GOVERNING URBAN AFRICA

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Introduction

Carlos Nunes Silva

In 2015, Africa had a population of nearly 1.2 billion inhabitants, 40 % of whom live in urban areas. It has 56 urban agglomerations with more than 1 million inhabitants and 3 megacities with more than 10 million residents. The African urban population is expected to account for 50 % of the population by the mid 2030s (UN 2014).[1] This growth trend varies among regions and from country to country and may be slower in some cities than has usually been reported (Potts 2009; UN-HABITAT 2014). Urban informality, poor basic urban services, weak or nonexistent local self-government and insufficient planning capacity are distinctive characteristics of most African cities.[2] The continent continues to have a relatively small share in the world economy, and some African countries are among the least developed in the world. Nonetheless, there are signs of change in Africa. After years of decay and financial restrictions associated with several structural adjustment programs, African economies have recently experienced a period of relative growth, coupled with the introduction of democratic multi-party political systems.

The unparalleled urban growth rate of the last few decades—which is positively correlated with development (Njoh 2003), the introduction of

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democratic political regimes in numerous countries and the continent-wide economic growth experienced in recent years—confronts cities in Africa with new and complex urban governance challenges and opportunities for development. The shift from a predominantly rural to an urban society, with cities being increasingly the drivers of national economies, raises new problems and challenges in the governance of cities on the continent. This population and economic growth has not been followed in most countries by the creation of the necessary institutional capacity at the local level, which makes it difficult to introduce new policies in the local urban agendas. On the contrary, in most African countries, planning laws and systems proved time and time to be inadequate to manage the complexity and intensity of the continent's urban problems. In most countries, urban management has been a function of central government through local administration de-concentrated entities—not elected and without administrative or financial autonomy—with very low levels of revenue. In addition, both in sub-Saharan Africa and in North Africa, the colonial planning legacy continues to influence urban decisions, even though the context and the dynamics are already different from the period during which such planning rules and tools were first introduced.

Despite the still largely rural approach to development in most African countries,[3] cities and urban development became an important focus in the policy agendas of national governments across Africa and in the main pan-Africa organizations.[4] In this new context, it is widely accepted that African states need to decentralize and planning laws to be reformed and updated if the challenges and opportunities created by the rapid and extensive urbanization process are to be met. In other words, a certain degree of decentralization is needed to guarantee political stability and development capacity, in a context in which states continue to be fragile in numerous respects. In some cases this will require constitutional revision;[5] in others it may be enough to put into practice the already existing constitutional norms that recognize local self-government as an autonomous sphere, with administrative and financial autonomy,[6] and with democratically elected deliberative and executive boards, as is the case in some Lusophone African countries in which local self-government is established in the constitution but has not yet been implemented in practice.

Nonetheless, despite the existence of these institutional weaknesses in numerous African countries, the reform of local government and the removal of institutional barriers has been taking place, in particular since the early 1990s, when a wave of democratization and decentralization

initiatives were put in place in Africa, in ways not seen before in the continent, as the research conducted, for example, by the United Cities and Local Governments of Africa and by the Cities Alliance, among other entities, shows (UCLGA 2013; USAID 2010; UCLG 2008, 2010, 2013).[7] The institutional landscape has been changing since then through decentralization initiatives, in the north (García and Collado 2015) as well as in sub-Saharan Africa, involving both local and meso-layers of sub-national government.[8] Related with these initiatives are the efforts made to improve transparency and accountability in local government, seen as essential elements of good urban governance.

In some African countries the process of decentralization has progressed continuously over the years, while in others the process has suffered ups and downs as a consequence of political shifts. As the implementation of these reforms has been gradual in some countries, there are cases in which only part of the country experiences decentralized forms of local self-government while other parts continue to be governed directly by central-government-appointed officials, as is the case in Mozambique. The importance and the role played by local traditional authorities is an additional variable responsible for the differences found among African countries in the field of local governance.

As the USAID (2010) study shows, the level of decentralization varies between unitary states and federal states, being more decentralized in the later, and also according to the colonial legacy (UCLG 2008; USAID 2010), with Francophone countries being in general more centralized than Anglophone African countries. These differences are then reflected in the capacity of local government to steer the rapid and extensive urban growth experienced by African cities in recent decades and in the mixed perceptions citizens have of the responsiveness of local governments in Africa, which are seen frequently as weak institutions with limited functions (Bratton 2010).

The book aims to explore some of these key challenges confronting the governance of cities in Africa and the kind of reforms implemented in response to them in the field of urban governance. In doing this, we aim to discuss innovative approaches in critical areas of local governance, namely in the broad field of decentralization and planning law reform, citizen participation, good governance and the governing of informality.

Decentralization based on the principle of subsidiarity emerges as a critical reform if African cities are to be appropriately empowered to face the challenges created by the continent's unprecedented urban growth rate. This requires, among other initiatives, the implementation of an effec-

tive local self-government system; the reform of planning laws, including the adoption of new planning models; increased citizen participation in local affairs; and new approaches to urban informality. The intensity of these changes is largely dependent on the role assigned to local self-government, its competencies, financial capacities and autonomy. The lack of a national urban strategy limits the capacity of the entire local governance system. Cities and local self-government in general need to be empowered with the appropriate competencies in the planning field and human and financial resources as well. Citizen participation in local governance is a key condition for the effectiveness of local self-government (ECA 2010). It can take different forms and its real application varies among African countries (Lewis et al. 2014; Hagberg 2010). Some countries have adopted laws and regulations on citizen participation, while others have not. In some cases, the legal framework exists but is not applied, and when it does not exist there is evidence in some cases pointing to the existence of local schemes that allow consultation and participation of different local stakeholders.

The book is organized around three main themes: decentralization and planning law reforms, issues and challenges in urban governance and citizen participation in urban governance. The following chapters explore and discuss these issues based on evidence from 16 African countries, located in different regions of the continent—from sub-Saharan Africa but also from North Africa and from Western, Central, Eastern, and Southern Africa too; thus they offer an interesting sample of the African institutional diversity. The countries include Algeria, Angola, Cape Verde, Ghana, Guinea, Guinea-Bissau, Kenya, Malawi, Morocco, Mozambique, Nigeria, Sao Tome and Principe, South Africa, Tanzania, Uganda and Zimbabwe, some of which are examined in more than one chapter, as is the case of Angola, Kenya, Mozambique, Nigeria and Tanzania.

The first section—decentralization and planning law reforms—comprises four chapters on decentralization reforms and on the reform of planning laws in the continent. The first of these chapters provide an overview of local self-government reforms in Lusophone African countries—Angola, Cape Verde, Guinea-Bissau, Mozambique, Sao Tome and Principe—and the consequences these have had in the local governance systems in these five countries, particularly after the introduction of multi-party political systems in the early 1990s. It is followed by two chapters on decentralization, one on Kenya and the other focused on Ghana, Malawi and Tanzania. In the case of Kenya, the new 2010 Constitution initiated an important governance reform, known as devolution, which included the creation of

47 autonomous counties with deliberative and executive boards and with extensive powers. This devolution process and its impacts on the planning system and in rapidly growing areas are examined by Ellen M. Bassett in Chap. 3. In the following chapter, Daniel Kweku Baah Inkoom and Adwoa Yeboah Gyapong examine the decentralization process in the health care delivery systems in Ghana, Malawi and Tanzania, focusing in particular on the objectives, the implementation process and the challenges with which these reforms have been confronted. The last chapter in this section, by Babatunde Samuel Agbola and Olusegun Falola, examines and compares the planning law reforms in Uganda, South Africa and Nigeria, discussing the origins of these reforms, their rationale, the reform procedures undertaken, the stakeholders and opportunities and challenges.

The second section—issues and challenges in urban governance—which includes seven chapters, explores different problems and challenges confronting urban planners in Africa, and discusses some of the consequences for the governing of cities, including issues of elite interests and accountability in local affairs, public–private collaboration in urban and regional planning, social classes and urban inclusion, informality, the use of public spaces and new methodological approaches in the management of urban heritage. Current planning practices in Africa are still affected, to different degrees and in different ways, not only by the legacy of the colonial planning culture, but also by new influences due to an increasingly intense transnational flow of planning ideas, some of which are not always adapted to African cultural and social contexts (Watson 2013).

In the first chapter of this section, Amin Y. Kamete explores and discusses the role of elite interests in the governing of urban areas in Zimbabwe; and in the second chapter, Pascal Rey and Anaïs Weber discuss the role of private corporations in public–private partnerships and the impact they can have in the entire local and regional governance systems in Africa. This is followed by two chapters that deal with issues of urban informality and social inclusion in urban areas, based on case studies in two Lusophone African countries, Angola and Mozambique. Cristina Udelsmann Rodrigues examines urban development in Luanda, the capital of Angola, which like other African cities, has experienced informality and increasing poverty, in part the outcome of a lack of urban planning during the four decades since independence. Recent changes, including those concerning urban planning, seem to be leading to a new reconfiguration of the urban space in the city of Luanda, which creates new challenges for the governing of informality and planning in Luanda. In the following chapter on Mozambique, Anna Mazzolini discusses the role of

a growing lower-middle class in sub-Saharan Africa and the way the post-2015 urban agenda should address its needs.

In Chap. 10, Maria Chiara Pastore examines the case of Kigamboni, in the Southern part of Dar es Salaam, in Tanzania, which was selected to be the site of a large development plan for a new city. This case is an illustration of the recent trend experienced by some African cities associated with the planning and construction of post-modern new centralities or satellite cities with the aim of changing the image of the capital city. The chapter examines the relation between these large development plans and the governance process behind them, focusing in particular on the process of water provision. Nadia Chabi and Khalil Bouhadjar examine and discuss, in Chap. 11, the role of citizen engagement in the governance of urban spaces based on a survey on how citizen use public space in an Algerian city. In the last chapter in this section, Margarita Gómez Salas discusses a new approach in the management of urban heritage on the Mozambique Island—the 'Limits of Acceptable Change'—a tool for the management of historic locations declared world heritage sites, as is the case with Mozambique Island, a port that became during several centuries the centre of the Portuguese colonial power in the area.

The third part—citizen participation in urban governance—deals with citizen engagement in the governance of cities and towns, increasingly seen as mandatory for a more inclusive urban governance in African countries, and comprises three chapters that examine different cases of citizen participation in urban planning. Oliver Schetter discusses the role of citizens in municipal planning in Mozambique, based on the case of the city of Inhambane, and the impact this has on urban management, suggesting what needs to be done to move citizens up on the ladder of participation. In Chap. 14, Heide Studer discusses the role of citizens as actors of their urban space, based on the example of Kasba Tadla in Morocco. In the last chapter, Jacqueline Walubwa examines the role of citizens in the provision of water in urban areas in Nairobi, when government fails to guarantee access to these basic urban services, based on the case of Soweto East, an informal settlement situated in Kibera.

Providing an informed and updated view of key challenges confronting the governance of cities in Africa, this book will be of interest for students, researchers and practitioners in the broad field of local government and urban studies, in particular, for all those working on urban planning in African cities.

NOTES

1. According to the United Nations 'World Population Prospect' (UN 2014), North Africa and Southern Africa have already reached the threshold of 50 %. It is expected that Africa will double its current population by 2050, reaching nearly 2.4 billion inhabitants. It is projected that Africa will have, in 2030, 95 agglomerations with more than 1 million inhabitants, of which 6 megacities with more than 10 million inhabitants.

2. The UN-HABITAT reports on the state of African cities provide useful information on the current status of African cities and on urban management issues as well (UN-HABITAT 2008, 2010, 2012, 2014).

3. The UCLGA (2013) refers that few countries in Africa have developed strategies to cope with the rapid urbanization experienced in the decades that followed the independence. Only 4 African governments had at that time an explicit national urban policy approach.

4. For instance, the African Union, several African regional state organizations, the pan-African organization of local authorities (United Cities and Local Governments of Africa-UCLG-A), and pan-African ministerial meetings focused on urban issues, and so on.

5. According to UCLG (2008, p. 26) only 40 % of the Constitutions in Africa consider local government as a specific level of self-government.

6. The UCLG (2010) report refers, among others, the following weaknesses in most local government finance systems in Africa: limited spending autonomy; insufficient expenditures responsibilities; low levels of revenues; limited taxation powers; inadequate transfer systems; limited access to borrowing. On top of these weaknesses, the UCLG identifies the 2008 global economic and financial crisis as an additional factor that worsened the autonomy and capacity of local self-governments in the continent.

7. The USAID (2010) commissioned study was focused on the decentralization reforms undertaken since the 1990's in 10 African countries (Botswana, Burkina Faso, Ethiopia, Ghana, Mali, Mozambique, Nigeria, South Africa, Tanzania, and Uganda) and found mixed results, i.e., achievements in some areas and limited positive shifts in others. See also Hagberg (2010).

8. Despite these positive changes, the level of fiscal concentration remains variable and too high in several African countries, as the study by the USAID (2010, p. 34) shows: the percentage of public expenditure done by subnational governments tiers varies from less than 2 % in Mozambique to 50 % in Nigeria. In addition, the level of resources devolved is not enough to face the responsibilities transferred from central to local government.

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Decentralization and Planning Law Reforms

Local Government and Urban Governance in Lusophone African Countries: From Colonial Centralism to Post-Colonial Slow Decentralization

Carlos Nunes Silva

1   Introduction

The way local administration is organized is a determining factor in the governance of cities and towns. Local administration can be a simple form of administrative de-concentration or a more complex form of administrative decentralization, or a combination of both forms (Amaral 2003; Feijó and Paca 2013; Shah and Thompson 2004). The organization of the state can also include forms of regional political decentralization.[1] In the 1950s and 1960s the debate about the appropriate vertical organization of the state—and implicitly the governing of cities and towns—in the then recently independent African countries was in part centred on the issue of administrative de-concentration versus administrative decentralization. Despite the positive qualities associated with the idea of decentralization, it was perceived to be a process full of difficulties for the new independent

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states, which were, in general, understaffed and under-resourced, and a potential source of challenges to the ruling party and political elites, which coupled with the inherited colonial structure of highly centralized rule contributed to the extremely centralized administrative systems adopted in most of the new independent countries (although there were differences among them), and for the depreciation of the role traditional African local institutions could play in the governance of rural areas and eventually in urban areas as well.

In the mid 1970s, when the former Portuguese colonies became independent, and later in the 1980s, decentralization was again a key theme in the political agenda in Africa, although for different reasons (Brosio 2000); this was in part associated with structural adjustment programs adopted in numerous African countries (Chabal 2002), and not always with the desired outcomes (Wunsch 2001; Briggs and Yeboah 2001). Rapid urban growth, economic recession and the need for structural economic adjustments led international organizations and aid institutions to advocate decentralization as a basic condition for improved governance, more efficient delivery of urban services, improved equity and as a driver for local development and poverty reduction, a perspective that encountered resistance from political elites, namely, from those at the centre of the political system (Poteete and Ribot 2011; Olowu 2003; Wunsch 2001).

After that, in the 1990s, a new wave of administrative reform crossed the continent (Dickovick and Riedl 2010; Erk 2014; Tordoff 1994; Tordoff and Young 1994), with the aim of replacing one-party autocratic political regimes by multiparty democracies. As Goldsmith (2001) suggests, this was, in part, formally successful, although informal power mechanisms seemed to prevail in numerous cases, as Chabal (2002) points out. The trend towards democratic multiparty regimes and territorial reorganization impacted the Lusophone African countries (Sidaway and Simon 1993), as will be examined in the following sections.

Despite positive progress since the 1990 in the consolidation of democracy and in political decentralization made through incremental reforms as well as through rapid and radical constitutional changes in numerous African countries, as is shown consistently in the successive reports published by the UCLG (2008, 2010, 2013), the process has been uneven, due to the nature of the different contexts in which it was applied (Smoke 2003), with huge differences in the level of decentralization (Dickovick and Riedl 2010), in the realization of development goals and poverty reduction and in the responsiveness to the needs of the community, in

particular the needs of the poor (Crook 2003), and therefore in the institutional capacity of local government to govern cities across Africa.

But the view that the development of true systems of local government in Africa is critical for the reform and success of the state in the continent, as argued by Wunsch (2000), is now largely accepted throughout Africa, as well as in these five countries. And the development of local government is even more necessary in those cases in which local elites tend to put their support behind parochial issues, as Burke (1969) describes.

During the colonial period, the administrative structure in the European colonies in Africa tended to follow the administrative tradition of each European metropolitan power, although with more centralized structures of government, due to the need to control vast territories and populations, which were frequently not friendly to the colonial rulers (Stamp 1986; Hailey 1945). Despite the overall uniformity of the administrative structure defined for the colonies by each colonial country, the evidence available suggests the existence of diversity in the way it was put in practice (Stamp 1986; Hailey 1945). The aim was to establish an administrative structure capable of administering and controlling vast areas with a great variety of environmental, demographic and cultural characteristics.

While in Anglophone African countries, the influence of the indirect rule adopted by Britain in some of its colonies (Ola 1968; Hailey 1945) preserved to some extent the role of traditional authorities—as, among others, Home (2013) shows in his research on the British colonial urban planning, and as Wrong (1946) so clearly reveals to have been considered in the British government plans for an evolution of African native authorities into local government units in a larger political entity in Nigeria—in the Francophone and Lusophone African colonies, both based on the centralist Napoleonic administrative model, similar to what the colonial authorities had on the mainland, the traditional African local institutions played a more subordinate and secondary role (Hailey 1945), as is shown for the case of urban planning, among others, in Njoh (2004) and Silva (2015a, b). In addition to this, in certain parts of the continent, other historic cultural influences preceding modern European colonization—namely, the influence of Islam in North Africa and the long rule of the Ottoman Empire in parts of this region (Lafi 2016)— also had an impact on the vertical organization of the state.

The pre-colonial structures, in particular in sub-Saharan Africa, do not seem to have had a relevant influence in the way states are currently organized, an issue that nonetheless requires additional research before a firm conclusion can be reached. For instance, in the case of Angola, Feijó (2014) refers the existence of forms of local organization in the period

prior to 1482, that is, the pre-colonial period; but there is no consistent evidence that these forms of local power resisted or somehow influenced the administrative organization that was gradually implemented in Angola by the colonial power in the following centuries and is currently maintained by the new independent state.

But whatever influence the past might have had in the current post-colonial sub-national systems of government, it seems to have been mainly the political systems put in place after independence that are reflected in the highly centralized models of administrative organization the African states adopted[2] and therefore in the highly centralized and hierarchical mode of urban governance still prevailing in most African countries, a process facilitated by the centralist administrative tradition inherited from the colonial period, which never stimulated bottom-up forms of community organization.

The chapter seeks to address the following research question: How and to what extent has the level of administrative de-concentration and decentralization affected the governing of urban areas in the five Lusophone African countries? To answer this question, the chapter examines, compares and discusses the local government systems in the five Lusophone African countries (Table 2.1)—Angola, Cape Verde, Guinea-Bissau,

Table 2.1   Lusophone African Countries, 2014–2015

	Area (km²)	Population	Regional and local tiers	Capital	Date of independence
Angola	1,246,700	25,789,024	18 Provinces 162 municipalities	Luanda	11 November 1975
Cape Verde	4033	518,467	22 municipalities	Praia	5 July 1975
Guinea-Bissau	36,125	1,530,673	8 regions + Bissau Sector 38 Sectors	Bissau	10 September 1974[a]
Mozambique	799,380	26,423,623	11 Provinces 53 municipalities	Maputo	25 June 1975
São Tome and Príncipe	1001	178,739	1 Autonomous Region 6 + 1 districts (= 'municipalities')	São Tomé	12 July 1975

Sources: INE-GB (2014); INE-GB (2005); INE-CV (2015), INE-A (2016), INE-M (2014a, b), INE-M (2014a); INE-RDSTP (2013); (own elaboration)

[a]Unilaterally declared in 1973

Mozambique, and São Tome and Príncipe—and explores the connections of these institutional settings for the governing of urban areas in these countries. The main goal is to examine the current local government system, four decades after the countries became politically independent in 1975 (1974 for Guinea-Bissau)[3] and nearly 25 years after the replacement of one-party regimes by multiparty political democracies, among other important political and economic changes. It is this period with its new political and administrative framework—liberal democracy and administrative decentralization—that will be the main focus of this chapter. The colonial period will also be examined as the background on which the current system was built.

Angola, with nearly 1,246,700 km² and 25,789,024 inhabitants in 2014, is the largest of the five Lusophone African countries and became independent on November 11, 1975. It has 18 provinces, 162 municipalities and 559 *comunas* in 2014. Cape Verde, an archipelago with 10 main islands, 9 inhabited, with nearly 4033 km² and 518,467 inhabitants in 2014, became independent on July 5, 1975. Guinea-Bissau, whose independence was recognized by Portugal in 1974—although unilaterally declared by the liberation movement in 1973—has an area of approximately 36,125 km² and had a population of nearly 1,530,673 inhabitants in 2015. The country is divided into 9 regions (one of this is the special sector of the capital) and 38 sectors. Mozambique, with an area of approximately 799,380 km², is the second-largest Lusophone African country. It had a population of nearly 26,423,623 inhabitants in 2016, has 11 provinces, and has been independent since June 25, 1975. São Tome and Príncipe, an archipelago with two main islands, with an area of just 1001 km² and a population of 178,739 inhabitants in 2012, is the smallest Lusophone African country and became independent on July 12, 1975. It is divided into six districts (municipalities) and one autonomous region.[4] In these five Lusophone countries, the size of the municipalities differs significantly. On average, in São Tome and Príncipe, in 2012, a municipality had 143 km² and 25,534 inhabitants; in Angola, in 2014, the figures were 7696 km² and 159,192 inhabitants.

The study uses a qualitative case-study approach and relies on several types of data, primarily legislation published in each of these countries, in the colonial and post-colonial periods; background administrative documents; and official reports, plans and local news articles. Several areas in the following discussion require further research, in particular the post-colonial period, through interviews and surveys with key stakeholders in each of the five countries.

The next section addresses briefly the local administration system in the former Portuguese African colonies. This is followed by an analysis of the changes in the post-colonial period in each of the new independent countries, considering two main sub-periods in each of them: the First Republic, or revolutionary, period and the Second Republic, or democratic period. The fourth and last section presents and discusses the main conclusions and points directions for further research in this field.

2   THE COLONIAL PERIOD: CENTRALIZATION AND DE-CONCENTRATION

In the five Lusophone African countries the local government system during the colonial period replicated closely the highly centralized and poorly resourced local government system that existed in 'homeland' Portugal. The colonial administrative structure was to some extent, since the liberal revolution in the early nineteenth century, a clone of the model that existed in the European metropolis in each of the different periods, although the level of institutional development varied among the colonies and had a weak articulation with the local traditional authorities. According to Caetano (1934), municipal institutions in Angola had existed for a long time, since the sixteenth century in the case of Luanda, which had already a municipal council at that time, the *Senado Municipal*. But it was also the case in Massangano in the sixteenth century and Benguela during the Pombal reforms in eighteenth century (Feijó and Paca 2013). Similar institutions were created in the other Portuguese African colonies. Even for the period prior to 1482, the pre-colonial period, forms of local organization existed, as described by Feijó and Paca (2013), although there is no evidence that these pre-colonial forms continued or influenced in some way the Portuguese colonial administration system in Africa, notwithstanding the fact that the reforms in 1961 that abolished the special statute for the natives[5] recognized and allowed these local relations to be regulated according to local customs and traditions.

The implementation of local administration structures, specifically in Angola and Mozambique, was gradual and for that reason until the 1950s the colonial territory was only partially covered with effective municipal structures, in the sense that there were few units (Fig. 2.1), which were insufficient to cover the vast areas of these colonies. For instance, if the entire territory of Angola was divided by the small number of extant municipalities, the average area per municipality would be so large that it
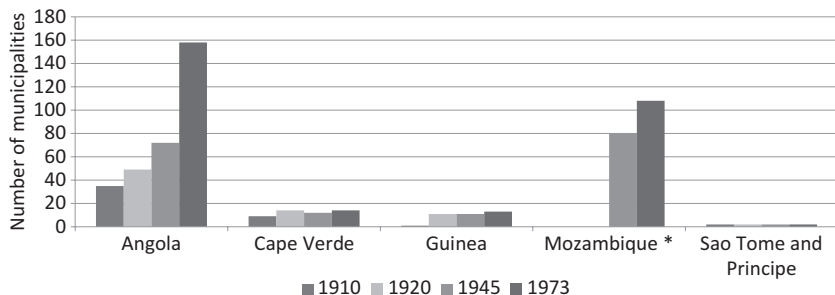
Fig. 2.1 Number of municipalities in Angola, Cape Verde, Guinea, Mozambique and São Tome and Príncipe (1910–1973). *Source*: INE (1946). Anuário Estatístico do Império Colonial—1945. Lisboa: Instituto Nacional de Estatística; INE (1973). Anuário de Portugal—Ultramar (Portugal—Overseas Territories Yearbook); Ernesto Vasconcellos (1921); Carneiro de Moura (1913) *—data not available for 1910 and 1920; the sources for the data referred from 1910 and 1920 are not clear about the exact year and therefore these dates should be considered approximate

would have been impossible to administer with the staff available at the time. In 1910, these municipalities in Angola had on average an area of 35,620 km², compared to 7891 km² at the end of the colonial period in 1973. In early twentieth century, municipalities in Angola were classified into three categories. In 1910, more than half (56%) of these municipalities were classified as third-class municipalities, which meant they had a very elementary administrative and technical structure.

