

DIVERSITIES AND TYPOLOGIES OF INFORMALITIES IN NAIROBI

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ABSTRACT

The phenomenon of informal urbanization has become the single most pervasive element in the production of cities in developing countries. The city of Nairobi represents such a paradigm, with an area of approximately 690km² and a population of over 4 (four) million people, of which about 60% live in informal settlements.

Informality has been the dominant mode of city making in Nairobi since the early 1970s. This process is however not homogeneous as alluded to by most literature, but rather heterogeneous or diverse. Similarly, the phenomenon of informality with regard to city making has been associated with the urban poor, based on ecological theories as espoused by the Chicago School. On the other hand, evidence from Nairobi shows that informal practices and processes cut across all strata of society.

Quite often the phenomenon of informality with regard to city making has been addressed through legal and economic models. This chapter will emphasise the spatial dimension of informality in city making, as informal urban processes and practices occur in space and not in a vacuum. In addition Nairobi's informal practices and processes are diverse, ranging from the low end survivalist to the high end affluent practices and processes.

The chapter further argues that diverse informalities are not necessarily illegal, but occur as a default solution to failed formal processes and practices. There have been some attempts at formalizing these informal processes. In this regard various policies have been tried since the 1960s to date. However, these policies that were based on global development paradigms have not been successful. Currently strategy for urbanization being tested is the private-public-partnerships. At the same time while attempts at formal urban processes are being made, informal processes and practices have increasingly created an urban sprawl in Nairobi that is becoming unmanageable.

KEYWORDS: Informal, Diverse, Spatial, Sprawl, Policy

INTRODUCTION

The phenomenon of Informal Urbanisation has become the single most pervasive element in the production of cities in developing countries. The sheer magnitude of this modality of city making has rendered it as the norm rather than the exception in the growth of contemporary cities (Castillo, 2000). The city of Nairobi represents such a paradigm, with an area of approximately 690km² and a population of over 4 million people of which about 60% live in informal settlements. In addition, this 60% of the population is housed on only 5% of Nairobi's residential land area, and on land which is predominantly marginal (Matrix Development Consultants, 1993; NISCC, 1997; Syagga, 2002)

Informality has been the dominant mode of city making in Nairobi since the early 1970s. This process is however, not homogeneous as alluded to by most literature, but rather heterogeneous. Anyamba (2006), posits that `many scholars/researchers on the phenomenon of informality deal with it as an individual or structural issue, but not as a spatial

and thus urban issue’ (Anyamba, 2006:1). The phenomenon of informality with regard to city making has been associated with the urban poor, based on the ecological theories of the Chicago School (UNCHS, 2003). De Soto on the other hand argues that the phenomenon of informality should be seen through the prism of capital. His contention is that, because most people in the third world are unable to capitalize their property, they resort to extralegal means in carrying out their businesses in the absence of legal means (De Soto, 2001).

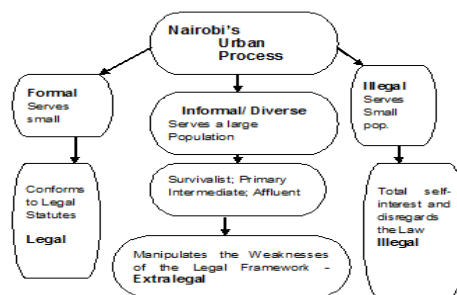
Informality has also been seen as a source of illegality. In this regard Mitullah and Kibwana have argued differently that, informality can be conceptualized purely on professional lines and have posited that ‘the cities which the poor build and in which they live and work are different from and unrelated to what the city authorities want built’ (Mitulah and Kibwana, in Fernandes and Varley, 1998:193). Quite often the phenomenon of informality with regard to city making has been addressed through legal and economic models. This chapter will emphasise the spatial dimension of informality in city making, as informal urban practices occur in space and not in a vacuum.

THE URBAN PROCESS OF NAIROBI

Nairobi like many African cities was established as a result of colonialism. The Berlin Conference of 1884 and the scramble and partition for Africa that followed led to the establishment of African states and thereafter cities. Before the arrival of the railway in 1899, the Maasai people used to graze and water their cattle at what they called “Enkare Nyaribe” meaning a place of cold water (Thornton White et al. 1948). There is also some evidence to show that the site was earlier used for trading by Kikuyu and Maasai women (Zwanenberg, R. and King, A. 1975). During this pre-mercantile period, the East African region was already integrated in the Arabic-Oriental trade (Amin, 1976). When the Imperial British East Africa Company (IBEAC) was founded in 1888, it based its economy on the continuation of an already existing trade (Emig and Ismail, 1980).

