to get me through my adolescent growth and development, and to take me through the process of informed decisions, so I thought, 'Why shouldn't I be there for other girls who are growing up?' So I am working for my community and my main aim is to at least empower just 10 or 20 girls" (Interview II). The social fabrication of empowerment for young girls to develop change is to overcome challenges in an effort to develop a connection to space and placemaking. CFK's Binti Pamoja project is involved in placemaking through empowerment projects and using CBOs as a tool to weave the social fabric into claiming social justice against barriers that have limited the intricacies of space. At Binti Pamoja, mentoring and building individual agency emerge as placemaking efforts.

At Tabitha Medical Clinic, which is a hospital located in Kibera and a branch of the work of CFK, government and non-governmental organizations work as agents of justice, but there is

seemingly more involvement by non-governmental organizations for basic health provisions, such as Vitamin A supplements (Interview IV). For health related issues, "NGOs help a lot and the ones who are helping the community. Even the handwashing, [CFK] organized for the activities, that's where we call [government officials] like, 'Please organize handwashing activities,' we do the initiatives, and then they just come for their appearance and maybe give a talk" (Interview IV)[36]. The methods in which CFK is involved in the community as secondary agents of justice build the capacity for a healthy community through education programs and health-based programming alongside governmental actors which are also involved in the construction of placemaking. The themes that emerge from CFK in the efforts of placemaking include empowerment projects and CBOs as a tool to transmit human rights as a secondary agents of justice, but their processes are woven with the construction of placemaking. Leaders in organizations such as CFK operate with closer relations to Kibera to match the desires of community members and reflect a stronger capability of affecting change within a space. Leadership of CFK comes from the benefactors of its programming and actively focuses to change its approaches based on the changing needs in the community.

C. Habari Kibra

Habari Kibra is a local news reporting website that has thematic focuses on health, education, economy and technology, leadership and governance, environment, and culture. The stories empower the voices of Kibera, and to create change on the narrative on the realities of everyday lives. Stories date to the Kenyan Presidential elections of 2017. In the Presidential election between incumbent Uhuru Kenyatta and Raila Odinga, reports of violence within Kibera

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[36] In partnership with the Ministry of Health Division of Family Health, NGOs such as Nutrition International and United Nations International Children's Emergency Fund (UNICEF) work to distribute provisions of Vitamin A in Kenya ("Action").

broke out in opposition of the results and "people [within Kibera] are like, 'we don't feel like doing this thing again, let's just go and vote', after that, there were people coming up with the peace initiative and all this 'oh, this is what we want, we don't want chaos and all that.' In my opinion, the next election I don't think we'll have such things" (Interview V).

Movements for peace initiatives in relevance to elections times has transformed in to "Peace Wanted Alive" art movement, where sign postings across Kibera advocate for peace and unity. The expansion of the "Peace Wanted Alive" stretches beyond one district of Kibera, and is often on shop doors, gates, and fences (Figure V). The political artist and activist, Solo Saba (*Solo7*) responded to the 2007 election violence to emphasize to community members not to be dissuaded by politicians because "by the end of the day, they are not the ones who are losing their family members- their loved ones- it is us. Some of us are losing our family members, our friends, our neighbors, it's not them. Solo Saba needed to emphasize and sensitize the community and place the importance of 'Peace Wanted Alive' on almost every part of Kibera" (Interview II). Movement for peace amongst geographical and political divides in Kibera gives a sense of peace and unity amongst the challenges that Kibera as a community faces. A physical sign takes perceived space and the construction of a physical object to represent agency. A conceived space as the production of rules and normative agreements, takes a hold in the conversation about the "Peace Wanted Alive" movement because the mission of the project is to create a normative response to elections to be a peaceful continuation of time spent between democratic election cycles.

The "Peace Wanted Alive" movement provides a caveat to the discussion of how residents in Kibera are actively involved in the production of place, because it is not fostered within an organization but creates a sense of perceived, conceived, and lived space amongst residents.

Through Habari Kibra, the lived space shared between residents of Kibera to tell stories and sharing the common values of community defined earlier in this chapter about reciprocal exchange under the same objectives, is a key element to how the placemaking is actively responding to election violence in Kibera. The representations of shared values within lived space is documented through Habari Kibra as a form of transferring stories of placemaking, identity, and development through the voices of residents.