The overthrow of the monarchy by the Republic in 1910 represents an important shift in the colonial administrative organization (Caetano 1934).[6] In the liberal period, between 1820 and 1910, several administrative codes were published in Portugal as a nationwide legislation applied to every part of the Portuguese empire at that time, part of the assimilation approach of the Portuguese colonial policy that tended to see the colonies as provinces, similar to any of the other provinces in mainland Portugal. Nonetheless, an alternative perspective was also present in this period, which proposed a different treatment for each colony, according to its specific condition, although in practice it was the uniform and centralist model that seems to have prevailed during most of the colonial period. In the last years of the monarchy, the colonial administrative organization was based on the 1869 legislation.[7] The 1911 Constitution and the administrative reform that followed it[8] opted clearly for a decentralization

of power from central (i.e., mainland) government to the government of the colony, replacing at the same time the military or mixed administration that existed until then with a predominantly civilian administration, with consequences for the way city and towns were administered in the colonies.[9] This was followed by the adoption of a new administrative map, which in the case of Angola, for instance, consisted of districts, municipalities and other de-concentrated civilian circumscriptions. Nonetheless, as Caetano (1934) and Alexandrino (2012) point out, despite the uniformity of the administrative division applied in the colonies, according to the 1869, 1914 and 1917 laws, there were in practice different regimes.[10] In 1920, the Republican Constitution of 1911 was partially changed and the new legislation established the principle that the colonies would be administered by special legislation, which assigned more powers to the colonial governor than they had before.[11]

The overthrow of the First Republic in 1926 by a military coup lead to the authoritarian political regime of the Estado Novo that lasted until 1974. In 1933 the new Constitution was approved, but, before that, in 1930, the Colonial Act was adopted, which functioned as the legal framework of the administrative system in the colonies until 1951, when it was integrated into the constitutional text.[12] In 1953 a new framework law was published for the entire colonial empire, now called overseas provinces, which was later revised in 1963.[13] In both cases, this Colonial Act detailed the Constitution, establishing the principles that should guide the government of the colonies. These principles were then specified in the statutes published for each colony. The last constitutional revision during the colonial period took place in 1971, considering Portugal a unitary and regional state, renaming the overseas provinces as autonomous regions and conceding the honorific designation of 'state' to Angola and Mozambique. In 1972 the last framework law was published for the entire colonial empire.[14]

With the fall from power of the Estado Novo in April 25, 1974 a new era started, not only in Portugal but also in the Portuguese colonial territories in Africa. The colonial governors were dismissed and replaced first by the secretary of the colonial government, then later by a High Commissioner and, after the agreement with the liberation movements, by a Transition Government.[15]

The analysis that follows is focused in the last two main periods in the political history of colonial Portugal: the First Republic (1910–1926) and the authoritarian political regime, the Estado Novo, which followed the First Republic and lasted until the end of the colonial period. During

these two periods, rather than local self-government, which in fact never existed in the Portuguese African colonies, local administration was based and organized on the principle of administrative de-concentration, a kind of tutored de-concentration, closely supervised by the colonial governor, based in the capital of the colony, which always kept the power to review or dismiss decisions taken by local administration across the colony. In other words, the governance of cities and towns in the former Portuguese colonies was mainly the responsibility of the colonial governor, through local administrators and local councils nominated and ultimately dependent on the governor, during most of the colonial period.

The administrative structure in the colonies varied during the colonial period and was slightly different between the larger and the smaller colonies. The system established in the larger colonies included, during most of the colonial period, two main tiers of local administration, and later also a third, lower tier—all forms of administrative de-concentration. In the case of Angola and Mozambique, the upper de-concentrated tier was the district, which contained all the de-concentrated offices of the colony in the respective geographic area, headed by a Governor of the District who was appointed by the colonial Governor and acted as the representative of the state in the area. The second tier was the municipality, centred around an urban centre, headed by a mayor. The mayor was assisted by a council, whose role was to support the mayor in the administration of the municipality.

Depending on the level of social and economic development, municipalities had a slightly different level of organization: in developed areas, with 500 or more electors, the executive board was called *câmara municipal*, which corresponded to full municipal status; in the others, with less than 500 electors, it was named *comissão municipal*. In areas not covered by neither of the two entities, an executive board called *Junta Local* could be instituted. In the 1940s there were several cases in which a Local Improvement Board (*Comissão de Melhoramentos da Povoação*) was created in order to fulfil competences similar to the municipality, including urban planning.[16] The Governor of the District, when and where the office existed, was the link between the Colonial Governor and municipalities. In the smaller colonies there was only one tier corresponding to the municipality. It was also in this period that municipalities were divided into a third tier, the parishes, a tier that existed also in mainland Portugal, although in the colonies there is no evidence that it ever acted as a relevant and effective form of local government. In fact, not only in mainland Portugal but

also in the colonies, the parish had very limited ability to intervene in the governance of cities and towns.[17]

It was only in the last two decades of the colonial period that full municipal structures covered the entire territory of Angola and Mozambique (Fig. 2.1 and Table 2.3), even if in the interior these municipal structures' capacity to act continued to be confronted with enormous difficulties. As the effective occupation of the interior by Europeans continued, in the 1950s and 1960s, new municipalities were created, as was the case with the seven municipalities (three with *câmaras municipais* and four with *comissões municipais*) created in 1968 in the north, north-east and south-east interior of Angola, and other units of the state local administration, named administrative circumscriptions and administrative posts, as well as numerous new settlements called *povoação comercial*. Nearly 40% of municipalities that existed in the five colonies at the end of the colonial period were created in the three decades, between 1945 and 1975. In the case of Angola more than half of the municipalities were created between 1945 and 1973. This process of administrative expansion led to several readjustments in the municipal map of Angola, carried out in the 1950s and 1960s, as a consequence of the more effective occupation of the territory by the European population and by the colonial administration as well.[18]

During the Colonial War,[19] in some areas of the territory affected by the armed conflict, as was the case in some parts of the north of Angola, civilian administration and the basic administrative functions were fulfilled by the military authority under the special regime set up in May 1970, which allowed the army to replace the civilian local administration when required because of the military conflict. Even the circulation of the inhabitants in some of these areas directly affected by the war required a visa issued by the military authority or by the civilian local administration authorities. In other cases the municipality was dissolved, since its members were no longer there, as was the case with the municipality of Portugália—in the north-east interior of Angola near the border with the Democratic Republic of Congo—which was dissolved in October 1970.

The relatively small size of urban centres in the Portuguese colonies did not require the implementation of a metropolitan authority or metropolitan government, not even in the two main urban centres, Luanda and Lourenço Marques (renamed Maputo), the capital cities of Angola and Mozambique, respectively. Nonetheless, in 1968, as a response to the challenges confronting the municipality in the management of an increas-

ingly vast urban area, a special administrative regime for the municipalities of Luanda and Lourenço Marques was adopted. The municipality was divided into administrative neighbourhoods, which in turn were divided into parishes,[20] and the number of councillors and supporting administrative and technical structures was reinforced.

Local administration during the colonial period was essentially a form of de-concentration of central government functions with no real decentralization of decision-making powers granted to the local community. Municipalities, and districts for that matter, were under a system of tutelage through which the colonial governor, and ultimately the national government, retained power of approval and disapproval over decisions, even the smallest ones, taken by mayors and district governors in all matters concerning the governance of the urban areas. District governors and municipal mayors, and the respective councils, could be dismissed at the will of the colonial governor. The municipal council was a mere consultative board, without effective power over policies, including planning and management of cities and resources. In this sense, municipalities and districts were merely executive entities of the colonial government, characterized mainly by the delegation of implementation powers to the municipality or the district, even if in some domains there was some room for discretion in the decision-making at the local level of the respective geographical area.[21]

Also common was the delegation of managerial responsibilities to public agencies, usually created by the colonial government to perform specific tasks, notably urban improvements, through which the colonial governor delegated certain functions and competences, frequently side by side with the formal local government authority. These public entities took different forms over the years—project implementation units, special function agencies, improvement boards, improvement funds or committees, public corporations[22]—usually with very limited revenues, and therefore tightly dependent on the colonial or district governor.

A democratically elected local self-government, through universal and free suffrage, with full legal rights at the municipal level, never existed in the Portuguese colonies. If during the First Republic (1910–1926) local councillors were elected—in elections which, however, did not include most Africans, as only those few that were considered assimilated or civilized (Table 2.2) could vote—from 1926 until the end of the colonial period in 1974/75 local administration reflected the non-democratic nature of the Portuguese authoritarian political regime. The mayor was

an official appointed by the colonial governor, and the municipal council included a mix of appointed and elected members, the latter elected through corporatist elections. In all cases, elections were limited to Portuguese citizens and to those Africans considered to be civilized or assimilated. As Table 2.2 illustrates, the proportion of the population considered 'civilized' was indeed very small—with the exception of the islands colonies of Cape Verde (100%) and São Tome and Príncipe (53%). Guinea and Mozambique, on the other hand, had less than 2% and Angola 2.5%. The proportion of whites was also very small. With the exception of Cape Verde (3.1%), in all colonies the white population represented less than 2% of the total population. Therefore, despite the existence of a formal system of local government, what these figures emphasize is the fact that the large majority of the African population was excluded from the urban governance system in the Portuguese African colonies. Local and urban governance was therefore racially biased towards Europeans, who held the command and control powers in the governing of cities and towns in the colonies.

Despite the differences between the First Republic (1910–1926) and the period of Estado Novo (1926/33–1974), the structures of local administration only effectively covered the entire colonial territory during the Estado Novo period. For that reason, forms of local self-government with

Table 2.2 Proportion of "Civilized Population" and "White Population" in the Portuguese African colonies, 1940

	Cape Verde	Guinea (Guinea-Bissau)	Sao Tome and Príncipe	Angola	Mozambique
Population total (1940)	181,286	351,089	60,490	3,738,010	5,085,630
"Civilized" Population (1940)	181,286	5822	32,034	91,611	55,451
White Population (1940)	5580	1419	995	44,083	27,438
"Civilized" population/total population (%)	100.0	1.7	53.0	2.5	1.1
White population/ total population (%)	3.1	0.4	1.6	1.2	0.5

Source: INE (1945). Anuário Estatístico do Império Colonial—1943. Lisboa: Instituto Nacional de Estatística (own elaboration)

locally and freely elected boards, mixed or not with appointed officials, never covered the entire territory of the Portuguese colonies—besides the fact that they never included the vast majority of the African population.

The district and the municipalities depended entirely on a delegation of administrative powers from central and colonial governments, which varied over the years. The list of functions was basically the same across the colonies, although they were more effective in the main municipalities. The Colonial Act gave municipalities certain discretionary powers, including the power to raise revenues locally (that is, property taxes, indirect taxes, and so on), being responsible for a number of urban services (that is, local markets, slaughterhouses, sewage systems, water systems for human consumption, electricity infrastructures, solid waste collection and disposals, urban parks and so on). Most of these powers were only partially fulfilled in large parts of the colonial territory, namely, in the interior, where the colonial administration was relatively weak until mid twentieth century.

Municipal finance was firmly controlled by the government of the colony, which in turn was controlled by central government in mainland Portugal. Municipalities raised revenues mainly through indirect taxes. Apart from these revenues, municipalities depended mainly on the transfer of governmental assigned grants, which accounted in most of the municipalities for nearly 100% of its revenues.[23] Municipalities were in general under-staffed, with personnel whose qualifications and experience were in general slight. Under these conditions, centralization seemed to be the only possible way of administering the vast territories of the colonies, as few centres were considered able to fulfil the conditions required to get full municipal status.

The lack of qualified local councillors, the low level of staff qualifications and professional experience and the limited financial resources of the municipalities were perceived as unsuitable for the transfer of more powers and resources. Therefore, due to the low technical and financial capacity in the municipalities during most of the colonial period, local government had very little capacity to deliver services in both the urban and rural areas. This in part explains the low level of local government activity during the colonial period, with the exception of the last two decades. Partially as a consequence of this, the responsibility for the provision of certain local services and other functions was frequently assigned to private entities supervised by the state, colonial government or the municipality.

In sum, the Portuguese colonial administration succeed in gradually establishing a uniform territorial administrative system in its African

colonies—a highly centralized administrative system, which continued until the end of the colonial period relatively underdeveloped, with the exception of municipalities in few major urban centres, dependent on the centre, with no room for local self-government (Table 2.3). This centralization pattern had a very negative impact on the capacity of municipalities to govern cities and towns during the entire colonial period in these five countries. It was also responsible for the partial neglect of local African institutions.[24] The policy of gradual assimilation weakened traditional local authorities, despite the multiple forms of collaboration put in place over the years, which, however, had very limited or no relevance in the governance of cities and towns.

Table 2.3 Portuguese African colonies at the end of the colonial period: basic data on the administrative division, 1973

	Area (km²)	Population 1970 (1)	Regional and local tiers	Area of municipality (average, km²) (8)	Capital
Angola	1,246,700	5,673,046	16 districts 158 municipalities (2)	7891	Luanda (6)
Cape Verde	4033	272,072	2 districts 14 municipalities	288	Praia
Guinea-Bissau	36,125	487,448	13 municipalities (3)	2779	Bissau
Mozambique	771,125	8,233,834	10 districts 108 municipalities (4)	7140	Lourenço Marques (7)
São Tome and Príncipe	964	73,631	2 municipalities (5)	482	São Tomé

Source: INE (1973). Anuário de Portugal—Ultramar (Portugal—Overseas Territories Yearbook), own elaboration: (1) these figures should be considered as indicative due to the constraints of the 1970 colonial population census; (2) of which 38 were civil circumscriptions; (3) 10 municipalities and 3 civil circumscriptions; (4) of which 46 were civil circumscriptions; (5) one in each island; (6)—Luanda, the capital, was divided in 4 *bairros administrativos*); (7) renamed Maputo in 1976; (8) at the end of the colonial period, the 274 municipalities in mainland Portugal had on average an area of 325 km².

In the transition period, between April 1974 and independence, some of the former state administrative structures were dismantled and replaced by provisional structures, not only in mainland Portugal but also in the colonies.[25] The new political and administrative structures implemented, in particular during the transition government, maintained the highly centralized administrative structure, confirmed or reinforced later by the first political constitutions adopted by the new independent states.[26] In the case of Angola, the *Lei Fundamental*, based on the agreement signed by the three liberation movements, adopted the principle of decentralization, which, however, was not applied due to the circumstances of the Angolan political process.[27] It was decided on May 1975 that municipalities would be run by Administrative Commissions constituted by members indicated by the three political movements (MPLA, FNLA, UNITA) and supported by politically independent technical structures to be selected by the administrative commissions.[28]

Legislative production in the colonies related to local government is relatively scarce after April 1974, with a few exceptions related to housing needs in the main urban centres,[29] urgent land expropriations needed for urbanization,[30] reorganization of administrative divisions[31] and place renaming.[32] And it was mainly focused on practical or operational issues, as was the case with the small changes introduced in the technical services of the municipality of Bissau in June 1974, less than three months before independence, or permission to acquire new equipment or to obtain new credit in municipalities in Angola.

Centralization was again the driver of the administrative and political changes in the period after April 1974 until independence. In the transition government of Angola, the main functions and capacities related to urban planning, urban infrastructures, housing, among other typical functions of local self-government, were assigned to the Ministry of Transport and Communications when it was reorganized in July 1975, three and a half months before independence, thus maintaining the same model as the preceding colonial government. In the case of Mozambique, the transition government de-concentrated numerous competences to the provinces, the former colonial districts, in February 1975, although all of them had a merely operational character.

The colonial institutional model of local administration had profound impacts in the governing of cities and towns in the Portuguese African colonies. In the last days of the colonial period, even the largest municipalities, in the main urban centres, had to ask and wait for permission

from the High Commissioner for the acquisition of basic equipment, such as a simple machine for waste collection, or to contract a consultant to assist in the preparation of a master urban plan, and so on. There was no free political participation in the election of municipal boards, and the large majority of the African population never participated in such corporatist-type of elections. The financial dependency and constraints and the poorly resourced technical staff made local administration, a de-concentrated form of municipality, unable to deal properly with urban growth and with the expansion of informal urban areas in the last decades of the colonial period. In the mid 1970s, the new countries would inherit a centralist administrative tradition and a nearly powerless local government system with very little capacity for governing urban areas.

The colonial policy and the weakened traditional local institutions undermined what could be expected to be the normal development of local self-government after independence. It was this statist and centralist administrative tradition, maintained by the transition governments in the months that preceded independence, that the new independent states inherited. This background certainly made it easier to accept the vision of the role of the state held by the new governments, a political vision shared with numerous other countries in Africa and in the socialist political block in other parts of the world.

The socialist model adopted initially by the new independent states was also responsible for the continuity found in their adoption of centralizing and statist organization. This in part was an outcome of the political vision of the political leaderships in these new independent countries regarding the role of the state, which was to a large extent a prevailing vision in that period in Africa. The colonial centralist administrative tradition certainly made it easier for the new states to accept this political centralization approach. In the case of São Tome and Príncipe, the agreement between Portugal and the MLSTP, signed in Alger in November 1974, is not clear regarding decentralization. In Angola and Mozambique, the civil wars that followed independence also acted against decentralization due to fears that it could fuel and exacerbate internal political divisions.[33] All these factors contributed negatively to the development of a strong local self-government in these new independent countries, as will be examined in the following section, and therefore continued to negatively influence the development of 'bottom-up' urban governance.

3   The Post-Colonial Period: The First and the Second Republics

If, during the colonial period, there was standardization in the type of administrative de-concentration practiced in the Portuguese African colonies, and no decentralization in the post-independence period, the vertical organization of the state in these countries shows similarities but also differences, an outcome of the specific historical process in each of them, and the result of convergences and divergences in their respective post-independence political processes.[34] Political stability in Cape Verde, and to some extent also in São Tome and Príncipe—but political instability in Guinea-Bissau, or long civil wars in the case of Angola and Mozambique—contributed to the different paths followed towards decentralization. The five countries adopted the form of a unitary state but so far the implementation of state administration in the two island states—Cape Verde and São Tome and Príncipe—appears to be more uniform than in the three continental countries—Angola, Guinea-Bissau and Mozambique. The municipality[35] is the most important sub-national tier of local government in all these five countries, although other tiers, below and above the municipalities, are also considered, with the exception of São Tome and Príncipe.

Decentralization was not popular in the first years after independence, in any of these countries, as it was seen as a political process that could divide the country and challenge the power of the ruling party. There was instead a common trend towards centralization in the first years, a process facilitated by the previous colonial administrative centralization tradition. Common to all these countries is the lack of a supra-municipal or metropolitan government in the major urban areas, as was the case also during the colonial period, notwithstanding the special regimes considered in the case of Praia, Luanda and Maputo, the capital cities of Cape Verde, Angola and Mozambique, respectively.

While the constitutional state is consolidated in Cape Verde and São Tome and Príncipe, in the other three Lusophone African countries, this process is still unfinished with regard to a number of issues. Another difference exists between those countries that have a local self-government system already in place—that is, Cape Verde and São Tome and Príncipe—those that have initiated the process—that is, Mozambique—and those that do not have yet municipalities with elected boards—that is, Angola and Guinea-Bissau, despite several attempts to initiate the process in the past, as described in Santos (Santos 2012a) for the case of Angola.[36]

The implementation process followed by Cape Verde and São Tome and Príncipe on the one hand and by Mozambique on the other have been different as well, simultaneously in the first two cases and gradual in the latter. The existence of local traditional authorities distinguishes the three continental countries—Angola, Guinea-Bissau and Mozambique—from the two islands states—Cape Verde and São Tome and Príncipe—although only in the case of Angola does there seem to exist a relatively important formal articulation between local government and local traditional authorities.

Issues of nationalism or regionalism, as the case of Cabinda in Angola illustrates, are also factors seen as responsible for the differences found in the territorial organization of the state in each of these five countries.

The post-colonial period in the five Lusophone African countries can be broadly divided now into two main phases: the revolutionary period (or First Republic) and the Second Republic, which was associated with the introduction of a multi-party democracy in the 1990s. During the short transition period, immediately after the 1974 revolution in Portugal, the colonial administrative framework, instituted by the 1933 Colonial Administrative Reform, which was retouched several times until 1972, was replaced in the five Portuguese African colonies by new laws adopted by the new government in Portugal. The former mayors and municipal councils were replaced by Administrative Commissions[37] in the Portuguese home territory and in the colonies.

In the first years of the post-independence period, during the First Republic, all these countries opted for a single-party political regime, a socialist state organization inspired by the Marxist-Leninist theory of the state, based on the structures of the ruling political party and the embedment of party and state structures, which is responsible, to some extent, for the similarities found in the overall underdevelopment of local government structures in the first years after independence in these five countries.

Political changes in the former Socialist bloc in Central and Eastern Europe[38] at the end of 1980s and early 1990s, and the end of the Cold War, on the one hand, and the new requirements from international institutions, on the other—namely, requirements for good governance, multi-party democracy and administrative decentralization—were to some extent responsible for the adjustments that took place in the organization of the state. This new political context translated into the constitutional revisions that took place in the early 1990s, in all Lusophone African countries, marks the beginning of the Second Republic.[39] These political shifts in the

early 1990s and the new political constitution adopted by each of the five countries opened the door for the reform of local government systems and through that to new possibilities for the governing of cities and towns.[40]

A true layer of local self-government was formally introduced in the administrative system in each of these five countries, opening up new possibilities for citizen engagement in the local governance process and in the governing of cities. A multi-party political regime was gradually implemented, followed by a slow introduction of democratic forms of local self-government, with one or more political-administrative tiers, a process that is still unfinished. This process has been somehow deferred in Guinea-Bissau due mainly to the political instability that marked the first decades of the post-independence period (Kosta 2014; Freitas 2014). In Angola and Mozambique, the civil wars and the perceived risks that a strong regional administration could represent for national unity may explain in part the relatively low level of decentralization that still characterizes the two countries, despite what is written in their respective democratic constitutions.

All Lusophone African countries are unitary states, although in one of them, São Tome and Príncipe, part of the territory is now regionalized.[41] In Angola the Constitution recognizes the relevance of traditional authorities in local governance, which in some circumstances can also hold administrative roles (Feijó 2014; Feijó and Paca 2013; Guedes 2004).[42] In the case of Cape Verde, there has been attempts to introduce a regional tier, but these have been without success so far. While Mozambique opted for a gradual implementation of local self-government, Cape Verde and São Tome and Príncipe went for a process of simultaneous implementation of local government. In Angola and in Guinea-Bissau, the municipality as a form of local self-government has not yet been implemented, despite the fact, that years ago, Angola started an experiment with some pilot municipalities, as will be described below. While Cape Verde is already considering the reform of its local self-government system, which has been in place for several years now, Mozambique is in the middle of the institutionalization process of local self-government, which will cover its entire territory for the first time, and Angola is still discussing and preparing the process for its implementation.

Another trend in the Second Republic is towards de-concentration of central government functions to the regional tier, as evidenced in Angola and Mozambique. The Governor of the Province is the central government's political and administrative officer, who oversees all government activities in the province. Local revenues are highly dependent on

the state budget; and municipalities, where they exist as a form of local self-government, have very limited autonomy with regard to finances as well as staff management. As a result, municipalities in these countries have to conform to central government policies, with the exception being, to some extent, the case of Cape Verde.

As will be examined below, the decentralization policy implemented in each of the new independent Lusophone African countries was determined, not only by each country's individual historic, economic and cultural environment, but also by the specific political context into which the policy was introduced. The following points examine the level of local self-government institutional development, seen as the basic institutional framework for the governance of cities and towns, in five African countries: Cape Verde, São Tome and Príncipe, Mozambique, Angola and Guinea-Bissau.

3.1   Cape Verde

Cape Verde, an island state in Western Africa, became independent on July 5, 1975. Since then two main phases can be considered.[43] The first, the revolutionary phase, or First Republic, between 1975 and the early 1990s, was characterized by a single-party regime, strong political-administrative centralization, a centrally administered economy and the lack of local self-government. The colonial municipal division was maintained in the first years, but its current self-government institutions started to be implemented in the early 1990s, anticipating the 1992 Constitution.[44] In the case of Cape Verde, the administrative commissions instituted soon after April 1974 to replace the former mayors and municipal councils were simultaneously a form of local government and a form of local state administration, being the only local administrative structure in each island in charge of local issues. These commissions continued operating until after independence, being replaced at the end of 1975. Before that, the first constitutional law adopted in Cape Verde, days before the independence,[45] became the basis for a new model of local government based on the concept of a revolutionary regime conducted by a single political party, which meant a highly centralized administrative structure, and therefore a highly centralized urban governance institutional model.[46]

The following phase, the Second Republic, started with the promulgation of the1992 democratic Constitution. However, as Brito (2014) points out, in the case of local government, there were several attempts beginning as early as 1977, to change the system, which gave financial but not

administrative autonomy to the municipalities.[47] The 1980 Constitution[48] refers to the existence of local government but municipalities continued without administrative autonomy and without elected boards until the end of that decade. Despite the political rhetoric in favour of decentralization, as described by Brito (2014), municipalities continued to be a form of administrative de-concentration in Cape Verde, and so was also the governance of cities and towns. In 1989, a new series of Local Government Acts[49] introduced important organizational changes in the local electoral system and in other governance aspects that the 1992 Constitution would later confirm and expand. It was one of these 1989 acts that cancelled the application in Cape Verde of the last part of the former 1933 Colonial Administrative Act.[50] In 1990, the revision of the 1980 Constitution introduced a multi-party system, which allowed the first multi-party free elections in 1991, a process that lead Cape Verde to become, in the words of Baker (2006), a democratic reference in Africa, including at the local level.