During the colonial period, the urban process of Nairobi was based on control and containment rather than growth. However, on the attainment of independence in 1963, the restriction of the movement of Africans was eased and Nairobi’s population increased enormously (Burton, 2002). The new African government had adopted a policy of continuity rather than change, a policy that proved ineffective in managing urban change. It is as a result of this policy option that created room for informal urban processes to increasingly become the dominant mode of city making in Nairobi. The urban process in Nairobi can thus be seen as being generally informal with small elements of formal and illegal processes.

Figure 1: Shows Nairobi’s Urbanization Model Based on Empirical Evidence.



Source: Anyamba, 2006

Figure 1: Nairobi’s Urbanisation Model

It is based on the assumption that society adopts a capitalist mode of production and that society is not egalitarian

While Nairobi was urbanizing informally, there have been some attempts, at making this process formal. In this regard various policies have been tried from the 1960s to date, trying to mitigate informal urbanization. However, these policies which were based on global development paradigms have not been successful. Currently the strategy for urbanization being tested is the private/public partnerships. Table 1 shows how these policies have evolved over time from the 1960s.

POTENTIAL POLICY INITIATIVES

The inability of the Kenya Government to deal with informal urbanization has been in part due to the unsubstantiated fear that any policy that would foster development would mean “opening the gates” to more illegality (NISCC, 1997; Fernandes and Varley, 1998). Many programmes and approaches have been tried since the 1980s, these initiatives however, have been disjointed, small scale and reactive in nature (Syagga, 2002). Since the phenomenon of informality is not entirely negative, it may be necessary to take advantage of the positive attributes of informality, which can then form the basis of a suitable urbanization model (Anyamba, 2006).

Certain initiatives can be made that improve the urban process, making it possible for the majority of people to access affordable urban goods and services. For example, the state could focus on policies that reduce urban sprawl, as well as providing collective consumption goods (Castells, 1978). Policies that reduce land speculation and the negative effects that go with it can be enacted. Proactive top-down and bottom-up approaches that engage grass root community groups can also be enacted.

Table 1: Global Development Paradigms and their Characteristics

Time Period	Dominant Orthodoxy	Geopolitical Trends	Strategy for Urbanisation
1960s	Modernisation Theory with a strong Western bias	Emergence of newly independent countries and the Cold War.	Import substitution strategy for industrialisation plus Slum eradication
1970s	Growth and Redistribution Theory, plus Basic Needs Theory	Cold War, Oil Shock and the emergence of the Debt Crisis	Focus on Site and Service Schemes, Self-help Projects, Core Housing etc. Projects to satisfy: - Affordability-Cost Recovery-Replicability formula.
1980s	Emergence of the Neo-liberal Theory.	Debt Crisis full-blown, and severe economic decline in developing countries	Problems of affordability came to fore. Tacit acceptance of informal settlements. Relaxation of laws.
1990s	Neo-liberal Theory the driving orthodoxy. Emphasis on Enablement and Good governance	End of Cold War. Increased emphasis on democratisation based on Western models.	Cities increasingly seen as engines of economic growth. Restrictive building and land-use standards increasingly being phased out.
2000s	Sustainable Livelihoods Theory. Focus on poverty eradication.	USA as the dominant super power. Increasing urban poverty.	Privatisation. Focus on private/public sector partnerships

Source: Anyamba, 2006

DIVERSITIES OF INFORMALITY

The constructed opposites of formality and informality have been a construct of the development discourse for more than 60 years. In the 1940s, the Dutch anthropologist Boeke (1942) developed a vision of a developing economy as a “dual” economy, comprised of the market economy part of the world and the part which lay outside. Consequently in the 1950s, Arthur Lewis (1954) conceptualized an influential Two-Sector Model of Development in which one sector had modern capitalist firms that maximized profits, while the other sector was comprised of peasant households where the rules of sharing output were different (Guha-Khasnobis, et al. 2006). In the 1970s the Harris and Tadaro (1970) model in development economics brought the dual economy into the standard two-sector framework of equilibrium economics. The paper by Keith Hart (1973) and the International Labour Office mission to Kenya (ILO 1972) established the importance of the dichotomy, and led to an outpouring research and policy focus.

