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Ethnic Networks and Access to Land in Nairobi:

A Case Study of Three Informal Settlements in Nairobi

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Abstract

The study set out to deepen our understanding of the influence of ethnic networks on access, use and ownership of land in low-income urban areas. Data for the study was obtained through a largely qualitative approach. Whereas the presence of ethnic networks creates trust, provides networks and enhances solidarity, it also facilitates an environment where enjoyment of land rights becomes elusive in informal settlements. The study found that ethnic networks have become strong avenues of land delivery through mostly unorthodox approaches such as illegal land invasions and allocation. This has led to the emergence of exclusive ethnic enclaves and political manipulation of residents. The application of ethnicity to land in these settlements appears to be manipulated by politicians working with government authorities to restrict the access of others, facilitate corruption, and contribute to conflicts over land rights, including those between landlords and tenants. It was evident that ethnicity can matter in the land affairs of low-income urban populations. However, it remains unclear what this means for debates and actions regarding urban development and policy formulation. The possibilities are that, while it increases trust, provides networks, and strengthens social solidarity, ethnicity can add complications to the already considerable difficulty of understanding and managing the land affairs of low-income urban settlements. More research is recommended to reach a better understanding of these propositions which have implications for key urban land policies, especially in developing countries.

Keywords: Ethnic networks, Ethnicity, Informal settlements, Land, Land access.

INTRODUCTION

Commonplace in so many human affairs, ethnicity apparently has not found a place in discussions of land governance processes, through which low-income households obtain living space in cities and towns (Obala, 2011). The processes remain important to all actors and stakeholders interested or responsible for the development of urban societies and economies. Hence, when a study of social justice, conflict and urban land in Nairobi produces evidence of ethnicity, there is reason to take note and search for meaning in it. The result leads to a number of propositions about how and why ethnicity was present. The propositions identify areas for more specific research that would have value because of the implications for policy formulation regarding shelter for poor urban residents, illegal land occupation, and urban violence.

Usually, ethnicity means that an individual identifies with a group sharing a common language and cultural beliefs (William and Ron, 2013). Such a group in Kenya can be called a tribe. Ethnicity tends to be regarded negatively in resource allocation, more so in land matters because it is associated with exclusion, violence, and inequity. Ethnicity is discussed much less often in relation to urban land than to rural land; even then, interest has tended to be ethnic territorial disputes in cities of states or regions prone to conflict (Bollens, 2002). Reluctance to research ethnicity and land conflict in Africa has been noted by Peters (2004). The reluctance has continued to contribute to less understanding of the phenomenon and its impact on access to land and living spaces in African cities. After a brief history of ethnicity in relation to land in Kenya, this paper identifies the source of the evidence that was obtained in Nairobi and then draws from it the instances where ethnicity figured in land affairs, before discussing possible reasons for ethnicity's

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employment. The conclusion highlights that further research is required if findings suggested by this limited evidence are to have real value in formulating policy.

THEORY

Ethnicity, Networks and Land Rights

Ethnicity has played a major role in shaping access, use and ownership of land before and after independence from colonial rule. Interestingly, one of the major underlying causes of land conflicts in the city is rooted in the application of ethnicity to the distribution of land, driven by the two presidential regimes that governed nationally immediately after independence. Evidence from other disciplines reinforces the fact that when social groupings, such as ethnicity, are used as platforms for resource allocation, then there are bound to be both social and economic inequalities (Levy et al., 2005). Although Elenbaas et al. (2016), use the case of children and access to toys in explaining disparities in access to resources, it mimics disparity in access to land in a city based on ethnic background.

Okoth-Ogendo (1989, 2002), asserted that land access and rights were acquired through customary systems. This was until the colonial government seized land, some of which it transferred with freehold rights to private individuals and institutions. At independence, these freehold rights were preserved, while land belonging to the colonial government became the property of the national government. Land remaining under the management of traditional systems was placed in the trust of the local government (also known then as trust land – now community land) to be managed for the common good of the tribal groups to whom they originally belonged. Most of the land in Nairobi is owned by the government, however, it is leased for long periods to private individuals and firms. As a consequence of the transformation processes, land became scarce and access to it difficult for a majority of the population. Competition for access to land in urban areas such as Nairobi thus increased, leading to abuse of the overall land administration and management processes (Obala, 2011).