The local government system was reformed[51] in the beginning of the Second Republic for the first time since independence (Fig. 2.2), this time by constitutional statute. Although only the municipality is defined in the 1992 Constitution as a local self-government tier, the creation of upper and lower tiers of local self-government is considered. The following constitutional reforms and legislation did not change the fundamental characteristics of the local government system, although in 2010 the parish and the region were, for the first time, explicitly considered as forms of local self-government.[52] Nonetheless, the priority seems to have been the reinforcement of the municipalities.[53] Based on Article 10 of the Constitution, the introduction of a special administrative regime for the capital city was pro-
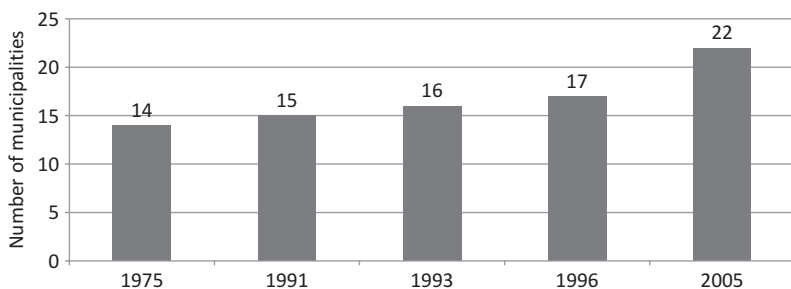
Fig. 2.2 Cape Verde: number of municipalities, 1975—2015. *Source*: INE-CV (2015). Cape Verde—Anuário Estatístico (own elaboration)

posed by the central government in 2008, an administrative structure with enhanced competences, which, however, has not yet been implemented.[54]

The nature and structure of the local self-government system continues to be at the centre of the political debate, and proposals for the reform of important aspects of this system emerge from time to time.[55] The existence of just one tier of local government, the municipality, and the lack of a regional tier are seen as two important challenges. The excessive administrative concentration in the capital is perceived as a negative aspect of the organization of the Cape Verde state and an issue that needs to be addressed in future reforms.

Cape Verde—in which municipalities are relatively strong and active in the governing of cities and towns—is the Lusophone African country by far most likely to increase this capacity in the coming years (Table 2.4).

Table 2.4 Cape Verde—Muncipalities by island: population and area, 2015

Islands	Municipalities	Population	Area (km²)
Santo Antão	Ribeira Grande	17,017	166.5
	Paul	6099	54.3
	Porto Novo	17,431	564.3
São Vicente	São Vicente	81,014	226.7
São Nicolau	Ribeira Brava	7182	224.8
	Tarrafal São Nicolau	5242	119.8
Sal	Sal	33,747	219.8
Boa Vista	Boa Vista	14,451	631.1
Maio	Maio	6980	274.5
Santiago	Tarrafal	18,314	120.8
	Santa Catarina	45,123	242.6
	Santa Cruz	26,360	112.2
	Praia	151,436	102.6
	São Domingos	14,037	147.5
	Calheta de São Miguel	14,671	77.4
	São Salvador do Mundo	8652	26.5
	São Lourenço dos Órgãos	7127	36.9
	Ribeira Grande de Santiago	8415	137.3
Fogo	Mosteiros	9364	89.45
	São Filipe	21,194	228.84
	Santa Catarina do Fogo	5279	152.95
Brava	Brava	5698	62.51
Cape Verde (total)	22	524,833	4033

Source: INE-CV (2015). Anuário estatístico de Cabo Verde—2015. Praia: Instituto Nacional de Estatística (own elaboration)

There is a national association of municipalities and also a regional one on the main island Santiago, and both play an important role— rendering technical assistance and participating in the dialogue with central government and in the development of different forms of international cooperation.[56] Despite the differences among municipalities in the country, both with regard to their size and in capacity to act, the system as a whole can certainly be a reference for the other Lusophone African countries. Notwithstanding the overall positive evaluation of the municipalities in Cape Verde, more competences and resources are needed. The implementation of other tiers, below and above the municipality, also needs to be discussed and clarified, as well as the special status of the capital city.

3.2   São Tome and Príncipe

São Tome and Príncipe, the smallest Lusophone African country in area and population, was divided in two municipalities when the country became independent, the municipality of São Tomé on the main island and the municipality of Príncipe on the other island.[57] After a short transition period in the last months of the colonial period, the history of local administration in São Tome and Príncipe can also be divided in two main phases after the independence on July 12, 1975[58]: The First Republic corresponds to the first decade and half, during which the state nationalized the main agriculture enterprises and intended to carry out an agrarian reform policy (Eyzaguirre 1989; Frynas et al. 2003); played an important role in all sectors of the national economy; adopted a socialist economic model, a process that led to profound changes in the country' economic base (Frynas et al. 2003); and instituted a highly centralized political and administrative system. The Second Republic was characterized by the gradual implementation of a multi-party democratic regime, after the adoption of a new political constitution in 1990; by the state's adoption of administrative decentralization principles; and by the opening of important economic sectors to private initiative.[59]

The first Constitution, adopted after independence in 1975, did not establish any form of local self-government with directly elected members. Local administration was a simple form of administrative de-concentration during the first decade and half after independence, and that was the way cities and towns were governed in this period. As Guedes et al. (2002) point out, the post of Governmental Commissioner for the Island of Príncipe was created in 1975, with the category or rank of minister. In 1977 the

administrative division was further revised. The country was then divided into two provinces (Province of São Tomé and Province of Príncipe) and in six districts, each with a Commission (Provincial Commission or District Commission) and an Assembly (District Assembly), a form of administrative de-concentration, with political and administrative functions, each presided over by a Commissioner. The province of São Tomé had four districts (Água Grande; Lembá; Cantagalo; Caué) and the Province of Príncipe two districts (Pagué and Picão). In addition there was also a parallel form of political structure, a local commission in each town, neighbourhood and in the areas of dispersed settlement (*lucháns*), all under the direct control of the central government.

The process of change started years before the new Constitution was adopted, in the mid-1980s, when some measures of economic liberalization were implemented. The political changes in Eastern Europe after 1989, the new requirements set up by Western developed countries in their cooperation policies and the internal political pressures towards democratization opened the way to the transition towards a multi-party political system. The ruling party[60] organized a national conference at the end of 1989, which was opened to independents. This was followed by a referendum in August 1990 on the constitutional revision that put an end to the single-party regime, and after that by the foundation of new political parties, the PCD[61] and later the AID.[62]

Therefore, the current local self-government system in São Tome and Príncipe is an outcome of the changes introduced by the 1990 Constitution.[63] The first local elections took place in the 1990s, but for more than a decade there was no election for the districts or for the autonomous region. For more than 13 years the country lived with this irregular situation in the local government boards. This changed a few months after the 2006 legislative and presidential elections (Governo STP 2006), when elections for the region and for the districts took place.

The local self-government system in São Tome and Príncipe comprises currently six districts ('municipalities')[64] on the island of São Tome and an autonomous region on the island of Príncipe (Table 2.5). There has been an autonomous government in the region of Príncipe since 1995. The districts are grouped formally into three regions on the island of São Tome: the north region (Lembá and Lobata), central region (Água Grande and Mé-Zochi) and south region (Cantagalo and Caué). The autonomous region of Príncipe corresponds formally to the district of Pagué. The

Table 2.5 São Tome and Príncipe—Autonomous Region and Districts: population and area, 2012

Districts	Population	Area (km²)
Água Grande	69,454	17
Mé-Zóchi	44,752	122
Cantagalo	17,161	119
Caué	6031	267
Lobata	19,365	105
Lembá	14,652	230
Autonomous Region of Príncipe —Pague (district)	7324	142
São Tome and Príncipe (total)	178,739	1001

Source: INE-RDSTP (2013). Resultados Nacionais do IV Recenseamento Geral da População e da Habitação, 2012. São Tomé: Instituto Nacional de Estatística da República Democrática de São Tomé e Príncipe (own elaboration)

administrative division was defined in 1977, and revised in 1980 and in 1994.[65] According to the 2005 Local Government Act[66] it is possible to create new categories of local government in the urban areas, and according to the Constitution citizens can create locally based organizations to interact with local government on local policy issues.[67]

The district (municipality) has two boards: the district assembly, whose members are elected in a universal, direct and secret ballot for a three-year term; and the executive board (*câmara distrital*) constituted by the mayor[68] and councillors, who are elected, by secret ballot, by the district assembly members. The executive can be dismissed at any time by the assembly. The autonomous region has two boards, the regional assembly and the regional government. Only political parties may stand for election, either individually or in coalition with other parties.

The district has the competency to create and define its own internal organization and has its own financial resources and competences in all matters of interest for the respective population. In the 1992 Local Government Act the competences were specifically identified, and in the 2005 revision was adopted the principle of generality for the definition of these competences.[69] In addition, the state can transfer new competences to local government, if accompanied by appropriated financial resources, as has been announced by the XVI Government, for the education, health

and social sectors (Governo de STP 2015). The Local Finance Act, published in 1992,[70] is expected to be changed in order to decrease the reliance of local government on grants from the state budget (Governo STP 2015, 2013a, b).

The autonomy of local government—districts and the autonomous region—is controlled by the power of administrative tutelage assigned to the state, in case of administrative or financial irregularities.[71] Associations and other forms of cooperation among the districts (municipalities) or between the districts and central government are possible, as well as forms of international cooperation. There is a National Association of Local Government.[72]

Perceived, jointly with Cape Verde, as a more politically stable country than Guinea-Bissau, Angola and Mozambique, São Tome and Príncipe has nonetheless also experienced volatility in national government and political instability during the Second Republic, with changes of government[73] or governmental reforms, which in part explains some of the problems identified in the public administration sector in the country (Governo STP 2013a, b; 2015).

The current size of the state is perceived as a problem for the national economy (Governo STP 2013a, b; 2015) and for urban governance. The reform of the state and public administration should target the administrative division of São Tome and Príncipe and the revision of both the local government and the local finance acts, besides the restructuring of other policy areas.[74] The existence of seven sub-national local government units, six districts and one autonomous region, in a small country with an area of just 1001 km² and around 178,000 inhabitants is seen as dysfunctional, requiring therefore some sort of institutional change (Governo STP 2006, 2013a, b; 2015). In 2006, the central government announced a program to reduce to three or four the number of districts—one urban district centred in the capital, one semi-urban district and two rural districts (Governo STP 2006). This reduction in the number of local authorities should be accompanied by the possibility to implement inter-municipal institutional structures.

In the case of the autonomous region it is necessary to make effective the decentralization of powers and resources. This increased autonomy of local and regional self-government will require a stronger inspective capacity on the part of the central state. Besides the reform of these key facets of the local self-government system, it is also necessary to improve

the poor qualifications and low salaries of public servants, and other aspects of the public workforce, which are seen as responsible for the low efficiency of local administration in São Tome and Príncipe. Without these changes, it is unlikely that local self-government will be able to play a more effective role in the governing of the cities and towns in São Tome and Príncipe.

3.3   Mozambique

Mozambique, the second-largest and the most populated Lusophone African country, has been independent since June 25, 1975. The post-colonial period is broadly divided into two main phases: the First Republic, based on the 1975 Constitution, corresponding to the first decade and half of independence; and the Second Republic, characterized by the gradual implementation of a multi-party democratic regime, a process started after the end of the civil war in 1992,[75] based on the new political Constitution adopted in 1990 and revised in 2004. As in the other Lusophone countries, this initial revolutionary phase, or First Republic, was characterized by a single-party regime, political-administrative centralization, a centrally administered economy[76] and by the lack of local self-government. After a short transition period, during which the territory was administered by the transition government based on the Lusaka Agreement between Portugal and FRELIMO, signed in September 1974, the inherited colonial local administration system was abolished and replaced by a new system in 1978.[77] However, since centralization was seen as a way to protect national unity and as an instrument for political leadership by the ruling party,[78] the new local government system was merely a form of administrative de-concentration.

This has been changing gradually since the beginning of the Second Republic. The 1990 Constitution introduced a multi-party system, democratic elections, de-concentration from the state to the provinces and districts and gradual implementation of a local self-government system. In 1992, the central government initiated the reform of the state local administration, culminating in Law 3/94, which, for the first time after independence, allowed the creation of local self-government.[79] However, given that the 1990 Constitution did not establish local self-government, the law was never fully applied. In 1996, the Constitution was partially revised, and in that process a section on local self-government was introduced.

Based on that, a new law on local government was approved at the end of 1996 and put in place in early 1997.[80] In 2003 the law on the organization of the state local administration was published.[81] Some of the laws on the creation and organization of local self-government were later revised, a process that started in 2003 and included the revision of the Constitution in 2004 and continued well until the end of that decade.

The 2004 Constitution established two categories of local self-government: municipality and *povoação* and considered the possibility of upper and lower tiers. Mozambique opted for a gradual implementation of local self-government, in part the result of the lack of conditions necessary to implement municipalities in all parts of the national territory. In 1997, a total of 33 municipalities were created, corresponding to the national capital, the 10 provincial capitals, and 22 other medium-sized municipalities, selected by reference to the criteria established in Law 2/97 for the creation of local government units.[82] The first local government elections took place in June 1998 in 33 municipalities.[83] In these cases, the elected bodies (municipal assemblies, the mayor and executive councils) became the new authorities responsible for local affairs, namely, for governing cities and towns in the respective territories. Later, more municipalities were implemented, and there are now 53. In the other administrative units the previous structures remained, with administrators appointed by central government, with much less autonomy in the governance of cities and towns than the mayor and councillors in the current 53 units of local self-government. The assignment or transfer of competences from state administration to municipalities is gradual and depends solely on central government.[84] The relationship between the district, a de-concentrated tier of state local administration, and the municipalities, seems to be redundant in several aspects, a point that should be considered in future reforms. Maputo, the capital city, has a special administrative status.[85] That province has had an elected assembly since 2009 (Table 2.6).

In sum, although the institutional framework for the governance of cities and towns in Mozambique is unevenly implemented, at the time of writing, priority has been given to the main urban areas. The national strategy for the decentralization policy was approved in 2012.[86] The experience to be gained from these 53 municipalities will certainly allow a more sustained move towards full coverage of the national territory and a more efficient institutional model for urban governance in Mozambique.

Table 2.6 Mozambique—Provinces: population and area, 2014

Provinces	Population	Area (km²)
Niassa	1,593,483	129,056
Cabo Delgado	1,862,085	82,625
Nampula	4,887,839	81,606
Zambézia	4,682,435	105,008
Tete	2,418,581	100,724
Manica	1,866,301	61,661
Sofala	1,999,309	68,018
Inhambane	1,475,318	68,615
Gaza	1,392,072	75,709
Maputo Province	1,638,631	26,058
Maputo city	1,225,868	300
Mozambique (total)	25,041,922	799,380

Source: INE-M (2014a, b). Anuário estatístico de Moçambique—2014. Maputo: Instituto Nacional de Estatística (own elaboration)

3.4 Angola

Angola has an area of over 1.2 million km² and was divided at the end of the colonial period into 16 districts[87] and municipalities. Angola became independent on November 11, 1975,[88] and since then two main periods can be considered: the First Republic, the period between 1975 and 1992,[89] characterized by a single-party regime, a strong political-administrative centralization and a centrally planned or administratively co-ordinated economy[90]; and the Second Republic,[91] characterized by the gradual implementation of a multi-party political system,[92] a rupture with the 1975 constitutional regime and the gradual opening of key economic sectors to the private sector.[93] Although the 1975 Constitution considered forms of local self-government, in practice they were not implemented. In its place, the Law 1/76[94] instituted the Popular Power system (Santos 2012a), which evolved into forms of 'democratic centralism', not allowing local administrative entities other than the state (Pereira 1997; Jaime 2015).

Under the rule of the 1975 Constitution, members of the municipalities and *comunas* were nominated by the ruling political party.[95] In practice, *províncias*, *concelhos*, *comunas*, *círculos*, *bairros* and *povoações* were all forms of administrative de-concentration.

The civil war ended in 1991 and the first multi-party election took place in September 1992. The 1992 Constitution maintained the same tiers but changed the word *concelho* to *município*, both meaning "municipality".[96] These changes in the law were not fully implemented due to the resumption of the civil war, and part of these institutional reforms were suspended between 1992 and 2002.

The war and the destruction of infrastructures in large parts of the national territory were in part responsible for the delay in the implementation of local self-government in Angola, notwithstanding the fact, as Feijó (2014) points out, that a package of legislation on local self-government had been prepared by the ministry of territorial administration in 1995 and 1996. In 1999, the law on the organization of the provincial, municipal and communal governments was approved, representing an important de-concentration effort from central government to the provincial governments, an important administrative tier for the governance of cities and towns in that context.[97] This de-concentration act was replaced in 2007 by Law 1/07, which was replaced by law 17/10 on the organization of the state local administration after the approval of the 2010 Constitution.[98] This package of legislation on the de-concentration of competences to the provinces and municipalities represented an important step in the move towards the reduction of the highly centralized character of the state organization in Angola (Teixeira 2011).[99] However, despite the progress in the organization of the state local administration, a local self-government system has not yet been implemented, despite being formally established in the 2010 Constitution. For that reason, local policy, including the governance of cities and towns, has been largely controlled by central government or by its de-concentrated provincial and municipal administrations.[100,101]

Only after the Lusaka Agreement in 2002, which put an end to the second civil war (1992–2002), did the political reform process restart.[102] In 2001 a national plan was adopted for de-concentration and decentralization whose main aim was to implement local self-government (Santos 2012a);[103] and in 2003 the Angolan government and the PNUD launched a decentralization pilot program, applied in four municipalities: Calandula in the province of Malanje; Sanza Pombo in the province of Uíge; Kilamba-Kiaxi in the province of Luanda; and Camacupa in the province of Bié. In 2007 a new de-concentration initiative, was launched, reinforcing the state local administration (Santos 2012a).[104] In the same year a national program for the improvement of municipal management—focused on municipal

human resources capacitating and on modernization of procedures and structures—was adopted and applied in 68 municipalities selected as pilot experiences. And in 2009, the special funding scheme adopted for this program was extended to all municipalities in the country.[105]

In Angola, local self-government corresponds to the municipalities, but the law admits the possibility of other tiers of local self-government above and below the municipality. The state local administration is organized into provinces, which are divided into municipalities and those in *comunas*.[106] There is no rigorous definition of the limits of municipalities and provinces and the respective areas and it is not certain that the current municipalities will all be transformed into units of local self-government, or if, instead, some will be divided, in particular in the case of the larger municipalities in the rural areas. In the case of the capital, Luanda, special administrative regimes have been adopted in order to facilitate the role of the administration.[107]

The principle that municipalities can be implemented gradually has been increasingly contested. According to the opponents of this principle, it is exactly because of the lack of conditions (e.g., qualified staff, technical structures, financial resources, among other) that the implementation of local self-government entities is more urgent and needed and for that reason should be simultaneous.[108] From this perspective, if gradualism were to be applied, it would be more difficult to implement local policies, namely urban policies, in the geographic areas without local self-government. Therefore, the rapid and simultaneous implementation of local self-government in Angola is one of the important reforms that the country requires for its development and for dealing with the huge urban challenges with which it is confronted. Until this institutional reform is done, central government will retain a very wide discretionary power in all local governance decisions. The transference of competences to new local self-government units will certainly be gradual even if they all are created simultaneously. The election of local government boards has been announced several times, most recently in 2015, but has yet to happen.

Also important to note is the importance given to local traditional authorities in the 2010 Constitution, and the potential role they can play in local governance (Feijó and Paca 2013; Machado et al. 2014),[109] in particular at the level of the *comuna* in the rural areas, which, however, has been questioned from different points of view (Guedes 2008), besides the fact that some of them were artificially created by the central government in order to control the influence of these local traditional authorities.

Table 2.7 Angola—Provinces: number of municipalities, *comunas*, and population, 2014

Provinces	# Municipalities	# Comunas	Population
Cabinda	4	12	716,076
Zaire	6	25	594,428
Uíge	16	47	1,483,118
Luanda	7	32	6,945,386
Cuanza Norte	10	31	443,386
Cuanza Sul	12	36	1,881,873
Malanje	14	52	986,363
Lunda Norte	10	25	862,566
Benguela	10	38	2,231,385
Huambo	11	37	2,019,555
Bié	9	39	1,455,255
Moxico	9	30	758,568
Cuando Cubango	9	31	534,002
Namibe	5	14	495,326
Huíla	14	52	2,497,422
Cunene	6	20	990,087
Lunda Sul	4	14	537,587
Bengo	6	23	356,641
Angola (total)	162	559	25,789,024

Source: INE-A (2016). Censo 2014. Resultados definitivos do recenseamento geral da população e da habitação de Angola 2014. Luanda: Instituto Nacional de Estatística (own elaboration)

With the local government system largely incomplete or not implemented, the governance of cities and towns in Angola, in the post-colonial period, has been mostly a competence of the central government and of its de-concentrated departments at the level of province and municipality, through the Governor of the Province and the Administrator of the Municipality, respectively (Table 2.7). The simultaneous implementation of this much-needed institutional network of local self-government units at the municipal level seems to be the most important single reform required for changing the current status of city governance in Angola, four decades after the country became independent.

3.5   *Guinea-Bissau*

In Guinea-Bissau, independence was declared unilaterally on September 23,1973, and recognized by Portugal on September 10, 1974, few months

after the overthrow of the authoritarian political regime of the Estado Novo, in Lisbon. At the end of the colonial period, the de-concentrated administrative structure in the colony of Guinea had ten municipalities and three administrative circumscriptions.[110] This division was replaced by a new one after independence. The post-colonial period in Guinea-Bissau[111] also comprises two main phases: the revolutionary period, or First Republic—corresponding broadly to the first decade and half, a period based on the 1973 Constitution, and later the 1984 Constitution—and the Second Republic—characterized by the gradual implementation of a multi-party political regime after the first general election in 1994, which, however, is far from complete due to the continuous political instability that has affected the country.

Local elections have been announced several times during the Second Republic but the conditions for its implementation were never created. Decentralization reforms were attempted in the 1980s, but the legislation prepared on that occasion was not promulgated and the reform not implemented. The main disagreement at that time was between gradual implementation and rapid and simultaneous transformation of all regions and sectors in units of local self-government with elected boards. But the fact was that most of the regions and sectors did not have the basic conditions to sustain a full decentralized administrative system of local self-government; and probably for this reason the reform was not implemented.

The 1998 political and military conflict introduced important changes (Zeverino 2003). After the conflict the country experienced constant changes in government, in the administrative structure and staff, in the presidency of the Republic as well as in all sub-national tiers of public administration—regions and sectors. This political instability, characterized by loss of institutional memory and postponement of administrative decisions during most of the post-colonial period; the lack of a municipal tradition; the lack of political motivation to decentralize; the lack of a strong and well-organized central state, which some describe as an empty or failed state (Fistein 2011; Bordonaro 2009; Gable 2009); the depreciation of the role local traditional authorities could play in local governance, mainly in the rural areas; and the inadequacy of the institutional model adopted are some of the factors perceived as largely responsible for the difficulties experienced in the several attempts made to institutionalize local self-government in Guinea-Bissau.

As a result, the local self-government system established in the Constitution has not been implemented yet, notwithstanding the publication of several

acts on local government in 1996 and 1997.[112] This makes Guinea-Bissau the Lusophone African country with the least developed local administration system. Even Bissau, the capital city, has no form of local self-government. The state continues to be the main or the sole administrative actor, even in those fields that are typically a competence of municipalities, as is the case with urban planning. For instance, central government prepared the urban plan of Bissau in the 1990s,[113] and later the revision of that plan (MOPCU-DGHU 2005), a decision that should have been taken by the municipality of Bissau, since this is clearly a municipal competence.

Another facet of the decentralization process in Guinea-Bissau is the relatively widely dispersed legal framework related to local government, not always easy to follow, produced over the years.[114] Based on the new democratic constitution, the local government act approved in 1996[115] defined the structure, organization, election and competences of the municipality. This act defined two boards for the municipality, the assembly[116] and the executive,[117] with both boards' members elected directly for a four-year term. The other two local government tiers, the *secções autárquicas* and *juntas locais* were not regulated in this act. At the same time, this act defined the limits of the areas of activity of the state and the municipalities in order to avoid the overlap of competences.

