

AN ANALYSIS OF ROLE(S) OF ACTORS IN LAND USE  
CHANGE IN THE NAIROBI RURAL-URBAN FRINGE,  
KENYA

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**Abstract**

The paper was based on a research carried out at Town Council of Karuri (hereafter referred as TCK), located in Kiambu County, as representing Nairobi rural-urban fringe. The paper builds a case for 'who' are the actor/s in land use. It focuses on the roles of the actors in relation to land use to help answer the question 'why land use conversions are taking place in the Nairobi fringe?' rather than focusing on detailed characteristics and relationships of the actors themselves. This was informed by an initial cliché that no single 'act' can be attributed solely to a single actor and that in most cases actors are involved in more than one 'act' of land use. Therefore this paper focuses on actors based on their roles rather than 'acts' on land use. The paper In land use conversions, both non-institutional and institutional actors play important roles. The role of central government and TCK has become minimal in land transactions due to widespread use by the actors of informal ([neo]-customary) procedures.

*Keywords: Actors, Land, Land use, Planning, Rural-urban fringe.*

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## 1. Introduction

If a question is posed about what is land, several definitions will emerge. This is because land has always meant different things to different actors. For instance, to the farmers and pastoralists land is property to be owned and a source of livelihood, thus access to land and controlling it are key concerns. The real estate dealers consider land as a marketable commodity from which to make profits through market speculation mechanisms. The public (general citizens), politicians and administrators view land as a sovereign entity whose boundaries reflect a social, cultural and political identity. To development agencies land provides goods and services required for people's welfare and prosperity. Conservationists define land as a fragile ecological entity which results from mutual relationships of living and non-living things on the Earth's surface. These perspectives on land lead to a variety of perceptions that often translate into different and competing interests in land [1]-[2]-[3].

Looking at land issues in the rural-urban fringe, [4]-[10] observed that because rural-urban fringe areas are an interface or transitional space, they often endure pressure from the processes of rapid urban growth and development. The fringe areas are thus contested grounds. These contests usually produce diverse but conflicting and competing meanings that relate to land resources in the rural-urban fringe spaces and their use by different people. Different actors have different interpretations depending on their relation to these spaces.

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## 2. Conceptual lenses

This paper drew insights from Giddens' theory of structuration [11] to conceptualise how an actors' agency interacts with structural determinants of change to shape the conditions for land use/conversions at the local level.

In the addition, the paper drew insights from an actor-oriented approach [12] were also borrowed to augment the idea of how actors make choices and how those choices lead to the shift of the structures and activities of various institutions over time. It is the actions of the actors that

illustrate how they exercise their agency within existing structures to address the circumstances that local and extra-local conditions are creating in their areas. Such an approach can help to reveal ways in which land for urban development is used and known, while challenging the unacknowledged and acknowledged assumptions at the heart of land use planning discourses that are insensitive to meanings and values in practices of non-dominant cultures. Through actors' actions (as evidence of their agency) there can emerge a possible way of identifying culturally appropriate ways of infrastructure and services provision in situations where formal provisions by local/central governments are inadequate. This (agency) would also give information on ways landholders are able to manoeuvre to accommodate change in their local environment.

### 3. Actors in land use

In identifying different actors in relation to land use, [5] adopted an actors' approach. Using this approach, they identified various actors in land use who include the government, grassroots people (such as farmers, fishermen, hunter-gatherers etc), business people, multilateral institutions and environmental organisations.

In the TCK, case study area, there were farmers (both smallholders and large-landholders) and other local non-farming actors who have links to land other than farming. Such individuals were members of residential communities, labourers, real estate agents, artisans etc. Also there were some squatter farmers, and some people who fished in large farm dams. There were no hunters or gatherers in the usual sense but the waste pickers at waste dumping grounds may be so characterized. In terms of institutional 'actors', the presence of the NGOs was evidenced by various projects such as water projects and schools supported by religious organizations. The government presence was visible from a number of institutions and activities it sponsors. There were also government officers at different levels in the County. There were business actors in the area, the majority of whom were running small-scale businesses such as shops and kiosks. Most of these actors performed several roles in relation to land and thus it was hard to clearly assign an absolute category to any of them. For example, a farmer would also be a business person, a worker in Nairobi, a waste picker or a government officer. I found it appropriate to focus on roles played by actors in relation to land rather than their acts.

