

# ON COMMON GROUND

INTERNATIONAL PERSPECTIVES ON  
THE COMMUNITY LAND TRUST



John Emmeus Davis, Line Algoed,  
María E. Hernández-Torrales

EDITORS

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## Seeding the CLT in Africa

### Lessons from the Early Efforts to Establish Community Land Trusts in Kenya



*Claire Simonneau and Ellen Bassett,  
with Emmanuel Midheme*

Informal settlements remain one of the biggest challenges in urban Africa. These are under-serviced settlements that have developed through the unauthorized occupation of land (Huchzermeyer and Karam, 2006: 3).<sup>1</sup> Kenyan cities are no exception in this regard, since more than 50% of the urban population lives in such settlements (Syagga, 2011). Nairobi's informal settlements are renowned worldwide for their scale, density, and extremely poor living conditions relative to housing quality and access to water, electricity, sewerage, and solid waste disposal.<sup>2</sup>

Like most former colonies, Kenya inherited its land and planning laws from Europe — Great Britain in this case. It is a centralized system, initially serving the colonial project to conquer territories at the expense of indigenous people, which has enabled a deep-rooted patron-client relationship among the land administration and widespread corruption in the distribution of land to elites (Bassett, 2017). Such a legal framework has revealed itself to be incapable of dealing with the rapid urban growth that has been happening in Kenya since the 1960s. Public and private mechanisms for land and housing delivery have offered very limited supply and/or were inaccessible to the majority of urban dwellers.

As a result, informal settlements have become the only viable means for accessing land for housing for the urban majority (Durand-Lasserre, 1988; Gulyani and Bassett, 2007; Midheme, 2015). Diverse policies have been implemented to deal with this form of urbanization since the 1950s, with the substantial — although uneven — support of international development agencies.<sup>3</sup>

The Tanzania-Bondeni Community Land Trust emerged in 1994 as a reaction to these policy responses — and their failures. This experiment was deemed successful during its first decade.<sup>4</sup> The CLT still exists, but is far less renowned today. No other CLTs have been established in Kenya, nor in any other country on the African continent. One of the questions we will attempt to answer in this chapter, therefore, is what can be learned from



the Tanzania-Bondeni experiment that might shed light on why CLT development has stalled in Kenya and in Africa in general.

We will examine the Tanzania-Bondeni Community Land Trust from several perspectives.<sup>5</sup> This chapter starts with a historical overview of governmental policy regarding the country's informal settlements. We will then describe the Tanzania-Bondeni CLT today, exploring its achievements and current challenges. In the final section, we will discuss the notion of community and its sustainability over time.

## **I. POLICY RESPONSES TO INFORMAL SETTLEMENTS IN KENYA**

A brief historical overview of policy responses since the country's independence from Great Britain in 1963 provides a useful context for comprehending the emergence of the Tanzania-Bondeni Community Land Trust in Voi. These governmental responses fall into four periods, which reflect both national and international thinking regarding informal settlements, slum upgrading, and land and housing policies (Gulyani and Bassett, 2007; Jenkins, Smith, and Wang, 2007; Kamunyori, 2016; Midheme, 2018).

During the decades of the 1950s and 1960s, informal settlements were mostly ignored by national and municipal officials who put their money and remedial efforts into building public housing. This line of action was supported by the belief that informal settlements would gradually disappear with economic growth and public housing policies. However, the delivery of public housing was never able to keep pace with continuing growth of the urban population.

Through the 1970s and early 1980s, it became evident that informal settlements were not an ephemeral phenomenon. The central government engaged in slum clearance (demolition), with the paradoxical effect that informal settlements got rebuilt in other parts of the city, just relocating the problem, not actually solving it. Following the World Bank strategy of that time, relocation programs were then implemented through site and services schemes<sup>6</sup> or through low-cost building. Nevertheless, these programs failed to reach their objectives. Land-market pressure, coupled with political patronage and corruption in plot allocation, resulted in "filtering up"; that is, initial beneficiaries of such programs were replaced by better-off households and original slum dwellers moved into newly created informal settlements — again.