Central government opted for the gradual implementation of municipalities, although in practice they were no more than forms of administrative de-concentration. In 1996, Law 4/96 created nine municipalities, one in each of the eight regions and one in the autonomous sector of the capital. The main urban centre, city or town, was selected in each of the regions and the capital for the implementation of this first set of municipalities[118]: Bafatá, Bissau, Bolama, Buba, Cantchungo, Catió, Farim and Gabú e Quinhamel.[119] In the remaining territory, where the level of urbanization, development and the demography did not allow the creation of municipalities, it was decided to maintain the existing administrative authorities.[120]

On the contrary, in the same period there was almost no new legislation on the local administration of the state,[121] which continued to be regulated mainly by legislation inherited from the colonial period, a situation in part responsible for the unclear relationships between the different tiers of sub-national administration. The 1984 Constitution, and its successive revisions, considered the regions, sectors and sections as the three tiers of the state local administration; but it was necessary to clarify the relationships between state local administration[122] and local self-government,[123] since

state local administration was fulfilling roles that were usually assigned to local self-government.

In order to address this uneven and relatively dispersed legal framework, the Parliament of Guinea-Bissau published the Law 4/97 on the political and administrative organization of the state. This law established eight regions and one autonomous sector in the capital Bissau[124] (Table 2.8). The region has a Governor,[125] appointed by central government, and a Council[126] with consultative competences; and its budget is based mainly on block-grant conditional transferences from the central government. This law established the sector as a sub-division of the region. The sector is headed by the Administrator of the Sector[127] working in close connection with the Governor of the Region. Despite this weak institutional framework, each of the eight regions and the autonomous sector of Bissau had a regional planning office headed by the Governor of the Region responsible for the four-year development plan. After the introduction of the multi-party system, the new political actors abandoned entirely the medium/long-term planning characteristics of the first years post-independence. Attempts to decentralize the state administration have continued over the years.[128]

In 1997, the Law 5/97 defined the criteria for the classification of towns (*vilas*) and city (*cidade*). Among other criteria, a town is required to have a minimum of 1500 inhabitants and a city a minimum of 6000 inhabitants. The 1996 Local Finance Act launched the basis for the finan-

Table 2.8 Guinea-Bissau—Regions: number of sectors, population and area, 2014

Regions	# Sectors	Population	Area (km²)
Tombali	5	91,089	3736.5
Quinara	4	60,777	3138.4
Oio	5	215,259	5403.4
Biombo	3	93,039	838.8
Bolama / Bijagós	4	32,424	2624.4
Bafatá	6	200,884	5981.1
Gabú	5	205,608	9150.0
Cacheu	6	185,053	5174.9
Bissau (Autonomous Sector)		365,097	77.5
Guinea-Bissau (total)	38 + 1 AS	1,449,230	36,125

Source: INE-GB (2014). Estatísticas Básicas da Guiné-Bissau 2014. (AS = Autonomous Sector, in the city capital). Bissau: Instituto Nacional de Estatística (own elaboration)

cial autonomy of the future three tiers of local self-government: municipalities, *secções autárquicas* and *juntas locais*. Central government tutelage over local self-government is defined as merely inspective, focused solely on the legality of the decisions and guarantee of the unity of the state.[129] Municipal revenues include a block grant transfer from the central government budget, which in total should be no less than 10% of the total national tax revenue—property taxes and participation in other national taxes[130]—fees and loans, among other minor income sources.

But none of this was implemented, since the municipalities, as forms of local self-government, with directly elected boards, were not instituted. On the contrary, colonial legislation continued to be applied to numerous aspects of the urban governance system.[131] The typical functions of municipalities, such as spatial planning, continued to be performed by the central government. It was the case with the urban plan of Bissau, prepared in 1995, as well as land use planning in the main urban centres in each region. The central government, through the Ministry of Public Works in conjunction with the autonomous sector of Bissau, prepared the urban plan of Bissau and land use plans for the other urban centres.

This highly centralized public administration system and the lack in practice of a true local self-government, empowered with the appropriate resources, proved to be one key constraint in the governing of cities and towns in Guinea-Bissau. This weak and uneven capacity of local institutions is acknowledged in recent policy documents and its reform seems to be a key element in the strategies defined recently (Governo da Guiné-Bissau 2014a, b). In other words, a firm reform plan seems to require starting the process in the main urban centres in each region and gradually covering the other parts of the national territory.

4   Conclusion

The history of the de-concentrated local administration and local self-government in the five Lusophone African countries shows how historic and cultural circumstances, the nature of the political regimes in the new independent countries and to some extent also the colonial heritage are key factors responsible for the level of development of sub-national tiers of government and for the relatively high degree of administrative centralization that still exists and for the impact this has had on the governance of cities and towns in these countries.

The Portuguese colonial administrative system, like those of the other major European colonial powers in Africa, was suited more for control of the territory than for the empowerment of local communities, and this was reflected in the high degree of administrative centralization that took place during the entire colonial period. In the beginning of the 1900s, Cape Verde was perhaps the colony with the most developed institutional framework, with a local administration structure covering the entire territory, while Guinea-Bissau and São Tome and Príncipe were those with the weakest and least developed local government. Angola had a more complex local administration structure, civil and military, while Mozambique was different from all the other colonies due to the fact that part of the territory was administered by sovereign companies until mid-twentieth century.[132]

This colonial past is certainly one of the factors responsible for the weakness of the current sub-national tiers of government in these five countries and for the constraints confronting their governance of cities and towns. Traditional local institutions did not develop or were even devalued and replaced gradually by the uniform Portuguese colonial administration, particularly during the twentieth century, and therefore did not offer a base from which a modern local self-government system could be developed by the new independent states. Instead of a civilizing role, the substitution of traditional local authorities by the Portuguese centralist and statist administrative tradition contributed mainly to inhibiting the 'bottom-up' development of forms of local self-government in the post-independence period.

This inherited centralized pattern was somehow reinforced in the post-colonial period by the aim to guarantee the integrity of the national territory and to enhance the leading role of the ruling political party. During the colonial period local administration had been always under-staffed and under-funded, with limited competences and a high degree of dependence on the central government. This pattern is changing too slowly in the post-colonial period, which is proving to be a factor responsible for the weaknesses found in the governing of cities in the Lusophone African countries.

Nonetheless, despite the commonalities among these countries, in part the result of their common colonial past, the political process in each of them has specificities that make each country different from the others. Apart from the common aspects of the revolutionary period or First Republic and of its highly centralized public administration system that

lasted through the first decade and half after independence—a period marked by the existence of a single-party regime, a highly centralized state, an economy administered by the state in key sectors and the lack of local self-government—the following period is marked by differences among them. The implementation, at different rhythms since the early 1990s, of a multi-party democratic political regime, the gradual implementation of local self-government and the development and expansion of the market economy are partially responsible for the differences found in the capacity of local self-government to have an autonomous role in the governing of cities and towns in these countries.

The post-colonial period is marked by specific political characteristics, for example, the long civil wars in Angola and in Mozambique,[133] the political split between Cape Verde and Guinea-Bissau, in the 1980s, or the frequent political instability in Guinea-Bissau—in contrast with the relatively more stable political evolution in Cape Verde, and to some extent also in São Tome and Príncipe, in the post-independence period. This and the lack of political will or the fear of local self-government's falling into the hands of the opposition who would confront central governments with entities that could challenge its political decisions and the control over public resources are some of the other conditions perceived to be responsible for the differences found in the implementation of local self-government in the five Lusophone African countries and in the capacity of the existing municipalities to govern cities and towns in these five countries.

In sum, in the Lusophone African countries, central government continues to retain full control of policy definition and initiation, and of fiscal issues as well, either directly or through the local state administration. In the island states, in which municipalities have been implemented as forms of local self-government, as legal and autonomous entities with directly elected boards, the autonomy and the capacity to act autonomously is greater than in the other three states, although with very limited financial capacity. In most cases, sub-national tiers of administration, including local self-government, as is the case of municipalities with directly elected boards, are mainly responsible for the implementation of policy decisions taken by central government departments.

Like what happened in other parts of Africa, some of these Lusophone countries opted for a partial or gradual decentralization, with part of the national territory not covered immediately by local self-government entities, developing at the same time parallel institutions that somehow over-

lap or substitute local government. Also common to the rest of Africa, in both colonial and post-colonial periods, is the limited financial autonomy and the low ratio of local expenses to public expenditure. Municipalities in Lusophone African countries, with the exception of the cases where they are already forms of local self-government, continue to depend on central government or on its de-concentrated offices in the area. Local government entities in these countries have scarce revenues, very limited taxation powers, inadequate transfer systems, difficult or no access to borrowing, lack of qualified staff and poor or no accountability systems. All this has severely undermined the capacity of local government to govern cities and towns in the five Lusophone African countries.

The lack of a fully implemented true system of local self-government in two of these five countries, based on the principle of subsidiarity and local autonomy, and with adequate structures and resources—human, financial and organizational—during so many years after independence, emerges from this analysis as an institutional weakness that prevents the development of a consistent and effective capacity to govern urban areas.

The case of Cape Verde, the Lusophone African country with the longest experience of local self-government, is an appropriate illustration of the difference local self-government can make in the governance of cities and towns in Africa, even considering the weaknesses the Cape Verde system has, namely, the weak financial capacity of municipalities. A similar conclusion emerges from the experience of São Tome and Príncipe, although on a different level of institutional development, and from the gradual implementation of local self-government in some municipalities in Mozambique. For this reason, the institution of a true local self-government system— with clear rules for transferring financial resources from central to local government, easier access to other sources of revenues, a larger share of public expenditures, improved staff qualifications and stronger institutional capacity, more functions and a clearer division of responsibilities—seems to be the most important reform needed for an effective and efficient governance of cities and towns in these countries.

Notes

1. The literature on the organization of public administration is vast and is not possible to fully cover it here. Basic notions related to the organization of public administration are frequently addressed in most handbooks on administrative law.

2. Silveira (2004) in his 1976 PhD thesis *Africa South of Sahara* on party systems and ideologies of Socialism offers interesting insights on the roots of this centralism.

3. Independence was declared unilaterally on September 23, 1973 by the liberation movement (PAIGC—*Partido Africano para a Independência da Guiné e Cabo Verde)* and recognized by Portugal on September 10,1974, after the political changes that followed the overthrow of the authoritarian and colonial political regime in April 25, 1974, in Lisbon. The bibliography in Portuguese on the colonial/liberation war and on the decolonization process is vast. For an overview, in English, of the last colonial wars in Angola, Guinea-Bissau and Mozambique, see, among others, Henriksen (1976, 1977). [Norton de Matos, a general and Governor General and later High Commissioner in Angola in the early twentieth century refers, in his memoirs, to the conflicts and 'pacification campaigns' in Angola and Mozambique at the end of the nineteenth and early twentieth as 'colonial wars'. Following Norton de Matos we should then consider the armed conflict in the 1960s and 1970s as the last colonial war(s) Portugal had in Africa.] For the decolonization process in the Portuguese colonies in Africa, Miller (1975) offers useful information. For the case of Sao Tome and Principe, Keese (2011) provides interesting insights.

4. The statistical data in this paragraph is taken from the statistical publications referred to in the bibliography and from the respective institutional websites: INE-GB (2014); INE-GB (2005); INE-CV (2015), INE-A (2016), INE-M (2014), INE-M (2014), INE-RDSTP (2012).

5. *Estatuto do Indigenato* ('natives' special political and administrative regime) was abolished in 1961.

6. For an overview of the situation in the Portuguese colonies in the early twentieth century, namely, its administrative structure see, among others, Vasconcellos (1921); de Almeida (1920); Moura (1913).

7. *Rebelo da Silva reform (Decreto Orgânico das Províncias Ultramarinas*, 1 December 1869, published in *Diário do Governo*, 9 December 1869). Article 72 established that in each municipality there would be an executive board (*câmara municipal*) with one administrator, who could also assume functions of military command. In those municipalities where there was not a sufficient number of persons able to carry on the municipal functions, a person would be nominated that would assume the civil and military competences, who with two other citizens, nominated by the colonial governor annually, would constitute a municipal commission with the same competences as the *câmara municipal* in the other municipalities. This law was replaced only in 1914 by Law n° 277, 15 August 1914 (*Lei orgânica de administração civil das províncias ultramarinas*).

This law was then applied by specific acts to each colony. In the case of Angola, for instance, by the *Carta Orgânica da Província de Angola*, approved by the Decret 3621, November 28, 1917. The literature in Portuguese on these themes is vast. For an overview of how colonial administration was seen in the Portuguese society and how it was taught at the University of Coimbra, the sole national university at the turn from the nineteenth to twentieth century, see Ulrich (1908).

8. Decret 27 May 1911, published in *Diário do Governo*, 29 May 1911, established in the province of Angola the system of administration by civilian circumscriptions.

9. Norton de Matos (1944) refers in his memoirs to a conflict he had with the military, on his arrival in Luanda when he went to Angola as High Commissioner, concerning the need to replace the previous policy by a new one in favour of a predominantly civilian administration in the entire territory.

10. Based on the 1911 Constitution, the first *Carta Orgânica da Provícia de Angola* (Decret n° 3621, 28 August 1917) was adopted. The Province (colony) of Angola was divided into districts, with a civil or a military regime, depending on whether it was a dominated area or not. The districts were divided into *concelhos* (municipalities), circumscriptions or *capitanias-mor*, according to the importance of the places, number of whites or assimilated Africans, and also according to the commercial and industrial development, and the level of instruction and 'civilization' reached by the African population.

11. Law 1005, 7 August 1920 (constitutional law that changed several articles of the 1911 Constitution). This law granted administrative and financial autonomy to the colonies and introduced the figure of High Commissioner replacing the figure of Governor. And it granted also more power to the executive in Angola (High Commissioner).

12. In 1951, the 1933 Constitution was revised and the content of the Colonial Act was this time integrated into the 1951 Constitution text. A specific section was dedicated to the *Ultramar* ('Overseas' territories), a change also in the names, from colony (*colónia*) to overseas (*ultramar*).

13. Law n° 2066, 27 June 1953 (*Lei Orgânica do Ultramar*); Law n° 2119, 24 June 1963 (Lei Orgânica do Ultramar).

14. Law n° 5/72, 23 June (*Lei orgânica do Ultramar*).

15. Decret-Law n° 169/74, 25 April. The Ministry of Overseas / Ultramar / Colonies (the former Colonial Office or Colonial Ministry) was abolished. The relations with the colonies were now the responsibility of the *Ministro da Coordenação Inter-territorial* ('Inter-Territorial Coordination Ministry'). Specific legislation was then published for each colony defining the form of government and the transition process towards independence.

16. One such example is the *Comissão de Melhoramentos da Povoação da Lucira*, in the circumscription of Moçâmedes, Angola, created in 1947.

17. Parish (*Freguesia*). For instance, in the case of Cape Verde, the colonial government published an act on the functioning of the parish boards on November 1974, just half year before independence. Sao Tome and Principe had, at the end of the colonial period, 2 municipalities divided in 12 parishes (the municipality of Sao Tome with 11 and the municipality of Principe with 1 parish).

18. In the district of Cuanza Sul, the municipality of Cassongue was created in1964. Or the creation of administrative posts in the district of Luanda in 1963, to mention just two examples.

19. The armed conflict during the 'Colonial war' (*Guerra do Ultramar*, for Portugal; *Guerra de Libertação*, for the liberation movements) took place in three of the five colonies: Angola (1961–1974), Guinea-Bissau (1963–1974) and Mozambique (1964–1974). There is a vast literature in Portuguese on this theme, published in Portugal and in each of these countries. For an overview of the liberation movements and the guerrilla war see, published in English, among others, Henriksen (1976, 1977).

20. In 1959, the possibility to divide the municipality in *bairros administrativos* was extended to Luanda and Lourenço Marques as it was practiced in the main cities in mainland Portugal. Before that, Luanda had been divided into two different administrative areas. Luanda had, in the reforms made in 1964 and in 1966, four administrative neighbourhoods (*bairros administrativos*) and sixteen parishes (*freguesias*).

21. See Souto (2007) for a description of the highly centralized administrative system in Mozambique in the last years of the colonial period.

22. For example, *Fundo de Melhoramentos* or *Comissão de Melhoramentos.* For instance, in the 1930s and 1940s, in Angola, *Comissão de Melhoramentos da Praia de Luanda*; *Comissão de Melhoramentos dos Portos Marítimos do Cuanza Sul; Fundo de Melhoramentos de Novo Redondo; Fundo de Melhoramentos de Porto Amboim ; Fundo de Melhoramentos do Porto de Benguela; Comissão de Melhoramentos da Praia de Benguela*.

23. For example, in the 1974 budget approved in the municipality of Principe, in Sao Tome and Principe, 98.9% was a conditional grant from the government of the province ('colony').

24. A process relatively under researched in the case of the former Portuguese colonies. A comparison with the dual mandate adopted by Britain and the assimilation policy of France is a research line that needs to be pursued before more firm conclusions can be taken on this issue. For the British policy see, among others, Wrong (1946) and Ola (1968). Stouffer (1974) provides an interesting account of how district councils, introduced at the

end of the British colonial period, functioned in Sokoto, the largest Native Authority in the former Northern Region of Nigeria.

25. In the days and weeks that followed the overthrow of the regime on April 25, 1974. It was the case of the political police (PIDE/DGS), the political party (ANP), the youth organizations (MP and MPF) and other structures. For instance, in Sao Tome and Principe the ANP structures were abolished on April 30, 1974 at the level of parish, municipality and the province (colony).

26. The agreement for independence was signed between Portugal and the liberation movements, a few months before independence: PAIGC—*Partido Africano para a Independência da Guiné e Cabo Verde,* in the case of Guinea-Bissau and Cape Verde (two countries, a single party); MLSTP—*Movimento de Libertação de São Tomé e Príncipe,* in the case of Sao Tome and Principe; FRELIMO—*Frente de Libertação de Moçambique,* in the case of Mozambique; and three liberation movements in the case of Angola: MPLA—*Movimento Popular de Libertação de Angola;* FNLA—*Frente Nacional de Libertação de Angola;* UNITA—*União Nacional para a Independência Total de Angola.*

27. Local government in Angola would comprise three tiers: the province, divided in municipalities, and these in *comunas,* with boards directly elected. Until the election of these boards, local government entities would be run by Administrative Commissions, with representatives of all Angolan main political forces. Like what happened in Mozambique, there was a rename of the administrative divisions. The colonial "districts" became the "provinces" in the new independent state.

28. These experiences in the transition period are under-researched; and therefore the information available is clearly insufficient. Nonetheless, considering the political turmoil in the last months before independence, the activity of municipalities might have been focused solely on basic and routine issues (for example, the transition government, in office since January 31, 1975, was no longer functioning as such in practice, in August 1975, which forced the Portuguese High Commissioner to hold the competences of the transition government). This and the popular power instituted by the MPLA just before independence through neighbourhood popular commissions might have made this form of local self-government ineffective or even senseless in that political context. The city of Luanda was divided into 25 zones, each with a 'Neighbourhood Popular Commission' one week before independence when the government in Luanda was dominated by the MPLA. These structures became the real 'local government' in the first years of the new independent state. Nonetheless, in the case of Angola, the list of subsidies given to municipalities by the *Fundo de Melhoramentos*

Locais, in the last months before independence, published at the end of August 1975, suggests a paradoxically almost normal activity. Typically, this fund co-financed municipal publics works (housing, water, waste, electricity infrastructures and so on). This is clearly a period and process that require further research before firm conclusions can be reached.

29. In Angola, in August 1974, the colonial government issued new legislation aimed to address the housing problem in the main urban centres, in particular in Luanda and its fast-growing informal urban areas (*muceques)*. In Mozambique, the transition government approved, in May 1975, the budget of the commission in charge of social housing (*Junta dos Bairros e Casas Populares*).

30. For instance, in Mozambique several land parcels were expropriated by the transition government for the construction of state shops (*Lojas do Estado)*, in the months prior to independence. In Sao Tome and Principe there was also an active land transaction process in the months prior to independence.

31. For instance, the transition government in Mozambique moved districts (former municipalities) from one province (former districts) to another—as was the case with the move of two districts from the province of Beira to the province of Vila Pery, in June 1975, days before independence—or extinguished a former district (Ilha) and integrated it in the nearby province of Nampula, in April 1975.

32. There are numerous cases, in the five colonies, of place renaming, as well as changes of the names of streets, schools and so on. Frequently it was the names of former leading figures of the political regime that were replaced. For instance, the city of Salazar in Mozambique was renamed Matola, in March 1975, a few months before independence. For the case of "Lourenço Marques", the capital city, renamed "Maputo" seven months after independence, on 3 February 1976, see Castela and Meneses (2015).

33. Sidaway and Simon (1993) provide an informed view of the changes associated with the civil wars and the transition from the I Republic 'socialist' regime to the II Republic, in Angola and Mozambique.

34. A brief analysis of the local government system in the post-colonial period in Angola, Cape Verde and Mozambique was included in my study of the spatial planning systems of these three countries published in Silva (2015a).

35. Named 'district' in Sao Tome and Principe.

36. In Angola, Provincial Popular Assemblies, as representative assemblies at the provincial level, and similar assemblies at the municipal level, were implemented in the period from 1975 until 1990.

37. Administrative commissions (*Comissões Administrativas*).

38. Gouveia (2014) supports the view that there was an influence of the Soviet 'model' in the case of Angola in the first years after independence. Miranda (1991) supports the view that the new democratic constitution adopted by the Lusophone countries in the early 1990s reveals direct influences of the Portuguese Constitution.

39. Miranda (1991) provides an overview of the circumstances in which the first constitutions were adopted and the process that lead to the democratic constitutions in the early 1990s (in Cape Verde, the constitutional revision took place in January 1990; in São Tomé and Príncipe, in September 1990; in Mozambique, in November 1990). Machado et al. (2014) and Gouveia (2014), among others, link the move towards these new constitutional arrangements and new organization of the state to the *Perestroika* in the former Soviet bloc.

40. For an overview of the constitutional process in the Lusophone African countries after independence see, among others, Miranda (1991); Silva (2010); Fonseca (2006); Machado et al. (2014); Gouveia (2000; 2014).

41. The island of Príncipe is a region.

42. Constitution 2010, Articles 213°; 224°; 225°. Feijó (2014: 135) raises important issues related to the compatibility between these traditional authorities and the rule of law in a modern democratic state (for example, the fact that women cannot succeed the traditional leader seems to violate the constitutional principle of equality; the existence of kingdoms in a republican state seems to be incompatible, among other inconsistencies).

43. Mário Silva (2010) and Fonseca (2006) provide broad overviews of this process since independence.

44. Cape Verde has a very long history of local self-government that dates back to the initial stages of the colonization period in the fifteenth century, when the first structures of local government were implemented in Ribeira Grande de Santiago, in the island of Santiago, and in the island of Fogo (Brito 2014). Local government in Cape Verde during the colonial period had an evolution similar to what happened in other parts of the Portuguese colonial empire, as described in the previous section of this chapter.

45. Based in the first law that defined the Political Organization of the Cape Verde State (*Lei sobre a Organização Política do Estado*), approved on July 5, 1975, the first government of the new independent state decided to implement a reform of local government, based on the revolutionary principle of a single-party political regime. The new local government system had to express that revolutionary conception of the political organization of the state. This role was assigned to the PAIGC (*Partido*

Africano para a Independência da Guiné e Cabo Verde), the party that conducted the liberation struggle.

46. Brito (2014) states that, in practice, local leaders had some autonomy and room to manoeuvre, which was more extensive than that explicitly expressed in the law, due to the fact that they were all members of the same political party.

47. Among other changes achieved in that period, Brito (2014) cites the publication, in 1980, of the Local Finance Law (*Lei das Finanças Locais),* and the reform of municipal financial administration (*Reforma da Contabilidade Municipal).*

48. Considered the first Constitution of Cape Verde (revisions: 1988, 1990, 1992, 1995, 1999 and 2010). See Mário Silva (2010) for an overview of this process. It was expected to be applied after the parliamentary elections due to take place on December 7,1980. A military coup in Guinea-Bissau on November 14, 1980 changed the political situation completely and was responsible for the end of the bi-national project and led to the split between the two countries (Cape Verde and Guinea-Bissau).

49. Law 47/III/89, 13 July 1989 *(Lei de Bases das Autarquias Locais)* defined the principle of general, free and secret election of the municipal assembly, expanded the municipal competences and introduced the principle of legality control instead of the control of the local political decisions. Law 48/III/89, 13 July 1989 defined the electoral system, allowing the election of groups of citizens, besides the candidates of the single party.

50. Decret-law 23229, 15/11/1933—Colonial Administrative Reform (*Reforma Administrativa Ultramarina)* was abolished by Law 47/III/89, 13 July 1989. Brito (2014) states, quoting Eurico Pinto Monteiro, that this colonial act was replaced gradually: in 1975, in 1980, in 1983 and in 1990.

51. Decret-law 122/91, 20/09/1991; Decret-law 123/91, 20/09/1991; Law 134/IV/95, 3/07/1995.

52. Act 69/VII/2010, 16/08/2010 (Law 69/VII/2010—*Lei Quadro da Descentralização).*

53. Law 69/VII/2010, 16/08/2014.

54. Proposal of law (2008)—*Estatuto Administrativo Especial da Cidade da Praia*. It was again an important point in the political debate in the following elections, namely, in 2016.

55. Among others, see the following document: *Unidade de Coordenação da Reforma do Estado. Comissão para a Descentralização e Desconcentração (2007). Parâmetros do processo conjunto de descentralização e desconcentração do Estado. Aproximar o Estado das populações, sem perder a eficácia na prestação do serviço público e visão de desenvolvimento integrado.*

56. ANMCV—*Associação Nacional dos Municípios Caboverdianos* (National Association of Cape Verde Municipalities) founded in 1995, includes the 22 municipalities; AMS—*Associação de Municípios de Santiago* (Municipal Association of Santiago) founded in 1997, includes the 9 municipalities of the Island of Santiago.