The distinction made by [6]-[5], about private and institutional actors (actors are taken here to mean human and institutional actors) was useful in explaining the role of various actors in relation to land. As [6] argues a clear separation is not possible. For example, informal and unplanned land conversions may be initiated by private actors in connivance with government officers. The remaining part of this paper thus describes the roles of private and institutional actors in land and land use in the case study area. However, their roles, mandates and scope are mostly overlapping and sometimes conflicting.

### 3.1. Private (non-institutional) actors

The private sector actors include farmers (who are either indigenous or newcomers), residents (indigenous or newcomers), real estate agents or middlemen, developers, business people, among others. Their roles and relationships are described below.

#### 3.1.1. Farmers

Farming actors include large scale farmers<sup>1</sup>, smallholder farmers/peasants and squatter farmers. These actors utilize land for agricultural purposes. A good number of them however are not solely dependent on agriculture but have multiple interests within their localities which are not entirely agricultural. This is partly attributed to the availability of jobs in the nearby city or availability of new job options within their area. The availability of multiple income sources was found to be affecting the farming actors' long term interest on land for farming.

Large scale farmers hold more than two hectares of land and are mostly growing coffee on their land or their land is in disuse or being used by squatter farmers. However, I found out that, in the case study area, smallholder farmers/peasants are the majority, mostly owning less than 5 acres of land, in some cases as little as 1/16 of an acre. The smallholder farmers mostly engage in subsistence crop cultivation such as maize, beans and bananas among others. A sizeable number of smallholders are also practicing dairy farming through zero grazing. During the field work untended coffee bushes/plants were still visible in many of the farms both on large and small scale holdings, while in other cases some farmers have constructed semi-permanent *mabati* house on their land for rental purpose. I found out that many of those who live in these rented *mabati*

<sup>1</sup>The definition of a large-scale farmer here is quite subjective. This is due to the size of the land in the case study area where anyone holding two hectares or more may be considered a large scale landholder.

houses are labourers working in the construction sector, in remaining coffee estates or in the nearby high income neighbourhoods within Nairobi City.

Squatter farmers are engaged in farming but do not own the land they cultivate. These are either actors who have migrated to the area as new tenants and have taken on farming, or former labourers of collapsed or abandoned coffee estates. The difference between these actors and the farmers who lease plots of land for cultivation is that they don't pay land rent for the utilization of land on which they plant their crops. In some cases they cultivate on road reserves. These actors are cultivating fast growing crops such as Kale (popularly known locally as *sukuma wiki*), spinach, and other short-term crops for subsistence and/or sale at the local markets or for markets in Nairobi City. This group of cultivators also include those growing tree and flower seedlings along river banks, for sale to either Nairobi city or local residents.

I did not consider leasees of the land and squatter farmers as playing any major role in land conversion from agricultural to residential uses. However, I could not discount the effects/likely effects of land conversions on these farmers as they lose a source of livelihood while they are not well prepared for urban employment. In the short-term, they may benefit from large farm conversions because most of new land/plot owners do not develop residential houses immediately. These farmers thus get free land on which to grow crops for sale or subsistence before construction begins, a period which may at times take years. I gathered that some areas that are currently under cultivation are already subdivided land for residential purposes and the cultivation observed was being done by squatter or lease farmers.

### 3.1.2. Residents

These actors are not engaged in farming. It is however hard to make such generalizations when we consider what farming entails broadly. This is because even within the City, a majority of the people grow food or keep some livestock in their compounds, in what [7]-[8] referred to as 'urban agriculture'. However, in this paper, I have taken residents to mean those actors whose major source of livelihood is not through farming. They include: the indigenous (long time) residents of these areas, the landless group (house tenants) and the newcomer settlers (occupying

their self-built houses). The residents may play other roles on land but their major attachment to their localities is the residential space that they occupy.

The indigenous (long time) residents are those, who after successive subdivision of family land among the kinsfolk are left with small units of land, that are only suitable for residential housing purposes with no room for any economically viable farming. Most of these actors are working in Nairobi City, within the Nairobi fringe or in other areas of Kenya and the world. Other than being edged out from farming by family land subdivisions, some of these people have also converted the main portion of their land to residential uses. The residential houses are for either self-occupation or for rental purposes. Land subdivisions have left these actors with small units of land which are not sufficient for agricultural uses in economic terms.

The newcomers and tenants to the area, I discovered, are usually the immigrants from other areas outside the fringe. They are either tenants living in rented semi-permanent *mabati* houses within farm lands or residents in modern apartments that are now being built in the area. Others are occupying their own self-built residential houses on pieces of land they have purchased in the area. Some of the newcomers or settlers work for government or for other agencies either within or outside the Nairobi fringe, while others work or do business within and outside the fringe.