Thus ensued the third policy response, based on the idea that informal settlements should be upgraded rather than eliminated. This intervention gradually gained momentum both in international thinking and within the Kenyan government. Upgrading programs took different forms and addressed diverse issues, including provision of basic services, land tenure regularization, and infrastructure improvement. These upgrading programs were better adapted to local realities, but a number of criticisms were leveled at them, highlighting three main inadequacies. First, Kenyan informal settlements are

Restrictions on resale in upgrading programs were revealed to be both costly to implement and easy to circumvent.

characterized by a high proportion of tenants, a population that has rarely been taken into consideration in upgrading programs. Here is highlighted a particular feature of the Kenyan land system: upon independence in 1963, Kenya embraced both capitalism and

private property and enacted policies to change customary tenures to leasehold or freehold, particularly in peri-urban areas. By contrast, in many other African countries land access continued to be determined by customary systems of land tenure.<sup>7</sup> In Kenya, however, land has a market value. This is especially true in Nairobi where the land and buildings in informal settlements are characterized by a very high commercial value and there exists a vibrant rental market (Kamunyori, 2016).

A second criticism of upgrading programs was the turnover in beneficiaries, who resold lands and homes to which they had been granted title, either due to market pressures (voluntary or distress sales) or to reap a speculative windfall. This remained a conundrum. Restrictions on resale that were imposed in upgrading programs were revealed to be both costly to implement and easy to circumvent. Consequently, informal sales continued to take place, creating a growing gap between official registration and actual landowners as recognized on the ground. Third, there was poor involvement of targeted communities in the design and implementation of upgrading programs, ignoring a potential resource that might have enhanced the programs' efficiency.

The idea of a community land trust (CLT) was introduced in Kenya in the early 1990s, representing a fourth policy response to the problem of informal settlements. The CLT was touted as a credible answer to the recurrent problems encountered in upgrading programs. The CLT model, as developed and applied in the USA, had two advantages over the way that upgrading had previously been done. First, the CLT had been designed as an anti-speculation tool for reducing gentrification. Ownership of land and ownership of structural improvements are separated. Land is held in trust in perpetuity and not subject to speculation. Land-value appreciation is "locked" in the community, while long-term land use rights are provided to individuals or households on a leasehold basis. Second, the CLT model was considered a powerful vehicle for community empowerment, through community control of the land and community-based management of the neighborhood. In this regard, it offered an interesting way to better involve dwellers in upgrading programs, thus ensuring short-term upgrading achievement and long-term community development.

These advantages attracted the attention of Kenya's Ministry for Local Government. They also attracted interest and support from the German governmental organization for technical cooperation (GTZ),<sup>8</sup> municipal officials of Voi town, and residents of an informal settlement in Voi named "Tanzania-Bondeni." This led eventually to the creation of Africa's first and only CLT in the 1990s.

## II. EARLY HISTORY OF THE TANZANIA-BONDENI CLT

Tanzania-Bondeni is an informal settlement located in Voi, a secondary town in Taita-Taveta County. The town had a population 13,000 inhabitants in 1989. Tanzania-Bondeni is located approximately 1.5 km from the city center and covers approximately 22 hectares (see Figure 14.1 below).