57. Each municipality was divided into parishes (*freguesia),* which, however, had no relevant competences or practical effects in the field of urban governance (São Tomé had 11 parishes and Príncipe 2 parishes). The literature on São Tome and Principe, published in Portuguese, is vast. For a discussion of the political history of the country see, among others, Tenreiro (1961); Henriques (2000); Seibert (2002); Guedes et al. (2002).

58. Keese (2011) provides interesting insights on the changes associated with the decolonization process in Sao Tome and Principe.

59. Constitution, published in 1990 (20.09.1990). For an overview of this process see, among others, Guedes et al. (2002).

60. MLSTP—*Movimento de Libertação de São Tomé e Príncipe.*

61. PCD—*Partido de Convergência Democrática.*

62. ADI—*Aliança Democrática Independente.*

63. The current Local Government Act (Law 10/2005—*Lei de Revisão da Lei Quadro das Autarquias Locais*), changed and replaced the first Local Government Act (Law 10/92). The first electoral legislation was published in 1992 (Law 11/92, 9 September—*Lei Eleitoral dos Órgãos das Autarquias Locais).*

64. Municipalities in Sao Tome and Principe are named districts, an unusual name for the lowest tier in the administrative structure, a name that in the Portuguese administrative tradition is usually used to name a regional tier. The six districts ('municipalities') in the island of Sao Tome are Água Grande, Cantagalo, Caué, Lembá, Lobata and Mé-Zochi. In addition, there is the Autonomous Region of Principe (*Região Autónoma do Príncip*e).

65. Law 1/77, 22 February 1977—defined the administrative division of Sao Tome and Principe. It was replaced by Law 5/80, 21 November 1980. It divided the national territory (1001 km²) into six districts on the island of São Tomé: Água Grande, Mé Zóchi, Cantagalo, Caué, Lembá and Lobata); the island of Príncipe became a single district (Pagué). In 1994 (Law 4/94) the island of Principe became an Autonomous Region.

66. Law 10/2005 article 2.°, n.° 3.

67. Constitution, article 136°, n° 2.

68. The mayor is the first in the winning list for the assembly. The councillors are all members of the winning list.

69. 'It is competence of the municipality (district) everything that is of interest for the local population' *(constituem atribuições das Autarquias Locais tudo que diga respeito aos interesses das populações respectivas ...).*

70. Local Finance Act (Law n.°16/92, 31 December 1992—*Lei das Finanças Locais).*

71. On these and on other aspects of the local government system in Sao Tome and Principe see also, among others, Freitas (2014).

72. ARA—*Associação das Autarquias e Regiões Autónomas de São Tomé e Príncipe* (Association of Local Government and Autonomous Region of Sao Tome and Principe), which is chaired currently by the mayor of Água Grande, the municipality (district) of the capital.

73. The 16th Government took office in 2015 (Decret-Law n.° 1/2015—*Lei Orgânica do XVI Governo Constitucional)* with 13 ministries.

74. In 2006, the XI Government innovated by creating a ministry for the reform of the state and public administration (*Ministério da Administração Pública, Reforma do Estado e Administração Territorial).*

75. The new Constitution of Mozambique was adopted on November 2,1990. The Rome Agreement that put an end to the civil war between the Government and RENAMO (*Resistência Nacional Moçambicana)* was signed in Rome, on October 4, 1992. However, the political and economic changes that led to the Second Republic started earlier, in 1987, with the plan for economic rehabilitation (*Programa de Reabilitação Económica)*. For an overview of RENAMO, the opposition movement in the civil war, see, among others, Morgan (1990).

76. See Munslow (1984) for an overview of the state intervention in agriculture in Mozambique.

77. Law 5/78, law 6/78, and law 7/78, 22 April 1978.

78. FRELIMO—*Frente de Libertação de Moçambique.*

79. PROL—*Programa de Reformas dos Órgãos Locais,* 1992; Law 3/94, 13/09/1994. For an analysis of this process see, among others, Cistac (2014). This reform was first tried in the following provincial capitals: Maputo, Beira, Quelimane, Nampula and Pemba. Law 3/94 was replaced by Law 2/97, 18 February. See also Correia (2005) for a description of some of the decentralization measures taken during the 1990s in Mozambique; on decentralization and local governance in Mozambique see Fauré and Rodrigues (2012), in particular the case studies reported in chapters 10, 11 and 12; on colonial and post-colonial municipal administration in Mozambique see also Nascimento and Rocha (2015).

80. Law 2/97, 18/2/1997 approved the legal framework for the creation of local government units. In 1997, several laws concerning local government organization were approved. Law 10/97, 31 May created 31 municipalities; in a second moment, Law 3/2008, 2 May created 10

more municipalities; in 2013, Law 11/2013, 3 June created 10 more municipalities, reaching the total, at the time of writing, of 53 municipalities. In 1997 other laws on local government were also published: Law11/97, 31/05/1997 on local finance; Law 7/7, 31/05/1997 on administrative control by the state; ….Law 5/97…; Law 6/97,…; Law 8/97,…; Law 9/97,…; Law 10/97,….

81. Law n° 8/2003, (*órgãos locais do Estado)*.
82. Law 2/97, 18/02/1997.
83. The party in power, Frelimo, won the elections. Independent candidates were elected in several municipalities, in some cases with an expressive percentage of the vote. Law 19/2002, 10 October on local elections was revised by Law 18/2007, 18 July.
84. Decret-law 33/2006, 30/08/2006 defines the rules for the transfer of competences (before by Law 2/97, 18/02/1997, art. 25). Decret 58/2009, 8/10/2009 expanded the deadline for the transfer of competences defined in Decret-law 33/2006. Law 1/2008, 16/1/2008, art. 84 requires the observation of certain financial conditions for the creation of local government units. The 2006 law allows the municipalities to require/propose the transfer of certain responsibilities/competences.
85. Law 8/97, 31 May 1997—*Estatuto especial do município de Maputo.*
86. Resolution n° 40/2012, 20 December.
87. In May 1973, Angola was divided into 16 districts for the purpose of state local administration: Benguela, Bié, Cabinda, Cuando-Cubango, Cuanza-Norte, Cuanza-Sul, Cunene, Huambo, Huíla, Luanda, Lunda, Malanje, Moçâmedes, Moxico, Uíge and Zaire. The districts were divided into municipalities and these into parishes (*freguesias)*.
88. Constitution 1975 (the Constitutional Law was approved by the Central Committee of MPLA on 10 November 1975. A single-party regime was a key feature of the new political regime).
89. The Treaty of Alvor signed by the Portuguese government and the three movements (MPLA, FNLA, and UNITA) on 15/01/1975 established the 11/11/1975 as the date for the independence of Angola. For an overview of this process, in particular the constitutional process and the corresponding definition of the structure of the state see, among others, Machado et al. (2014); Gouveia (2014); Miranda (1991); Feijó and Paca (2013); Guedes (2004).
90. Birmingham (1988) provides an informed perspective of the changes experienced by Angola in the first decade after independence. For an overview of the history of Angola, see Wheeler and Pelissier (2011).
91. Gouveia (2014) and Machado et al. (2014) provide broad overviews of this process. The new Constitution was approved in 1991, although changes did start a little before with the law on privatizations adopted in

1988 (Law 10/88), the law on public corporations approved in the same year (Law 11/88) and the law on foreign investments (Law 12/88). *República Popular de Angola* (First Republic) was replaced by *República de Angola* (the Second Republic). See also Feijó and Paca (2013).

92. Law 23/92, 16/09/1992—Constitutional law of Angola; and the legislative and presidential elections in 1992.

93. Due to these specificities of the Angolan political process, Gouveia (2014) refers to three main phases in the post-independence period instead of just two: the First Republic, the transition to a democratic system after the Bicesse Agreement and the third phase marked by the consolidation of this democratization process with the adoption of the 2010 Constitution approved by an elected multi-party parliament. Raúl Araújo, quoted in Gouveia (2014: 123–124), considers the period after the approval of the 2010 Constitution as the Third Republic, while Jorge Miranda, quoted by the same author (Gouveia 2014: 124), considers it to be part of the same period that started with the 1992 Constitution.

94. Law n° 1 /76, 5 February 1976—*Lei dos Órgãos do Poder Popular*. This law fixed the contradiction existent in the 1975 Constitution, in the sense that local self-government was established in the constitutional text but it was contradictory with the Marxist-Leninist nature of the regime. There could be no other public administration other than the state. Therefore, by creating these networks of popular power associated with the ruling party MPLA, the regime became even more centralist with no room for local self-government in the traditional sense. The Law 7/81, 4 September 1981 (*Lei dos Órgãos Locais do Estado)* compiled and systematized all the dispersed legislation on this issue (Jaime 2015) and enlarged the universe of organizations included in the notion of 'popular power'. It included now Provincial, Municipal and Communal commissariats, instead of commissariats only at the neighbourhood level. Later, in 1988, Law 21/88 , 31 December (*Lei Orgânica dos Comissariados Províncias e Municipais)* separated these popular power entities into two groups: the commissariats in charge of the typical functions of state local administration and those that were simply executive boards of the popular assemblies. In 1999, Law 17/99, 29 October defined a new framework for the state local administration. It was revised in 2007 by Law 2/07, 2 January 2007.

95. MPLA—*Movimento Popular de Libertação de Angola*.

96. Law n° 23/92, 16 September—constitutional revision (*Lei de Revisão Constitucional)*.

97. Law 17/99, 29 October (*Organização dos Governos Provinciais e Administrações Municipais e Comunais)*.

98. The full text of the 2010 Constitution is published in *Diário da República de Angola*, 5 February 2010. Law 2/07, 3 January; Law 17/10, 29 July.

99. Teixeira (2011) provides a broad description of the current system of the state local administration.

100. The 2010 Constitution, article 219°, assigns to local self-government (*autarquias locais*) a number of competences in the field of spatial planning, housing and numerous other closely related fields. Santos (2012b) provides an overview of the municipal tier in Angola.

101. Decret 2/06, article 158. See also Decret-law 17/99, 29 October and Decret 27/00, 19 May on the de-concentrated state administration in the provinces and municipalities, respectively.

102. Peace agreement between MPLA and UNITA on April 4, 2002. The second legislative elections for the national parliament took place on September 5, 2008.

103. *Plano Estratégico Nacional de desconcentração e descentralização administrativa* and the program *"Descentralização e Governação Local,* between the *Ministério da Administração do Território* (MAT) and the *Programa das Nações Unidas para o Desenvolvimento* (PNUD), as described in Santos (2012a) and Jaime (2015: 96). These initiatives are one more example of the kind of policies that seem to require further research before more firm conclusions can be reached about their real impact on the ground. On decentralization and local governance in Angola see also Fauré and Rodrigues (2012), in particular, the case studies reported in Chapters 6, 7, 8 and 9.

104. Law n° 2/07, 2 January 2007. This law reinforced the powers of the province, municipality and *comuna* as de-concentrated entities. It also created a new consultative board: *Conselho de Auscultação e Concertação Social.*

105. This experimental approach to local government implementation in Angola and the information available on these pilot experiences referred in the text are insufficient and require further research and fieldwork.

106. Law 2/97, 3/01/1997 defined the organizational norms and the functioning of the state local administration. Municipalities are governed by a collective board (*Administração Municipal*) and by an individual member (*Administrador Municipal*). Among others, see Gouveia (2014). It was revised and substituted by Law 17/10, 29/07/2010 (Law n.° 17/10, 29 July—*organização e funcionamento dos órgãos da Administração Local do Estado)*. Decret-law 30/10, 9/04/2010 defines the local finance system.

107. For example: the special regime for the rehabilitation of Cazenga and Sambizanga in Luanda (Decreto Presidencial n° 266/10, 29 November 2010); the creation of a strategic council for Luanda—*Conselho de Coordenação Estratégica para o Ordenamento Territorial e de Desenvolvimento Económico e Social da Província de Luanda* (Decreto

Presidencial n° 104/10, 21 June 2010); the special regime for new towns in Luanda (*Regime de Organização Administrativa da Cidade do Kilamba* and *Regime Específico de Organização e Gestão da Urbanização da Talatona*—Decreto Presidencial n° 62/11 and n° 63/11, 18 April 2011).

108. Constitution 2010, art. 242. Feijó (2014), agreeing with Alexandrino (2010), suggests that it would be unconstitutional to create local self-government in some parts of the country and not in other parts. The argument in favor of 'gradualism' in the implementation of local self-government, also applied in Mozambique, is related to the lack of necessary conditions (for example, qualified staff and other administrative conditions).

109. Machado et al. (2014), quoting Carlos Feijó, refers to the existence of 31,845 traditional authorities registered in Angola in 2010.

110. The state local administration comprised 13 units (10 *concelhos* and 3 *circunscrição*). The ten municipalities were Bafatá, Bissau, Bissorã, Bolama, Bula, Cacheu, Catió, Farim, Gabú and Mansoa. The three administrative circumscriptions were Bijagós, Fulacunda, S. Domingos. For a broad view of the colonial period in Guinea-Bissau see, among others, Mendy (2003).

111. See Chabal (1983) for a critical perspective of the first years in the post-independence period in Guinea-Bissau.

112. Law n.° 5/96, 16 September (Local Government Act */Lei base das autarquias locais);* Law 7/96, 9 December 1996 (Local Finance Law); Law 4/97, 2 December (law on the political and administrative organization of the territory */Organização político-administrativa do território);* Law 4/96, 9 December 1996—Law on the creation and extinction of local government */Criação e extinção de autarquias locais)*.

113. Following the Presidential dispatch of 1989 (*Despacho Presidencial,* 26/12/1989).

114. For a compilation of legal acts pertaining to local government in Guinea-Bissau see Nora and Carvalho (2007). Also useful for the other Lusophone African countries is Alexandrino and Luís (2014).

115. Law 5/96.

116. *Assembleia municipal.*

117. *Câmara municipal.*

118. The municipality of Bissau, the capital city, was defined in 1995 (Decret n° 16/95, 30 October).

119. Decret-Law n° 4/96, 9 December. The geographical limits of these nine municipalities were defined and mapped in this local government act.

120. *Circunscrições administrativas.*

121. *Administração periférica do Estado.*

122. Regions and sectors.

123. Municipalities, *secções autárquicas* and *juntas locais*.
124. Bafatá, Biombo, Bolama/ Bijagós, Cacheu, Gabú, Oio, Quinara, Tombali.
125. *Governador da Região*.
126. *Conselho Directivo*.
127. *Administrador do Sector*.
128. A good example of these attempts is the meeting held in Bissau in 2010 (*Resolução Final—Encontro Sobre Descentralização e Desenvolvimento Local na Guiné-Bissau Oportunidades e Desafios, Bissau, 5 de Março de 2010*).
129. Law on administrative tutelage (Law 3/97, 7 April, Boletim Oficial n.° 14 de 1997).
130. For example, touristic tax.
131. It is the case of the law on civil servants (*Estatuto do Funcionalismo Ultramarino,* dated from 1956) and part of the Colonial Administrative Reform of 1933 (*Reforma Administrativa Ultramarina,* dated from 1933).
132. The *Companhia de Moçambique* created in 1891 ended its concession in 1942 (covered approximately the areas of the Provinces of Manica and Sofala). The *Companhia do Niassa* created in 1890 ended in 1929. The *Companhia da Zambézia* was created in 1892. For an overview of this kind of companies at the end of nineteenth century see, among others, Fonseca (2001).
133. In Angola, between 1975 and 2002, with short breaks in the 1990s; in Mozambique, between 1976 and 1992.

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Boletim Oficial da República da Guiné-Bissau (several years).
Boletim Oficial da República de Cabo Verde (several years).

Legislation: Colonial Period

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Urban Governance in a Devolved Kenya

Ellen M. Bassett

1   INTRODUCTION

In early 2014, a group of 47 recently elected officials in Kenya gathered for an important photo opportunity with two other newly elected officials, namely, the country's president, Uhuru Kenyatta, and his deputy, William Ruto.[1] These 47 officials, however, were not traditional office holders—they were not Members of Parliament, nor were they a mere grouping of city mayors and councilors. Rather, these men represented a brand-new center of power in the country—they were Governors popularly elected to run newly created decentralized states called Counties.[2] The resultant photo—a sea of Kenyans standing proudly abreast emblazoned with the caption, "Forty-seven governments, one nation"—represents both an ending and a beginning for the country. The election of these governors in March 2013 was the culmination of a long-fought constitutional reform that sought to decentralize power and institute more responsive, transparent, and accountable governance in the country. As a beginning, it is the advent of the actual implementation of a radically reformulated structure of government, known as "devolution." It is no overstatement to assert that the success or failure of devolution is critical to the country's future.

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Devolution, however, is not the first ambitious experiment with decentralization on the African continent (Boone 2003; Wunsch 2001), nor, in fact, is it the first experience with decentralization for the country itself. In the 1980s and 1990s numerous countries in sub-Saharan Africa implemented reforms intended to move power away from the center and toward subnational governments. In some cases, decentralization followed a fundamental change in leadership at the national level. Uganda, for instance, tweaked and then formalized its famous war-era resistance council system as the new form of local government once Yoweri Museveni and the National Resistance Movement triumphed in 1986 (Ribot et al. 2006). In South Africa, local government transformation followed the end of Apartheid and the ascendance of the African National Congress (ANC) (Beall 2005). In other cases, decentralization reforms were more incremental—introduced by a series of legal acts and/or constitutional change. Senegal and Ghana represent this type of incremental reform (Gilbert and Taugourdeau 2012; Gilbert et al. 2012). All told, Crook and Manor (2000) estimate that by the mid-1990s, 80 % of countries in sub-Saharan Africa were implementing some form of decentralization reform.

While the rationale for decentralization reforms varied across countries, there were commonly cited goals like improved governance, more efficient service delivery, improved equity, and better development and poverty reduction outcomes (Smoke 2003; Wunsch 2001). The result of these decentralization reforms, however, has been mixed. Smoke (2003, p. 14) asserts that while many commentators attribute less than optimal performance to factors such as insufficient political will or the lack of important pre-requisites such as local capacity and resources, a clearly decisive factor is the lack of a "pragmatic implementation strategy." He cautions that decentralization requires a well-thought out framework and mechanisms for coordination across parts of the decentralization reform. Reforms should not be rushed—but prioritized and phased in according to capacity and potential for effective transition. Finally, he cautions that "information, education and incentives for behavior change" are essential; local residents must be brought along as part of the reform process (Smoke 2003, p. 14). Wunsch (2001, p. 277) largely agrees asserting that the "devil is in the details"; and while political leaders may be serious about decentralization, in implementation many obstacles can arise that can undermine the reform.

This chapter examines Kenya's devolution reform in light of previous experience with decentralization elsewhere. In particular, the chapter investigates the genesis of Kenya's latest decentralization reform and examines

the question of whether devolution as it has been legally instituted will overcome the problems identified by analysts like Smoke and Wunsch. Because Kenya is on the cusp of becoming an urban society (World Bank 2016), a particular focus of this research is devolution's implications for the country's rapidly growing cities and metropolitan areas and more generally for the governing of urban Africa. The findings presented in the chapter are based upon data gathered through two main research methods: document analysis, namely, analysis of the myriad legal documents and plans associated with devolution, and Key Informant interviews conducted in 2013–2015 with county and national government leaders, land rights advocates and human rights organizations, academics, representatives of non-governmental organizations and professional societies, and members of the international donor community.

The chapter is organized in the following manner. In the first section, I present an overview of Kenya's history with decentralization and summarize the travails and ultimate success of the country's constitutional review process. Next, I delineate the powers and responsibilities of counties as new governance bodies. One notable aspect of devolution is that planning has been enshrined in law as a primary activity and implementing tool for county level activities. The next section examines the challenge presented by the country's rapidly growing urban areas and the implications of the decentralized institutional framework for the country's urban residents. Finally, I conclude by discussing the problems and prospects of devolution.[3]

2   DECENTRALIZATION AND KENYA'S 2010 CONSTITUTION

Determining the most optimal structure of governance for a polyglot, multi-ethnic country, including the extent to which powers should be delegated to lower levels of government, has been a central point of contention in Kenya since its early years of Independence. The country's first Independence constitution adopted in 1963 embraced a system of federalism, known as *majimboism* (*Majimbo* is Swahili for "region"). Under *majimboism*, the country was divided into six regions and a federal capital territory in Nairobi. Each region had its own legislature and executive, known as a president, who was elected by the members of the legislative assembly. This structure was established due to fears about domination by majority ethnic groups and gave smaller ethnic groups greater

representation in government (Lumumba 2013; Ghai and McAuslan 1970). To protect minority rights, the Constitution also included a Bill of Rights expressly drafted to protect minority rights, including those of former colonial-era white settlers, from abuse of power (Dudziak 2006). Some Kenyan politicians, primarily minority tribe leaders affiliated with KADU (Kenya African Democratic Union), were pleased with this Constitution as it provided a bulwark against the dominance of larger groups like the Kikuyu and Luo, who were better educated and wealthier; others, particularly members of those majority tribes affiliated with KANU (Kenya African National Union), were less supportive (Anderson 2005).

This initial federal constitution began to unravel quickly following Independence in December 1963. A few months prior in May of 1963 KADU had experienced a devastating electoral loss, both nationally and regionally and, sensing opportunity, the country's first Prime Minister Jomo Kenyatta moved to consolidate KANU's position and his power by aggressively amending the 1963 Constitution. By the time of the new (2010) constitution, the original Kenya constitution had been amended 38 times. The first amendment passed in 1964 eroded the power of regional governments—removing provisions for local taxation and revenue collection, eliminating rights to allocate and manage land, eliminating regional police forces, and removing their power to establish and supervise local governments. The third amendment in 1965 finished the job by abolishing regional bodies and replacing them with provinces and provincial councils. The remaining three tiers of local government—municipal and county councils; urban and area councils; and local councils—which had been autonomous and relatively effective service providers, went into quick decline, suffering from revenue shortfalls, shortage of skilled personnel, and a new breed of leaders who regarded local government as a platform for cultivating patronage and influence. An act of Parliament, the Transfer of Functions Act of 1970, deprived local governments of remaining critical powers and brought them firmly under the close supervision of the central government through the newly established Ministry of Local Government. As argued by Southall and Wood (1996, p. 506) the motivation for undermining local government "had rather more to do with setting limits to popular participation than it did with ensuring sound administrative procedures."

In the 1990s, however, under the presidency of Daniel Arap Moi, Kenya adopted a new policy that appeared to mark a renewed commitment to decentralized government and greater local say in development

decision-making (Mackenzie and Taylor 1987). Known as "District Focus for Rural Development" (DFRD), the policy garnered much acclaim and programmatic and financial support from the donor community. Under DFRD, district development committees (DDCs) were given access to money in the District Development Fund (DDF) to implement priorities identified in District Development Plans (DDP). The DDC and the DDP, which had actually been in existence since the mid-1970s, became in the words of Barkan and Chege (1989, p. 444) "significant in a way that they had not been before." While District Focus and the resources of the RDF did garner the attention of district residents, membership in the DDC was slanted toward the central government—chaired by the District Commissioner (a member of provincial government appointed by the President) with participation by district level officers from the central ministries, local authority chairpersons, local members of Parliament, and representatives of NGOs and quasi-public entities known as parastatals.

In the end, the much-lauded reform did not serve to shift power or resources from the center. It has been described as a form of deconcentration that merely delegated some administrative authority to the district level, while retaining true power at the center (Tordoff 1994; Smoke 1989, 2008). Much like the reform of local government under Kenyatta, the stated aims of District Focus were not the true ends—in this instance the lip service being paid to local accountability and control was more about empowering a provincial administration answerable to President Moi and enabling the flow of resources toward less developed regions and away from the Kikuyu-dominated areas of Central Province, the historical stronghold of President Kenyatta (Tordoff 1994).

While the 2010 Constitution reflects the country's experience with failed decentralization and undermined institutions of local government, the primary impetus for the country's long constitutional deliberations was the extraordinary concentration of power in the hands of the country's president and the human rights abuses and epic corruption that it had engendered. Talk of constitutional reform began in 1991 with the country's change from a one-party to a multi-party state, but the reform process did not begin to make headway until 2001 when the Constitution of Kenya Review Commission was created (Murray 2013). The initial draft of 2004, known as the Bomas Draft, devolved power to four lower levels of government with most power lodged at the district level; it created

a Westminster-style parliamentary system that separated the functions of Head of State and Head of Government. Because of this, the Bomas Draft was opposed by supporters of then President Kibaki and scuttled by the sitting Parliament (Chitere et al. 2006). Another quickly created version more amenable to executive power, known as the Wako Draft after the Attorney General who drafted it, was rejected by a national referendum in 2005. It took the widespread destabilizing ethnic violence that followed the country's 2007 general election and the subsequent formation of a government of national unity to forge an agreement to restart the constitutional review process. The resultant document, the 2010 Constitution, was once again the subject of a referendum—only this time the draft received overwhelming approval from the Kenyan electorate with a 69 % to 21 % margin (Kramon and Posner 2011).