Obala (2011), established that urbanisation and commodification of land, coupled with scarcity, saw land become the main resource for corruption and satisfaction of ethnic demands in Kenya. Atieno-Adhiambo (2002) reinforces this position. Thus as Osamba (2001) observed, the Kikuyu immediately after independence, with the support of government, managed to appropriate, either individually or through the land buying companies, nearly all former white-owned plantations in the Rift Valley. However, only a limited number of Luos, Luhya and Kisii bought some of the land.

When President Moi took over the leadership, like Kenyatta, he promoted appropriation by his kinsmen, the Kalenjin (Osamba, 2001). This set the stage for later ethnic conflicts over land. At the same time, it set the stage for corruption and abuse of office by public sector officials and politicians. The resulting exclusion of others ensured that ethnic tensions were built from the early years of independence. Due to political polarization, and following allegedly rigged elections and recurring political division along ethnic lines, violent, deadly conflicts erupted in January 2008, arguably over ethnically biased distribution of land in both urban and rural areas (East African Standard, 2008).

The dependency on ethnicity as an influencing force on land transactions in urban Kenya has been blamed for tensions, and eventually conflicts over land. This is rooted in the perceived unfairness of opportunities for access, use and ownership of land. More profound, is that ethnicity figured in land invasions, in the allocation of plots by government, in the day to day buying and selling of property rights, in landlord and tenant disputes, in the existence of exclusive enclaves, and in the land-related strategies of politicians. The main aim of this study is to deepen our understanding of the role of ethnicity in urban land affairs in urban areas such as Nairobi, and provide responses to questions that relate ethnic networks on access and ownership of land and policy implication questions.

RESEARCH METHODS

The data regarding the three settlements of Tassia, Embakasi Jua Kali, and Mathare North was obtained in 2017 and supplemented by the earlier data collected between 2006 and 2010. The chief sources of information were interviews with tenants, landlords,

professional elites, and officials from government departments, Nairobi City County and civil society organizations. Data was largely obtained through informant interviews and focus group discussions, mainly with the youths. Published reports from the Government and other studies provided some quantitative data and were useful in providing deeper insights on settlements. Although caretakers and tenants did not freely talk about the many absentee landlords, land agents were open yet reluctant to give details and often seemed ill-informed about some questions regarding land ownership and access. The heavy dependence on qualitative data required corroboration and triangulation to establish their validity. Verification of some data analysis was achieved in a workshop involving academics, policy makers, officials and civil society representatives.

In all, 106 interviews were conducted in the settlements: 47 in Tassia, 42 in Embakasi Jua Kali, and 17 in Mathare North. Of the total, 60 were tenants and 46 were landlords or their agents. Officials and professionals provided another 42 interviews. This was also enriched by personal discussions with individual households in 2017, thereby updating the study results.

Data analysis involved interpretation of emerging patterns, highlighting thematic issues and observing interesting episodes and events. The results have largely been presented in a narrative format, and include descriptions of the patterns, events and dates, among others.

RESULTS

Tassia

The National Social Security Fund (NSSF), a government agency, purchased a ranch on Nairobi's eastern edge. Because it could not find the resources to develop the site, the NSSF began to sell plots on the major road which bordered it. At this point, the inner parcels were seized and occupied by four groups of invaders, acting in competition with one another. Young men drawn from the ethnic groups to which the group leaders belonged featured in the occupation. The groups individually subdivided their portions, allocating some parcels to members and selling the others to the general public. The Government and the local administration did not provide help to remove the occupants. Because it was believed that government feared action on its part would antagonise voters in an up-coming election, the occupants rushed to develop the parcels assuming the new government would not demolish buildings. Later in 2003, the new government vowed to fight corruption and reorganise land ownership. Encouraged, the NSSF undertook to regain its rights to the land. Supported by different government departments and local government, it gained control over land transactions. Ultimately, in exchange for a measure of tenure formality, the settlers conceded and agreed to pay market prices for their plots and planning of the land.

Embakasi Jua Kali

The Embakasi Jua Kali Estate (EJK) is also on the south-eastern edge of built-up Nairobi. It occupies land that once had been set aside for the expansion of the city's international airport, parts of which were allocated mysteriously to individuals but never developed by them. Around 1991, the site was forcefully occupied when the Provincial Administration, probably politically motivated and acting illegally, temporarily allocated the site to some young artisans. Plots were marked out and distributed. Extra plots were sold to others with the backing of officials who took part of the profits. The settlers were from several ethnic groups, and initially they believed in collective action because their destinies were tied together. Fearing that they might be evicted from the land soon after the 1992 elections, they built networks among politicians and officials to inform them of plans to evict them, allowing the organisation of resistance. By selling to others, they created a formidable group of over 600 settlers. It was only later that it appeared that ethnicity played a significant role in the land transactions of EJK.