### 3.1.3. Real estate agents or middlemen

The real estate agents or land transaction middlemen are not an exclusive group of actors, as they also include actors who play other roles but at the same time act as real estate agents/dealers. Actors in this category buy land from farmers, subdivide and put it on sale. In other cases they act as brokers, they just identify a willing land seller and then connect/look for a buyer. They usually take a commission from the successful land sale but in some cases, I was informed, they take the role of a land seller (having agreed on the price at which the actual seller is prepared to sell) and dictate the new prices to the buyers. If this happens, they may end up selling a plot or a piece of land for more than twice the price agreed upon with the owner, with the owner getting only the initially agreed upon amount. I was made to understand that their practice is usually fraught with secrecy and language of threats which creates fear among the sellers so that no one will dare

break the agreement to hand over the excess money paid by the buyer once transactions are complete.

On the basis of my fieldwork [13], I understood that real estate agents at times also act as speculators<sup>1</sup> where they buy out the gullible landholders and wait for the land to appreciate in price. They have an overview of the land market and usually have links beyond the locality, often with government agents, and are aware when and where government policies and programmes concerning various areas are to be implemented (e.g. Nairobi Metropolitan Development Authority, NMDA). I came to understand that they had long started buying land from farmers, even before the intentions to create NMDA in the year 2008 [9] were made public. At times, they also play the role of housing agents and collect rents from the rental apartments that are being erected in the area on behalf of the absentee commercial residential developers.

#### **3.1.4.Land developers**

I discovered that the land developers are actors who buy land/plots and constructing houses for rental purposes but do not intend to stay in the area once they have constructed the flats/apartments. However, there are also actors within the indigenous group who played roles of land developers by buying land in their local areas and construct houses for rental purposes.

Since most land subdivisions are not registered, I was informed that no legal documents are issued. The land transactions rely on elders witnessing the agreements between the seller and the buyer. In most cases signing of an agreement is done in the presence of the chief where some fee is paid, though not a legal fee. Besides getting assurance from the witnessing of the transaction by elders and the chief, the land buyers put beacons around their plots and sometimes put foundation stones for their intended houses as proof that the land is already sold and therefore avoid double selling of the same plot by the owners or middlemen. Some instances of double selling were reported in the area.

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<sup>1</sup>For the purposes of this paper, land market speculation means the purchase or holding of land in the expectation of its rise in value and eventual sale for profit.

### 3.1.5. Business Actors (formal and informal businesses)

The business actors provide services such as selling hardware and/or other goods in their store, they offer services such as provision of private schools and clinics or private security among others. I was informed that the activities of these actors were most predominantly found in designated commercial centres. With land conversions (especially along major roads) these commercial centres have become 'ghost centres' as most of the business activities are spread in areas outside these centres.

Among the business actors, there are those offering technical services to the residents. For example, I was informed that some technical persons are involved in informal land subdivision by offering surveying services, for which they are paid. Some of these actors are retired government personnel or those still working for the government (such as land surveyors) but moonlighting as private agents. They usually fill the gap that the government workers ought to be doing in their official duties or time, but due to the informality of land developments, landholders do not seek 'official' survey services from government agencies in land subdivisions.

In the case study area, I observed a number of actors engaged in various business activities and a work related activities such as: farm labouring, maize milling, shoe repair and leather works, bicycle, watch and electronic repair, laundry, barbers, salon, photography, butchery, hotels, potters, painting, art & sign writing, video shows, pool games, quarrying, motor vehicle mechanics, battery charging, electrical and welding works, carpentry, baking, tailoring, tinsmith, and waste picking.

### 3.1.6. Non Governmental bodies

These bodies include religious organisations and environmental organisations. They provide services such as water, health services and schools and complement the role of the government and the local authority. Among the NGOs I observed was Life Water International which provides borehole water service to people. A number of church schools and health facilities were also observed during field work.



### 3.2 Key institutional actors

The key institutions involved in land use planning are: Central Government, the Town Council of Karuri and local communities' organisations.

#### 3.2.1. Central government

The focus here is on the distributed actors operating within central government departments. They include line ministry departments. The role of these departments will not however be elaborated in-depth because this detail is given in the section on the legal framework. These departments serve a variety of functions and roles in land use planning and they include the Department of Physical Planning under the Ministry of Lands. The department is represented at County levels. The Department of Physical Planning works closely with the local authorities in matters of Physical Planning in their areas of jurisdiction.

The Central Bureau of Statistics (CBS) provides data and information on demographic and other aspects of population. In land use planning, information is important in determining the provision of various services such as education, health, water, among others. I also obtained most of the publications and materials used for from this department.