As noted by Murray (2013), the 2010 Constitution has been widely lauded. Like the 1963 document, it has a notable Bill of Rights and emphasizes goals of dignity, social justice, and equality. Unlike that heavily amended constitution it sets out normative values and aspirations of the *wananchi* (the "people" in Swahili). It also has a notable chapter on leadership and integrity that takes aim at the problem of corruption and explicitly requires public officials to work in the public interest. The Constitution details important provisions relating to land management and reform, including creating limits on the expropriation of property and identifying principles for sustainable land use in both urban and rural areas. A new independent commission, the National Land Commission, is given a massive role in reforming the highly corrupt land sector and addressing past land injustices (Murray 2013, p. 23).

The Constitution's most important characteristic, however, is the way it wrests power from the central government through the creation of an independent judiciary, a number of autonomous commissions, and a new system of decentralized government, known as devolution. At the most basic level, the Kenyan constitution sets up a governmental structure that roughly approximates the American federal system. There is a division of power between a federal government and the independent states. The national government is characterized by checks and balances inherent in having three branches, namely an executive, judicial, and bicameral legislative branch. Provisions to set up decentralized government and their implications for urban governance are of the greatest import here; the next section lays out the new institutional framework at the local level.

3 Devolution and County Governments

The basic parameters for devolved government are set out in Chap. 11 of the 2010 Constitution (Odero 2013). Just two levels of government are recognized: the National Government and the County Government. In setting up the counties, the Constitution established 47 such bodies; they adhere to old district boundaries from the 1990s. County governments are comprise two bodies: (1) the County Executive, which is headed by a directly elected governor and a directly elected deputy and (2) a County Assembly, made up of elected members who represent wards within the county. County assemblies have the power to make laws to accomplish the duties of counties laid out in the Fourth Schedule of the Constitution.

The Fourth Schedule is particularly important in that it identifies the split of powers between National and County governments. As might be expected, the National Government has jurisdiction over items such as foreign policy and the military, immigration, tertiary education, courts, national level hospitals, and major policy areas like energy, transportation, and tourism. County governments for their part have jurisdiction over areas like agriculture, county health services and transport, planning and development, and public works. Because amongst the critical objectives of devolved government was a mandate to enhance self-governance, protect minorities, and promote social and economic development throughout the country, counties are mandated to ensure the participation of communities in governance at all locations. To that end, many county assemblies have passed public participation acts that outline the steps they must take to meet that mandate. Despite this there is strong criticism that citizen engagement in governance is not meeting expectations and that capacity building and adoption of new techniques in this area are necessary (Oduor 2015).

There are a number of areas of shared jurisdiction—these are essentially areas in which there is national responsibility as well as local interests and needs. Agriculture, health services, transport, communications, housing and public works are perhaps the most prominent. The Constitution is silent on just how such shared functions are to be managed. It has been assumed that subsequent legislation would clarify this (Odero 2013), although Ghai and Cottrell Ghai (2011) note that disputes are inevitable and could end up in the legal system if provisions for cooperation or mediation envisaged in the Constitution (under Article 189(1)) are

not successful. The transfer of functions from the center to the counties has followed a phased process and theoretically should only occur once the counties are individually deemed sufficiently prepared to take on the responsibilities.

Two other elements of the legal framework for county government warrant noting. County governments, much like the local governments under the 1963 Constitution, have revenue-raising powers, but raising their own revenues from existing sources to meet the heightened expectations of county electorates will be difficult, as counties do not have substantial untapped revenue sources. Importantly, counties do have a constitutionally guaranteed share of the national budget set at 15 % of the audited national revenue. This financing was intended to serve as a minimum—it has been heavily criticized by both county leaders as well as public finance and local government experts since, in the words of the World Bank (2012, p. vii), "funding follows function" and the designated percentage does not reflect differences in functions and demand for critical services which vary across counties. At present, counties are heavily transfer-dependent. It is not surprising then that an initial action by the newly formed Council of Governors has been to press for a higher share of the national budget.

A second notable characteristic is the centrality of plans and planning to county governance. As laid out in the County Governments Act, each county must establish a county planning unit; this unit is charged with preparing four mandatory plans. The most significant plan—at least in the short term—is called the County Integrated Development Plan (CIDP). CIDPs, which were modeled on a similar type of South African plan, must address all county government functions by sector in keeping with the Fourth Schedule of the Constitution. This five-year plan is highly important, as it is the basis for revenue allocations from the center as well as appropriations by the county. Counties are also directed to develop sectoral plans with a ten-year horizon—these plans are described as "component parts of the county integrated development plan" (County Governments Act 2012, p. 92). There is one other ten-year plan—the county spatial plan; this plan must utilize geographic information system-based data for its analysis and has as its ultimate objective the utilization of land in a manner that meets social justice and sustainable development objectives. Finally, counties must prepare city and municipal land use plans, zoning ordinances, and appropriate plans for facilitating and controlling development. County government powers in

planning and development, such as the subdivision of rural lands, change and extension of user, approval of development applications, implementing zoning and building controls, as well as survey and mapping, make the county a critical player in the country's transition to an urban society.

4   Devolution and the Urban Challenge

If in some ways devolution with its echoes of *majimboism* looks a bit like "back to the future," it is important to stress that Kenya, as a country, is a far different place today than it was in 1963. A few simple data points can depict the enormity of the changes.[4] Most notably, Kenya is a far more populous place—at the time of Independence the entire population was 8.9 million; in 2014 it was an estimated 44.86 million. Per capita gross national income (GNI, measured in current US$) has increased from $100 in 1963 to $1290 in 2014. Mortality rates have fallen from 176.7 to 51.3 per 1000 in the same period. Education is more widespread, with a primary completion rate for both sexes of 91 % in 2005.

Despite all these positive indicators, there are some significant negative trends. Economically, the country is struggling—some of this relates to the changing nature of the world economy, but other causal factors are the impacts of corruption, terrorism, and poor governance institutions on private sector investor confidence, international tourism, and the operation of the banking systems and crucial markets like real estate markets. Kenya's role as the economic powerhouse of East Africa has weakened—exports as a share of GDP have fallen from 32 % of GDP in 1963 to 16.4 % in 2014. Likewise, value-added agriculture as a share of GDP has declined from 41.5 % to 30.3 % in 2014. Unemployment—difficult to determine in a country so characterized by informality—was an estimated 9.2 % in 2014. While per capita GNI has risen overall, the distribution of that wealth has not been widespread, and a small elite controls most of the country's assets including land, which has been a recurrent factor in bloody ethnic violence. In a report from 2008, the World Bank estimates the Gini Coefficient for land inequality for all Kenyan households at 0.832 in 2005/2006—this represented an increase of 36 % compared to 1997. In Nairobi province (now officially a city-county), the Gini Coefficient for land was even higher at 0.993.[5]

Kenyan society, moreover, is characterized by a lack of trust in the public sector and is renowned for high levels of corruption. According to the AfroBarometer Survey of 2014/2015, 29.8 % of Kenyans indicated

that they trust the police "not at all." whereas 33.4 % indicated their level of trust as "just a little" (see: http://afrobarometer.org).[6] Likewise, Parliamentarians and local government leaders received low scores on their trustworthiness. Relative to corruption, 40.8 % of AfroBarometer respondents in Kenya indicated that the level of corruption in the country had "increased a lot" in the past year. This accords well with the doubts about the governance reform and its ability to control corruption raised by Transparency International. In its 2014 global Corruption Perception Index, Kenya scored 25 on a scale of zero to 100 (0 being highly corrupt); the country ranked 145 out of 174 places ranked (174 being the most corrupt county on the index).

One final difference between 1963 and today is the change in the physical landscape of the country and the growth of major urban centers. According to the World Bank, in 1963, only 716,059 persons lived in Kenya's urban areas (8 % of the total population); in 2014 the number of urban dwellers had risen to 11.3 million and comprised 25.2 % of the country's total population. The country's urban population is growing at an estimated 4.3 % per year. Urban expansion, however, is not evenly spread out across the country and the capital city region (comprising Kajiado, Kiambu, Machakos, and Nairobi counties) continues to absorb a large percentage of urban migrants. A recent African Development Bank report (ADB 2014) ranked Nairobi as the second-fastest growing city on the continent for the period 2010 to 2025, just behind Dar es Salaam and before Kinshasa. The city's population is currently around 4.3 million people, but ADB (using UN estimates) expects it will house 6.2 million people by 2025.

Spatially, Nairobi's growth is low density and non-contiguous with new development occurring on greenfield sites on the urban periphery. In terms of land consumption, between 2003 and 2014 the total urbanized area of Nairobi city-county increased 29 % more than its population. It is, in short, sprawling. The land that is being converted to urban use includes prime resource lands including former coffee estates, forests, rangelands, and wetlands (World Bank 2016). One negative impact arising from the city's sprawl is the rise of extreme traffic congestion. As measured by IBM's 2011 Global Commuter Pain Survey, Nairobi has the world's fourth most painful commute (see: http://www-03.ibm.com/press/us/en/pressrelease/35359.wss). Drivers in the city spend 36 minutes or more in traffic to get to their workplace or school. This amount of time is on par with other notoriously congested cities including Mexico City, Beijing, and Moscow.

The speed and spatial characteristics of urbanization undermine the ability of both public and private sector actors to provide for residents. The urban services situation is dire. The *Kenya Urbanization Review* recently drafted by the World Bank (2016) shows that investment in network infrastructure is failing to keep up with demand. Water demand in two of the most economically important cities, Nairobi, the capital city, and Mombasa, the international port city, exceeds "supply by more than 150,000 and 100,000 cubic meters per day, respectively" (World Bank 2016, p. 48). Sewer coverage is extremely low with approximately 18 % of the urban population having access. Roughly four out of five urban residents rely on pit latrines, septic tanks, or the bush for sanitation. Solid waste disposal is highly problematic—there are no sanitary landfills in the country. Solid waste is randomly dumped in open sites or burnt in compounds.

The housing situation is equally acute. The country has a major housing shortfall. In 2010 the annual demand for urban housing was estimated to be 80,000 units; in 2013, however, in Nairobi, the place with the greatest demand, the city's planning department only managed to issue 15,000 permits. These units were issued primarily for high-income apartment units and will not serve the needs of the majority of urban residents seeking housing (World Bank 2016). With such low housing production and continued in-migration from the countryside (as well a natural growth), an intractable slum problem continues to fester in all the major cities. It is estimated that 60 % of Kenyan's urban households live in housing that meets the UN's definition of a slum (World Bank 2016).

Kenya's slums, moreover, appear to be amongst the worst on the continent. Using a unique data set that compared slums in Nairobi and Dakar, Gulyani et al. (2014, 2012) showed that living conditions in Nairobi's slums are much worse than those in the Senegalese capital on all measures except percentage of working drains. The level of deprivation that Nairobi slum residents experience is really hard to fathom and flies in the face of conventional wisdom regarding socioeconomic status and slum residence. Nairobi slum dwellers are relatively well employed and educated—79 % of them having completed primary school and 68 % of them having wage labor jobs (either regular or casual nature). But they subsist in really appalling living conditions with only 12 % having houses with permanent walls, 19 % having access to safe nearby water, 12 % having an indoor toilet; 22 % having electricity; and 12 % having effective sewage disposal (Gulyani et al. 2014).

Given the scale of the urban challenge, several critical questions arise. Overarchingly, will devolution be more effective than the previous centralized system in meeting the needs of urban dwellers? Will devolved units of government be able to raise the resources needed to overcome acute infrastructure deficits? Will the heightened emphasis on planning that integrates spatial and economic concerns result in more targeted and effective plans? Will greater local power over zoning, development control and critical land decisions like land subdivision rationalize urban development patterns and facilitate more housing production? Will civic participation be effective in bringing about policies and investment to address the needs of the urban poor?

5   THE GOVERNANCE OF URBAN AREAS UNDER DEVOLUTION

As outlined above, the Kenyan Constitution only recognizes two tiers of government, the national government and the county. Unlike the American Constitution, which is completely silent on local government to the extent that they are legally dubbed "creatures of the state" to be formulated under individual state constitutions, the Kenyan Constitution (Article 184) kept the power to define local government a national prerogative. The Fifth Schedule of the constitution identified the topic of "urban areas and cities" as requiring legislation to be enacted by Parliament; it had to be done within one year of the adoption of the constitution. Oddly, legislation to affect Chap. 11 (Devolved Government) was given 18 months. The County Governments Act was passed in 2012; the Urban Areas and Cities Act preceded this arguably more important legislation and became law in 2011.

The Urban Areas and Cities Act adheres to the broad outline of the charge in Article 184. It classifies urban areas and cities, it lays out the structure of governance in these areas, and it outlines responsibilities such as planning and delivery of services. Prior to 2011, there were 175 local authorities created under the Local Government Act. Sixty-seven of these were rural (called county councils) and the remainder were urban (namely, 1 city, 47 municipalities, and 62 towns) (Mboga 2009). Urban councils provided mainly urban services and in a few cases, in the larger councils, some social services. Most of these functions transferred to counties.

The Urban Areas and Cities Act erased these 175 local authorities. In classifying cities and municipalities, the act chose an extraordinarily high threshold for city status. Cities were designated as places with populations over 500,000. City status is conferred by the President following a resolution of the Senate. This essentially resulted in two cities in the country, namely, Nairobi and Mombasa, although Kisumu, the largest city in western Kenya, was grandfathered in as a city under provisions in the Act. Municipalities were designated as places over 250,000 in population. This status is conferred by county Governors after passage of a resolution by the County Assembly. Town status, the lowest urban tier, is given to places over 100,000 in population. In this case the governor confers the status in consultation with an ad hoc advisory committee.

The governance arrangements are particularly troubling to some observers. Why? Because this new local government arrangement is emerging from a constitutional reform concerned very explicitly with self-governance, greater local autonomy, civic participation, and strong accountability. In the new order, however, Kenyan cities and urban areas are undemocratic. They are managed by professional managers working with appointed boards. The appointment process for the boards varies by category. For cities, the board will have 11 part-time members. Of these 11, six are appointed through "a competitive process" by the county executive committee; they must be approved by the county assembly (UACA 2011, p.13). Five of these six must be nominated by different interest groups (for example, professional associations, private sector, neighborhoods); the remaining (uncompetitive) five are open to the discretion of the governor. (Although this is not clear in the text of the law.) The same basic process applies to municipalities, except that boards are comprise only nine persons—four are appointed and five "elected" in the manner used for cities. Towns have no corporate status and they have no governing boards. They fall under the county and are to be managed by an administrator.

The net effect of this law is that urban residents are "the big losers of the devolution process" in terms of power, autonomy, and accountability (World Bank 2012, p. 172). They have essentially been recentralized in a decentralization reform. This is a particularly dramatic change for urban areas that have been relatively autonomous for decades and have a tangible urban fabric and culture. There are 21 urban agglomerations in the country that have populations over 80,000 but under the threshold of 250,000 (World Bank 2012). They have no appointed boards; 16 of them

will only have administrators, the rest are just part of the county. These are significant urban centers—centers of economic vitality and administrative importance; they include many former district headquarters such as Malindi, Kilifi, Kitui, Machakos, Thika, and Nyeri.

But even residents in the largest cities appear to lose their voice due to the composition of representation under the law. Neither Nairobi nor Mombasa has a city board. Nairobi has no board because of specific legal provisions made for the city as the country's capital. Legally the capital city is to be governed and managed in the same way as a county, hence its new name "Nairobi City-County." And because Mombasa was designated as 100 % urban in the last census, it was designated as a "city-county" as well and is governed as a county. Compared with most city or municipal councils, county assemblies are extremely large—which may seem to enhance representation but is more likely to render them politically unwieldy and ineffective. Nairobi city-county assembly has 127 members in total—in comparison, the city council of London has 14 council members, Washington, DC 13 and the city of Los Angeles 15. County assemblies, moreover, have a high percentage of unelected representatives. Of the 127 members of the Nairobi city-county assembly, 85 represent city wards and 42 are nominated. Nominated members have been included on councils to ensure gender equity as well as to bring in voice for marginalized groups. These assembly members are nominated by political parties in proportion to the seats the party wins in the assembly. Nominated members may represent legitimate interests—but they are not elected and do not have a coherent geographic constituency.

At first reflection, one might assume that this governance arrangement was just some sloppy law-making—a bill rushed through Parliament to meet a deadline, full of unintended consequences that arose because of odd sequencing in the legislative process or inadequate analysis. But, in fact, the Urban Areas and Cities act was the product of a 31-member task force called the Task Force on Devolved Government (Republic of Kenya ~ 2011; Key Informants 4, 17, Fall 2013). The task force reviewed past actions to rationalize local government, including a draft local government bill that was under consideration before the constitutional referendum in 2010 rendered it moot. They evaluated local government arrangements in other countries, including their former colonial ruler, the United Kingdom. As part of their deliberations the task force carried out public hearings around the country eliciting the views of the electorate on the structure of local government. What they heard indicated a deep well

of dissatisfaction with local government—local councils were depicted as corrupt and incompetent (Key Informant 4, 17, Fall 2013). Disgust with the existing system and optimism about the potential for counties to be better, more responsive managers were reflected in public testimony and comment. Public views on how to establish cities and urban areas stressed that cities and urban areas needed to be big—over 350,000 in population with a sufficient tax base that they could be viable (RoK ~2011, 44). Citizens reportedly worried that delinking urban areas from counties would serve to weaken counties since cities are the important node for economic expansion and service delivery. The electorate wanted counties to be powerful, to succeed. Thus, subsuming local governments into mere subdivisions of counties was intentional.

The major concern from an urban management perspective is that under the new governance arrangements the distinctive service and infrastructure needs of urban areas will be of low priority to a county assembly dominated by rural interests and a governor accountable to a majority rural constituency. The decades of dis-investment (or more accurately non-investment) in the country's cities, which is reflected in the low levels of service delivery, poor waste management, and traffic congestion depicted above, will not be reversed in a governance situation where most local assembly members need to bring tangible signs of development to their rural constituencies before the next election. Continued under-investment in the country's urban areas has major implications for the county's economic growth and prosperity, since in Kenya, as in most of the world, cities are acknowledged drivers of economic growth (World Bank 2016) Ill-planned, polluted, and poorly serviced urban areas are an impediment to growth.

At present, however, the problem of urban boards and whether they undermine the democratic process of devolution appears moot. As of mid-2015, few county governments had actually convened governing boards as required under the Urban Areas and Cities Act. For some counties, inaction was blamed on legislative gridlock. The Urban Areas and Cities Act has been widely criticized and rumored to be under revision. Hence a number of counties indicated that they were waiting to see the outcome of those deliberations. In other places, frank discussions with county leadership indicated that there was little incentive for the Governors to establish them (Key Informants 12, 28, 29). In Nakuru County, for instance, the main political constituency for the Governor and his executive cabinet are the county's two cities—Nakuru, which has an estimated 300,000

residents and Naivasha, a city of approximately 180,000. They see their policies and public investment priorities as being very pro-urban—they are committed to improving urban services, infrastructure, and quality of life. They clearly understand the importance of both cities as loci of economic expansion. Convening another board for these urban areas was cast as inefficient and fiscally unsound as the boards would just add an additional costly layer of government in an already underfunded local government system.

6   DEVOLUTION: PROBLEMS AND PROSPECTS

While the lack of an effective third tier of government—an urban tier—appears problematic for Kenya's urban areas in the long run, there are several additional challenges facing devolution at present that have important implications for the country's cities and its urban future. Some of these challenges are a product of the reform itself and relate to the new structures put in place—the creation of county governments and large assemblies, for instance, has contributed to the country's enormous and untenable wage bill, an estimated 53 % of the national budget in 2014 (see: http://blogs.aljazeera.com/blog/africa/kenyas-wage-bill-dilemma). Most of the problems, however, have arisen from the unfinished nature of the reform. Despite the concerted effort of constitutional drafters to create a viable roadmap for constitutional implementation, there has been an acute lack of clarity regarding the split of functions in the devolved system. As a result, elected officials and government bureaucrats—at both the national and the county level—have been furiously jockeying to maximize their power and capture the presumed financial rewards that accompany power. While multiple fault lines and disputes have emerged, these can be slotted into three main categories, namely, contestation (1) between the national government and county leadership; (2) between national level actors themselves, but with implications for counties; and 3) within the county itself.[7]

6.1   *The National Government Versus Counties*

Constitutional drafters recognized that reworking long-standing central and local government institutions to create devolved government was going to be huge undertaking. As such, the constitution made provisions in the Sixth Schedule for a transition period and the established several

bodies (for example, a Parliamentary select committee for constitutional oversight, the Commission on the Implementation of the Constitution) to direct the phased process. The Transition Authority (TA) was established in 2012 and given a huge mandate, including analyzing the split of functions as per the Sixth Schedule, determining the resource requirements of devolved and national entities, inventorying assets and liabilities, and developing a framework for the effective transfer of functions (Transition to Devolved Government Act 2012). The TA, however, got off to a relatively bad start—it was underfunded, understaffed, and faced continuous resistance from powerful politicians opposed to the new constitutional order. When the transition date arrived in March 2013, there was still much work to do, including some crucial evaluations regarding the division of assets, the deployment of personnel, and the assignment of critical responsibilities. As a result there have been significant struggles between Governors (forcefully represented by the Council of Governors) and various national ministries. Informants from the county side aver that the President and his government want devolution to fail and are thus impeding the transfer of functions and financing, while national-level informants, including some in the donor community, disagree, citing healthy disbursements from the Treasury (Key Informants 3, 21, 46). While the most public fighting has been over the devolution of the health function and control over referral hospitals, there has also been confusion relating to the planning function and the assignment of physical planners, surveyors, and land officers.[8] Initially, many officers appeared to wish to remain with the Ministry of Lands, Housing and Urban Development (MLHUD). Counties, however, have clear legal authority over planning functions and most land professionals have now joined the ranks of county government, although a number of them are "on secondment" from the MLHUD.[9]

6.2   *The National Government Versus The National Government*

A second extremely important power struggle raging at the national level relates to the control of public land and powers of land allocation and registration. As noted above, land corruption and inequality has been a festering wound in the country, and one objective of the constitution was to decentralize land management and enhance local control and accountability. Two bodies were created to accomplish this: an autonomous nine-

member body called the National Land Commission (NLC) and local land boards (appointed by the NLC) at each of the 47 counties. Despite detailed legislation, a constitutional mandate, and a Supreme Court interpretation awarding them land powers under the constitution, the NLC has been unable to wrest land powers away from the MLHUD. This drama, particularly unprecedented actions by the Ministry like closing access to the registry and recalling officers from the NLC, has impeded progress at the county level. County land boards have begun to be instituted but their future is in doubt as a constitutional amendment in front of the National Assembly eliminates these boards and transfers significant powers back to the Cabinet Secretary with the land portfolio. Planners and public officials interviewed at the county level expressed frustration and concern with this stalemate since without proper land information preparing long-delayed and much needed urban plans was proving impossible (Key Informants 13, 11, 23, 24, 30, 31, 33).

6.3   *Intra-County Struggles*

Finally, the first three years of devolution have seen significant struggles within counties themselves—these struggles have generally been about control over the development budget and the largess it potentially represents. Several governors have been accused by their County Assemblies of malfeasance, abuse of office, and mismanagement of the budget and impeached. Both the Muranga and Embu governors' cases reached the national Senate, the ultimate arbiter of impeachment, with the Embu governor being successfully impeached, although that is being appealed in the courts (*Daily Nation* 2015). Likewise, Senators have tried to assert control over county development funds by passing a law that allowed them to sit on county development boards.[10] This law was recently found an unconstitutional violation of the separation of powers (Ogemba 2015).

Members of County Assemblies (MCAs) have been particularly problematic. They have made huge budgetary demands relative to pay and benefits. The most well publicized case relates to their demand for personal assistants, some 13,000 of whom were hired (a ratio of six per assembly member), inflating an already outsized wage bill (Ongiri 2014).[11] Assemblies have been paralyzed with in-fighting, with the net effect that in some counties little county business is getting done to benefit either rural or urban constituencies. County leaders have deployed different

strategies to rein MCAs in. In one northern county, the Speaker of one of the more functional assemblies reports that he has relied on media and communication—particularly distribution of the assembly's verbatim hansard—as a method for ensuring accountability and undercutting political grandstanding (Key Informant 21). This same county has taken to holding annual executive and assembly retreats to ensure the two branches are moving in the same direction.

7   Conclusion

The chapter presents a snapshot of Kenya's transition from a highly centralized state to a decentralized governmental system in which significant powers and responsibilities have been devolved to 47 sub-national units, known as counties. While Kenya's implementation process is ongoing, its progress to date provides additional data and insights relative to the broad challenge of formulating and implementing decentralization captured in the public administration, planning, and political science literatures. In terms of the motivation for the governance reform, the expressed objectives of devolution are entirely consonant with earlier decentralization reforms. The adoption of the new constitution with its provisions for devolved governance can be seen as part of a slow incremental movement toward democracy that gathered steam in the early 1990s with the return of multi-partyism. As laid out in that document, counties have been established to promote self-governance, greater accountability and participation in the democratic process, protect minority rights, and promote a spatially equitable development pattern. In one way, however, the imperative for decentralization is different as the recognition of diversity is seen as a central strategy for fostering national unity, which had been severely undermined by the 2007 election and post-election ethnic violence.