Mathare North

Originally a quarry, the site was purchased around 1976 by the City Council of Nairobi and made into a site and services scheme to provide plots to income families. Very well located between the centre and eastern edge of Nairobi, it enjoys good transport

connections to the heart of the city. The residents are from different parts of the country and come from diverse ethnic groups. However, a large number of tenants in Mathare North are from the Luo ethnic group, while landlords are mainly from the Kikuyu tribe. The two ethnic groups have a history of conflict, often over land, and one that has been manipulated by politicians.

i) Illegal land occupations

It emerged that people used ethnic links to recruit members so that they had the physical numbers with which to forcefully occupy land and to hold it against the claims of the legal owner(s), as well as against other invaders, and to obtain information which facilitated their forceful occupations of the land. During the invasion of Tassia, the group containing several different ethnicities was able to mobilise a bigger population and occupy the largest portion of land. According to a government officer, a larger membership provided more effective resistance to evictions by the Government. The three remaining groups, being ethnically exclusive, were said to be unable to mobilise as quickly individuals to buy and occupy the land. The groups fought amongst themselves for as much land as each could get. Youth were recruited for this battle through ethnic networks, establishing tensions that persisted long after among different ethnic groups.

Among the respondents there was a perception that during the forceful occupation of EJK, the dominant Kikuyu and Luo groups terrorised other ethnicities and encroached on land portions. The invasion leaders refused to uphold legitimate claims of some who had already bought plots from the invasion organisers. With support from the local administration that was won through corruption using ethnic links, they resold the plots to those of their own tribesmen.

A key informant in EJK argued that the ease with which people trusted their tribesmen contributed to invasion leaders mobilising participants, thereby giving them the upper hand in accessing the land. Even so, one EJK group was restricted in its ability to recruit and mobilise more participants because its leaders and initial members were predominantly of the Kikuyu tribe. Thus, it had to ride on the coattails of its rival organisation, which was able to draw larger membership during the initial phases of the development. Together, their numbers ensured that the legal landowners were unable to evict them.

The four groups that occupied the Tassia site apparently were sharing information beforehand. For the invasion, they obtained the complete records on every parcel involved, including information on land ownership status, by using their networks to contact relevant officers in the then Ministry of Lands and Settlements, Nairobi City Council and the Provincial Administration. Some of these networks were ethnic. A connection also emerged that the then ruling party, Kenya African National Union (KANU), further assisted and was considered as being the most important.

The organisers of the occupation of Tassia also used their networks – including their ethnic links – to obtain the compliance of authorities who should have defended the owners' rights. One respondent commented that the chairman of his group was seen to be treated "like a king" during visits to the office of the Provincial Administration Chief (Personal communication, 2007), while a landowner expressed her belief that the invasion leaders had the local officials "on their payrolls" and would never be arrested (Personal communication, 2007).

ii) Allocations of government land

There was evidence that ethnicity played a critical role in government land allocation in Kenya. Nairobi City Council and Ministry of Lands staff claimed that, although ethnicity was not openly practiced, it was a major issue in the process of delivering public land. In the case of Mathare North, some respondents argued that the local councilors and chief, and the area Member of Parliament (MP) – who were all from the Kikuyu ethnic group – were given roles in the allocation process, and they mostly mobilised their ethnic groups and supporters to apply. This led to the plots being majorly allocated to the Kikuyu. who arguably were only about 25 percent of the population of Nairobi (Chege, 1981).

However, there were many others who argued that the allocation of Mathare North plots was undertaken fairly. The chief involved claimed that the Kikuyu were keen to obtain land, so they took steps to ensure they met all the conditions for allocation (Personal communication, 2007, 2018). Moreover, the Minister for Local Government who closely monitored the allocation, being a non-Kikuyu, would not have favoured them. He recalled that those from other ethnic groups who received plots sold them immediately thereafter. This position was confirmed by other key informants who further alleged that afterward, information on land owned by the Nairobi City Council in Mathare North that had become vacant was spread through an ethnic network, giving its members an advantage.

iii) Transactions of property rights

It was said that in all three settlements, people used their links to their tribesmen to spread and obtain land market information. For instance, in Tassia after the invasion, selling to one's tribesmen was favoured. Later when the NSSF introduced estate agents into land transactions in Tassia, due to the urgency it placed on selling plots and the inclination of agents to ignore ethnicities in their quests for commissions, sales to people from other ethnic communities increased. People could then trust the NSSF rather than rely on ethnic trust. Similarly, respondents in EJK were of the view that when land was brought to the market for sale through agents, ethnic considerations were minimised. Nevertheless, many transfers remained informal, and individuals still used their ethnic networks to find buyers. The networks established during the forceful occupation phase remained important in influencing access to land.