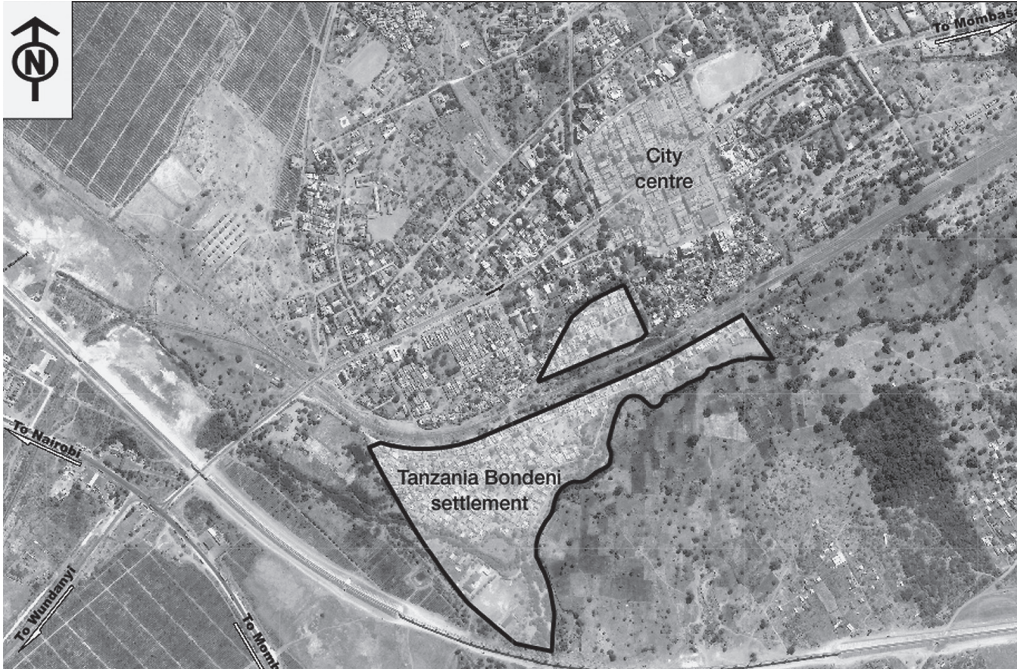


Fig. 14.1. Location of the informal settlement of Tanzania-Bondeni. Map scale: 1:10,000.

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Nearly 3000 inhabitants were living in this informal settlement in 1990. Income levels were very low, with 70% of the inhabitants unemployed or earning less than \$8 US a month. The community was quite heterogeneous in terms of ethnic background. The settlement had resulted from unauthorized occupation of public land — more precisely, land owned by Kenya Railways and Voi Sisal Estates, a large plantation growing sisal for industrial production (Bassett, 2001; Midheme and Moulart, 2013). The condition of the settlement's housing was precarious. More than 60% of the houses were built with temporary materials like mud walls and thatch roofs. The settlement's other houses were made of semi-temporary materials — namely *but mabati* (corrugated iron) roofs and concrete floors.

Against this background, the Tanzania-Bondeni settlement was selected as a beneficiary of the Small Towns Development Project (STDP), an urban development program funded by the German government through GTZ. In its work in Voi, STDP had a

tripartite steering committee composed of representatives from the Ministry for Local Government, the local authority of Voi town, and GTZ.

STDP clearly intended to innovate in the field of slum upgrading. After taking stock of the limits of previous approaches to squatter settlement, the project's managers gave careful attention to questions of land security and protections against eviction, including eviction by market forces. The project also benefited from reflections on innovative strategies for upgrading informal settlements that were conducted in the early 1990s by local, national, and international stakeholders. Several initiatives are worth mentioning.

In 1991, a national forum on alternative land tenure models in Kenya took place in Nairobi. It was held at the initiative of the Mazingira Institute, in conjunction with the Ford Foundation. The experience of CLTs in the United States was then presented. At the same time, a study was commissioned by the Ford Foundation to examine the potential for transferring the American CLT model to Kenya. Two American consultants, Chuck Matthei and Russell Hahn, were hired by Ford to conduct this study. They concluded, in light of the high housing demand and the prevalence of absentee ownership in low-income communities, that CLTs seemed relevant to Africa on the social and cultural level and could help in providing affordable housing in informal settlements (Matthei and Hahn, 1991). Over the next two years, an NGO called Kitua Cha Sheria (Legal Advice Center) engaged in the process of creating a CLT in a squatter settlement in Nairobi, based on the strategy of purchasing land on the market. The project was eventually abandoned, due to the excessive cost of acquiring land (Jaffer, 2000). In 1992, however, inspired by these previous events, STDP's program managers and the Project's national steering committee began considering the possibility of establishing a CLT in two other settlements that had been selected for upgrading: Mtaani-Kisumu Ndogo in Kilifi town and Tanzania-Bondeni in Voi town.

The upgrading sponsored by the Small Towns Development Project was meant to be participatory. It operated within a series of guidelines aimed at ensuring durable results and local ownership of the project. These guidelines called for gradual and systematic improvement of the neighborhood and full involvement of local communities in the planning and execution of the project. External actions and actors were meant to support local efforts, not replace them (Jaffer, 2000).