Collective action is talked about by residents in Saturday meetings at the Kibera Town Center (KTC) "through something known as Kibera Open Discussion and people come and discuss different issues and stuff and all that" (Interview V). Agency and voice to the community is fostered through open dialogue and self-expression of the youth and community. Open dialogues about the identity and politics as the opportunity to provide value and resources to agency for residents in Kibera, specifically with a physical structure of the Kibera Town Center. For young people in Kibera, "in terms of leadership and also talent, you find that there are a lot of concerts that are coming in Kibera, people are showing their talents, and in that way, we find that they get to show their leadership skills in a different way, not necessarily in politics, but in a different way" (Interview V). Shared stories and production of lived space is documented by Habari Kibra is centered on open dialogue, and contingent on activities of expression, advocacy, and leadership skills. The themes that emerge from Habari Kibra entail placemaking through the production of lived stories, especially when these stories outline the conditions which are demolished and destroyed. The prioritization of the production of place by the wealthy elite is constructed and the stories and conceived space of residents in Kibera is demolished in road construction. Habari Kibra is involved in placemaking to amplify the voices of residents in Kibera and promote shared experiences of life in the community.

III.   Core Themes

The variance in how these three organizations are involved in the construction of placemaking has led to empowerment projects and agency within the geographical space of Kibera. As placemaking, residents organize through CBOs in actions which are political in nature through individual and collective responses. More research will need to be conducted on whether placemaking is in direct response to geographical dispossession and displacement by demolition projects. However, residents are seeking spatial justice if using the conditions prescribed by Lefebvre (1992) in layering the production of space by perceived, conceived, and lived concepts, in which Power Women, Carolina for Kibera, and Habari Kibra are confronting the political barriers that have marginalized women in Kibera. Organizations within this thesis are not specifically organizing against the demolition projects, but are responding to the barriers of gendered space and economic challenges. The methods organizations are using as secondary agents of justice for the their work to contribute to placemaking are threatened by the limitations of placemaking activities by the National and County governments through demolition projects, proposed in Chapter III.

IV.   Limitations and Restrictions to Placemaking for Residents

This thesis does not aim to glorify CBOs, nor generalize the processes which organizations are using to combat the challenges endured in a community. Sustainability of organizations are complex and varied in nature, which serves as an important piece to the conversation about how residents are organizing around space and making place, and the global and local forces that shape the sustainability of intervention strategies. For this purposes of this thesis, placemaking by individuals and collective movements within Kibera are at tension against demolitions projects,

which distance and separate the perceived, conceived, and lived space of residents and their collective movements.

The role of the National and County governments in the role of placemaking is noticed by residents and by community leaders. Within a temporal space of the "next five or seven years, Kibera won't be the same again. Considering the major road construction demolished over 1,000 households, it definitely has an impact on change," referring to June 2018 demolition projects (Interview II). Perception of the government within Kibera and the community is affected when the freedom to alter, demolish, and dispossess residents can happen at any moment. Specifically with the population that CFK operates within, "most of them don't really have high hopes from the government. Because the government takes Kibera as their land. So, they do whatever they wish to do with the land" (Interview II). Community stakeholders acknowledge the disenfranchisement and injustice of demolition projects, and have reacted by continuing productions of placemaking, and changing their perception on the role of the government.

Faith in the institution of the government as a primary agent of justice is diminished through complications of elections and neoliberal land policy reform, which means that leaders of non-profit organizations claim the perceptions that: "I do not think change can be made possible through the government, I don't think so. Cause the other time they just demolished houses, on Langatta Road, and they didn't compensate those guys. As much as this land doesn't belong to anyone- I mean, it's a slum" (Interview IV). A sense of displacement in Kibera emerges as the government is perceived to control the land which the community is built without fulfillment of legal provisions and responsibility. This perception would give impetus for community organizing.

Demolition projects affect perceived space and the lived space of people in Kibera, in addition to affecting the ways in which residents perceive the government as an avenue for change.

Defilements of Article 21, Article 27, Article 29, and Article 40 of the 2010 Constitution of Kenya are evident in the demolition projects, most recently in June 2018, and threaten the validity of the government in securing and actualizing human rights for residents in informal settlements. CBOs and NGOs, under the theory of O'Neill, cannot act as primary agents of justice because a lack of their capacity to organize, distribution, and designate capacity of human rights for its citizens, however, they serve as a critical focal point for community organizing and placemaking against the political challenges of informal settlements.