The Kenyan reform, moreover, appears to adhere to the advice of Smoke (2009) relative to the need for a pragmatic implementation strategy. Constitutional drafters were not naïve—they knew the enormity of the task at hand. To that end, the process of implementing devolved governance was mapped out. Schedule Six, for instance, established the Commission for the Implementation of the Constitution to provide oversight to the constitutional implementation process for a period of five years. This commission was required, amongst other responsibilities, to liaise with a parliamentary counterpart as well as work with the Commission on Revenue

Allocation charged with determining the equitable sharing of revenue across governments (national-county and county-county). Likewise, the Fifth Schedule identified myriad legislative topics, including eight just for devolved government, along with a timetable for their completion. One of the most important implementation acts passed in 2012, namely, the "Transition to Devolved Government Act." further articulated the transition by creating a Transition Authority (TA), identifying a phased work plan, and charging it with approving the transfer of functions according to set criteria (RoK 2012).

Despite this forward planning, the transition has been rocky, and there are still significant struggles regarding powers and responsibilities. There are three critical takeaways from this iteration of a decentralization reform in Kenya. First, implementation planning, while necessary is not sufficient—political will still remains paramount. The Transition Authority, for instance, was not well funded, was constituted too late to accomplish some very important early actions like audits, and has been the target of elimination by both Parliament and its host ministry. The TA, however, is not the only entity facing such problems. Other bodies, critical for devolved governance, like the National Land Commission, have been undermined by underfunding and active obstruction of their mandate. Second, communication and incentives—identified by Smoke (2003) as very significant in previous African decentralization experiences—remain paramount. Various professionals (planners, engineers, doctors) affected by decentralization were fearful of what the change might mean for working conditions and career paths; these fears are best seen in the foot dragging and obstruction by medical professionals over the devolution of medical services. Thirdly and finally, implementation is only as good as the institutions you are putting in place—the impacts of the Urban Areas and Cities Act and even the configuration of representation within county governments themselves appear to be counterproductive to the democratization objectives of the reform. This is most evident in the institutional loss of voice and power for urban constituencies.

The necessity to "get the institutions right" might call out for a different sort of implementation plan than initiated in the Kenyan process. Constitutional drafters thought in detail about the division of power and responsibility, but the fiscal implications of the structures being put into place appear to have been relegated to a subsequent secondary analysis. The determination that there should be 47 counties was not the result of

a deliberative process in which the economic base, resource endowments, existing infrastructure, and fiscal capacity were weighed. Rather key informants have described the 47 counties as a default position that was seen as close to the status quo and one that would present the fewest challenges in terms of ethnic tensions (Key Informants 1, 2, 18, 41). Kenya leaders are slowly coming to realize that devolution as it is currently instituted is fiscally untenable. The question is what can be done about it when the institutions are inscribed in a document that many see as worth defending at all costs.[12]

8   FUTURE PROSPECTS

Despite birthing pains, Kenyans appear cautiously optimistic about the long-term prospects of the devolved government system. While there are clearly disgruntled voters in certain counties who are deeply disillusioned with their governors and call for their ouster—others speak with pride of their governor, their county, and tangible accomplishments like paved roads, well-stocked and -staffed health clinics, and rehabilitated primary schools. A recent CountyTrak Index showed 28 governors having approval ratings of over 60 %, with the best-performing county governments being Machakos, and Bungoma counties at 61.5 % and 60.3 %, respectively. Overall, 67.9 % of respondents were favorable about devolution, indicating that "things are better than before" (see: http://countytrak.infotrakresearch.com/). Professionals and elected officials operating at the county level declare unreservedly that devolution is here to stay—too hard to undo with expectations and buy-in that are too high (Key Informants 3, 10, 21, 26, 27, 28). Other observers point to the country's battered international image as a place of terrorism, corruption, and acute inequality. These individuals predict that President Kenyatta will come around—he needs a legacy that can outweigh the dubious distinction of being the first sitting head of state from Africa to be indicted for crimes against humanity (Key Informant 1, 3, 6, 7, 16). The donor community for its part has thrown its weight behind devolution with virtually all of the key donors to the country formulating and funding technical assistance projects aimed at strengthening county government and its personnel. The premise of that post-election photo opportunity—"Forty-seven governments, one nation"—remains an important aspiration and a daunting challenge for the leadership of Kenya.

Notes

1. The photo with the caption appears on the Facebook page of the Council of Governors; see: https://www.facebook.com/cogcommunication/photos/a.319224794907911.1073741827.319223068241417/319311011565956/?type=3&theater. It appears to have been taken at the first Devolution Conference in April 2014.

2. All of the governors are men. There are provisions in the reform for reserved seats for women in the executive cabinet, as well as in the county assemblies. In interviews, I asked why there were no women represented amongst the country's governors. Two explanations were generally given. The first being that the country is too patriarchal and is not yet ready for such female leadership; the second was that women did not have the financial resources/backing to make an effective run for governor.

3. This chapter draws from fieldwork conducted in Kenya in September-December 2013, with three additional two-week visits in July and October 2014 and March 2015. Three primary methods were employed: key informant interviews, document analysis, and observation. I conducted 44 interviews over the course of the fieldwork with national level elites, county government leaders, advocacy organizations active in the land sector, and members of professional organizations. Interview questions focused on the challenges facing cities, past problems in the planning law and practice, and opportunities and challenges of the new institutional framework. Due to the sensitivity of the topic, interviews were not recorded but notes were taken and transcribed by the researcher. Myriad documents have been gathered and examined.

4. For uniformity for uniformity most of these have been drawn from the World Bank's DataBank of World Development Indicators; the education statistic comes from the EdStats Dashboards. Data drawn from another source is indicated by a citation.

5. Gini coefficients are interpreted on a scale of 0 to 1. The close the score is to 1, the higher the level of inequality. Kenya's scores place its overall land inequality on par with Latin American societies.

6. As in other societies, trust in the police varies by group. A recent investigation by Al Jazeera documented extra-judicial killings by the police force; these were mainly targeted on young men, particularly those of the Somali ethnic group. See: http://www.aljazeera.com/programmes/peopleand-power/2015/09/killing-kenya-150923092758366.html.

7. There have been limited disagreements between Governors. These have been primarily over disputed boundaries that should have been settled by the constitutionally created boundary commission. The most publicized related to the boundary between Meru and Isiolo Counties. The disputed area was the location of an airport.

8. The powerful Ministry of Health complains that counties lack the technical expertise needed to provide proper services; whereas Governors assert that hospital employees and administrators oppose devolution because of its enhanced oversight and the limitations that places on private practice.

9. Secondment means they still officially work for the Ministry and can be called back if need be; they are being paid by the counties. The highly rated and media savvy governor of Machakos, Alfred Mutua, attempted to sack six MLHUD officer for what he called "massive fraud and sabotage" relating to land corruption (Ndonga 2013). They were reinstated.

10. Kenya's Senators have a much more limited role than in the US system. They are only allowed to work on legislation and oversee affairs concerning the counties. Their power is constrained and some observers have concerns that they have too much time on their hands and this has led to meddling with internal affairs of the county (for example, Obala and Muthoni 2015).

11. A member of the Embu County Assembly asked for a monthly allowance for the spouses of county representatives as they are "lonely" since their partners are so busy conducting the business of the county. (From: http://www.capitalfm.co.ke/news/2014/08/mca-wants-spouses-compensated-for-loneliness/)

12. A member of Parliament has submitted a bill that would reduce the number of counties from 47 to ten or twelve. While it is unlikely that such a bill will pass, it underscores the observation that any implementation plan should include fiscal impacts and a strategy for managing vested interest (Barasa 2014).

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Decentralization in Africa: Local Government and Health Care in Ghana, Malawi and Tanzania

Daniel Kweku Baah Inkoom and Adwoa Yeboah Gyapong

1   Introduction

The chapter presents an investigation into decentralization of health care systems in Ghana, Malawi and Tanzania, seen as a key aspect in the governance of cities in Africa. Decentralization of services has become a catchword with many African countries, with many governments seeing it as a panacea for the acute shortage of municipal and other services for their citizenry. This research seeks to find out whether decentralization of the health sector in the three countries has met the intended objectives, and what the main constraints and the approaches that have been adopted are, as well as what approaches need to be adopted to remove the bottlenecks.

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The chapter hypothesizes that unless governments take their peculiar socioeconomic contexts into consideration and adopt a holistic approach to resolving the issues of decentralization, the intended benefits may not reach the bulk of the population for whom these reforms are intended.

Historically, central governments have been the key players in the provision of public goods and services. This was true in many post-colonial developing countries where development strategies were largely based on a centralised mode of planning and resource allocation with the aim of bringing about rapid socioeconomic transformation (Inkoom 2011; Chattopadhyay 2013). On the account of the failures of centralised governance alongside international demands, the past two decades has seen an upsurge in the pursuance of decentralization (Ayee 1997). The vast majority of African countries have either started or deepened their local governance and decentralization reforms in the name of participatory governance, improved service delivery and even more recently attempted to bring about poverty reduction (Dillinger 1994; Blair 1998; Khan 2013).

The reforms have been accompanied with sector level decentralization, including health care, a key area of focus in many countries. With support from international organisations, health care decentralization has been implemented in many African countries under different social, economic and political contexts. This particular decentralization agenda is usually carried out through varying "combinations of political, administrative and fiscal decentralization initiatives" (Bhuiyan 2010) but with similar objectives of empowering local level actors to bring health care delivery closer to the people.

Whilst many theoretical foundations provide a basis for decentralization and improved service delivery, empirical evidence to determine the extent to which this actually happens is rather sparse (Conyers 2007). In light of this, using a desk study approach, this chapter gathers some health delivery decentralization experiences from Ghana, Malawi and Tanzania to assess the extent to which they are improving service delivery. Using a common conceptual framework we assess and compare the decentralization processes and service delivery in these three countries. The question asked is, thus, 'How has health care decentralization been implemented to ensure improved service delivery?' The aim is to understand the contextual difference of what has worked, what has not worked and the conditions under which political and administrative decentralization can empower local governments in the provision of services and more broadly in the governing of cities in Africa.

The chapter is structured in four sections. After this Introduction, the chapter presents in the second section the analytical framework that defines decentralization and decentralized service delivery within the context of the three countries. Section three discusses health care delivery in Ghana, Malawi and Tanzania, paying particular attention to the institutional frameworks that facilitate or hinder the process. Lessons are then drawn for improved implementation. The final section concludes the chapter by drawing general and specific conclusions and highlighting the relevance of the results for decentralization and for the governing of African cities.

2   ANALYTICAL FRAMEWORK

2.1   Defining Decentralization: Rationale

The literature does not offer a single definition of decentralization. There are variations in scope, scale and context; and this allows for subjective interpretation of the concept. However, all definitions are grounded in the idea of power, authority transfer and participation for the benefit of society. In this regard, Mawhood (1983) and Smith (1985) perceive it as the formal ceding of powers from central government to lower-level political and administrative actors/institutions. Rondinelli et al. (1983) provide quite an encompassing definition: "the transfer of responsibility for planning, management and resource raising and allocation from the central government and its agencies to: (a) the field units of central government ministries or agencies, (b) subordinate units or levels of government, (c) semiautonomous public authorities or corporations, (d) area wide, regional or functional authorities, or (e) non- governmental private or voluntary organizations". This definition points out the various typologies, that is (a) de-concentration, (b and c) delegation, (d) devolution, and (e) privatization.

In addition, other scholars have classified decentralization into three forms: administrative, political, and fiscal. With administrative decentralization, jurisdiction over the civil service is extended to local governments while the political decentralization puts decision-making authority into the hands of citizens and their elected officials. Fiscal decentralization gives an opportunity to local governments to mobilize resources, engage in income generating activities and influence budgets and financial decisions, as well as granting autonomy over central government transfers (Hoffman and Metzroth 2010). The descriptions of these three dimensions, however, do

not imply strict boundaries. There could be overlaps during implementation, and in fact these types are often applied simultaneously in the case of many African states. As noted by Ribot (2002), administrative and political dimensions share equity and efficiency objectives and rely on some mix of mechanisms to ensure that local needs and aspirations are incorporated into decision-making. In this chapter, decentralization is discussed within the context of state reforms and therefore does not include transfers of authority to private or non-state actors as perceived by Rondinelli et al. (1983).

The rationale for decentralization has evolved over time. In the early years of its adoption in many African countries, it was influenced by the inefficiency of central government and therefore adduced to reduce central government roles (Smoke 2003; World Bank 2000; Mawhood 1983). Decentralization reforms in the 1970s and 1980s focused on deconcentration of hierarchical government structures and bureaucracies to sub-national units. The scope for contemporary decentralization processes has been broadened to include political power sharing, liberalization, democratization, good governance and poverty reduction (Osei-Kufuor 2012, p. 12). The incentives are similar across the three countries examined in the chapter, but each country's political and economic history influenced their drive for decentralization.

In Ghana, the 1993 local government reform was largely shaped by demands for legitimacy and stability in a period of domestic economic crises and political upheavals with a major aim of promoting participation and local governance (World Bank 1989; Ayee 1994; Ayee and Dickovic 2010). The democratic content—'power to the people'—was highly emphasized. With respect to Tanzania, their decentralization objectives are pivoted on building the capacities of local government to make them more efficient and effective (Government of Tanzania 1996). It centres on the decentralization of public services (health, education, agriculture, water and infrastructure) which hitherto had been centrally managed. Malawi, although the smallest in terms of population and land area among the countries under study, also commenced its post-independence local governance reforms in the early- to -mid-1990s along with Ghana and Tanzania. Though Malawi has had a long history of decentralization, the current phase is closely linked to the historic transition from a one-party autocratic regime to a multiparty democracy in May 1994 (Chninsanga 2010). The decentralization reforms in 1994 were aimed at consolidating democracy and as a strategy for realizing the country's development goal

of poverty reduction. The country's decentralization policy was formulated in 1998 and enforced in the 1999 Local Government Act.

Although decentralization in these countries has been associated with the intended benefits of participation, accountability, improved service delivery and poverty reduction, the process has not been entirely driven by design. In many cases, the adoption of decentralization occurred out of force to satisfy political realities, as a response to pressure by local elites and splinter groups for incorporation, to increase central government control, as well as to satisfy donor conditions and demands for democratization (World Bank 2000; Conyers 2000; Olowu and Wunsch 2004). As such the stipulated objectives of decentralization could be practically different from the 'real' political motives behind it. For instance, Ayee and Dickovic (2010) posit that opposition parties in Ghana that have advocated strongly for decentralization usually back-track from commitments after coming into office. The study nonetheless uses the stated objectives as reference or benchmark for engaging with the decentralization–service delivery nexus.

2.2   Decentralized Service Delivery: Analytical Framework for Assessment

In assessing the implementation of decentralization, it is vital to examine why and how decentralization was designed and operationalized and what impacts the implementation has had in relation to set objectives. Assessing the impacts of decentralization is fraught with difficulties, not least of which is due to the issue of attribution. This is because decentralization is generally implemented concurrently with other policy and sector reforms and projects that aim at improving service quality, responsiveness and sustainability (Coutolenc 2012; Frumence et al. 2013).

However, as opined by Bossert (1998), decentralization is a process, and as such only a means to an end. Therefore outcomes or outputs will not be emphasized; but rather the focus will be on the extent to which the forms adopted and implementation process facilitate or hinder service delivery. In order to direct the analysis to that which can be attributed to decentralization, the modalities and decentralization strategies within the health sector will be assessed. The study will therefore use the intermediate variables of local public actors' decision-making space, capacity and accountability. Adapting Bossert's (1998) decision-making-space framework, an assessment of the decision-making space will look at the extent

to which the decentralized bodies have authority and autonomy to take political, fiscal and human resource choices for service delivery. Capacity assessment focuses on the numbers and quality of human resources for health and the availability of funds to facilitate the execution of functions. Accountability mechanisms will be distinguished between vertical and horizontal lines looking into intra-state and 'state- citizen' dimensions (Loquai and Klavert 2011). The purpose is to establish the extent to which these *affect the* efficiency, effectiveness and equality of access to health services in Ghana, Tanzania and Malawi, particularly at the district level.

3   Health Service Decentralization in Ghana, Malawi and Tanzania

3.1   Brief Overview of Institutional Frameworks for Health Service Decentralization

Ghana

The decentralization of health care services in Ghana occurred alongside public reforms in the late 1980s and early 1990s. It gained momentum, however, after the passage of the Ghana Health Service and Teaching Hospitals Act in 1996. The objectives were to increase access to improved health services and improve health service delivery. Unlike Malawi and Tanzania, where an explicit health devolution policy exists, the existing Government of Ghana's legal devolution framework appears to contradict the Ministry of Health/Ghana Health Service model of delegation cum de-concentration (Coutolenc 2012). For the purpose of consistency, and due to the fact that in practice delegation or de-concentration appears more pronounced, this will be the point of reference.

At the national level, the Ministry of Health (MOH) is responsible for policy, regulation and co-ordination of health services delivery, while the Ghana Health Service (GHS) is tasked with delivering health services through public health care facilities (United States Government 2012; Zacharia 2006). Administratively, the GHS delegates major planning and implementation functions to the ten Regional Health Directorates (RHDs) in the Regional Coordinating Council. The RHDs are responsible for preventive and curative care in their respective regions. They do so with support from District Health Management Teams (DHMTs), who are commissioned by the MOH to plan, monitor and provide ser-

vices at the district level. The health facilities operate on a referral system. District Level facilities include CHPS, Health Centres/posts and District Hospitals. Regional Hospitals provide specialized and secondary care. The Teaching/Specialized hospitals are the highest-level health care facilities and operate mainly on referral and emergency premises. They are autonomous and fall directly under the MOH (Coutolenc 2012; Government of Ghana, 1996).

Health care delivery is co-administered by the District Directors of Health Service (DDHS), DHMT and the District Assembly (DA) (Zacharia 2006). The DAs provide support to the decentralised health departments through assessment of health needs, health planning and health promotion but do not assume the responsibility of managing health facilities. At the sub-district and community levels, sub-District Health Management Teams (for health centres/posts) and Auxiliary (Community based workers volunteers, Trained TBAs and so on) oversee service delivery (Coutolenc 2012).

Tanzania

Tanzania has since 1994 carried out decentralization reforms typically referred to as devolution (D-by-D). As in the other countries, the goal is to improve the health care delivery system to make services available and accessible to Tanzanians in general, and especially women and children (Tidemand et al. 2008). In principle, this form of decentralization gives ample decision-making space to local governments and actors. Being the first sector to implement D-by-D, health services delivery is of great concern to the United Republic of Tanzania (Kisumbe et al. 2014). Similar to situation in the other countries, the Ministry of Health and Social Welfare (MoHSW) plays a regulatory and capacity-building role for the decentralized departments in the local government agencies. The MoHSW, in addition, works together with the Prime Minister's Office-Regional Administration and Local Government (PMO-RALG) for health sector recruitment and distribution across the country. The PMO-RALG plays a key role in monitoring and coordinating sector activities (Frumence et al. 2013). Regional Health Management Teams (RHMTs) provide advisory services and coordinate activities to ensure that health policies are well implemented and service delivery enhanced. In the devolution process, the RHMTs operate within the Regional Administration, rather than MOHSW (Government of Tanzania 2003; Mbuyata and Makemba 2007).

At the district/council level, the Council assumes the responsibility of approving district health plans and budgets. The Council Health Service Board (CHSB) amends district health plans and budgets where necessary, and mobilizes resources for council health service operations (Frumence et al. 2013). The Council Health Management Teams (CHMT) are responsible to the CHSB and are tasked to prepare health plans, organise health logistics and medical supplies to health facilities and to provide general support to lower-level facilities for quality health-services provision. Also, there exists the health facility governing boards and committees at the grassroots level that deliberate on facility plans and budgets, conduct trainings and advise on human and financial resources (Frumence et al. 2013). These boards are created to empower communities in the decision-making process (UN Habitat 2002). Within the districts, health facilities are organized in three levels: the dispensary (the first entry point for a patient), health centre (first referral level) and then the district hospitals (the last referral at the district level) (Government of Tanzania 2009).

Malawi

Similar to Tanzania, in Malawi, the experiment with devolution began in the health sector (Kachala 2011). The Ministry of Health (MOH) adopted an incremental approach to health care devolution with the purpose of strengthening the capacity of the decentralized District Health System in its planning, budgeting and service delivery to bring health resources closer to the periphery (GOM 2005a; b). The decentralized health care system of 1998, however, began to yield some notable results only after 2004 when a sector-wide approach for planning and monitoring was implemented (Levey et al. 2011). Within the decentralized health system, there exist three levels of health administration: national, zone and district. The Ministry of Health plays a regulatory role at the macro-level, while the zone offices play supervisory roles and give technical support to the district health offices that deal directly with communities and local-level health care partners, typically the Christian Health Association of Malawi (CHAM). The decentralized health service delivery system provides care at the primary (rural hospitals, health posts and centres outreach teams), secondary (district hospitals) and tertiary (Hospitals with specialized medical care) facilities, which are linked through a referral system. In line with the decentralization policy of Malawi, the MoLGRD has taken over the responsibility for health service from the MoH headquarters (GOM 2011).

Devolution of health service delivery at the district level seeks to enhance the managerial autonomy of District Assemblies. The Health Services Directorate coordinates Health services planning with support from the Director of Planning and the Health and Environmental Committee of the District Council (GOM 2011). Zone Health Support Offices and the District Health Management Team (DHMT) also provide technical assistance to the District Assemblies (GOM 2011). Preparation of District Implementation Plans (DIPs) is the function of the DHMTs. They also undertake budgeting and resource allocation and manage the health service funds under the responsibility of the local authorities. It is therefore expected that solutions to health problems will be initiated by them using the available resources judiciously. They also assume Monitoring and Evaluation roles at the district, health centre and community levels (GOM 2011). Health subcommittees consisting of health workers and community members exist in each district to identify health and policy issues at the respective levels (hospital, centre and village) and present them to the District Executive Committee for necessary action. These are the Health Centre Advisory Committees (HCACs) and Health Centre Management Committees (HCMC).

3.2   *Capacity of Decentralised Health Offices to Deliver Services*

A major assumption for decentralization is that it paves the way for human and financial resource availability for local level development (Inkoom 2011). In all three countries, efforts have been made to build the capacities of district health administrators and facility managers to improve their knowledge and skills in bringing health services closer to the people.

Among the three countries, Ghana seems to have gained the most ground with respect to capacity development, and this could be attributed to having relatively the longest experience with decentralization. Following the introduction of composite budgeting, most districts have received training and skills in this regard and therefore have strong capacities in the preparation of their health plans and budgets. Tanzania as a way of strengthening its reforms also has backed this training up with training programmes for district health management teams. This includes District Health Management Training as well as capacity-building for health committees (Makaula et al. 2012). In Malawi the 2013 Human Resource Capacity Project, which sought to empower local-level actors, had a human resource for health component, which included training.

With support from Development Partners, the Malawi Decentralized Governance Program (MDGP), from 2002–2006, aided in the training of health service actors at the local level. This includes orientation workshops, as well as training on budgeting and planning (GoM 2005a; b).

The training programs have, however, not fully ensured that the health service delivery actors at the local level have been fully equipped to handle their assigned duties. In Ghana, for example, in spite of the relatively good levels of knowledge and skills, District Health Administrators (DHAs) and health facility managers fall short in procurement processes and practices, while sub-district administrators require further capacity-building to function effectively as the focal point for primary health services (Coutolenc 2012; Brenyah 2008). In assessing the capacities of the decentralized health services in Ghana, it was found that DHAs have inadequate training, with about 70 % of districts having less than five professionals with appropriate training. While the capacities in central administrative units and facilities are good, that of the locals have gaps in tracking and reporting resource flows and record-keeping (Coutolenc 2012).

In the two devolution cases of Tanzania and Malawi, the extent of training has not been adequate to keep up with the huge demand. Loewenson et al. (2014) and Maluka et al. (2011) cite critical capacity gaps among the health facility committees in monitoring, record-keeping, reporting, health planning and priority setting and analysis of community health needs. In Malawi, the MoLGRD does not have adequate skills and have not always had enough technical advisors to assist in the preparation of plans (GoM 2005a, b). Similarly, Council Health Service Boards in Tanzania lack technical training to fully scrutinize health plans while health facilities also have difficulties with claims preparation and processing of district-level insurance. The challenges imply weak plans, substantial delays and overall poor capacity for tracking and reporting resource flows.

Problems of weak coordination caused by dispersed responsibilities, undefined roles and inadequate financing, also affect health care delivery in Ghana, Tanzania and Malawi (Jagero et al. 2014; Kojo et al. 2011). With respect to health care management, this tends to affect supervision and regular monitoring. In Tanzania, this is even manifested in the form of uncoordinated training that usually leads to staff absence from work for varying periods of time, sometimes when their services are critically needed. As reported by Mueller et al. (2011), many of such training regimes are not needed and staff complained of not having the chance to

practice what they were trained to do. In Malawi and Tanzania, an empirical study by Bradley et al. (2013) found that DHMTs, though may have the ability to undertake their supervision and monitoring duties, are usually engaged in other programmes, which sometimes leads to conflicting responsibilities and multiple demands on their time, affecting the execution of their functions.