The land tenure option, in particular, was to be chosen by the community itself. A series of activities with the residents prepared for this vote, including preliminary community mobilization and the election of residents committees. In November 1992, a last discussion was held among planners of the Ministry and the STDP, the Voi municipal council, and members of the residents committees around three options for holding land in the informal settlements in Kilifi town and in Voi town: individual leasehold titles; individual titles coupled with housing cooperatives; or a group leasehold coupled with a community land trust. The resident committees in both towns held six community meetings dedicated to choosing among the three options. Attention was paid to helping

residents fully understand all three options. STDP observers attended the meetings in order to ensure that only *bona fide* structure owners were allowed to vote and that both advantages and drawbacks of each option were thoroughly explained.<sup>9</sup>

The residents of Kilifi voted for individual titles. In Voi, however, over 90% of the structure owners finally opted for the CLT option. Jaffer (1996) documented the “push from below” in favor of the CLT option, which he observed in Voi. From the outset of the project, the Voi community demonstrated a great capacity for mobilization. The Voi resident committee, led by older long-term residents (*wazee* — elders), was fully informed of slum upgrading issues, including land issues. Local interest in the CLT also reflected a serious threat felt by the residents: land grabbing by outsiders — a phenomenon that had begun to occur in the neighborhood at the beginning of the upgrading project.<sup>10</sup> Residents were also attracted to the CLT option by: (1) the social security offered by community tenure and its protection against eviction by the market; (2) the possibility of keeping individual land rights within a community land tenure framework; and (3) the promise of having facilitated access to collective loans.

The decision was definitely related to the socio-economic situation of the Tanzania-Bondeni community. From interviews later conducted by Bassett (2001) and Midheme and Moulaert (2013), it can be seen that residents feared they would be unable to retain their land individually due to economic poverty and their lack of political power and patronage networks.<sup>11</sup> In other words, they felt they were too poor to pay for the costs associated with individual leaseholds (notably property taxes), and would be powerless to prevent “cashing out” behaviors within the community or by their own family. The Tanzania-Bondeni community also included numerous female-headed households. These women were attracted to the community control offered by CLT, since they considered it to be a way of protecting them from pressures within the family to sell the land (Bassett and Jacobs, 1997: 225).

GTZ and other institutional stakeholders such as the central and communal governments had their own reasons for promoting the CLT model: the avoidance of the “windfall effect” of upgrading projects; the prospect of community organization for other development partnerships; the prospect of extending financial sources, including property taxes; the upgrading of the slum; and the prevention of further squatting (Bassett and Jacobs, 1997). The decision of the Voi community was somewhat surprising for the central government and for STDP’s project managers, however, given the overall preference for individual property in Kenya (Bassett, 2001: 164).

### **A. Complex Process of CLT Formalization**

Once the CLT model had been chosen, its translation into Kenyan terms faced serious challenges. Four main legal issues emerged. To begin with, at that time Kenyan land law favored individual landholding. Communal landholding such as Group Ranches were reserved for specific regions in the country. Moreover, the legal form of the land trust was problematic, since incorporation in Kenya provided only for profit-making entities.

Lastly, the “rule against perpetuities” that exists in Kenyan law prevented anyone from holding the land outside of the market permanently, whereas this is one key objective of the CLT.

Lawyers had to find an innovative arrangement to overcome these obstacles. Two legal bodies were created in 1994: (1) a Settlement Society, registered under the Societies Act, representing the residents; and (2) a trust, registered under the Trustees (Perpetual Succession) Act, holding the land head-lease and administering the land in conjunction with the Society, including decisions on land uses, alienation, and purchase of land. Through this latter body, the community applied for a head-lease; the CLT in turn was supposed to issue subleases to households (Bassett and Jacobs, 1997; Midheme and Moulaert, 2013).

The governance of the Tanzania-Bondeni Community Land Trust was structured around two main bodies: a Board of Trustees (9 members) that was to hold the head-lease and to grant subleases; and a Residents Committee (30 members) that was to run the daily affairs of the Settlement Society. An annual general meeting was the supreme body that approved audited accounts. Members were to pay annual fees to finance the recurrent spending of the Trust. In addition, four housing cooperatives were created at that time.

The Tanzania-Bondeni CLT in Voi also adopted conventional rules that were common in American CLTs such as preemptive rights of purchase by the CLT when a member leaves, and a restriction on absentee landlordism. Efforts were also made to accommodate the low-income situation of the residents: payments for collective services could be staggered; a local development fund was put in place to conduct local development projects; and, most importantly, the local government was persuaded to recognize existing dwellings within the settlement, even if they did not conform to existing building standards.<sup>12</sup>

### **B. Short-term Positive Impacts on the Whole Settlement**

The creation of the CLT, along with additional interventions funded by STDP, had significant positive impacts in the short run. To begin with, the settlement benefited from physical planning that provided space for residential and commercial development, and also for community facilities.<sup>13</sup> This plan was developed with extensive input from the community and was rapidly implemented on the ground: houses were relocated, roads built, and infrastructure installed. Bassett and Jacobs (1997) also noticed that residents soon started to build with more durable materials or to plant long-term crops such as fruit trees even before the head-lease had been issued, revealing their confidence and their newfound feeling of land tenure security.

