Tinkering with tenure: the community land trust experiment in Voi, Kenya

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Abstract

Projects to secure land rights for the urban poor have been implemented in Sub-Saharan Africa for over 30 years. A recurrent issue in such projects is the provision of sustainable land tenure for beneficiaries. Commonly, individual titles with restrictions on resale have been used. Despite these, recipients often sell their land rights to more affluent city dwellers exacerbating the growth of slums (Habitat Int 11 (1987) 173). Policymakers are investigating alternative tenure forms, including community-based institutions, which they hope will make ownership of land more affordable and sustainable for the urban poor.

The paper presents an analysis of an informal settlement upgrading project in Voi, Kenya in which the Community Land Trust (CLT) model was used to provide tenure security (Land Use Policy 14(3) (1997) 215). The paper reviews why the CLT model was entertained as a tenure alternative and evaluates how the model has performed in a 6-year period of operation in meeting various objectives including providing affordable, sustainable land ownership and preventing absenteeism. The implementation experience of a sister project in Kilifi, Kenya that utilized individual leasehold tenure as an ownership form is presented as a counter example to the Voi experience.

The paper shows that despite provisions for strong community control, the CLT model has not been able to achieve the above goals. A variety of reasons are given for the model's poor performance, including the legal complexity of the model, a lack of on-going governmental support for the model and the project, and the divisive issue of land allocation for remaining parcels of land within the settlement. The paper concludes that on-going experimentation with the CLT model is not advisable at this time. Rather, the paper recommends that planners involved in informal settlement upgrading need to understand and recognize informal or customary institutions and try to incorporate them into de jure institutions in order to enhance tenure security and better manage urban land (Reforming urban land

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1. Introduction

The governments of Sub-Saharan Africa together with their partners in the donor community have been implementing informal settlement upgrading projects for the last 30 years. Upgrading projects seek to improve urban services and infrastructure and facilitate access to better housing. These projects also often have as an explicit objective the provision of land tenure security, commonly in the form of an official land title awarded to individuals (Bassett, 2002). Awarding land rights in African slum areas, however, has been a difficult enterprise. Clarifying land ownership is problematic, particularly in peri-urban areas governed by customary title where there are multiple, sometimes competing, claims to land. Land titling has tended to proceed very slowly, leading to costly delays in implementation of other interventions such as infrastructure improvement (Gulyani & Connors, 2002). Finally, processes for awarding land rights have been marred by political manipulation which has led to the dispossession of land from the bona fide poor; in the worst cases manipulation of the legalization process has led to scaling back of projects or their outright cancellation (Ogero & Omwando, et al., 1992; Bassett, 2002).

1.1. Upgrading and the provision of tenure security in Kenya

Kenya has a long history with informal settlement upgrading projects. The pioneer efforts, namely the First and Second Urban Projects of the World Bank, had as their focus settlement improvement in the capital city Nairobi. Later projects were targeted at fast growing slums in secondary cities, such as Mombasa and Kisumu. Kenyan settlement improvement projects, like projects elsewhere, encountered problems in legalizing land ownership. The land titling process of the Dandora Project, for instance, was subject to intense political manipulation with parcels of land being awarded to politically connected elites, while the bona fide urban poor remained on waiting lists (McInnes, 1995). In other projects, the process for determining land rights and awarding titles was extremely slow and led to scaling back or cancellation of much needed investments (Ogero, 1997).

Most significantly for this research, one intractable problem has affected most Kenyan settlement improvement projects: land sales by beneficiaries. Dandora, the sites and service scheme of the First Urban project, witnessed high beneficiary turnover with the net effect that the settlement has become a middle-class residential neighborhood, with a large number of tenants and absentee landlords (Amis, 1984; Alder, 1995). In Kisumu, Macoloo (1988) observed that although housing developed under an USAID project was targeted at low-income residents earning under Ksh. 1200 ($75 at the time), the majority of residents there actually earn above that amount. He writes that the original residents of the settlement appear to have left and the settlement is now composed of tenants paying rents to absentee landlords.
Land sales and beneficiary turnover in upgraded settlements are not unique to Kenya (Bassett, 2002). By providing secure tenure, improved services and facilitating better housing, upgrading projects transform former slum areas into some of the most desirable real estate within a city. In particular, the process of legalization has been identified as leading to increases in land value, which in turn create an opportunity for a windfall profit by project beneficiaries (Johnson, 1987; Payne, 2001). This rise in land prices can also translate into increasing rents that can drive out low-income tenants. Finally, the cost of legalization and other project obligations has also been seen as creating financial burdens which force involuntary sales by the least able (Peattie, 1982; Johnson, 1987). The net effect is that projects aimed at the urban poor fail to reach their original target group and benefit upper income individuals (Campbell, 1990).

1.2. The Community Land Trust (CLT) experiment

To address this problem of land sales and beneficiary turnover, a new tenure form awarding group ownership rights to urban land was field tested in an upgrading project implemented in the Tanzania-Bondeni settlement located in Voi, Kenya at the beginning of the 1990s (Bassett, 2001). As can be seen in Map 1, Voi is an urban center located on the main highway running from the port of Mombasa to the capital city Nairobi. In 1989, just prior to the advent of the upgrading project, the population of Voi was estimated to be 13,202 people (Government of Kenya, 1994). The target settlement for the upgrading project, Tanzania-Bondeni, is located in the heart of Voi town, straddling the railroad tracks that were the impetus for the town’s founding. The settlement’s population was an estimated 2993 persons in 1991 (Asienwa, 1991).

The Tanzania-Bondeni (Voi) upgrading project was implemented by the Voi Municipal Council in conjunction with the Ministry of Local Government (MLG) and the GTZ Small Towns Development Project (STDP). In addition to providing land tenure security, the project invested in infrastructure, such as improved roads, stormwater drainage and stand pipes for municipal water. Improved housing was facilitated through basic house plans and training in lower cost, appropriate technology building materials (e.g., soil stabilized blocks and ferrous cement roofing tiles); equipment to produce these materials was provided. To gain access to housing finance, settlement residents formed housing cooperatives under the direction of Kenya’s National Association of Cooperative Housing Unions (NACHU). Finally, throughout the implementation period, GTZ and its Government of Kenya partners provided extensive leadership, project planning, and technical training to community residents and local government councilors.

The most innovative feature of the project, however, was its attempt to grapple with the issue of tenure security and beneficiary turnover. To that end, the project adapted the American CLT model for use in Kenya. Simply described, the CLT model splits the ownership of real property. The land itself is owned by the community, which in the United States is generally legally defined

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1 The settlement name is reportedly derived from an exclamation of one of its first residents who said that since he was an “Mtanzania” (a Tanzanian) where he lived must be called “Tanzania.” Bondeni means “in the valley.” The name causes some spatial confusion, therefore in the text the settlement will be referred to as the Voi settlement.