V.   Conclusion

Organizations in Kibera, such as Power Women, Carolina for Kibera, and Habari Kibra are actively involved in seeking spatial justice, against gendered barriers of space and place amongst demolition projects contributing to displacement and dispossession. Place is constantly under revision. Overall, themes emerging from the interviews provide a sense of participation in economic and social productions of placemaking, which are organizing around state-led disenfranchisement. For land policies directed at the infrastructure development of Kibera, such as the NLCA of 2012 and PPA of 2012 in informal settlements, the production of space is actively favoring people on formal land and who participate in formal economic practices, and destroying the livelihood of communities on public land. Organizations are not only contributing to the production of place within a space, but actively involved in seeking justice for barriers encountered throughout the daily life of residents in Kibera. Residents in Kibera and its community leaders are not mere recipients of human rights outlined in the 2010 Constitution of Kenya, nor mere victims of demolition projects, but those actively changing and fighting to make place one of

empowerment, voice, and inclusion. Place is an entity that can be destroyed, but also revived. The

conclusion of these claims will be expanded in the final chapter.

Chapter V- Conclusion

In previous chapters, this thesis has explored relevant conversations about the construction of space and placemaking, analysis of Articles of the 2010 Constitution of Kenya, analysis of the contemporary land policy commissions, and personal interviews from community stakeholders in Kibera. Efforts of placemaking by the state and community stakeholders demonstrate the immense politicization of space in informal settlements around Nairobi, which is legally bound and socially produced.

Space and place are constantly under revision by government and residential actors. Place is not stagnant. When place is altered by state-led demolition projects, the consequences of displacement and dispossession continues historical paradigms of manipulation and control. Space and place are political, and contribute to focal points to how the community is responding to placemaking. Community based organizations, although intricate and unique in methods of sustainability and authenticity, are focused on contributing to raising the quality and flourishment of life inside of informal settlements. Provision of human rights, as raised by community based organizations, act as second agents of justice through day to day programs, and exemplifies how people are responding to challenges within a physical space. Limitations to organizational mobility and capacity in providing human rights as agents of justice has been discussed in earlier chapters, however, the methods in which residents are contributing to placemaking discussed in Chapter IV creates a platform for agency and power.

The main findings of the research are presented below. The first section will analyze how the 2010 Constitution of Kenya and contemporary policies are involved in the process of placemaking. The second section will synthesize emerging themes from interviews with stakeholders on how each individual organization is contributing to the production of place. The

third section will describe a call for further research, which will become the framework for the discussion on the power of space and place.

I.   Main Conclusions and Findings

       A.   2010 Constitution of Kenya and Contemporary Land Policies

The 2010 Constitution of Kenya establishes a legal precedent for the provision of human rights situated in the context of urbanization. The National Land Commission Act of 2012 and Physical Planning Act of 2012 are embedded in the Constitution of Kenya, and give legal permissibility for the demolition projects as a method of land reform in informal settlements. Demolition projects contribute to colonial management strategies of dispossession and displacement, specifically degrading socio-economic rights for residents in informal settlements, as tenants on public land.

Demolition of urban space within informal settlements has contributed to the politicization of space and control and a historically embedded asymmetrical power dynamic between the government and its citizens. Residents in informal settlements without the financial means to access formal land tenure endure sporadic, uncompromising reactions to rights promised within the Constitution, specifically access to either a court of law or compensation for their loss.[37] Demolition projects in Kibera lead to the degradation of perceived space as the physical construction of place, conceived space as the projection of norms and values, and lived space as the connection of stories. Demolition projects displace economies, communities, and families which threatens human rights and placemaking of residents in informal settlements. As an agent of justice with large capacity, such as the National and County Kenyan governments, there is a

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[37] *The Constitution of Kenya*, Protection of Right to Property 40 (2a, 3a, 3b i- ii). Kenya.

present opportunity to secure land tenure rights for residents in informal settlements, rather than use demolitions as a provision for "public purpose."[38] The state is contributing to placemaking in informal settlements by demolition projects and Slum Upgrading Programs, and displacement and dispossession are severe indictments to this process.