Besides, the CLT has facilitated the residents’ systematic access to housing finance, notably through the four housing cooperatives that allowed access to funds from the National Cooperative Housing Union.

Community participation, a basis of the STDP project and the CLT’s governance, should also be considered a positive impact on the community. An interesting feature of

the Voi CLT lies in the fact that both landlords and tenants are involved as full members of the CLT — whereas tenants are often left out or pushed aside in upgrading projects.

Last but not least, the CLT has fostered the growth of what Midheme (2013: 80) has described as “a vibrant community premised on the principles of democracy, inclusiveness and horizontality.” He went on to say that the Tanzania-Bondeni CLT has been successful in promoting:

Solidarity — those symbiotic relations of trust, reciprocity and mutual obligation among neighbours that are so essential for community life — as a basic ingredient of the CLT. . . . In Voi, communal landholding under the CLT has offered more than just a model of land tenure; the CLT has provided the basis for residents to unite under a one-for-all, all-for-one philosophy designed to prop up each other in times of adversity.

### III. THE TANZANIA–BONDENI CLT TODAY

More than twenty-five years have passed since the creation of the Tanzania-Bondeni CLT. What is the current state of the community land trust, as a neighborhood and as a community organisation?<sup>14</sup>

Today, the Tanzania-Bondeni settlement is a well-planned neighborhood, one that has greatly benefited from the Small Towns Development Project. The planning provisions made at the beginning of the project have been largely maintained. The physical planning undertaken in the 1990s is still visible today: the overall layout is respected and plots reserved for public utilities are respected. Although some of the plots are not yet developed and limited encroachments can be observed on areas set aside for public circulation or public utilities, a great majority of the allocated plots have been developed and the houses that were built on them are inhabited.<sup>15</sup>

The neighborhood still benefits from infrastructure facilities installed in the 1990s, including water, roads, and electricity. These improvements have been maintained, even upgraded. For example, the nursery school that was installed at the time of the STDP has been converted to a primary school. On the other hand, one can identify some shortcomings regarding the physical planning and regulations. The sanitation plan that was prepared at the time of the original project has not yet been implemented.

The CLT and the surrounding project have also facilitated the gradual improvement of the settlement’s housing through several means. First, the local municipal government was persuaded to recognize existing dwellings on an “as-is” basis; at the same time, dwellers were required to improve their houses over a period of time to meet official building standards. Second, the CLT was accompanied by the formation of housing cooperatives, an organizational scheme that was necessary to draw public funds — especially from the National Cooperative Housing Union. As a result, the settlement has today mainly permanent structures, whereas 62% of the houses were classified as temporary structures in



Fig. 14.2. Tanzania-Bondeni. Improvement of dwellings (left) and elementary school (right).  
CLAIRE SIMONNEAU

1991. A small percentage of the buildings are even multi-level dwellings.<sup>16</sup> However, one can still discover mud houses dispersed throughout the neighborhood, estimated at 20% of the total structures in Tanzania-Bondeni (Midheme, 2013).

### A. Secured Tenure for Low-income Residents

The population in Tanzania-Bondeni is still primarily low-income. Residents use their plots and houses as their main residence and often as a place of livelihood and production as well. Importantly, absentee ownership—a threat even in a secondary town—has been avoided. As such, one can suggest that the CLT has succeeded in providing land tenure security to low-income residents over the long term.

Data from the field gathered by Midheme (2018) indicate that the average income of the majority of the population ranges from \$3 to \$5 per day. Additionally, 72% of the households reported that they do not own any other property outside of the settlement. The respondents who do own a property outside of the settlement are actually renters and come from outside of Voi, in other parts of the country. The survey also found out that more than 46% of the households have lived in the settlement for over 10 years.