2 MLG is now called the Ministry of Local Authorities.

3 GTZ is the German international development technical assistance agency, officially named the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ).
as a non-profit corporation. Improvements such as houses are owned by individuals who pay an affordable rent to the CLT for use of the land. These latter individuals are called “lessees” and must be members of the trust (Institute for Community Economics, 1984).

Actualizing this model under Kenyan law was not an easy or short process. Skeptical project planners demanded that a community-wide vote pitting the CLT model against individual leasehold title be held prior to proceeding with the experiment. Once that decision was made, legal development of the model took months of concerted effort (Jaffer, 2000). To hold land in perpetuity—an express objective of the CLT—the community had to organize itself as a “settlement society” (hereinafter referred to as the society), a legal entity that would conduct the day-to-day land management functions of the CLT. The society in turn had to form a separate
entity, a Trust, to hold legal title to land. Developing the constitution and rules was done through a series of workshops for community leaders facilitated by a team of legal advisors. The Constitution and Rules in turn had to be reviewed by the Government of Kenya and approved prior to official registration. (Consequences of this legal arrangement are discussed later in the paper.)

Even though creating a new tenure form was acknowledged to be a more complicated path, the potential of the CLT model for addressing tenure security and the great interest of the Voi community in the model fostered great commitment by project planners to tenure experimentation. As discussed in Bassett and Jacobs (1997) the CLT model was considered an attractive tenure option by many of the stakeholders in the Voi upgrading project. The model was seen as having a number of advantages, although different features of the model appealed to different stakeholders. The key features of the model were its: (1) emphasis on community participation in land management; (2) ban on absentee ownership; (3) restrictions on the sale of land; (4) provisions for community control of land; and (5) retention of individual ownership rights, such as the right to sell improvements.

**Community participation:** The CLT model has strong provisions for community participation and empowerment in land management. CLT lessees are entitled to make decisions about land use, acquisition and financial management; they are also legally empowered to vote on CLT matters and to run for positions of leadership (Institute for Community Economics, 1984). This emphasis on community participation was very attractive to project planners since it was in harmony with the principles and guidelines of the upgrading approach. It was anticipated that the provisions for community participation in the model (e.g., elected board of directors, etc.) would serve to strengthen the community’s role in the upgrading project. This in turn was seen as ensuring short-term project success, particularly for cost recovery for infrastructure development, as well as establishing a mechanism for long-term community development (Macharia, 1997).

**Ban on absentee owners:** A second attractive feature of the model was its ban on absentee ownership of houses on CLT land. Absentee ownership and speculation are significant problems in most Kenyan towns, particularly in low-income neighborhoods. The informal settlements of Nairobi, for instance, are primarily rental settlements developed by well-connected individuals who have built high-density, low-quality housing on the basis of quasi-legal land rights (Amis, 1984). Planners hoped that the explicit legal ban on absentee ownership as written in the lease would empower the community to prevent absenteeism and keep the land in their own hands. In addition, this ban was seen as assisting the upgrading project. Because the CLT bans absentee owners, it was hoped that speculators would be discouraged from interfering with land allocation. Project planners hoped that because the land would not come with easily disposable individual title deeds, the allocation process would be less vulnerable to interference from influential individuals.

**Prevention of sale of the land:** A third attractive feature of the model was that it prevents the sale of land. Planners from the STDP and MLG wanted to retain current residents in the settlement area. They were attracted to the CLT because it prevents the sale of land, thus undercutting the possibility of windfall profits that may fuel voluntary sale of land by beneficiaries. Preventing the sale of land and the gentrification of the settlement was seen as a key component of a successful upgrading project.
Community control of the land: In addition to the ban on absenteeism and controls over the sale of land, the CLT model has strong provisions for community control of land. These provisions include retaining the first right of refusal on sale of improvements, vetting candidates interested in leasing CLT land, ensuring payment of land-ownership obligations such as property taxes, and flexibility in determining ground rents to assist the least well-off members of the trust. These features were seen as helping to address the problem of ‘‘involuntary sales’’ or sales due to economic distress. By providing an important social safety net that could meet the immediate obligations of land ownership, the CLT model was seen as a mechanism to help poorer members of the community retain their land through difficult periods.

Retention of individual ownership rights: Finally, the model was considered attractive because it is not entirely community based. Some planners were uncomfortable with the model because it appeared to be a form of second-class land ownership. They questioned why the poor should be offered land rights more limited than those granted to other Kenyans. For these individuals, the retention of key individual rights in the model was paramount to its acceptability. Key individual rights included the right to privacy, the right to bequeath housing and land to one’s children, and the right to sell the house and related improvements. Planners also saw this latter right as crucial to the success of the upgrading project. By providing for financial gain due to one’s own investment, the model was seen as having the correct incentives for personal investment in better housing. This was particularly important since the project itself was not going to build houses for beneficiaries.

2. Assessing the performance of the CLT model: research design and findings

Approximately 10 years have passed since the experiment with the CLT model began. In that period the idea of formulating innovative institutions to provide tenure security to the urban poor has gained momentum. In the early 1990s, writers in the urban management literature particularly Farvacque and McAuslan (1992) and Mabogunje (1992) suggested that a sensible approach to tenure security would be to create new, adaptive institutions that build upon informal or customary methods for managing land. Kenya land experts, likewise, have called for reform and flexibility in Kenyan land law, including making provisions for accommodating group ownership rights (e.g., Okoth-Ogendo, 1999; Kibwana, 2000a, b; Wanjala, 2000a, b). Most prominently, de Soto (2000) issued a clarion call for institutional innovation. His message that land institutions need to be reformed to reflect ‘‘the people’s law’’ resonates with other less publicized findings from academics and development practitioners (e.g., Delville, 1999; Fourie, 1997; Payne, 2001).

While there is great interest in institutional innovation, there is little sense of what such new institutions would look like, how they could be integrated into existing legal and administrative structures, and whether they would really perform better in providing tenure security to the urban poor. This research presents preliminary picture of the performance of one innovative tenure institution, namely the CLT model. Although there is documentation of the Voi CLT experiment in the development literature, this literature primarily explains the upgrading project, the centrality of tenure security, and the group tenure institution used (e.g., Jaffer, 2000; Yahya, 2001; UN-Habitat Best Practices).