Despite the above studies, the usefulness of the formal-informal dichotomy has constantly been debated in the literature. Early critiques include those of Bromley (1978). Lipton (1984) defends the usefulness of the concept of the informal sector but argues for case and nuance in application. In the recent past, the idea of extending formal legal property rights to the “informal” sector has taken hold as a possible powerful policy tool to help the poor make the best of their assets (De Soto, 2003). With regard to urbanization, the emergence of informal settlements can be traced to the beginning of colonialism, when dual systems of urban processes were institutionalized thus “European” and “Native” (Myers, 2003; Mitchell, 1991).

These dualities produced one of the major realities in third world cities today, the formal/informal divide. At the heart of this divide is the Eurocentric view of order, propagated in the colonial period. This European pre-occupation with order created the segregated colonial city that propagated the phenomenon of informality through dualism i.e. formal/informal, rich/poor, European/Native, Inside/Outside (Anyamba, 2006). These concepts have treated the phenomenon of informality as being homogeneous and as a “bulk”. Empirical evidence in Nairobi and elsewhere however, shows that this phenomenon is nuanced and diverse.

Coquery-Vidrovitch argues that informality is rooted in history and concepts such as tradition or the informal sector are dead-ends. ‘African cultural processes and African problems of employment are neither traditional nor informal. In a way they are common place and must be studied as both universal and specific phenomenon’ (Vidrovitch, 1991:74). Similarly Hansen and Vaa (2004) have questioned the validity of the formal/informal dichotomy. Nustad posits that ‘informality is in the eyes of the beholder. One of the original merits of Hart’s work was to point out that “the informal” cannot be equated with the irregular, irrational, unpredictable, unstable and invisible. The informal denotes phenomenon and processes that escape certain definitions of reality’ (Nustad, K. G. (2004) in Hansen and Vaa, 2004:58).

DIVERSE INFORMALITIES IN NAIROBI

The informal processes taking place in Nairobi are in principal extralegal practices, which are undertaken because of the failure of the formal processes to provide affordable urban goods and services. These processes manipulate and take advantage of the weaknesses of the legal framework. The practices are not a “bulk” or homogeneous as generally discussed in most literature on informality; they are heterogeneous and are also not the preserve of the urban poor. Evidence in Nairobi has shown that informal practices involve all socio-economic groups of the population. These practices are classed informal because they are not fully formal, although some may have some aspects of formality within their structure.

Hawkers may operate with or without a license, and even if they are licensed, they may not be taxed on their income and are therefore not fully formal. Similarly many informal settlements have some official recognition, usually by way of an allocation letter or a Temporary Occupation License (TOL). However, the plots on which these settlements are built have not been planned formally, and the structures built have no formal local authority approval. On the other hand, formally planned areas may be built using building plans that have no formal approval. These varying degrees of the legal status of the businesses/settlements contribute to the diversity of informalities in Nairobi. Beyond the legal status of the informalities, the physical/spatial dimension these informalities acquire is also nuanced and diverse.

Nairobi's informal practices can broadly be placed into four categories; Survivalist, Primary, Intermediate and Affluent. The choice of the four categories is based primarily on the four dominant socio-economic classes of; Very Low Income, Low Income, Middle Income and High Income. This categorization provides a more nuanced and accurate description of the informal urban processes taking place in Nairobi. These categories are not absolute as the boundaries are seamless, with certain characteristics overlapping between categories while other characteristics are unique to a given category.

From a physical point of view, the different informalities impact the urban fabric and infrastructure differently. The Survivalist and affluent categories have the least impact, while the Primary and Intermediate categories have the most impact. Although the four categories have different characteristics, they share some common traits.

Common Traits

- Diverse informalities have their basis on individual effort, which results in sole proprietorship. These practices are therefore not subject to lengthy bureaucratic decision making processes, which mean that failure and success are borne individually.
- Diverse informalities are small enterprises; depending on circumstances, the sole proprietor may hire additional hands in order to achieve her/his goals. This additional assistance rarely exceeds 4-5 people, meaning that the operations remain small scale (small enterprises).
- Diverse informalities fill the void left by the failure of the formal urban process, in other words they are a default urban strategy.
- Diverse informalities produce products of extremely varied standard and high use value i.e. they are flexible and utilitarian.
- Diverse informalities grow progressively through accretion or addition, as opposed to complete packages.