As more permanent structures were developed all over EJK and more people took up residence, vacant land became scarcer within the settlement, and ethnicity became central, influencing land transactions as individuals used it as a basis for selecting to whom to sell land. Respondents made it evident that land for sale was not advertised, and much reliance was put on word of mouth. Thus, individual owners found it relatively easy to reach others in their ethnic groups as ethnic networks connected individuals with each other. Therefore, those who did not have a member of their ethnic group in the invasion committee found it difficult to join the group. A landlady within the settlement pointed out that the ethnic groups that were initially denied access included the Luhya and Gusii since they were not represented in the committee. This practice gained prominence after people felt confident about their claims to their land parcels. It was at this stage that ethnicity became a presence in land transactions within the settlement.

iv) Creating enclaves

In Tassia and Mathare North the tensions were such that at times, residents feared living among those from other ethnic communities. In Tassia, after ethnicity played a key role in the mobilisation of the youths who fought for the land against each other during the invasion, these youth groups used threats and force to block certain areas from the penetration of people who did not belong to particular ethnic groups. A similar condition had evolved in Mathare North, where youth militias were hired to fight dissenting tenants on behalf of Kikuyu landlords. A consequence of this was ethnic clustering, with particular ethnic groups preferring to live in specific locations due to distrust and fear. As a result, transactions over land in these areas were restricted to particular ethnic groups. Where the sellers used an agent, ethnic clustering was less pronounced. But even then, trust contributed to the restriction of land transactions to certain ethnic groups. When the poorest allocates of plots in Mathare North could no longer maintain the costs and had to sell, agents found it was easier to use the networks of their ethnicity to find buyers.

A similar trend was observable in EJK, although to a more limited extent. In EJK, particular ethnic groups attempted to sell within their own ethnic groups and to block those from other ethnic groups from buying land near to them.

v) Landlord / tenant disputes

Respondents in Mathare North suggested that although ethnic rivalry was one of the factors in land conflicts, it was not as significant as corruption and historical injustices. Ethnicity, however, had been important in intensifying and escalating conflicts in the settlement due to other factors. For instance, discussions with a non-governmental organization

(NGO) revealed that heightened rental conflict in settlements could have been an unintended result of capacity building activities by NGOs which helped tenants to understand their rights, and thereby demand reasonable rents. This promoted landlord/ tenant disputes throughout Nairobi's low-income settlements that transformed into fighting between ethnic youth militia assisting the landlords and other youth militia supporting tenants (East African Standard Newspaper, 2001). That notwithstanding, an advocate representing groups of tenants from Mathare North remarked:

"*Conflicts in Mathare North are disguised as rental disputes but are in reality political and ethnic abuses. The conflicts are about civic and parliamentary elections. It is about power,*" (Personal communication, 2007, 2017).

Respondents indicated that conflicts in Mathare North started as rental disputes which were not always between different tribes. The rental conflicts were born out, first due to the hard-economic situation, and secondly, the feeling of exploitation, which could be inflated by the tactics of politicians. It seemed that the tenants seldom initiated the physical clashes. The conflicts were often started by landlords who brought in lorry loads of youth gangs, probably of their own ethnic group, to chase away or evict tenants whenever major quarrels over rents arose. These quickly turned ethnic due to existing tensions. The enduring belief of bias in the allocation and management of plots underpinned contentions that the landlords, mostly Kikuyu, acquired parcels of land for free but were exploiting the poor tenants, largely from the Luo and Luhya tribes. Moreover, there was a prevalence of ethnic stereotyping that depicted, for instance, Luos as those who want to live for free on properties they do not own, while the Kikuyu were seen as exploiters. Other stereotypes perceived the Luhya as dirty, and Kalenjins as primitive.

vi) Political manipulations

In EJK, a respondent recalled a period when there were frequent fights over land. The MP for the area was often in the forefront encouraging the illegal occupation of land. Soon, this phenomenon engulfed most parts of Nairobi as other politicians began to do the same (Klopp, 1999). Thus, those aspiring to become MPs and local councilors started organising their supporters to identify idle land and facilitated forceful occupations. These often led to confrontations and conflicts between different groups.