This research also has an important theoretical angle. The interest of authors such as de Soto and Mabogunje in forging new or adaptive institutions reflects the influence of institutional theory
in debates over land and tenure security. Institutional theory tells us that institutions (i.e., formal and informal rules) evolve or form afresh in response to specific societal needs or goals. In relation to land, people throughout the developing world have crafted a wide range of land tenure institutions to meet their changing needs; these institutions, however, are rarely the formal legal institutions of government. Chaos in urban land management is attributable to the fact that de jure institutions often have little relation to de facto regimes that actually govern land and provide tenure security. By adapting institutions to take into account positive aspects of informal institutions, theorists expect better performing land institutions, that is, more secure land-ownership rights, better stewardship of land resources, and so on.

Relating this perspective on institutional performance to this research, a key expectation is that this new institution, the CLT, because it was actively selected by the community (hence meeting some need or goal) and forged in a collaborative manner (not imposed from above, as in the case of colonial era institutions), would function well—if not better than individual leasehold title—as an institution for managing land and providing tenure security. By looking at institutional performance, this paper seeks to contribute to the theoretical discussion on institutional change and adaptation.

2.1. Research design

To evaluate the performance of the CLT model, a comparative case study approach was utilized that examined two Kenyan upgrading projects sponsored by the STDP: the Tanzania-Bondenzi project in Voi where the CLT experiment took place and the Mtaani-Kisumu Ndogo project in Kilifi, in which beneficiaries received conventional leasehold titles carrying 5-year restrictions on resale.

Three qualitative research methods were used to gather information: document analysis, participant observation, and interviews. Document analysis entailed reviewing primary and secondary documents for information such as each settlement’s history and indigenous tenure institutions. Ownership lists for the two settlements from two points in time were examined to assess land sales and beneficiary turnover.

The second data collection technique involved participant observation in two distinct periods. From 1992 to 1994, as an employee of the STDP, the author participated in most of the community meetings and training sessions for associated with the Tanzania-Bondenzi settlement in Voi and the development of the CLT model. In 1999, the author spent approximately 6 weeks in the settlements conducting interviews. In addition to attending community meetings, physical changes in the settlement were documented, as were indicators of absenteeism, vacant parcels of land, and patterns of housing development.

Finally, persons involved in the upgrading projects or knowledgeable about the land management issues that spawned the upgrading projects were interviewed in two distinct sets of fieldwork. The first interviews, done in January 1996, accessed the views of elites who were key participants in the upgrading projects and the formation of the Voi CLT. Questions focused on the reason for attempting the tenure experiment and the likelihood of its replication elsewhere. The second interviews were completed in early 1999. The core activity here was interviews conducted with settlement residents utilizing a semi-structured interview questionnaire. The scope of persons interviewed was expanded beyond elites to tap the views of average residents not
intimately involved in the development of the model and implementation of the upgrading project. Residents were asked to describe and evaluate the project and tenure form in their own words.4

The selection of resident respondents was purposeful (Patton, 1990). Long-term structure owners were identified as the most appropriate sample since these individuals were the primary beneficiaries of the upgrading projects and were empowered to make the decision on tenure. In addition, long-term owners would be best able to explain previous tenure institutions and assess project impacts from a before and after perspective. In a number of interviews, however, the structure owner turned out to be a relative newcomer to the settlement. In such cases, these owners were interviewed as to how they gained access to land in the settlement in addition to questions on their understanding of the CLT model. The core questions of the semi-structured interview process are provided in the questionnaire which is given in Appendix A.

Residents were selected in a modified “snowball” technique (Patton, 1990). The sampling process began by looking for indicators of long-term residence, namely numbers painted on doors (an indicator that they lived in the settlement when an initial socio-economic survey was conducted by GTZ in 1990) or rusty tin roofs. After completing an interview, the structure owner was asked if he or she knew another structure owner who might be interested in speaking with us. This approach was modified by a mapping process. The approximate location of each respondent was mapped on the physical development plan for the settlement. Once a certain area was adequately represented, interviews were conducted in another section of the settlement and the process began over again. This approach ensured that all locations of the settlement were covered.

A total of one hundred interviews were conducted in the two informal settlements. Patton (1990) notes that there are no agreed upon rules for determining sample size in qualitative research. Lincoln and Guba (1985) contend that “redundancy” is a key indicator of a sufficient sample in qualitative research—similarity of responses is taken as an indicator that the salient issues have been identified. Redundancy in the resident interviews occurred quite early in the fieldwork (approximately the 20th interview in Kilifi). Fifty residents were interviewed in both settlements in order to adhere to the “logic of replication” required by a multiple case study design (Yin, 1994).

2.2. Findings: performance of the CLT

Planners in Kenya were interested in the CLT model because it appeared to be a tenure form that could provide sustainable security of tenure and overcome the problem of land sales in upgrading projects. By removing land from the market, the model was seen as a mechanism for protecting the urban poor from escalating land values while undercutting the temptation of cashing out. By sharing the obligations of land ownership, the model was seen as providing a social safety net that would assist the poorest to maintain their land access. How has the model performed in accomplishing these goals?

4The central theoretical question of this research revolved around the community’s decision to hold land in common, when economic and much institutional theory would predict that the “rational” decision would be to select individual leasehold title. That research is not reported here.
2.3. Performance of the CLT model: CLT objectives

In order to evaluate the performance of the CLT model, this research focused on five key indicators of performance. These indicators are: (1) residents’ understanding of the CLT model and its rules; (2) the cost of obtaining and maintaining land access for residents; (3) the level of absentee ownership in the settlement; (4) the level of community participation in land management and decision-making; and (5) retention of original project beneficiaries.

2.4. Residents’ understanding of CLT model

The first performance indicator is the level of understanding of the rules of the CLT model by residents. The primary reason for evaluating understanding is that it has implications for the CLT model’s prospects for long-term survival. Studies of collective institutions, including Kenya’s Group Ranches, have shown that a common understanding of community problems, strong agreement on the goals of the community-based organization, and full knowledge of members’ rights and responsibilities are critical ingredients to the survival of such institutions (e.g., Ostrom, 1992; Rutten, 1992).

Information for this assessment was gathered through interviews with residents. Residents were asked to explain the land-ownership model being used for the upgrading project. Using these answers, residents’ understanding of the model/settlement society have been rated using four indicators. Could the resident: (1) explain the objective of the society; (2) identify the leadership of the society; (3) identify who was qualified to be a member of the society; and (4) explain the rules about the sale of property, if they were to want to leave Tanzania-Bondeni. Residents fell into four main categories.

- Ignorant of the society and its workings: 8/50
- Knows there is a society, unable to explain it: 16/50
- Partially able to explain, some misconceptions: 14/50
- Able to explain, completely and accurately: 12/50

Eight of the 50 residents could not even identify the society. An illustrative comment was:

*Chama? Ilianzishwa lini? Na mimi sina habari.* (Interview 21/4-1) *A society? When was this started? Me, I don’t have any information about it.*

Even with further explanation about the Managing Committee (MC) and the payment of monthly membership fees, these respondents were at a loss to explain anything about the society. Another 16 were unable to explain the four facets listed above, but they did know there was a settlement-wide society that was asking for money every month and that this society had to do with the upgrading project. Fourteen of the 50 residents were able to explain the society and its rules with a few mistakes. Finally, 12 respondents were able to explain the society quite

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5 In initial interviews we referred to it as the CLT, but as this is not common terminology outside the leadership, we asked residents to tell us about the objectives and workings of the Tanzania-Bondeni Settlement Society.