Technically, the Department of Physical Planning falls under the Ministry of Lands but at the district level they work as separate departments. The Ministry plays a key role in land administration and provides information on land tenure, values, land uses, existing encumbrances on land, topographic, cadastral and aerial maps which show the physical features of the area. This information assists in identifying the size of land holdings and type of ownership, the trend of land uses, and the topography of the area. This information is crucial in the preparation of land use plans for various areas.

The Ministry of Public Works and Roads through *the* Roads Department provides information on existing road network, type and condition of roads. During subdivisions, provision of spaces for road construction is recommended. Thus, the role of this Ministry is to provide crucial information that is necessary in planning for road infrastructure and also maintenance of major roads (State roads).

The Ministry of Water and Irrigation is the custodian of all surface and underground water resources. It keeps records on the surface water showing level changes over time, water quality and quantity. Underground water monitoring is done by showing the quality, quantity (yield), and the location of the boreholes, wells and springs. This information is very important when dealing with the impact of human settlement on water resources. It also reveals the available supply of water for various uses for different areas. Furthermore all major water projects are licensed by this Ministry. It is worth noting here that borehole water is the main source of water for most areas of the Nairobi fringe and thus this Ministry acts in a crucial role in the rural-urban fringe development.

The Ministry of Environment and Natural Resources is mandated under Kenyan laws to conserve and manage natural resources for sustainable development. Major resources under this Ministry include water, forestry, and conservation of biological diversity. Management is carried out through NEMA (National Environmental Management Authority) under the Environmental Management and Co-ordination Act (EMCA). The role of NEMA is to exercise general supervision and coordination over all matters relating to the environment; and be the principal adviser to the Government in the implementation of all policies relating to the environment. EMCA is crucial in land use planning because any major development should undergo an impact assessment before it can proceed to implementation.

The Ministry of Agriculture provides information on the climatic conditions of the area, the type of crops commonly grown, the yields, and income earned from the produce. It also shows the employment level in the agriculture sector. The Ministry advises on recommended land sizes for farming, which has an influence on land use planning and subsequent sub-division. There are however conflicts between this ministry and the Department of Physical Planning and Lands when it comes to conservation of Agricultural lands.

There are other central government ministries that have roles in the Nairobi fringe that include education, office of the president, judiciary, health, police, and telecommunications. These state actors determine the level of services required.

### 3.2.2. Town Council of Karuri

Local authorities in Kenya are corporate bodies established by the Act of Parliament (Local Government Act Cap 265). The Act mandates them to plan and control development activities and enforces planning regulations, by-laws and building codes. They are also supposed to provide services to various land uses and collect levies from various land use activities (as in the case of this study of TCK).

The organizational structure of TCK consists of two arms, the political, and the executive or technical arm. The political arm is headed by the chairperson who is an elected or a nominated councillor. Under the chairperson there is the vice-chairperson also a councillor. The chairperson is the head of the full council which is the final policy making committee of the council. The Town Clerk (who is deputized by the Deputy Town Clerk) is appointed by the Public Service Commission heads the executive or technical arm on a full time basis. The Town Clerk is the chief executive and administrative officer of the local authority and has the general responsibility of coordinating the work of the council, advising the council on all matters and making correspondences on behalf of the council. The TCK also has various departments. Town planning is a sub-section of the Building and Works Department which also deals with garage and workshop, road and other public works, and surveying. There is no professional planner in TCK and they rely on the County Physical Planners who also covers other local authorities within the County.

### 3.2.3. Local community groups

There are various local community groups and committees within the case study area. These groups/committees act in various roles such as coordination of security activities, mobilization of actors to undertake community projects, arbitration, savings and credit groups, and a host of other social and cultural roles. They constitute the voluntary sector, sometimes receiving grants or part payment for services delivered. As local actors these groups/committees in most cases fill gaps in the services and infrastructure delivery where central and local governments' provisions are inadequate or ineffective. The group/committees consist of village leaders and elders who also act as witnesses of the land transactions in cases where land subdivision is done without the Lands Office. In this case, they establish the transactions, the size of the plot being sold and the

prices paid for it and they also confirm the boundaries on site during the transaction processes. Therefore, they are vital in enhancing the security of tenure of the new landholder.

From my interviews and observations it was clear that community participation in planning or development control is now playing a key developmental role especially in areas where effective central/local government control and presence is wanting. With the introduction of the decentralized government project planning and implementation through the Constituency Development Fund (CDF) the role/impact of community involvement in project planning is visible in many areas of TCK. I came across different community based projects funded under CDF such as roads or water projects. I was informed (and also learned from my life experience) that proposals for various projects usually originate from the community and are forwarded to the CDF committee for consideration and funding if supported.