What follows, are descriptions and examples about what makes each of these informalities different. To begin with, Table 2 highlights the salient attributes of each category of informality, and then the detailed typological analysis of each category will follow.

Table 2: Categories and Salient Attributes of Diverse Informalities

Category	Survivalist	Primary	Intermediate	Affluent
Type of Tenure	No Tenure, since it is Mobile/Transient	Letter of allocation or Temporary Occupation License (TOL)	Secure Tenure, normally Leasehold for 99 Years	Secure Tenure, Absolute or Leasehold for 99 Years
Characteristics	Transient in nature with a bias to commerce. It is dominated by the urban poor, who may operate with or without License	Place based and complex. Dominated by Low and Middle Income Groups. Requires a License from Council to operate, and involves residential and commercial activities.	Place based, with a bias on residential with a few commercial activities. Dominated by Middle Income and a few High income players. Creates new Settlements or modifies/extends existing Settlements	Place based, with a bias to residential activities, and no commercial activities are undertaken. Dominated by the High Income Group.
Impact on Urban Morphology	Minimal Impact on Urban Morphology	Most prominent physically and impacts heavily on morphology by way of kiosks and settlements. Uses all sorts of materials including second hand and recycled.	Impacts heavily on morphology by creating new hybrid urbanity. Uses standard approved materials, and builds on labour contract at different times and places	Impacts minimally on morphology, as areas zoned as low density. Generates all types of eclectic architectural styles.
Impact on Infrastructure	Preys on water, power and sanitation systems	Makes legal or illegal connections to services. Puts additional pressure to the carrying capacity of existing infrastructure	Puts additional pressure on infrastructure. Builds services on a self-help basis, whose quality of design and construction is doubtful.	Minimal impact on existing infrastructure. Takes advantage of well serviced low density land.
Costs	Requires small sums of money to start up, and pays minimal license fee to the council	Requires tens/hundreds of thousands Kenya shillings to set up shop. Pays minimal fee to the council, but also pays protection fees to youths/police.	Requires millions of Kenya shillings to operate, and would normally pay statutory fees to the council	Uses large sums of money and pays statutory fees to the council.
Other	Remains statutorily Illegal	Subjected to demolitions with or without notice	Development plans may be illegal	Lacks social amenities and requires one to travel long distances to access these services.

Source: Anyamba 2006

Typologies of Informalities

Table 2 shows the characteristics of diverse informalities, it is evident from the table that the various typologies/categories impact differently on the urban morphology. These different categories also attain different physical/spatial typologies which are now addressed.

Survivalist Informalities

Survivalist Informalities are simple and not place specific; they tend to be transient in nature with a bias to commerce. Their legal status is flux as they may or may not have a trade/operations license, and since they are not place bound, they have no land tenure. This category requires little start up capital and is therefore dominated by the urban poor (very low income group), although some low and middle income people may be participants, directly nor through proxies. Since this category of informality has no land tenure and has a flux legal status, participants have difficulty accessing development funds from formal financial institutions. The absence of collateral security ensures that funds can only be borrowed internally from among the small circle of peers, who may have formed savings and credit groups. These kind of financial arrangements are not integrated in the formal property system, and are not fungible (De Soto, 2001).

The majority of operators in this category are poor; they spend their productive time on subsistence activities and have little time left for collective group activities. The lack of collective group action makes them vulnerable and politically weak and is subject to political manipulation, underpinning a system of patronage. Most survivalist activities tend to occur in circulation corridors, which disrupt the normal functions of these corridors. These activities also tend to prey on water, electricity and sanitation systems through illegal connections, consequently denying the local authority revenue (Anyamba, 2006).

The current by-laws and enforcement practices, inherited from the colonial regime and little changed over time do not favour the economic activities of the urban poor. For example during the colonial period, Africans were not supposed to engage in other income generating activities other than in government employment, formal private sector employment or as domestic workers for Europeans (Burja, 1975; Hake, 1977; Emig and Ismail, 1980; Burton, 2002). However, since the formal sector is not able to create adequate formal jobs, the informal sector creates them in contravention of the by-laws.