6 Counts are provided of respondents. These should not be interpreted as percentages, as the research approach is qualitative, not quantitative. Qualitative research seeks to reflect on theory, not on populations.
accurately. A few of these said they had actually looked at the constitution. In general, men were more informed about the society and better able to explain its objectives and rules than women.\footnote{This may be a function of literacy. As of 1997, 28\% of Kenyan women above the age of 15 were estimated to be illiterate; the corresponding figure for men is 13\% (World Bank, 2000, p. 232).}

2.5. Affordable access to land

The second performance indicator is that of affordability. The CLT model purports to provide long-term affordable access to land for its members. What are the costs associated with accessing land and maintaining that access under the Voi model?

The most reliable information on the costs of land under the CLT model is contained in paper prepared for a United Nations Habitat conference on innovative tenures by Macharia (1997). Six main costs were to be borne by project beneficiaries in Voi: the costs for survey, titling, parcel registration, development of access roads, and provision of drainage and water supply. All told these came to KES 19,961,000, which split over 765 parcels comes to 26,092 KES (∼$348) per parcel.\footnote{As of March 1999 there were approximately 75 Kenya shillings to the US dollar.} However, Macharia, (1997) also notes that this amount will not be recovered completely as the donor has agreed to meet part of the costs. Residents are to pay 600 KES for a period of 24 months plus the survey fee of 3700 that has already been paid. The total cost for a resident to access land under the terms of the project is 18,100 per plot or approximately $241.\footnote{Macharia (1997) stresses that in addition to this explicit subsidy, the GTZ STDP has born most of the costs of the upgrading project, including the legal development of the CLT model.}

In Kilifi the average cost of a letter of allotment, combined with fees for survey and other land-related costs, amounts to 29,917 KES or approximately $399 per parcel. Thus, the difference with the original (less subsidized) price for land under the CLT model in Voi amounts to about $50. Both projects have benefited from the concessionary terms offered by government land.\footnote{If one looks at the cost of land in terms of per capita income, however, the $50 difference might be seen as significant by a low-income consumer. According to the 2000/2001 World Development Report, Gross National Product per capita in Kenya as of 1999 was $360. Using international poverty line standards, an estimated 26.5\% of Kenyans live on less than $1 a day, while 62.3\% of the nation’s citizens are indicated as surviving on less than $2 per day (World Bank, 2001). Assuming that one can devote 50\% of one’s income to housing, the $50 difference in the price of land access thus represents 50 to 100 days worth of income.}

The costs of maintaining land access are determined by the rules of the CLT model. Residents should pay dues amounting to 50 shillings per month to the society for membership and an annual lease fee for the land under their house. However, the society currently only collects 20 shillings per month as residents protested that 50 shillings was too great a burden (Interview: MC 1999). No lease fee is being charged. At present, the society only has a letter of allotment from the government; it cannot formulate and sign leases until it has a title deed awarding ownership. The cost of the leases should take into account the costs of land ownership, including property taxes. Macharia (1997) estimates that at a 4\% rate (unimproved site value) the land of Tanzania-Bondeni will yield approximately 500,000 KES per year for the Voi Municipal Council. This averages out to 654 KES per plot annually, approximately $9.

To provide a comparison, if the Kilifi town council levies property taxes at a similar percentage the amount that an average Kilifi land owner will owe is 1197 KES or $16. The annual property
tax fee in Kilifi is approximately twice that of Voi. This difference in price largely reflects the
difference in land value between the two settlements. A key issue in affordability over time will be
how the CLT functions to help the least well off keep their land access. The society has the ability
to charge lease fees on a sliding scale to reflect the different levels of economic ability of CLT
members. Whether this will actually occur remains to be seen.

2.6. Limiting absentee ownership

A third major indicator of CLT performance relates to absentee ownership. It is an explicit
objective of the CLT model to eliminate absentee ownership; it was one of the most attractive
features of the model in the eyes of the STDP planners. Two methods were used to gather
information on absenteeism: physical survey and interviews. The ownership lists, discussed below,
do not provide information on whether plots are owner occupied.

The first method was a physical survey of houses of the settlement. Five houses had signboards
indicating that it was rental property. We inquired as to whether the landlords lived within
Tanzania-Bondeni, which is allowable under the rules, or outside. Of these five, three were
confirmed as belonging to a female landlord who had owned properties as an absentee owner at
the beginning of the project. A decision was made to allow ownership by such people so long as
they complied with other rules of the CLT such as society membership and payment of lease fees.

The second method was to glean information through interviews. Specifically, there were four
instances when we inquired after the structure owner only to be told that the people living in the
house were tenants. In those cases we asked who the landlord was and where he or she could be
found. In these four cases, two landlords were named. They were indicated as living elsewhere in
Voi town.11

Given these indicators of absenteeism, the final interview with the MC focused on the rules of
the CLT model and their experience in enforcing them. Initially, the MC denied that absenteeism
was an issue. However, after asking specifically about certain landlords, a member of the executive
committee indicated that absenteeism was occurring on a small scale and that they were finding it
hard to enforce the rule on absentee landlords. In the case of one of the landlords, his son had
been the structure owner. He had lived in the house and adhered to the rules. However, he had
died and the father inherited the house. The society could not force the heir to live in the house;
they did not have the resources to purchase the improvement. In addition, because structure
owners currently have no lease that contractually spells out these rules, the committee has no
hook to enforce the absenteeism rule. The same applies to land sales. Some people have sold their
houses to newcomers. In such cases, the most the MC can do is to counsel against sale. If the
person wants to sell, the MC simply registers the change in the name of structure owner and
explains the rules of the society. Still they estimate that 95% of the settlement is owner occupied.

2.7. Community participation in land management

The final aspect of the CLT model that was attractive to project planners was the explicit
element of community participation in the management of land. Members of the society are all

11One owned three houses; the other owned one.
eligible to be elected members of the MC. In addition, they may serve on the Board of Trustees, the body that is legally charged with holding the land in trust. The constitution also calls for annual general meetings of the membership and enables the formation of sub-committees of members to undertake specific tasks. How have these structures worked? Is the CLT model empowering the residents to manage their land?