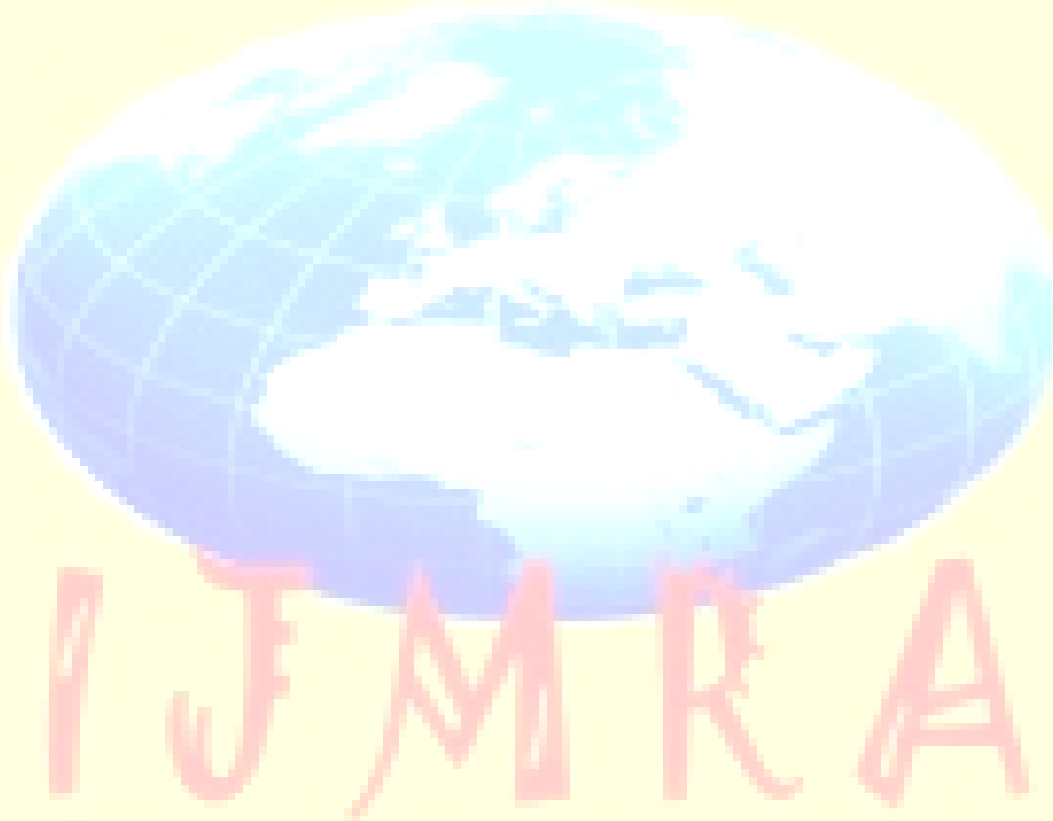
From various field observations of CDF sponsored projects, I can speculate that the CDF programme is bringing out the spirit of community planning. However, the long term success of CDF cannot be predicted with certainty given the relatively short period since it was introduced. Nevertheless, it can become a good starting point for empowering communities to take charge of their local development in areas such as TCK, where population increase as a result of rapid urbanization exceeds the current capacity of the Council to plan, implement and monitor land use development activities.

#### 4. Conclusion

This paper describes the key actors and their roles in land use in the Nairobi fringe as far as they are separable. However, due to the interrelatedness and complexity of land use issues such as those relating to planning and land development, their separation can only be in theoretical as field and lived experience revealed that many individuals play multiple roles within short time frames. It is therefore the reason why the roles of the actors rather than their 'acts' in land use have been considered.

In land use conversions, both non-institutional and institutional actors play important roles. The role of central government and TCK has become minimal in land transactions due to widespread use by the actors of informal (customary) procedures. This use of customary institutions like

village committees in land transactions is also gaining support in other sectors of the Nairobi fringe such as infrastructural development and security organisation. The power and control of these local institutions in setting local development agendas is also gaining recognition with the initiation of CDF, where local community committees have become vital in identification and prioritization of development projects. The effectiveness of central and local government actors, in the Nairobi fringe, is however weak and hence there has been the proliferation of private and (neo) customary institutions to fill the gap. This has worked in some aspects but their success in land development is debatable, a subject that may need to be explored further.



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