There are several activities that can be classed as survivalist, these include; mobile street vending, vegetable vending (mama mboga), maize roasting, handcart transport (mkokoteni), shoe shining, road side tree nurseries and flower pots, road side blacksmithing among others. Irrespective of the shortcomings of these activities, they provide a means of an urban livelihood for the urban poor however marginal. Those operators who operate in the Central Business District (CBD), often times have running battles with the city council askaris. This situation is not unique to Nairobi; a similar scenario prevailed in Paris for more than 300 years, and was only stopped by the French Revolution (De Soto, 2001)

Many survivalist operators occupy space on a daily temporal basis, where they set up shop in the morning and wind up in the evening. Vegetable vendors typically operate in this manner, as can be seen in Figure 2



Source: Anyamba, 2006

Figure 2: Vegetable Vending (Mama Mboga) – South B

Due to the low income levels of many Nairobians, they make daily purchases rather than weekly/monthly. Most people buy their vegetables from these vendors as there are no other vegetable outlets. Supermarkets and City Council Markets are more expensive, are too few and far in-between, creating a void which gets filled informally by the numerous mama mbogas scattered all over the city.

In conditions of limited resources and job opportunities, undefined/unused road reserves, offer a good opportunity for the urban poor to carry out their subsistence activities. For example roadside tree seedlings vendors (Figure 3), use the same space continuously over a long period of time, until they are able to claim some user rights to the road reserve.



Source: Anyamba 2006

Figure 3: Roadside Tree Nursery

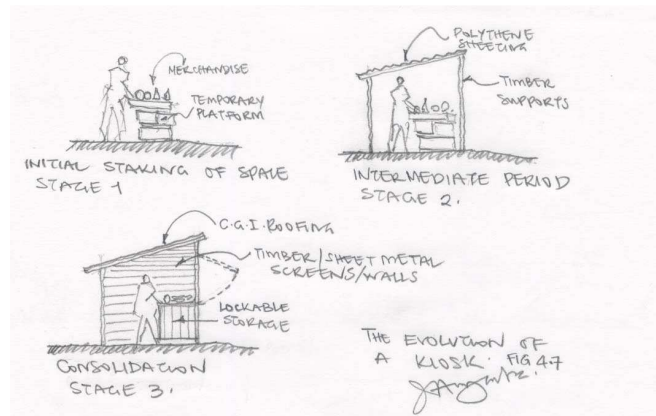
Other operators who take advantage of undefined/undeveloped road reserves are the Jua Kali Blacksmiths (Figure 4). What is enterprising about this group of vendors is that they are consolidating their presence on the premises by building structures to protect them and their wares from the elements of the weather. These vendors make strategic spatial choices in deciding where to locate their operations.



Source: Anyamba 2006

Figure 4: Road Side Blacksmiths

Survivalist vendors may start initially by occupying space and displaying their merchandise on temporary stands. This may evolve into the stands getting enclosed by timber supports with polythene sheeting covering the top of the supports. Eventually, the supports can be improved to become screens/walls of timber or metal sheets, while the polythene cover is replaced with corrugated iron sheets. The original stone/timber stand can then be replaced with worktops plus lockable storage space. At this point the activity ceases being survivalist, and graduates to the primary category, since it is now firmly place based (Figure 5). The strategies taken in the above transformation are not social, political or legal but spatial.



Source: Anyamba 2006

Figure 5: Evolution of a Kiosk

PRIMARY INFORMALITIES

Primary Informalities are; place specific, complex and comprise both residential and commercial activities. They are normally located on marginal land or road reserves. These informalities have some form of tenure either through a Letter of Allocation from the local Chief or through a Temporary Occupation License (TOL) issued by the local authority. However, due to the temporary nature of the tenure system, it is subject to manipulation.

Operators in this category require a trade/operation license which has to be paid for annually. The complexity of primary informalities requires one to have reasonable start-up capital in order to access. Thus middle income and some low income earners are the dominant operators. If the activity is of a residential nature, quite often low income earners would be resident tenants/landlords, while middle income earners would be absentee landlords. This category tends to have strong peer group associations which are able to save money for lending to each other, and for actualising any other common projects.

The status of the land tenure in this category makes it difficult for operators to access development funds from formal financial institutions. This is because allocation letters and TOLs do not constitute sufficient collateral.