Data to answer these questions were gathered through interviews with residents and members of the MC, as well as through discussions with non-resident informants. Judging from this data, the performance of the society as a democratic body for land management is faltering. The settlement is marred by internal conflict. Local political support for the experiment appears to have vanished. The relatively new Town Clerk of Voi Municipal Council and the District Commissioner of Taita-Taveta district are both skeptical about the project and the ownership form (Interviews: TC-Voi, 1999; DC-TT, 1999).

At the time of this research, there were two interrelated conflicts affecting the settlement. The first was a general conflict over leadership in the settlement between the MC and residents. According to the constitution, the committee is long overdue to stand down and face re-election. But society membership is low since many residents have refused to pay the monthly 20 shilling fee. Adhering to the constitution, the MC will not recognize these individuals as having a right to vote in an election of the leadership. To vote, the MC stresses residents must first pay their accrued debts. This is a legalistic gambit: the main reason for refusing to leave office is that the MC is afraid that if a vote is called certain outspoken critics of the CLT model will obtain office, dissolve the society, and attempt to sub-divide the group land allocation.

The second conflict relates to land allocation. There are 182 vacant plots of land in Tanzania-Bondeni. According to the constitution, long-term tenants were to be given first priority to this land. Accordingly, 71 tenants were identified and have paid the survey fee and other costs associated with land access. In addition, another 86 people—who were never clearly described—have paid the required fees. But many residents who have already obtained plots want their children to be given first priority in this allocation. There are some 600 families competing over the remaining 23 parcels of land (Interview: MC, 1999). Dissatisfied residents accuse the MC of favoritism; they say that certain members of the MC have taken bribes for placing names on the list for land allocation. These residents aver that many of the names on the list are complete newcomers who have never lived in the settlement (Interview: Kijana, 1999). The MC, residents allege, is breaking the rules of the constitution. As a result, residents are refusing to pay the monthly fee until the land allocation is completed.

This wrangle has reached the ears of the administration and has contributed to the loss of political support for the experiment. The most vocal critic of the project was the Taita-Taveta District Commissioner. In our discussion, the DC told me that he had a stream of women coming to his office to complain about this committee that is always demanding 20 shillings. He said that the leader of the committee and the technical advisor were “thieves” who were selling land that did not belong to them. The project rather than solving the problem of squatting was turning the township into a magnet for squatters. He further alleged that the legal documents surrounding the land allocation were incorrectly prepared—the survey was not done by a government surveyor so it was not valid. When I noted that the society had an approved physical development plan and an official letter of allotment, he observed that a letter of allotment is not the same as a title deed.
A letter of allotment “is only a promise” (Interview: DC-TT, 1999). The unstated conclusion was that promises can be broken.\textsuperscript{12}

2.8. Performance: retention of beneficiaries

The final performance indicator relates to land ownership in the two settlements. One of the principles of the upgrading concept was that the upgrading projects should strive to provide sustainable security of tenure to beneficiaries. It was anticipated that the group ownership model would perform better than the individual leasehold tenure utilized in the Kilifi upgrading project, that is, the CLT would enable more people to maintain their land rights. What is land ownership like in the two settlements? Have the original settlement residents stayed on the land?

To judge the relative performance of the two forms of tenure, lists of owners for both settlements in two points in time were examined.\textsuperscript{13} According to the data provided, in the Kilifi settlement 151 of 842 parcels have officially changed hands in the period from 1992 to 1999.\textsuperscript{14} This does not mean, however, that these are all sales. Some are reallocations of land where parcels that had one or more houses were split and/or one of the owners and their possessions were shifted elsewhere in accordance to the development plan. There are parcels of land, however, for which a new owner (called “new name”) is listed in 1999 and the old owner has dropped off the list. These I have interpreted as sales. This is the case in 81 of the 151 plots with changed ownership.

The upgrading project has created new parcels of owned land. In the original list of 1992, there were 51 vacant plots, these have all been allocated to individuals. Officially, there are no unowned plots, although there are many undeveloped plots in the settlement. Of the owners’ names on the 1992 list, 101 owners identified at that time no longer appear on the 1999 list. In addition, 129 new names appear on the 1999 list. Out of the vacant parcels, 30 of the 51 parcels are allocated to individuals identified as new names. There are also 62 new names associated with shared plots. Most of these appear to be the children and/or spouses of the original plot owner.\textsuperscript{15}

\textsuperscript{12}The beginning of the discussion is interesting to note. Upon examining my permit, the DC told me that he had never heard about this project I was studying and could I explain it to him. I did so. He then told me that, in fact, he knew all about it but was interested to hear me explain the model and its objectives. He told me that the idea of communal tenure was wrong for Kenya. “In Kenya we believe in private ownership.” He suggested that I go look at an upgrading project around Likii village in Nanyuki town. That project was implemented while he was the DC for Laikipia. The Town Clerk of Voi, was the clerk of Nanyuki Municipal Council at the same time (Interview: DC-TT 1999).

\textsuperscript{13}For Kilifi I obtained the unverified 1992 list that was compiled by the STDP; I also got a copy of the owners list used by the Ministry of Lands and Settlement for issuance of letters of allotment in April 1999. For Voi I obtained the unverified ownership list from 1992; I also got a verified list of structure owners from 1995. This latter list was prepared to reflect the reallocation of land to settlement residents required by the relocation of houses to fit the physical development plan. Approximately 300 structures had to be moved/rebuilt to accommodate the plan. These houses were either on the road reserve, on public purpose plots, on plot boundaries or were in overcrowded areas (STDP undated ~1996).

\textsuperscript{14}The number 842 reflects parcels, not individual owners. There are several owners in Kilifi with 3–4 parcels of land so the actual number of owners is lower.

\textsuperscript{15}The following procedures were followed to analyze this data. Two SPSS files were set up: one for Voi and one for Kilifi. Data were entered off hard copy for both periods. By sorting data by name and ID number, I cleaned up the data, that is, I corrected misspelled names and figured out gender where possible. After that, the data were sorted by corrected name to see if any names did not appear twice (in both time periods). Old names that disappeared in the new
According to the Voi ownership data, in Tanzania-Bondeni 111 of the 604 plots that were allocated to individuals for housing purposes changed hands in the 3-year interval. As with Kilifi some of these changes are not sales but represent the reallocation of parcels to fit the approved development plan. The changes in ownership which may indicate sales are those associated with departed owners, that is names on the 1992 list who do not appear anywhere on the 1995 list. In Voi, 55 of the plots with new name owners are associated with departed owners.

The physical planning process in Voi also created new parcels of land. Unlike Kilifi, many of these are yet to be allocated. There were 205 new names in the 1995 list. These people include long-term tenants who have gotten access to land under the project; they could also include outsiders who did not live in the settlement when the project began. There are also a number of children of residents who have gotten land because, for example, their parents’ parcel had three houses so they were awarded three plots of land that were registered in three different names. Some parcels/structures in the 1992 list were indicated as “owner unknown.” In these cases the new owner indicated in the 1995 list has been counted as a new name.