B. Community Stakeholders in Kibera

Residents in Kibera are contributing to placemaking to confront the challenging realities of life in an informal settlement. Although divisions and differences in Kibera are present between residents, community is defined as a reciprocal exchange within the same place to fulfill shared objectives (Interviews I-III). The embodiment of this philosophy is represented in the mission and program establishment of Power Women, Carolina for Kibera, and Habari Kibra. Power Women contributes to placemaking by the production of economic and educational programs, which are fractured by demolition projects and Slum Upgrading Programs such as in 2004. Displacement threatens the viability of contribution to an economic market and financial exchanges within place. Carolina for Kibera through the Binti Pamoja Center is involved in placemaking through empowerment models and agency which enhances the lived space for people in Kibera to build capacity to fight to curb the intergenerational cycles of poverty and sexual and gender based violence. Stories and mentorship practices enhance the conception of space and place. Harbari Kibra is involved in the production of placemaking to produce an authenticity of stories and shared experiences, which contribute to lived space. Leaders of community based organizations are layering the production of space by perceived, conceived, and lived concepts and combatting the gendered barriers of space.

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[38] *Community Land Act,* Revised 2016. 27. Kenya.

These three organizations, in addition to the "Peace Wanted Alive" movement explored in Chapter III are not specifically organizing in response to the disenfranchisement of demolition projects, however, they are organizing against political and gendered barriers of daily life in Kibera. Organizations lack the capacity to be primary agents of justice, but the framework of the organizations offer a focal point in the community to elevate agency and claim justice.

The significance of these findings is to yield to the conclusion that place is constantly under revision by actors on global to local scales. Place is conformed and shaped by the legal provisions which govern it and dictated by those with power to reinforce asymmetrical powers. Place is an entity that can be destroyed, but also revived, and sometimes these interactions occur within the same temporal period. There is a value added to the cohesion and intricacies of placemaking within Kibera as a place that stretches beyond physical confines of an informal settlement. Placemaking and seeking justice to combat the limitations within poverty, contribute to the significance and power of place beyond its physical containment.

II.   Lingering Questions: Call for Further Research

In expansion of the topics discussed in this thesis, instead of residents seeking court appeals or compensation by the government on public land, it would be critical to see the legal formation of Kibera under the Community Land Act of 2016 is possible. The CLA defines "community" under the "consciously distinct and organized groups of users of community land who are citizens and share any of the following attributes: (a) common ancestry; (b) similar culture or unique mode of livelihood; (c) socio-economic or other similar common interest; (d) geographical space; (e) ecological space; or (f) ethnicity."[39] As a collective identity under a "unique mode of livelihood,"

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[39] *Community Land Act,* Revised 2016. 27. Kenya.

"socio-economic or other similar common interest," or "geographical space" Kibera and other Nairobi settlements could potentially claim community land. Claiming Kibera as community land has the potential to deflect the encroachment of demolition projects because of legal recognition of land tenure. This topic could also measure the impact of local Kiberian court systems in indict the government for violating Articles of the 2010 Constitution, or for neither providing compensation nor access to courts in demolition projects. More research would have to be completed to achieve this outcome, or even explore its potential.

A second area for research could explore how organizations in Kibera, or informal settlements largely, are responding directly to demolition projects. Seeking spatial justice would contribute directly to violations that are political and spatial in nature, and how residents are responding to homelessness or adopting methods to assuage the harshness of displacement. This topic could also analyze government coalitions working to secure land tenure and access to the city for those living within its margins.