Primary Informalities have an impact on the urban fabric. They are manifested by the many kiosks and informal settlements that dot the urban landscape, including the “exhibitions” prevalent in the CBD. Most kiosks are to be found in circulation corridors, road junctions or as adjuncts to houses in low/middle income neighbourhoods. They lack design input resulting in a collage of various kiosk typologies. When the activity is residential in nature, the settlements can either be on public or private land. A certain fee would normally be paid to an administrative office for settlements on public land, while a fee is paid to the landlord when settlements are on private land. Alternatively, settlements can be created through

land invasions and structures built without any agreement (NISCC, 1997, Matrix Development Consultants, 1993).

Unlike the common misconception that most structures in informal settlements are owner-occupied, studies in Nairobi have shown that most structures are rental with many absentee landlords. Because of the lack of secure tenure, most structure owners pay protection fees to; police, party youths or vigilante groups. They offer surveillance services as the structures are liable to demolitions (sometimes burning) without any warning. Normally primary informalities can make legal connections to city services if they can afford the fee, otherwise illegal connections are made.

Primary informalities are a major sector of the city economy as they provide job opportunities and housing for a large percentage of the urban population. The decision of establishing the location of these activities is basically socio-economic and spatial. These informalities like their survivalist sister require continuous protection from the big men and perpetuate a system of patronage (Chabal and Daloz, 1999). Primary informalities manifest themselves in different ways on Nairobi's urban landscape. For example business people in the CBD found out that it makes economic sense to rent out sales tables to individual vendors than to rent out a whole shop to one tenant. This realisation has led to the mushrooming of the so called "exhibitions" or stalls. This in effect can be seen as the internalisation of external survivalist street activities. These stalls create employment opportunities for many young people who would otherwise remain unemployed. Figure 6 illustrates atypical "exhibition" on Tom Mboya Street.



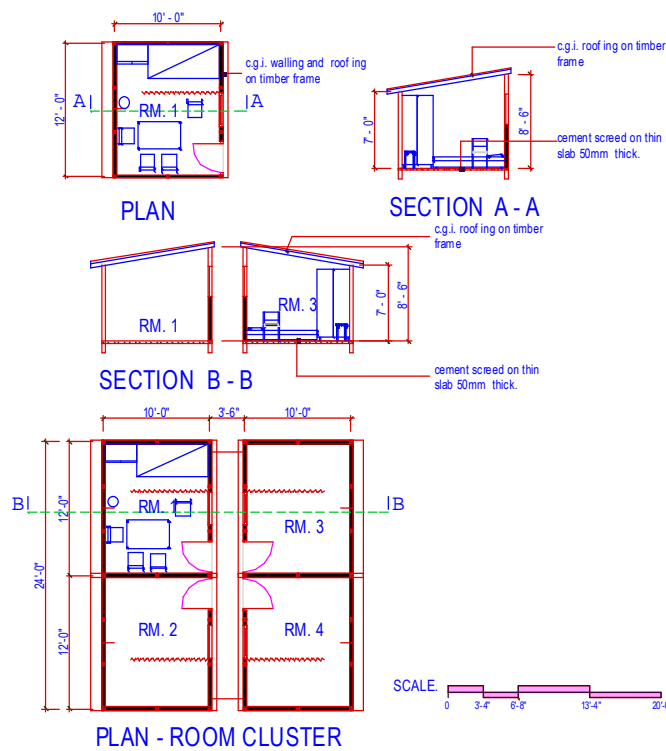
Source: Anyamba 2006
Figure 6: Typical "Exhibition" Tom Mboya Street

Other primary informalities are the roadside/neighbourhood kiosks, where the owners form welfare associations that function as credit societies (De Soto, 2001). These associations take responsibility of the kiosks by hiring night time askaris. The procurement of these kiosks would normally require the authority of the local area chief at a certain fee, and the services of a local craftsman for the construction. The design of these kiosks is an issue which the local authority can standardise. However, since the council considers these commercial activities as illegal, and officially do not exist, it does not propose any intervention measures. The design and placement of kiosks may be haphazard, however quite often they are strategically located and often concentrate in areas with heavy pedestrian traffic. The capital, outlay required to operate a kiosk is quite substantive contrary to the commonly perceived notion that operating in the informal is free (De Soto, 2001)