Politicians were said by informants to have acted in support of the land invasions of Tassia and EJK, both of which involved land belonging to the government. Probably, their influence on public authorities who should have defended against the invaders was significant. In addition, hiring youth gangs to give muscle to the invaders' resistance was attributed to them. Both invasions were timed to elections in the expectations that politicians would not jeopardise support for themselves or their party by seeking to drive squatters off, and in both there was an ethnic dimension. In the case of Mathare North, respondents maintained that the hiring of an ethnic youth militia to evict tenants in dispute with their landlords was largely facilitated by local politicians.

DISCUSSION

Why use ethnicity?

Evidence of the use of ethnicity in local land affairs came to light during an investigation of land conflict and inequity in the three low-income settlements of Nairobi, Kenya (Obala, 2011).

Evidence suggests that when ethnicity played a role in matters of land in these settlements, people wanted from it access to trust, solidarity and networks. The main research questions that the paper set out to answer included; how ethnicity influenced settlement patterns, access to land and policy implications. Thus the next sections provide nuanced responses to the research questions, along with a response on policy implications, and conclude with a clear recommendation on the need for further research on key emerging issues of trust, solidarity, networking and other underlying factors such as corruption and institutional and legal frameworks.

Trust

Respondents remarked on the value of trust in property transactions in the three settlements. For instance, several local estate agents in EJK intimated

that those individuals not using estate agents tended to sell to their tribesmen due to lack of trust between the various groups. Moreover, many potential buyers of plots created by the invaders of Tassia and EJK sought reassurance that they would not be evicted by later counterclaims. Informants commented that the ease with which fellow tribesmen were trusted when mobilising participants in the invasion of EJK and when plots were sold in EJK and Tassia was attributed to common language and values. That they also felt this ease may have been why, when demand intensified later on, agents in EJK began to sell more and more to people of their own tribes. And then, among Mathare North respondents, there was consensus that dealing with one's own ethnic group would ensure that transactions were completed without conflicts.

A reasonable assumption is that this was trust that the seller described the property accurately, truly had the rights, would deliver them upon payment and relinquish all claims thereafter, and would not sell to others at the same time, that the buyer would pay as agreed, and that others of the same ethnicity would defend the buyer's rights against counter claims from outsiders. Lanjouw and Levy (2002), when writing about low-income urban households in Ecuador concluded that,

"*…when a buyer cannot be sure that a household will honour the 'sale' of its property, and when a property owner cannot be sure that a renter will honour his commitment to leave, households have a more limited range of people with whom to transact.*"

Similarly, Rakodi and Leduka (2004), in their study of non-formal urban land markets in six African countries, note that trust is particularly important for actors involved in non-formal land transactions because of the lack of formal and enforceable contracts.

"*Actors 'possess knowledge of their rights/ interests and obligations in the things being transacted, and are able to attach meaning to their actions, as well as to structure the social conditions of their acts of exchange in a manner that is consistent with the expectations of each party…Transacting parties trust one another because they are conversant with the social institutions structuring their transactions and either interpret these institutions in a similar fashion or strive to do so.*" (Rakodi and Leduka, 2004).

The clarity of a common mother tongue and the knowledge of what behaviour shared customs will produce would seem to be important contributors to this trust.

Probably trust was also important when connecting with officials to obtain information, favouritism, co-operation and compliance from them. As evidenced with land transactions, a shared ethnicity would seem to inject a measure of confidence in the organisation and execution of these exchanges.

Solidarity

The potential for interdependence and group action offered by linking to others of one's tribe appeared to be enhanced by living in close proximity. Thus, ethnicity seemed to be used to create and maintain enclaves in order to obtain benefits. By clustering in enclaves, individuals expect neighbours and youth gangs to help counter acts of ethnic hostility, even those not directly related to land and housing rights. That solidarity can provide a defence against challenges to land rights is important. Others of the ethnic group can be relied upon to display the threat of physical force and execute it if necessary. This is essentially the power to provide security of tenure to those who do not enjoy the security provided by the law of the land or who prefer not to depend on that source.