However, the CLT has never received the head-lease for the land (only a letter of allotment) and only beacon certificates have been delivered to individual households. As a result, a lower level of legal tenure security has been ensured than would have been provided by the subleases that were initially planned.<sup>17</sup>

Despite that, the CLT has been effective in improving and securing land tenure for a low-income urban settlement and has restrained gentrification and mass displacement, which have happened so often in other informal settlements during the course of upgrading programmes or upon their completion.



## B. Faltering Governance Structures and Unenforced Rules

The picture is less encouraging when it comes to the CLT's governance. The CLT governance mainly rests on two bodies: (1) the Tanzania-Bondeni Settlement Society, which includes all residents (tenants and structure owners) and is supposed to meet every year through an annual general meeting (AGM), and (2) a residents committee in charge of the daily affairs of the CLT, elected every two years during the AGM. Yet there has been a radical disconnection between the two bodies during the last decades, and poor implementation of the CLT's key principles.

Many key rules of the CLT are not followed anymore. In this regard, fieldwork conducted by Emmanuel Midheme, Severiano Odhiambo, Sharlet Mkabili, and Claire Simonneau in 2018 confirmed several trends that had been identified by Bassett (2005) nine years before. For example, absentee ownership is supposed to be banned within the settlement, responding to a key concern of the settlement's residents at the creation of the CLT. However, many multi-storey buildings containing rental apartments are owned by persons who are not living in Tanzania-Bondeni.

Another core commitment of the CLT model is also not being respected, namely the ban on selling land to people outside of the community. This rule is instrumental for preventing gentrification as it ensures that land is locked within the community. Residents report many land sales, however. They are called land "transfers,"<sup>18</sup> but a survey of residents revealed that substantial amounts of money have changed hands for these "transfers."

These violations of the CLT's founding purposes and rules are directly linked to the governance environment. First, since no sublease contractually spells out these rules, the committee has no hook to enforce them. Second, and maybe more alarming, the democratic system of the CLT seems to have collapsed.

The annual general meeting has not been held for more than 15 years. The last AGM was held in 2002, an election that had to be forced by the municipal administration. This gives a idea of the poor democratic dynamics that have characterized the community for quite a long time now. Furthermore, leaders of the residents committee (RC) are



Fig. 14.3. Tanzania-Bondeni. Multi-storey residential building. CLAIRE SIMONNEAU

perceived by the residents to be corrupt and to run the affairs of the community in their own private interest. Residents seem extremely suspicious towards their leaders, as suggested in this quotation from a resident: “Leaders are selling our lands. Leaders are selfish. Leaders are corrupt.” Beacon certificates of questionable legality, signed by the RC’s leaders, have been observed in the field. Also, the Tanzania-Bondeni settlement office that lies in the middle of the settlement has been deserted by the community leaders, so that there is absolutely no contact between the residents and their (so-called) representatives.

### **C. Community Involvement Needs to be Revived**

The failure of the CLT’s governance structures has contributed to a dismantling of the whole community. There are no meetings, no financial contribution to the local saving groups, a weak mobilization, and a general feeling of distrust within the community. “The CLT is good, but we have corrupt management and docile membership,” says a resident. Many residents talk about the “death of the community.” More than half of the residents of Tanzania-Bondeni are not members of the CLT (53%), and are not even aware of the CLT’s existence.<sup>19</sup> They are mostly renters who settled in the neighborhood quite recently, since many owners of structures circumvent the ban on renting their houses. Thus, the CLT seems trapped in a vicious circle of land “sales” and an informal market for rental housing that fosters distrust towards leaders and fellow members of the neighborhood, even as new residents are coming into the settlement who are not aware of the CLT.

Nevertheless, there is currently a youth group that is trying to bring new life and direction to the community. This group is tracking evidence of corruption and is endeavoring to bring legal action and is pressuring to organize new elections. A local WhatsApp group has been created to foster community mobilization and to disseminate information on the mismanagement of the settlement and to discuss possible alternatives. In February 2016, the CLT office was covered with graffiti demanding elections. More recently, the youth group sent a letter to the county council and anti-corruption agency to inform them about the situation in Tanzania-Bondeni.

In sum, the Tanzania-Bondeni community and its structure of governance have been weakening over the last decade, but some recent initiatives might break the vicious circle of mismanagement and the lessening of internal cohesion and community spirit.