Source: Anyamba, 2006
Figure 7: Roadside Kiosks

Informal settlements are the largest physical primary informality. The main land tenure system in these settlements is non-formal de facto, which is insufficient to offer proper land ownership (Syagga, 2002). The typical dwelling unit in these settlements are rooms of approximately 12ft by 12ft, which are based on the 1921 colonial bed-space concept that resulted in the building of the Kariokor Bachelor Quarters (Thornton White et al.1948; Hirst, 1994). The typical occupancy rate is 3-5 persons per room, which is tantamount to overcrowding and in effect giving a false impression of affordability based on the high rents paid per room. Figure 8 shows a typical dwelling in Mukuru Kwa Njenga



Source: Anyamba, 2006
Figure 8: Typical Dwelling Mukuru Kwa Njenga

50 people using one pit latrine was also an indicator of crowding as the recommended ratio is 6 persons per pit (NACHU, 1990 in Syagga, 2002:52)

In most informal settlements, garbage collection is irregular or non-existent, causing the piling of garbage and pollution of the environment. Similarly public health facilities and schools are also non-existent. The few private or NGO sponsored facilities are inadequate and not always affordable. The above scenario means that these settlements will create a haphazard urban fabric. This makes it difficult to introduce services in the event of upgrading the settlement. Any attempt

at upgrading must be negotiated among structure owners (absentee and resident) and tenants. The consensus building must the incentives and investment potential of structure owners and the basic needs and the human rights of the very poor. The upgrading of Mathare 4A stalled because the consensus building among structure owners and tenants failed.

Finally the matatu mode of transport can be considered to constitute part of primary informalities. Matatus have no formal termini and operate haphazardly on the city's road network

INTERMEDIATE INFORMALITIES

Intermediate Informalities are place based and comprise of residential activities with a few commercial outlets. In general this category has secure land tenure; normally the titles to the parcels of land are on 99 year leaseholds. The main stakeholders are the middle income group with a few absentee high income stakeholders. In physical terms this category can be realised through settlement formation as in Jamhuri II or settlement transformation as in Buru Buru. An individual requires large sums of money so as to access this category relative to primary informalities.

This category is the largest employer of local artisans (mafundi) as most developments (buildings) are procured through labour contracts. If the settlements are being transformed, they take advantage of existing infrastructural facilities and as a result they exceed the design capacity of these facilities. This leads to water shortages, increased sewer bursts and increased power outages. Similarly if the settlements are new but without services, they tap into the services of the adjacent neighbourhood, impacting negatively on the infrastructure as above.

With regard to the legal status of this informality, one or several parts of the settlement may be legal or formal while other parts may be illegal or informal. For example the plot subdivisions in Jamhuri II are legal or formal while the roads and buildings may not be legal. Similarly the original constructions in Buru Buru are legal while the extensions/alterations plus their connections to the existing services may not be legal. In the case of Jamhuri II all the infrastructural services i.e. water and power supply, sewer lines and roads have been built on a self-help basis. This approach raises issues of design quality of the services and their technical performance.

Most players in intermediate informalities are credit worth and command some respect. They can therefore access development funds from financial institutions. They also have political freedom and can avoid patronage. They however, lack a critical mass to advance their political agenda and therefore remain on political fringes.



Source: Anyamba 2006

Figure 9: Jamhuri II Formal Layout. Settlement Formation

Intermediate Informalities occur due to the lack of affordable formal housing on the market and serviced land. These informalities quite often have no social amenities (schools, shopping centres, health facilities etc.). In the case of public land like in Jamhuri II, there were no clear procedures of how to access these plots. The Land Act specifically provides that before public land is allocated, the Commissioner of Lands should advertise the land and sell it at a public auction to the highest bidder. This is not normally the case as Syagga observed 'tragically, the very people charged with the duty of protecting public land are the ones plundering Kenya's heritage and resources' (Syagga, 2002:66)

Since developments in intermediate informalities are carried out individually and at different times, the resultant urban fabric is of varied and doubtful character. Very often there is a clash of typologies i.e. bungalows, maisonettes and flats all together. Many by-laws are also disregarded in the execution of these informalities for example; building setbacks, plot coverage and plot ratios are not adhered to.



Source: Anyamba, 2006

Figure 10: Part Layout Buru Buru- Ex-formal. Settlement Transformation

In this category of informalities there a lack of investment in collective consumption goods particularly roads (Castells, 1978). This results in the roads in these settlements remaining unpaved for long periods of time. They may finally be paved through political decree which perpetuates a system of patronage. In addition to the above, although the procurement process of intermediate informalities creates jobs, it is not efficient. Many players engage themselves in technical tasks in which they are least qualified to handle. The time spent on these engagements could be better utilised elsewhere. On top of this there are also many men and petty operators in the supply chain who increase the cost of doing business.