Moreover, neighbours in an ethnic enclave could be expected to behave according to known social norms, which might have provided a degree of ease and comfort in everyday affairs. Those in the three settlements who were recent immigrants to Nairobi might have been attracted to enclaves in search of that social capital created by proximity which they left behind in the village. Saunders (2011), further argues that they can transact, perhaps including only friends and family members; in his perspective, this is a way to re-create and preserve village living. It has been argued that social capital can be weaker in the city because of the mobility and heterogeneity of its residents (Phillips, 2002). And In all three settlements, ethnic solidarity was used to recruit the physical force used to intimidate the legal owners and agents of the

law during occupation of land, then to hold it against their wishes. This physical force, of course, provided an advantage in the competition for land.

Solidarity with a political candidate anticipated help in obtaining land or shelter. It backed up property sales and purchases by increasing the confidence of all parties that their trust was well placed. Rather than just respond to bribes, officials seemed sometimes to provide confidential information (the invasion of EJK) or act favourably (failing to evict invaders, allocating and selling plots in Mathare North with a bias, assisting re-sales of plots already sold in EJK and in Mathare North), simply because of their feelings of ethnic solidarity. Perhaps this solidarity shared with powerful officials was especially valuable to residents of the three settlements because, possessing little material and economic capital, their tribal links provided substantial social capital which could even be replenished as it was used.

Networking

Ethnicity provides access to networks. Writing about Central African towns, Mitchell (1969), suggested that networks particularly characterise urban social systems, and that their use in those systems to deal with land and housing matters remained largely without investigation, except with regard to finding shelter. Little seems different now. While many studies have examined the use of ethnic networks in cities – often by migrants from rural areas or other countries – their focuses have been the access to employment and entrepreneurial opportunities, with some interest in access to housing, and virtually none with a specific interest in land rights for those who are poor.

It is well known that urban networks give mutual support and information (Scott and Carrington, 2012). Relatively poor people, whether new arrivals with little familiarity with urban ways of living or old residents, can obtain these advantages at little or no cash cost, for they draw upon social capital without significantly exhausting this asset, and they make small demands upon critical supplies of economic or monetary capital. Writing about immigrants from North African villages, Saunders (2011), for one, observed that the lack of networks connecting to the larger urban society in France was named a major problem of living there. Saunders (2011), also argued that firmly established business networks and support systems among urban concentrations of immigrants in Spain prevented the larger communities from becoming centres of social unrest. However, access to jobs seems most often to be the focus of observations like these about urban social networks, whether ethnic or not.

In these Nairobi settlements, networks were used to transmit information, calls, and bribes relating to matters of land. The information was about land markets, about the sites targeted by invaders, about impending government actions affecting land, and about public land allocation procedures, any of which the collected contacts of the groups were more likely to obtain than those of an individual. Many of these networks were ethnic: those used in EJK and Tassia to recruit invaders and their youth militia and to get from government officials their compliance and information about land ownership and government intentions; those networks used in all three settlements to buy and sell land and to pay bribes; those thought to have been used in Mathare North to bias the allocation of plots; those used in EJK and Mathare North to sell the same plot to several buyers; and those employed in Mathare North and EJK by manipulative politicians. Where it was employed, ethnicity seemed to facilitate these functions by creating more trust – born of solidarity and a history of positive experience with ethnic networks – that those in a network would act in an agreed manner, applying familiar social values and following familiar procedures, so that the network was more likely to deliver as intended by the senders, and with more confidence that calls would elicit responses and be given priority attention.

Other effects

Whether or not there was actual benefit in it, any access obtained due to trust, solidarity, or networking was at a price. Many of the advantages of ethnicity sought were to be gained by excluding others. Physical intimidation aimed to discourage buyers from seeking land in the ethnic enclaves created in Tassia, Mathare North and EJK. Who received information was controlled, so the willingness to buy and sell or to allocate government leases was sometimes confined to ethnic networks in all three settlements.

Yet, some of the evidence was contradictory: individuals trying to sell in Tassia were said to lack networks to other ethnic groups which agents could provide, whereas in Mathare North, agents seemed to find it easier to sell through their ethnic networks. Several of the groups invading Tassia and EJK restricted their memberships to particular tribal groups, although this did not always work to their advantage. In Tassia, they were reported to have been unable to mobilize members and buyers as quickly as the diverse group and so could not occupy their fair share of the site.