## **IV. HOW TO SUSTAIN A COMMUNITY? LESSONS OF THE VOI CASE**

The fundamental issues in Voi with regard to the current state of the Tanzania-Bondeni CLT seem to involve a lack of community spirit and a flawed structure of governance. These are challenging issues that should not be overlooked in creating a CLT.

The discussion of community organizing in Sub-Saharan Africa often revolves around the notions of ethnicity and customs — especially when it comes to land. Natural or

traditional communities are based on ethnic groups and often a religious notion of the territory (such as animist or Islamic). This notion is opposed to contractual or intentional communities, which derive from discrete decisions to cooperate and to manage common resources via intentionally created institutions.

On the one hand, traditional communities based on ethnicity are still a frame of reference in politics and social relationships in Kenya and generally in Sub-Saharan Africa. Traditional landholding is based on the following principles: land is considered a sacred good, and thus is strictly unalienable and off-limits to the market logic; it is managed at a community level and people have use rights on it, not property rights. Such African traditional communal landholdings still exist, albeit with some evolution, in rural areas, and were even one source of inspiration for the first CLTs (Davis, 2010; Simonneau, 2018). Nevertheless, this framework has little relevance within the Tanzania-Bondeni community.

On the other hand, experiments with other forms of collective land holding in Kenya offer a different perspective on community building. Several legal provisions allow for collective landholding in urban Kenyan: housing cooperatives, land-buying companies, and savings-and-credit cooperatives. They are used for the sole purpose of accessing land for housing. What often happens is that the group is very active during the process of accessing the land (gathering money for buying the land jointly in the case of land buying companies for example), but as soon as the land is obtained and divided among the members, the group disbands. In other words, the organization is not an end in itself, but a means to access land in a cheaper and easier way than through formal individual landholding, which is a very long and expensive process.

Is this what happened in Voi? Probably not. The history of the Tanzania-Bondeni shows a more complex process. First, it was not based on customs or ethnicity. The Tanzania-Bondeni community was born quite naturally: people often settled there because they knew someone in the settlement. Besides, they were assigned a piece of land by a local chief. In this sense, there were *de facto* community land rules. It was a community in the full sense of the term: the settlement had been built largely through self-help; people knew each other, were aware of each other's activities and families, and had concern for each other (Bassett, 2001). The group was quite homogenous in terms of their socio-economic situation, and there was not much ethnic heterogeneity.

Second, land insecurity made the settlement unify and become intentional at the beginning of the upgrading project. Residents realized that if they wanted to preserve the assets they already had (especially their access to land) the best method was to stay together.<sup>20</sup>

Third, the upgrading project fostered a modicum of community organisation and catalyzed energy in the intervening years. The project was also able to generate a large amount of positive political attention from the local to the national level and even at the international level.<sup>21</sup>

Nevertheless, support for the CLT was temporary. By the end of the 1990s, internal problems at the CLT had reached the ear of the local administration and had started to weaken political support for the CLT. Up until 2016, moreover, the legal and political environment in Kenya for communal landholding was clearly hostile. The recent Community Land Act theoretically offers new opportunities, but with no certainty regarding real change on the ground (Alden Wily, 2018; Bassett, 2019). This context of legal and political hostility towards communal landholding, combined with mismanagement problems, have made the CLT model less attractive for newcomers to the Tanzania-Bonden community today.



## V. CONCLUSION: PROSPECTS FOR CLT DEVELOPMENT IN KENYA AND IN AFRICA

Having access to land is extremely important, since ownership builds pride and is directly connected to the sense of belonging. In Kenya and in Africa in general, the dismantling of traditional and customary institutions in the contemporary era has not eradicated the social signification of land possession. Africans still speak of being “sons of the soil.”

Given the legal and political context in Kenya, it would seem that this fundamental aspiration to participate in ownership of a piece of land is destined to be fulfilled by means of the formal or informal land market and by individual ownership. The CLT experiment in Voi has not been able to create a successful counter-example, which might serve as a compelling alternative to that of individual ownership.