A third area of research has the potential to explore the connection between land policy and neoliberal economic policies, such as the effects of Structural Adjustment Programs. Research could reflect the dynamics between formal and informal economies and their impact from SAPs.
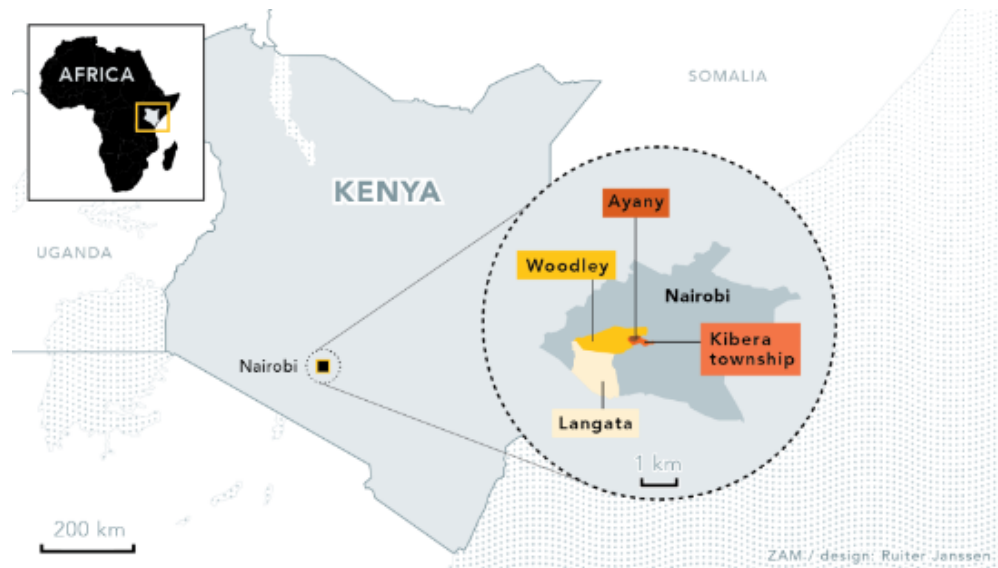
III.   Final Remarks

Lazima Nibonge or *hear me too, I have to speak* out became a critical message of Carolina for Kibera during my internship in 2018 in empowering the agency of young women in the Binti Pamoja Program to speak out against the barriers to gender equality, safe living conditions, and political disenfranchisement. Lazima Nibonge is a way of life for community activists in Kibera, who have fueled the contents of this entire thesis. Organizations and individuals are contributing

to progress of development in search of justice; this paper has only scratched the surface on the intricacies of it all. The future of any community depends on how we respond, and not perpetuate, the barriers which encapsulate it. Place within a community can be destroyed and demolished for political purposes. Although embedded within its own contradictions and complications, place also serves as an epicenter for growth, agency, and power.
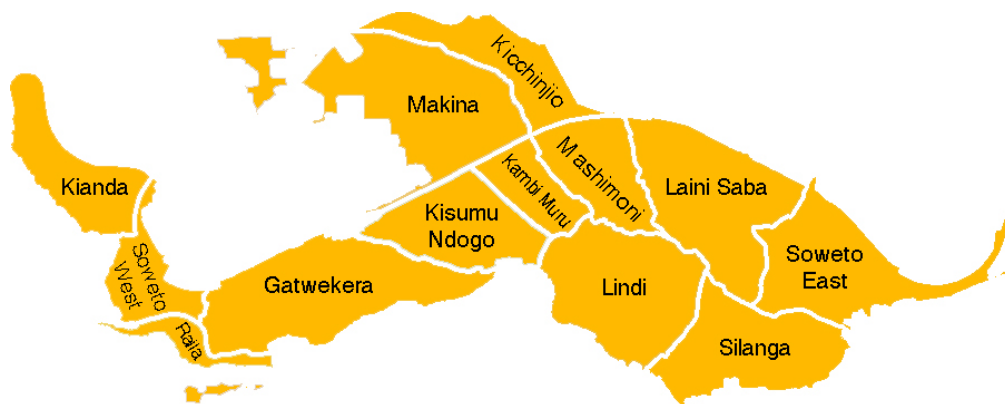
Appendix

Figure I: Map of Kibera in relation to CBD in Nairobi, Kenya

Map of Kibera in relation to the Central Business District in Nairobi.

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Figure II: Map of Kibera

Map of Kibera without the inclusion of Olympic Estate, which is a formal part of Kibera and positioned between Makina, Soweto West, and Kianda districts.

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Figure III: Olympic Estate

Photo of Olympic Estate, a formal part of Kibera and a concentration of NGO headquarters.

Figure IV: Carolina for Kibera

Photo taken of Carolina for Kibera sign posted in Olympic Estate near Binti Pamoja Center and Power Women.

Figure VI: "Peace Wanted Alive" Posting around Kibera

Photo taken in Makina district near Olympic Estate, and near Toi Market, the largest open air market in Kibera.

Table of Interviewees:

	Organization
Interview I	Power Women
Interview II	Carolina for Kibera, Binti Pamoja
Interview III	Carolina for Kibera, Binti Pamoja
Interview IV	Carolina for Kibera, Tabitha Medical Clinic
Interview V	Habari Kibra: Amplifying the Community's Voice

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