Drawing conclusions from this data analysis is extremely difficult. At the superficial level, there appears to be very little difference in beneficiary loss in the two projects. Using the gross figures, if in Kilifi 151 of 842 plots have been sold in the settlement then 17.9% of the original beneficiaries have already left. In Voi if 111 of 604 structure owners have departed then they have lost 18.3% of the original beneficiaries. Using the departed owner figure, the results are also parallel: 81 of 842 parcels in Kilifi is 9.6%; in Voi the corresponding figure is 55 of 604 parcels or 9.1%.

Readers are advised not to put much stock in these findings or these data and what they can really tell us about the change in land ownership over time. There are two key issues to acknowledge: the quality of the data and the issue of causality.

There are problems with both sets of ownership data. The first problem is that the baseline lists for both settlements are the unverified 1992 lists. In the case of Kilifi, there was significant fiddling with this list by ministerial and town council employees that was later corrected by public scrutiny. There are recognizable names on the list whom the author knows with certainty were not residents of the settlement. Thus the figure for “departed owners” in Kilifi may be over- or understated. Secondly, the 1999 list of allotees in Kilifi may not actually reflect the real turnover of land parcels. Initially, the Kilifi residents committee (RC) was changing names on the ownership roll as residents sold beacon certificates—the official government recognition of surveyed parcel boundaries that precedes the letter of allotment—to other individuals. But once it became clear that some residents were selling the same beacon certificate several times over and this was creating additional conflict in the settlement, the RC refused any name changes (Interview: Chair-MTKN, 1999). Thus the 1999 list has been frozen—transactions have taken place but the committee is unwilling to recognize them as valid.

(footnote continued)
data were indicated as “departed owners”; likewise, new names were indicated as “new”. After the initial identification of departed owners and new owners, the data was sorted by plot or structure number. (The latter was used in the case of Voi.) This made identification of change of ownership by plot possible.

16 Most departed beneficiaries are associated with only one structure. In Kilifi, however, if the number of individual owners is overrepresented then the denominator should be smaller and the resultant percentage would be higher. This does not affect the Voi data as much as there are very few multiple plot owners in the settlement. I have not calculated this because my faith in the validity of this analysis is low.
In the case of Voi, the 1992 list is also unverified. One problem the project faced in this initial census was that tenants were happy to put their names on the forms as owners. This had to be corrected by the settlement’s leadership. So again the names that have dropped out in Voi may not actually be bona fide owners. It cannot be said that these figures represent actual turnover or beneficiary loss. Likewise the researcher could not obtain an up-to-date list of the owners from the settlement society. The ownership data from 1995 does not reflect changes on the ground acknowledged by interviewees, such as deaths and inheritance.

The other more significant issue to acknowledge, however, is that figures of beneficiary loss or even retention are just raw indicators. They do not indicate causality. People may sell or leave land for a variety of reasons. In the case of Kilifi, political violence in the form of tribal land clashes and economic recession likely contributed to residential change (Kenya Human Rights Commission, 1997). To attribute beneficiary turnover there to the tenure form would be misleading. It is not possible to isolate the influence of the tenure form from other factors in this research design.

3. Implications/conclusions

3.1. Upgrading policy: further use of the CLT model and tenure innovation for the urban poor

These findings have implications for planners who might be interested in further experimentation with the CLT model, as well as for urban policy makers interested in innovative tenures for the urban poor. When initially introduced in the early 1990s, the CLT model fostered a sense of optimism and excitement in Kenya—planners hoped the project’s success would spawn others to use the model. The Voi Settlement Upgrading Project was selected as one of Kenya’s “Best Practices” for the 1997 Istanbul Habitat II conference. At Habitat II, the project was designated as one of the 100 best practices globally. To date, no other upgrading initiatives in Kenya have used the model. Is further experimentation warranted?

Judging from the findings of this research, the answer is a reluctant no. In its first application in Kenya, the CLT model has been characterized by a mixed performance. Residents have obtained low-cost access to serviced land, but the key variable in determining land cost was the type of land—government land—not the model. The model is facing significant internal problems. Rules established in the constitution of the society are not being followed. The rule on absenteeism is hard to enforce and may remain so even if leases are issued. There are significant problems with the governance of the settlement society, including indications of influence peddling. Finally, the contention that the CLT will help the less well off retain access to land over time remains unsubstantiated.

Moreover, there are significant structural obstacles that counsel against further use of the CLT model. These are the poor prospect for group tenures in Kenyan law and the legal complexities of

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17In late 1997 tribal clashes over land took place along the Kenyan coastal strip. Although largely contained to Mombasa and Kenya’s south coast, the threat of violence frightened upcountry people throughout the region. Thousands fled and returned to their ancestral areas. Luos were primarily targeted. The name “Kisumu Ndogo” (the second half of the Kilifi settlement’s name) means “Little Kisumu.” Kisumu is the largest city on Lake Victoria and is considered the primary city of the Luo region.
the model as formulated for the Voi experiment. Significantly, the legal and political environment in Kenya is hostile toward community-based tenures (Rutten, 1992; Lenaola & Lenner, et al., 1996). This hostility is most evident in the case of communal tenures in pastoral lands where, despite a constitutional recognition of the right of pastoral peoples to hold land in common and legislation creating the Group Ranch as an institution for communal ownership, the basic trend has been to erode customary rights. While this overt hostility to communal tenures may lessen in the future—an interim report of the Njonjo Commission on land law and administration, for instance, speaks of reforming, not eliminating, customary tenures—this does not necessarily translate into a better environment for group ownership in urban areas (Government of Kenya, 2002). Land officers, particularly those working in urban areas where individual leasehold is the norm, are not comfortable with group tenures. While the STDP tried to overcome this bias by working closely with the Commissioner of Lands Office and the Taita-Taveta District Lands Office, a few transfers, namely that of the Deputy Commissioner and the district officer, undercut support for the project and halted progress on obtaining title. The Trust, at the time of the research, had no title deed and prospects for obtaining one appeared increasingly slim.

Second, Kenya’s emphasis on individual tenure and private property make the legal formulation of the CLT model unwieldy and complex. One key obstacle is the “rule on perpetuities” which prevents land from being removed from the market permanently—an express objective of the CLT model. To overcome this rule, Kenyan lawyers were forced to formulate the Voi CLT as a legal entity comprised of two separate bodies. The first body is a society registered under The Societies Act. This body is the mass membership organization of the settlement to which all residents can belong (The Constitution and Rules of the Tanzania-Bondeni Settlement Society, April 1994). Individuals who lease land in the settlement must be members of the society. The second body is a charitable trust registered under the Trustees (Perpetual Succession) Act. This body was formed expressly to hold the society’s land and thus free it from the rule on perpetuity.