From this perspective, it seems that further CLT development in Kenya and Africa would require a genuine *movement*. What is needed for a CLT movement, according to DeFilippis, Stromberg, and Williams (2018), is a strong process of community organization and empowerment. It cannot emerge if a CLT is considered solely a strategy for land access. Second, what is needed is political support that can be translated into favorable legal protections. Lastly, what has been missing in Africa is continued and targeted technical support for CLT development, which is often underestimated in upgrading projects.<sup>22</sup> Such support must be able to deal with the complexities of national juridical systems and also to organize national and cross-national exchanges of experience and knowledge. A substantial CLT movement might then arise in Africa and be able to influence the political economy regarding land and housing. It might then be able to exert weight in the power relations between actors of land and housing sectors, tipping the scales in a more equitable direction (DeFilippis et al., 2018).

## Notes

1. We follow the definition of informal settlements elaborated by Huchzermeyer and Karam (2006: 3): “settlements of the urban poor that have developed through unauthorised occupation of land. Tenure insecurity is the central characteristic of informal settlements, with varying attributes of unhealthy and hazardous living conditions to which overcrowding, and lack of basic services may contribute.”
2. Nairobi is also characterized by absentee landlords and a level of tenancy exceeding 90% (Amis, 1984; Gulyani, Bassett, and Talukdar, 2018). In other cities of the country, land squatting and a family’s ownership of the building it occupies are very common.
3. An international influence that is reinforced by the presence of the headquarters of UN-Habitat (the United Nations Human Settlements Programme) in Nairobi.
4. For instance, it was selected as one of the Kenyan “Best Practices” for the 1996 UN-Habitat conference in Istanbul.
5. This essay is based on in-depth research of the Voi CLT conducted successively by Ellen Bassett and Emmanuel Midheme for their respective doctoral dissertations and by further research. Recent fieldwork was also conducted in 2018 by Emmanuel Midheme, assisted by Severiano Odhiambo and Sharlet Mkabili (Maseno University), with the participation of Claire Simonneau. For this fieldwork, we recognize and thank the financial support of the French Development Agency, which supports a research program in land-based urban commons for housing in the Global South (<https://cfuhabitat.hypotheses.org>). This work has also benefited from a fruitful exchange with the editors of the present volume.
6. Households were allocated a plot in a serviced area and were responsible for building their dwelling.
7. Even if not officially provided by the law. In Kenya in the 1990s, customary occupancy of land was quite secure since access to land was determined by the group, not necessarily by the government. Customary tenures are mostly large rural tenures. In contrast, informal settlement tenures are urban, in areas of active land markets. Customary tenure has been protected in Kenya’s new constitution (2010).
8. GTZ means *Gesellschaft für Technische Zusammenarbeit*, the Agency for Technical Cooperation. GTZ is now GIZ (*Gesellschaft für Internationale Zusammenarbeit*), the Agency for International Cooperation.
9. The steps that were taken before the final vote on the land tenure option were documented by Bassett (2001: 164).

10. This was happening despite the fact that land in the Tanzania-Bondeni settlement had little market value compared to land in bigger cities.
11. Residents used two aphorisms in Swahili to express this idea: *Umoja ni nguvu* (unity is strengthen) and *Kidole kimoja hakifanyi kitu chochote* (one finger can't do anything).
12. The owners were required, however, to gradually improve their houses to conform to municipal building standards.
13. There were 818 plots, far beyond the number claimed by original structure owners.
14. This section is largely based on fieldwork conducted by Emmanuel Midheme in June 2018, and a conference given in September 2018 in Paris. Both are part of the research program on land-based commons for housing.
15. 93% according to fieldwork done in 2018.
16. 1.6% of the whole settlement; up to 8% in some specific areas (2018 fieldwork).
17. A beacon certificate is an indicator for a parcel's holder that s/he has a right to build and to stay on the parcel within the CLT. Head-leases are issued by the Ministry of Land.
18. Land transfers to relatives are allowed according to the CLT's rules.
19. Bassett (2005) previously documented this ignorance of the CLT, based on interviews dating from 1999.
20. An additional dimension relative to Voi was the age of the leadership in the RC. The Voi RC was led by older long-term residents of the community. A few of them had actually been freedom fighters. They remembered the fight for independence as a fight for land. The concept of Harambee really resonated with them; there was something of an age split on the decision, with the younger people wanting individual leaseholds. There was a high level of respect for the *wazee* (old people) in Voi.
21. 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.
22. Technical support in the USA, during the early years of the American CLT movement, was provided by the Institute for Community Economics, an organization led by Chuck Matthei in 1991 when he and Russ Hahn were asked by the Ford Foundation to study whether the CLT model might be applied in Kenya.

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