Similarly, one group invading EJK experienced difficulties in obtaining large size of land because its membership was restricted to one tribe. Yet altogether, it was claimed that trust of fellow tribesmen made it easy for invaders to mobilize participants. After the invasion establishing EJK, it was alleged that those who did not have a member of their community in the initial committee were denied access to the plots created.

In addition to the limitations these practices possibly placed on general access to land, they might have supported unnecessarily high land prices by reducing the pressures demand put on supplies. Such distortions may have added to the inequities already suffered by Nairobi's households. Nevertheless, the poorest people possibly suffered more from corruption than from ethnicity in their quest for land; regardless, of their ethnicities, they seemed to ultimately be excluded from all three study areas by increased costs that included bribes.

Acts of corruption that supported all of the above activities seemed to be facilitated by ethnic trust, solidarity, and networking. Officials may have provided confidential information such as that used during invasions, or abstained from resisting invasions and from enforcing land use controls, or biased government plot allocations, or allowed double selling of a plot, because exchanges of benefits could pass through ethnic networks with confidence and ease. Ethnic ties might have increased confidence that none of the parties would put the others at risk of the law by being indiscreet about any corruption or favouritism involved.

Officials and professionals interviewed were of the opinion that public servants were confronted very early in their careers with problems of ethnicity on a daily basis. Most respondents in public office indicated that they overlooked both statutory and practical procedures in land use planning, allocation, management and administration in order to assist a member of their own ethnic group. The ethnic patronage-based relationships were enhanced through ethnic associations that individuals joined to deal with ethnic hostilities and isolation in their work places.

Both exclusion and corruption can have practical consequences, aside from any moral or ethical issues they may raise. They can change the actual effectiveness of interventions by redirecting or narrowing the focus of the impact of policies – such as was alleged to have happened during the allocation of plots in Mathare North – and they can reduce the efficiency of policies by obstructing their implementation – such as that of protecting formally registered land rights against invaders or that of enforcing land development standards in settlements like the three studied here. Moreover, the senses of injustice or unfairness that exclusion and corruption can generate may foster resentment and ill-feeling that fuels violence.

The social solidarity of enclaves seemed to be sought in protection against ethnic conflict, yet the ethnicity on which it was founded seemed to engender violence or the threat of it. Obala and Mattingly (2013), have detailed how, in these same Nairobi settlements, the presence of ethnicity (in landlord/tenant conflicts, or in land allocations suspected of bias, or in the creation and maintenance of enclaves, or in exclusive buying and sell networks, or in competition for land during invasions) could have led to intimidation and actual physical harm, including death. These situations fuelled historical conflicts that could be perceived in ethnic terms: the national ones of colonisation and of policies of the independent state; and the local ones of historical wrongs, evictions, and exclusion from access to land rights. Possibly, they made significant contributions to the violence generally existing in Nairobi, even helping it to tip over into extreme events.

CONCLUSION AND RECOMMENDATIONS

The results of the study are intriguing as they reveal: forceful illegal occupation of land legally owned by others; ethnic network driven government land allocations; transactions of property rights; and creating ethnic enclaves.

A key question that features in this paper is on policy implications of the results. It is evident that ethnicity can matter in the land affairs of low-income urban populations. However, it remains unclear what this means for debates and actions regarding urban development. The possibilities are that, while it increases trust, provides networks, and strengthens social solidarity, ethnicity can add complications to the already considerable difficulty of understanding and managing the land affairs of low-income urban settlements. The cases reported here illustrate how, above and beyond its household and local effects, land-related ethnicity within a community can be a significant factor in larger major social and political problems of inequity, corruption, violence and political misbehaviour.

In essence the question is: how important are the benefits to its users, and how do they weigh up against its cost to those users and to the larger society of the city? Answers carrying more confidence than given by this evidence from Nairobi could help to shape interventions that reduce the corruption, weaken the exclusion, and reduce the violent land conflicts that seem to result, while enhancing the contributions that trust, social solidarity and networking make to satisfying land needs. They might clarify if ethnicity is especially valuable to migrants from the countryside and to the poorer city residents because it compensates with sustainable social capital for their lack of economic capital, and is a substitute for other supports to which its users do not have access. It remains uncertain what benefits would arise from ethnicity, the value it holds, and how they could be exploited. Clearly, the study results point towards the need for further research to help reinforce the findings, so that appropriate policy interventions can be sought as the study is limited in scope.

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