If this formulation sounds complicated—it is. All told to form the Voi CLT requires five separate legal documents: the Constitution and Rules of the Society, the Trust Deed, the Head Lease (the main title deed awarding the land to the society), the Sub-Lease (from the trust to the land lessees) and the Approved Sub-Division Plan (which identifies individual plots within the settlement and is used to support the sub-leases). At the time of the research, only the first two and the last documents have been prepared and registered. Without a head lease from the government, the sub-leases are superfluous.18

The complicated nature of the Kenyan CLT model and the institutional bias against group tenures raises concerns about the viability of this model in the long term. To strengthen the model, there is need for significant legal reform (Jaffer, 1997). One major legal reform would be to change Kenyan law to free land ownership from the rule on perpetuities. A law that enables the formation of an organization equivalent to a US non-profit corporation would be optimal. Likewise, to

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18 A key question is whether the CLT model would have performed better if the title deed had been obtained. It is difficult to answer this with any surety. On the one hand, a title deed in hand would have created a sense of true accomplishment in the community and would have probably led to stronger unity and continued support for the leadership direction of the Managing Committee. This would have been the case particularly if the problematic issue of land allocation were resolved. On the other hand, the complexity of the model and the disagreement between young and old over whether group ownership was advantageous might have still proved divisive even with a title deed in hand.
strengthen the model enforcement mechanisms need to be enhanced. One way to do this might be through community-based negotiation or arbitration; court processes are unaffordable, if not fruitless efforts for the Kenyan poor.

The faltering performance of the CLT model in Voi does not mean, however, that there is no need or potential for tenure innovation in Kenyan urban land management. There is. Rather than seeking to replace or eliminate informal or pre-existing tenures systems, Kenyan land managers need to foster homegrown tenure institutions that integrate existing informal or traditional rules and regulations for land ownership into the formal system.

There are ways that this can be done. In Tanzania-Bondeni, for instance, residents generally obtained access to land by approaching recognized middlemen, the *wazee wa mtaa* (literally, old men of the neighborhood), who would show them a parcel of land upon which to settle. These actions were reportedly known to the local administration (in the person of the chief) who gave implicit approval so long as they only erected a temporary house (*Bassett, 2001*). In contrast, squatters in Kilifi often accessed land through the purchase of cashew nut trees, a traditional institution for asserting some control over land. Both institutions are locally valid, yet ignored by the formal system and government land managers, a situation that can foment conflict.19

For better land management and improved tenure security these institutions should be recognized and integrated into the formal system. The *wazee wa mtaa*, for instance, could be trained in the basics of physical planning. With better understanding of zoning, transportation networks, soils, and watersheds, they could effect a more orderly development of fast growing urban areas. Likewise, recognizing informal institutions such as tree ownership would serve to provide greater tenure security to the residents of the Kenyan coast. Done honestly, a blanket de facto recognition of these rights could ameliorate the political tension and violence that has so affected the region in recent years.

3.2. Assessing upgrading: land sales and the success or failure of upgrading

This research has additional lessons for project managers and technical staff responsible for evaluating upgrading activities. While contemporary upgrading projects have increasingly avoided formal legalization processes, projects that do seek land titles are often judged by one key variable: land sales or beneficiary turnover. Projects are deemed to be successful if they can show that beneficiaries remain on the land; projects are cast as failures if land changes hands and the tenure security promised by titling proves elusive.

It is very difficult, however, to establish the nature of the relationship between upgrading and settlement turnover. We assume that legal title to land accelerates land sales. However, without an accurate baseline of pre-legalization sales activity and turnover we really cannot prove that this is the case or determine the magnitude of change. *Baken and van der Linden (1993)* have shown that informal settlements are characterized by active land markets. It should not be surprising that more secure, better-serviced settlements will remain active land markets. Moreover, it is difficult to identify a reliable methodology through which projects can gauge land sales. African land

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19The Mtaani-Kisumu Ndogo project encountered difficulties in its land allocation process when tree rights were ignored. As part of the project design, non-local project planners determined that only houses and foundations up to window level would be regularized in the upgrading scheme. Dispossession of land by those having tree rights created violent conflict in the neighborhood. Ultimately tree owners were paid compensation (*Bassett, 2001*).
records are notoriously poorly kept—at minimum out-of-date, often deliberately inaccessible. Even if records were available, however, trying to track owners over time is a difficult undertaking. Land can be registered to the same individual under different iterations of their name; lists are open to manipulation or full of inaccuracies. Most significantly, showing that turnover has occurred does not prove that upgrading was the cause of the land sale. People move for a variety of reasons—tenure status is only one of them. Project managers should accept that land sales and turnover of beneficiaries in upgrading projects is inevitable. Projects should not try to tie residents to the land through prohibitions on sale; rather they should focus efforts on simply enhancing security. And, as been shown and discussed elsewhere, security can be enhanced through two simple acts central to upgrading itself: providing critical infrastructure to settlement residents and recognizing the rights of settlements to exist by abandoning policies of demolition and harassment (e.g., Gulyani and Connors, 2002; Bassett, 2002).

3.3. Adaptive institutions and tenure security

Finally, the performance of the CLT model does provide additional data for reflecting on processes of institutional adaptation and tenure reform. Despite its communitarian overtones and the fact that American CLT advocates drew inspiration from African examples such as ujamaa, the CLT model does not represent a true adaptive tenure (Institute for Community Economics, 1984). The model constitutes another “replacement model”: imported from the United States and tinkered with to make it fit Kenyan circumstances. The strong interest in the model on the part of Voi community members was due to the relative poverty and vulnerability of the Tanzania-Bondeni settlement, which had a long history of struggle with an adversarial local authority. As that threat has receded, the community’s motivation and urgent sense of a need to work and hold land together has lessened as well. This is not surprising as many upgrading projects have illustrated a pattern of intense interest in titling in initial stages, with a marked drop off in titling fever as beneficiaries feel greater tenure security imparted by infrastructure improvements and other forms of legal recognition such as permits of occupancy (Gulyani and Connors, 2002). The ban on the sale of land, which once appeared an advantage ensuring ownership rights, now appears a constraint depriving more secure residents of economic value. Changing circumstances, in short, are eroding the legitimacy of the institution and prompting calls for rule change. While it is difficult to predict the future of the Voi experiment, given changing conditions and perceived needs, further adaptation and change in the land tenure institution, the CLT model, appear inevitable.

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Appendix A. Interview format for Tanzania-Bondeni

Note: this format used as checklist for wide-ranging interviews with residents.