Source: Anyamba, 2006

Figure 11: Urban Edge definition Disregard for by-laws

AFFLUENT INFORMALITIES

Affluent informalities like Intermediate Informalities are place based and comprise only residential activities. Generally they have secure tenure of land either absolute or on a 99 year leasehold. They are therefore obliged to pay the statutory payments of land rates and rents. This category is the least informal of the four categories of informality under discussion and is dominated by the high income group. Affluent informalities occur in well serviced low density residential neighbourhoods. Because of the low density of these zones, they have minimal impact on the urban fabric of Nairobi.

Players in this category are elitist and they engage in conspicuous consumption plus importation of consumer products which may include building materials even when local materials can offer similar standard of performance if not better. The building plans for the transformations taking place in these informalities may or may not be approved. Quite often the actors do want to stamp their individuality on the urban landscape resulting in an eclectic architectural vocabulary. In realising these transformations, local artisans (mafundi) are hired for the constructions on labour contract basis.

The law requires that 20% of the land in these neighbourhoods be reserved for social amenities. In this regard, the city authorities are unable/not willing to enforce this requirement creating room for private developers to disregard this by-law. Runda Estate is a good example where the 20% rule for social amenities has been ignored resulting in an informal land use pattern. Syagga has concluded that 'the councils have also neglected their role of guiding private developers, resulting in the developers, developing housing without leaving land for infrastructure and services' (Syagga, 2002:60).

The resultant settlements do not have social amenities, forcing the residents to travel long distances looking for schools, hospitals, shopping and recreation etc. Although the rich can afford the added costs due to lack of social amenities in their vicinity, it is an unnecessary cost to the economy at city and national levels. Money which would otherwise have been used to meet the costs of more pressing needs is diverted to the lack of enforcing by-laws. Politically, players in this category of informality have a major influence in politics at city and national levels. In fact this is the group that replaced

the European colonial ruling class. They enjoy an unfair privileged position relative to other citizens.

Many home owners have made transformations in their lots by contravening; allowable plot ratios, plot coverage and densities. These practices are a direct critique to the efficacy of the existing legal regime. Perhaps higher densities would be more appropriate, and can reduce urban sprawl. Figure 12 below shows a typical transformed compound in Runda.



Source: Anyamba, 2006

Figure 12: Compounds in Runda

Extensions 100% of existing Houses

CONCLUSIONS

It has been shown that the phenomenon of informal urbanization is the main driver of the urban process in the City of Nairobi with about 60% of its population living in informal settlements. Over the years, various policies have been tried to mitigate this urbanization process with little success. Currently the strategy being tested for urbanization in Nairobi is the Private/Public Partnerships. In addition, proactive top-down and bottom-up approaches that engage grass root community groups can also be enacted.

The Eurocentric pre-occupation with order, created the segregated colonial city that propagated the phenomenon of informality through dualism. This phenomenon was treated as being homogeneous and as a “bulk”. Evidence in Nairobi however, shows that this phenomenon is nuanced, diverse and attains various typologies. In fact informal practices involve all socio-economic groups of the population. Informal businesses/settlements in Nairobi have varying degrees of legality, contributing to the diversity of these informalities. These diversities can be classed into four categories; Survival, Primary, Intermediate and Affluent. An important common trait of diverse informalities is that they fill the void left by the failure of the formal urban process i.e. they are a default urban strategy.

Survivalist informalities include; street vegetable vending, roadside tree nurseries and roadside blacksmiths. Similarly, Primary informalities manifest themselves in different ways such as; exhibition stalls, roadside kiosks and the

many informal settlements dotting Nairobi's urban landscape. Intermediate informalities on the other hand are dominated by the many self-built settlements without municipal services such as Jamhuri II, plus transformations of existing formal settlements such as Buru Buru. Affluent informalities are the least informal of the four categories of informalities. They manifest themselves in the low density neighbourhoods like Runda.

Finally it can be argued that these diverse informalities are direct critique to the existing legal regime. Perhaps higher densities in low-density neighbourhoods would be more appropriate, thereby reducing urban sprawl.

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