Personal Information (Mainly observation. ** = ask)

Interviewee Number: _______ (use date of interview + number, e.g., 30/4-3)

**Residential Status: Structure Owner

Note others present: _______________________________________

**Settlement: Tanzania Bondeni

**Leadership Role? (e.g., member RC)

Sex of Respondent: M or F

Approx. Age Group: 20–30 40–50 50–60 60+

Ethnicity: ____________________

Housing Quality: ___ perm ___ semi perm ___ temp

___ electricity ___ water (in house) ___ water (standpipe)

Assets: ___ radio ___ TV ___ vehicle ___ bicycle

Part 1: (Institutional Structure of Informal Settlements Prior to Project Intervention)

1. How many years have you lived in Tanzania or Bondeni? __ years or since ___ (date)

2. (For people not born in Tanzania-Bondeni): How did you get the opportunity to live in Tanzania or Bondeni? (Elicit narrative.) From whom did you hear about the settlement? How did you get permission to stay here? (For people born in Tanzania-Bondeni): When did your parents come here? How did they get permission to stay?

3. Have you lived here the whole time since then or have you moved elsewhere?

   ___ here the whole time

   ___ moved. Moved to: __________________________ (location).

   Why did you move?


5. Did you need permission to move to a new settlement (e.g., Maweni)? Or could you move in freely? From whom did you get permission?
6. *(If interviewee indicates he/she moved,)* Why did you return to this settlement?

**Part 2: (Land Tenure Decision)**

Prior to the project, the people of this settlement were considered “squatters”, that is, people who live somewhere without formal permission or people who lack formal legal rights to stay. The objective of this project was to give land rights (or title deed) to the people who live here.

*(Relative level of insecurity of tenure)*

7. When you lived here did you realize that your residency was considered illegal? Yes or No. *(If yes)* Did you realize this from the beginning of your residency? When did you realize this?

8. Did this status disturb you? How? *(Possible prompts: for home owners)*: Did you use your money to develop your house or were you reluctant?

*(Tenure and the Upgrading Project)*

9. The land here was government land. As part of the upgrading project, the government agrees to let the people themselves own the land. In this project, there were two types of land ownership for residents to consider. Can you remember these two forms? Yes or No

10. If yes, what were the two types? *(If no, explain the two tenure choices. Individual leasehold and group leasehold title.)*

11. As I said, the people of Tanzania / Bondeni were given the opportunity to select their kind of land tenure. How was the type of land tenure selected here? *(Process used.)*

12. Did you participate in the selection of tenure for your community? Yes or No. If no, why not?

*(Tenure Decision)*

13. In your community, residents agreed to hold land under one group title. Why do you think the residents selected this tenure form?

14. Do you support this tenure decision? *Prompt:* Do you think that this type of tenure is the best form of tenure for this project?

15. Group title has what advantages? Group title has what disadvantages?

16. Private title has what advantages? Private title has what disadvantages?
Part 3: (For Voi Residents only. Understanding of rules of CLT.)
Tanzania-Bondeni settlement has established an institution called a “community land trust” as part of its upgrading project.

17. I am a visitor from another place in Kenya, please explain the CLT model to me.
   Can they explain?
   *What is the objective of this trust?
   *What is the role/responsibilities of the trust itself?
   *Does the trust have any special role in regards to the land on which you have built your house?
   *Who are the leaders of the trust? How are they selected?
   *Who can be members of the trust?
   *If you are a member of the trust, what is your role? What are your rights as a member? What are your obligations?

(Re: Resale)
18. If you decide to move from Tanzania-Bondeni, what will you do with your property here? Can you sell your property? What can you sell?

19. Does the CLT have any role in the sale of your property?

20. From what you understand about the society, do you think this approach can be used in another place? Yes or No. If no, why not?
   (If yes) In what type of place could it work/succeed? Are there places where you think it is not able to work/succeed?

21. Are there any other factors that you think are necessary for a successful CLT project?

Part 4: (Evaluation of the Upgrading Approach)
There is a lot of interest in this project and others like it because there are many people living in cities without land rights worldwide. I would like to hear your opinion about the project in general so that we can determine whether such a project should be tried again elsewhere.

22. There are many agencies/groups working together on the Tanzania-Bondeni upgrading project. From your understanding, who is assisting the people of Tanzania-Bondeni with the project? (Listen for government role/town council role/GTZ).

23. What is your opinion of the upgrading project? Potential prompt: Do you think the upgrading project has benefited the people of Tanzania-Bondeni?
   _____ yes ______ no (If yes) How has it benefited the people? (If no)
   Why do you think it has not benefited the people?

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20In the course of the first interviews, term CLT dropped and interview protocol altered. Referred to the Tanzania-Bondeni Settlement Society.
24. Has the project had an impact on the services provided in Tanzania-Bondeni?
   water:   ___ worse   ___ no change   ___ better   ___ much better
   roads:   ___ worse   ___ no change   ___ better   ___ much better
   solid waste:   ___ worse   ___ no change   ___ better   ___ much better

25. Has the project had an impact on the quality of housing in Tanzania-Bondeni?
   ___ yes   ___ no. Explain.

26. Over the course of the project, residents have been required to pay certain fees as part of the
    process. What fees have you paid? (Registration fee; survey fees, infrastructure devt fees; costs
    for letter of allotment, etc.)

27. What is your opinion about the costs associated with the project? Possible categories of
    answers:
       ___ too low/not sufficient for the needed activities;
       ___ affordable/reasonable;
       ___ too high/unaffordable

28. In implementing the upgrading project, GTZ, the government, and the town council worked
    together with NACHU (the National Association of Cooperative Housing Unions). NACHU is an
    organization that establishes cooperatives to provide money for housing development. It only
    loans money to its members.

    Are you a member of a housing coop?   ____ yes   ____ no
    (If yes) Have you gotten a loan to build your house?   ____ yes   ____ no
    Are you happy with the services provided to your coop by NACHU?   ____ yes   ____ no
    (If no) Why did you not join a coop?   ____ didn't know about it;   ____ wasn't
        interested in getting money;   ____ tried, but didn't qualify

29. In order for the project to succeed, it was thought that residents of the settlement must be
    given opportunities to participate/cooperate in the project. To do this, there were forums
    such as a Residents’ Committee and events such as community-wide meetings to discuss the
    project. Did you ever participate in activities associated with the project?
       ____ yes   ____ no
    In what sort of events did you participate? (Listen for community meetings; harambees to get
    money; assisting with cadastral survey/water work/clearing roads). Do you think there were
    sufficient opportunities to participate in the project?
30. In this project, a Residents’ Committee was set up to represent the views of the residents and to act as a liaison between residents and the town council/GTZ. Do you think that working with a committee such as an RC is a good model for other projects?

References


Further reading

Legal documents