In the three countries, not only do staff have inadequate skills, but the required numbers are not available and inequitably distributed. In Ghana, for instance, recent reports point to a good capacity for financial management at the central level (MOH-HQ, Ghana Health Service, Teaching Hospitals) but poor capacity at the district and sub-district levels and inadequate staff, especially in remote districts, which affects delivery. The capacities of districts to deliver tends to vary among the districts, since better-developed and urban districts happen to have more resources than rural districts (NIMR 2011). In Malawi, a 2013 Global Health Workforce Alliance report indicates that even though 80 % of the Malawian population lives in rural areas, just about 30 % of its health staff is employed in such areas. While shortage of staff is a challenge to all, Malawi appears as an extreme case, especially at the facility level (Jagero et al. 2014). The reasons for the acute shortage go beyond the scope of decentralization to the general socioeconomic context of being a health worker in the Malawian setting. A 2007 Human Resources for Health census put Malawi among African countries with the lowest number of health workers with only 159 doctors (1/100,000 pop) and 3614 nurses/midwives/nurse-technicians (26/100,000 pop) (Bemelmans et al. 2010). Although the government undertook an emergency human resource plan to address the challenge, human resource shortfall continues to be a major threat to decentralized health delivery, and this impedes rural communities' access to quality health care (Prud'homme 2010).

3.3 *Decision-Making Space*

Central to any decentralization reform is the element of decision making space; the autonomy and authority given to decentralized entities to function. Although there has not been any strong evidence of attribution of effective service delivery to high levels of decision making space, ample decision making space is often regarded as a necessary condition. In an attempt to assess the decision making space of districts in health care delivery, the political, fiscal and human resource space will be looked at.

Both in principle and practice, Ghana's delegated health care delivery system renders the planning/policy space of the health delivery entities limited as compared to the other areas of fiscal and human resource choices. District Health Administrators (DHA) roles are somewhat focused to planning (annual and strategic plans), monitoring and evaluation while the centre (Ministry of Health) assumes responsibility of policy-making (Coutolenc 2012). Local decision-making spaces range from moderate to narrow and are dependent on the hierarchical position and mandates of the particular office within the district. Bossert and Beauvais (2002) provide many insights on the decision-making space in Ghana as of 2002, most of which are still valid.

In contrast to Malawi and Tanzania, Ghana's decentralization has given Districts relatively higher managerial and planning authority to deliver health care. Interestingly and rather distinct from many African Countries, in Malawi, District hospitals seem to have greater autonomy over health care delivery than central hospitals. Studies have shown that district hospitals perform better than their central hospitals. The extent of decentralization's influence, however, cannot be verified. In the Machinga Districts, for example, such discretionary space has allowed the district to take initiatives such as the provision of financial incentives to Traditional Birth Attendants[1] who refer pregnant women to health facilities, thus leading to an increase in numbers of deliveries within health facilities (Ergo et al. 2010). Similarly, Frumence et al. (2013) indicate that in Tanzania, there has been a reduction of bureaucratic procedures in the implementation of health plans. Decisions that fall within the scope of the health plans and budgets are implemented locally without much interference from the center. Health care priority setting is also devolved to the districts. The relatively large political and policy space encourages local level initiatives and empowers local health managers to handle service delivery independently and promptly (Maluka 2011). Notwithstanding that, local governments in Tanzania depend on central government grants for more than 90 % of their budgets and they are usually earmarked and tied to stringent conditions (Molel 2011, in Frumence et al. 2013).

In Ghana, in general, the range of choices for fiscal decentralization is moderate. While districts have a strong decision-making role in revenue generation, they have very limited influence on accounting and auditing, and the setting of user fees. There are budget management centers (BMCs) at the district level who handle budget preparation and allocation, thus creating space for an increased financial autonomy, albeit the

decisions taken are carried out within national guidelines and expenditure limits (Coutolenc 2012).

In Malawi and Tanzania, District Health Offices have been provided with autonomy and authority over revenue mobilization, budgeting and procurement processes. This has enhanced planning processes and the implementation of DIPs and the managerial capacities of the decentralized health care entities (Ergo et al. 2010). For instance, in Malawi, a major achievement has been the ability of districts to address issues of essential drug supply shortages through the discretionary power given them to have budgets from which they can procure drugs privately when they are not available within public system (Pearson 2010). Although districts have autonomy over their budgets and revenues, they lack adequate funds to procure drugs privately, and this sometimes leads to transfer of funds from other budget lines such as training, or maintenance for medical supplies (Mueller et al. 2011).

In all countries, ample space is given for resource mobilization. However, due to the high dependence on central government for funds, which are usually earmarked, autonomy over expenditure is generally narrow but flexible for internally generated funds and non-earmarked funds. In Tanzania, the central government limits revenue-sourcing autonomy to low-yielding sources thereby limiting revenue generation (Molel 2011).

Human resource management and recruitment procedures at the district level are highly centralized in the three countries. The MOH in Ghana and Malawi and MOHSW in Tanzania assume roles of staff recruitment, retention and development, thereby limiting the authority of local government structures. In Ghana, with the exception of the Regional Director of Health Service (RDHS), who has restricted authority to appoint staff (auxiliary staff who require no qualifications and approval from MOH), at the district level, the authority of decentralized entities on human resources is limited to making human resource recommendations to the center (Sumah et al. 2014). It is also worth noting that in Ghana, the existence of multiple staff contractual regimes sometimes affects their extent of authority over human resources (Coutolenc 2012). In Tanzania, while the selection procedures for Human Resources for Health (HRH) for junior staff are undertaken by district-level auspices, the procedure for senior staff of the same functions is handled centrally (MoHSW). The aim has been to secure highly qualified personnel, but this also limits their authority, granted them by the D-by-D policy (Frumence et al. 2013). In the case of Malawi, District Management Teams are only responsible

for deployment of health workers within the district and also given the decision space to pay for a locum when needed. Although districts have a relatively smaller share of power in human resource management, the authority given the DHMT in Malawi to handle deployment to some extent helps in correcting the staffing imbalances within their districts (Ergo et al. 2010).

To a large extent, in all three countries, salaries and retention are also delinked from the decentralization processes. Table 4.2 provides a summary of the decision-making space. This is, however, done qualitatively, and the various functional categories may have different levels of importance.

3.4   Accountability

In all three countries, there exist some lines of accountability. However, at the intra-state level, this is not always very clear due to the vagueness of roles, poor communication strategies and dual allegiances.

Coutolenc (2012) indicates that in Ghana, the district health offices report simultaneously to the central ministries and to local government. In his survey, he found out that DHAs had different viewpoints about who they are accountable to. Some indicated being accountable to the RHA, others the District Assembly, while some did not know who they were accountable to. In addition, the roles of DHMT and Health Committees are not understood and in many cases health committees do not take active part in decision making. DHA and RHA also deal directly with DHOs who sometimes report directly to the DHOs and not DHAs. There are however strong interactions with DHAs and sub-district health services—health centres and CHPS.

In Malawi, DHOs are also partially accountable to the MOH but there are no clear definitions of roles that fall under the supervision of MOH (Rudner 2011). The responsibility to drive the decentralization process forward seems poorly defined and thereby creates loopholes for poor accountability at the intra-state level (Ergo et al. 2010).

As Kwamie et al. (2015a, p. 173) point out, with regard to stakeholder participation, in Ghana, national-level health objectives are developed with initial data coming from routine health information from sub-districts and districts and disseminated back to the sub-districts and districts for implementation, thereby giving health managers an active role in local planning. The plans are founded on identified priorities from previous annual reports and data from the routine health information system. However,

as Kwamie et al. (2015b, p. 173) point out, national-level templates are used, thereby creating the perception that district planning decisions emanate from national and regional levels.

In Tanzania, provisions within the decentralized health care delivery system have enabled grassroots community members to take part in health planning processes. Health workers are now accountable to their facility boards, council and other established bodies within their districts, thus facilitating supervision and delivery (Frumence et al. 2013). There is, however, weak community engagement in health priority setting and planning. Although the various health committees and boards may have full representation, the extent to which members make meaningful contributions is very low due to low levels of education, training and poor access to information. As such, district health plans are not scrutinised fully (Maluka 2011).

In all countries, measures have been put in place to promote citizen-state accountability. This is a function of information access and participation in health planning and implementation. In Ghana, systems are in place to enable community members to take their grievances to parallel decentralized bodies such as their unit committee members, but in many cases citizens are ignorant on procedures for further actions in addition to the fact that non-elected members of the assembly are not accountable to the local people (Yeboah-Assiamah 2014).

In Malawi, state–citizen accountability is more pronounced in urban areas than in rural districts. Even in places where there is much awareness of their rights to the essential health packages and treatment, there is not adequate and effective communication to ensure accountability. In addition, there is not much transparency on the available health care resources and how they are utilized. A typical example is the fact that many rural community members are not even aware of the state's service level agreements (SLA) with non-governmental health care providers such as CHAM that enables them to provide services at a subsidized cost. The absence of such knowledge thwarts citizens' incentives to contribute revenues and participate in health care delivery.

As in Malawi and Ghana, in Tanzania, rural communities' access to information is limited, thereby limiting the citizens' knowledge and ability to demand their entitlements. For instance, the user-fee exemption and waiver policy have not been well communicated to inhabitants of remote areas; thus, it has been largely unsuccessful in accomplishing its intended purpose (Mujinja and Kida 2014).

Generally, the decentralization of health care has given opportunity for representations from a majority of stakeholders to participate in health planning, budgeting and service provision. What remains a challenge is the quality of contributions, poor channels of communication, limited voice of women, illiteracy, political capture, narrow decision-making spaces, apathy and inadequate funds—all of which negatively affect accountability for improved service delivery.

3.5   Lessons for improved Implementation

The study shows that decentralization of health services in Ghana, Tanzania and Malawi yielded mixed results. Table 4.1 provides a summary of the key features and issues in the three countries. In all three cases though, decentralization has to some reasonable extent contributed to bringing health care services closer to the people. In the special contexts of Tanzania and Malawi, many strides have been made in addressing HIV crises. Ghana, Tanzania and Malawi share in some achievements with regard to heath care decentralization. Notably, in all three countries, policies and strategies have been put in place to guide the process. In addition, participatory systems exist for grassroots involvement. Furthermore, capacity-development training has been carried out for district health administrators and facility managers as well as increasing levels of autonomy of decentralised bodies. Malawi and Tanzania's devolution efforts have empowered district health offices and facilities.

While the above-mentioned strides suggest a general awareness of the underlying conditions for decentralization, there are several challenges which imply an over-simplification of the decentralization process, weaknesses in adapting to contextual terrains, inadequate resources and lack of substantive political will to spearhead the process. The delegation system in Ghana appears vague, giving wide room for central government interference. The devolution process of Malawi and Tanzania seem incomplete and without adequate resources to support them.

Capacity gaps identified include inadequate efforts to identify actual capacity needs; uncoordinated and externally imposed training; lack of training, especially for grassroots representatives; and inequalities in capacities among DHAs. The decision-making space in the three countries can be characterised as incomplete and imprecise. This is more pronounced in Ghana than in Malawi and Tanzania. With regard to accountability and participation, four main issues are identified: undefined lines of intra-state

Table 4.1 Features of District Health Care Decentralization in Ghana, Tanzania and Malawi

Subject	Ghana	Tanzania	Malawi
Year initiated	1996 Delegation/ De-concentration	1994 Devolution	1998 Devolution
Main policy documents	1993 Local Government Reform Health Service and Teaching Hospitals Act, 1996	Health Sector Reform HSSP 2003–2008	1994 Decentralization Reforms 1998 Health Reforms
Objective/rationale	Increased Access & Improved health service delivery	Improved health care delivery system Improved access especially by women &children	Health resources and services closer to the periphery
Capacity			
Training	Trainings conducted, Strong capacities in budgeting and planning Capacity gaps in record-keeping, reporting & procurement	Training conducted on Health Management Rural Urban Disparities in capacities	Training on budgeting and planning Weak capacities in accounting, record-keeping and processing insurance schemes
Human Resource	Available but inadequate	Inadequate	Highly inadequate at facility level
Financial Resources	Insufficient Delays in disbursement	Inadequate	Inadequate
Decision-Making Space			
Planning	Annual and strategic plans	Planning and Health Priority setting	Planning

(*continued*)

Table 4.1 (continued)

Subject	Ghana	Tanzania	Malawi
Fiscal	Autonomy in revenue generation Limited autonomy in budgeting, accounting, auditing and expenditure Dependence on central government transfers and earmarked funds	High discretion over revenue mobilization, budgeting and procurement processes Dependence on central government transfers and earmarked funds	High discretion regarding revenue mobilization, budgeting and procurement processes Dependence on central government transfers and earmarked funds
Human Resource Management	Recommendations to MOH	Recruitment of some Junior staff	Deployment/Allocation Function
Accountability Intra-state level	Unclear Roles and lines of accountability Multiple contractual regimes Strong interactions with DHAs & district health facilities	Weak lines of communication	Weak lines of communication
Citizen-State	Citizens informed about health care resources Limited knowledge on entitlements/rights	Uninformed citizens	Poor transparency on the available health care resources Limited knowledge on entitlements
Stakeholder participation	Grassroots participation improved but quality not assured	Grassroots participation improved but weak engagement	Participation improved but of low quality Limited participation of women

Source: Authors' construct, 2015

Table 4.2 Range of choices in decision making in Ghana, Malawi and Tanzania

	Range of choices		
	Narrow	Moderate	Wide
Governance			
Planning		Ghana, Tanzania	Malawi
Policy Making	All three		
Budget Preparation		Ghana	Malawi, Tanzania
Financing			
Revenue Mobilization		All three	
Expenditure		All three	Malawi, Tanzania
Income from User Fees		Ghana	
Human resource			
Recruitment/Retention	All three		
Allocation in District	Tanzania, Ghana		Malawi
Contracts	Ghana	Malawi, Tanzania	
Salaries	All three		
Service organization			
District Hospital Autonomy	Ghana, Tanzania		Malawi
Country totals			
Ghana	6	6	0
Tanzania	6	5	3
Malawi	3	3	5

Source: Adapted from Bossert and Beauvais 2002

communication and reporting patterns, non-existent/poor citizen-state vertical accountability, limited engagement in actual decision making and limited access to information at remote areas.

From the experiences above, several lessons can be drawn. First, governments need to view decentralization as a complex process that requires rigorous efforts and context-specific strategies to make its implementation worthwhile. This implies that much detail is needed both at the design and implementation stages to ensure that among others the type and purpose of the decentralization is well communicated, roles are clearly defined and accountability mechanisms well developed. As posited by Conyers (2007), these details are necessary in drawing meaningful conclusions on the decentralization service delivery nexus.

Second, most of the issues that have been identified could appear as requiring technical solutions; however, they have underlying political dimensions that cannot be overlooked. A typical case is Ghana's case of a "centralised decentralization," which is not only an issue of the health sector, but a feature of the entire decentralization process, which affects the capacity of local self-government in these countries to govern cities, towns and other urban areas.

The interconnectedness of the variables also cannot be overstated. For instance, while poor participation could be traced down to limited autonomy for resource mobilization, greater decision-making space in itself may not enhance service delivery, unless it is conditioned on the capacities of the decentralised bodies. In another regard, where decentralized departments are given responsibilities greater than their financial and human resource capacities and powers, it can threaten their legitimacy and accountability, especially where they raised expectations of the citizens (Crawford 2009).

4   CONCLUSION

This study's initial aim was to test whether decentralized health care systems in Ghana, Malawi, and Tanzania actually offer the potentials for delivering quality health care to the citizenry as postulated by many African countries. It also sought to investigate the extent to which decentralization of the health sector in the three countries has met the intended objectives, what the main constraints are, and the approaches that have been adopted, as well as those that need to be adopted, to remove the bottlenecks. On the whole, the study emphasizes the potential benefits of decentralization as a conceptual frame to the health sector of the three countries in question given the peculiar developing country contexts and indirectly also for the governing of cities more broadly. The evidence produced in this chapter seems to support this assertion. To give strategic and tactical meaning to this frame, however, requires that policies that are formulated in the sector are designed, taking into consideration peculiar context situations and adaptations to make the concept relevant and meaningful to the health sector in these countries.

The results from this research indicate that the health sector in the three countries in question have yet to achieve the stated objectives, and therefore the ability of the decentralized system to deliver full benefits to the citizenry is not yet adequate. The study also shows that governments

need to have a strong purpose for adopting a particular form of decentralization and thereafter make efforts to make it work. Strong accountability mechanisms, effective decision-making spaces and strong capacities are required for full impact to be achieved.

In terms of application of the findings in the three countries studied, we suggest the following: (i) Legal and policy frameworks for health care decentralization should be reviewed and reconciled with parallel policies; in this way, space will be created for the implementation of frameworks that deliver the most benefit for the population as both contributors and beneficiaries of decentralization of health care delivery. In Ghana, for example, a draft bill on Health Decentralization is ready for submission to the national Parliament for ratification, at the time of writing. (ii) Proper definitions of roles and expectations should be set for all stakeholders in the process, including clearly naming at what level of decentralization specific benefits to the citizenry are to be expected. (iii) Capacity development that is need-based and well designed, coordinated and targeted should be delivered in a timely manner for all sections of the health sector. (iv) Central governments should give adequate levels of autonomy and authority to decentralized departments to enable them to deliver their mandate and be held accountable for targets set. (v) Finally, contextual monitoring and evaluation using simplified frameworks should be implemented, as well as accountability mechanisms that are well institutionalised and carried out effectively.

Given that decentralization is a complex terrain, expectations should be measured and realistic. A strong political will from central and local governments, however, is needed to facilitate the implementation of the process. With little evidence on the causal impacts of decentralization, however, future research may have to look into the extent to which decentralization causes actual improvements in health outcomes. In addition, given the importance of cities for human health, future research in these three countries should also explore how decentralization in the health sector is articulated with the overall local urban governance framework. Again, the paucity of literature on Malawi compared to Ghana and Tanzania also opens up possible areas of research in the Malawian context.

Note

1. Unlike Ghana, in Malawi, there is no provision for the training of TBAs to handle deliveries.

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Planning Law Reforms in Africa: Case Studies From Uganda, South Africa and Nigeria

Babatunde Samuel Agbola and Olusegun Joseph Falola

1   Introduction: The Rationale for Planning Law Reforms in Africa

African cities are not currently fulfilling their developmental potential, which is underscored by evidence of haphazard physical development, increasing environmental strains and social conflict. These are not necessarily the inevitable consequences of rapid urban population growth; rather, they are a consequence of political and institutional failure that inhibits effective urban planning, policy-making, investment and regulation (UN-Habitat 2014). Planning has been identified as the single most important tool that governments have at their disposal for managing rapid urban population growth and expansion (Watson and Agbola 2013). Most African institutions are hampered by outmoded planning laws and regulations, coupled with lack of political will on the part of the policy-makers (and their reluctance to engage in innovative physical planning

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ideas). Yet these innovative ideas are required to respond successfully to multiple present and future challenges. While there is no single physical planning approach for urban management, it has become clear in recent decades that existing theories, laws and policy paradigms are not working.

In many countries, planning legislation dates back to the colonial era. This legislation is ill equipped to deal with contemporary urban problems (Watson and Agbola 2013). Berrisford (2012) argues that there are no obvious examples of urban planning laws in African countries that have worked effectively for more than a very short time. The aspirations of African citizens need to be balanced with new visions and strategies that are in tune with the twenty-first century reality of urban Africa.

The tendency to replicate planning laws and approaches (such as building codes and zoning regulations) that were conceived for cities in developed countries often result in piecemeal applications that fail to integrate into the local socio-economic and cultural context, despite grand 'master" plans that emulate Western-style urban development planning (Watson 2009; UN-Habitat 2010). What is clear is that "more of the same" sets of planning laws will not yield the required changes, and strong leadership at local, national and regional scales is required to shift the focus of African urban development on to newer, locally customized trajectories (UN-Habitat 2014).

The accelerating urban transition of the African population from urban to rural majorities is, perhaps, the most significant phenomenon since independence in most African nations. Exceptionally rapid urban population growth has outpaced economic development over the past 30 years, contributing to the "urbanization of poverty" south of the Sahara (UN-Habitat 2014). Although these transitions obviously bring additional and new challenges, they are opportunities for deep review of African nations' planning policies and strategies. The rapid rate of urbanization has not been reflected in investment in urban development management. The majority (between 40 % and 80 %) of the urban population in African towns and cities lives in slums, or in similar unplanned and uncontrolled urban settlements (Okpala 2009), and many are constant victims of actual or threatened evictions by public authorities.

Furthermore, high rates of urban violence have accompanied Africa's urban transition. Deadly protests and riots inspired by food and fuel price shocks swept across the continent in 2008 and in 2010 (UN-Habitat 2014). Ethnic and religious violence is on the rise in many cities; the

frequency of terrorists' attacks has increased in several sub-regions; organized crime is on the rise; and election-related violence has become commonplace. Boundaries between various forms of violence are often blurred, and violence in the home often sets a precedent for violence on the streets. Autonomous and "no-go" zones exist within city slums and informal settlements that effectively lie outside local and central government control. These include Bonaberi (Douala), Camp Luka (Kinshasa), Kanu (Abuja), Kibera (Nairobi), Soweto (Johannesburg) and also the "Jesus our Saviour" settlement in Lagos—all of which fall outside the control of formal authorities and exercise a high level of self-governance (UN-Habitat 2014, p. 35).

Indeed, the time is ripe for a rethinking of past and present choices of urban planning laws and for exploring new visions, interventions and adaptations in response to changing contexts. A bold re-visioning of how Africa could best manage these transitions requires careful consideration of many options.

Against this backdrop, this chapter examines the state of planning laws in Africa and establishes the need for planning-law reform that incorporates the twenty-first century challenges of urban Africa. By doing this, the chapter offers a broad perspective of one of the key challenges confronting the governing of urban Africa: the need of a proper spatial planning system. The chapter is organised into seven sections. The section following this introduction traces the origin of planning laws in Africa. In the third section the context and content of planning-law reforms in some African countries are analysed. The fourth section examines existent planning-law reforms and their effect on the morphology of African cities, while the fifth section discusses the contemporary challenges facing planning-law reform in Africa. The sixth section establishes the urgency for relevant planning-law reform. The last and seventh section concludes the chapter.

2   Origin of Planning Laws in Africa

The theoretical foundation of planning in Africa is largely based on the old colonial planning systems, commonly referred to as modernistic planning. During the various colonial rule experiences and subsequently, public authorities have responded to planning with bold initiatives to regain territorial integrity. They addressed spatial-administrative discrepancies with extensions of "town lands" that brought the entire city and a surrounding

green belt within a single jurisdiction (UN-Habitat 2010). Before the colonial era, as Okpala (2009, p. 10) points out, "traditional villages and towns existed with no formal planning but had their traditional settlements patterns and physical structures largely dictated by traditional land tenure and land-use system as well as by kinship and religious order of villages. There were formally 'unplanned' but meaningfully 'ordered' physical structure to settlements, largely respecting traditionally established arrangements and ways of life".

Over time and mostly after the Second World War, colonial governments passed major urban land-use planning laws along the lines of their home countries that sought to make urban land-use planning a comprehensive activity of government (Njoh 2009).

Consequently, planning legislation, such as the Town and Country Planning Ordinance, 1945 (Cap 84) of Ghana, was enacted based on United Kingdom's Town Planning Act of 1932. Similar laws, such as the 1946 Town Planning Ordinance of Nigeria (Njoh 2009), the 1933 Town Planning Act, 1945 in Zimbabwe, Town Planning Ordinance, 1956 in Tanzania (Kironde 2006, cited in Omolo-Okalebo 2011) and the 1948 Town Planning Ordinance of Uganda (Omolo-Okalebo 2011), were all passed along the lines of earlier British Town Planning Acts. These planning laws espoused rationalist principles and the use of master plans (Njoh 2009). Underlying the planning regimes created by these legislations was land-use segregation policies.

2.1   Land-Use Segregationist Policies

Segregationist policies as a key feature in colonial urbanism have attracted much critical research attention, especially in the post-colonial period (Home 1983; Home 1997; Omolo-Okalebo 2011; Bigon 2012). In the entire colonial urban space in Africa, as designed by France, Britain, Belgium and other colonial powers, segregationist policies played a key role in planning-law reforms. Whether formally or informally enforced, segregationist moves were tightly related to contemporary racial prejudices and assumptions concerning sanitation in tropical countries, especially in Africa (Bigon 2012). Thus, the foundations for deliberate exclusion by race were laid in this era.

These spatial moves, according to Bigon (2012, p. 2), "were related to malaria epidemic and the outbreak of bubonic plague in 1900, originating in southern China and spreading over the maritime routes".

Omolo-Okalebo (2011, p. 57) adds that "a spate of laws, proclamations and decrees gave state sanction to various health measures, especially in response to the plague epidemics. In an era of competitive imperialism, persistently high levels of epidemic mortality were a mark of poor colonial management, and the association of diseases like small pox, plague, cholera and malaria with the indigenous population deepened European suspicions of that population". Fear of contracting native diseases thus provided an excuse for segregation "which became a general rubric of sanitary administration set by the Imperial government for all tropical colonies" (Home 1997, p. 126).

To preserve their health and purity (from malaria and related fever), as well as their status and dominance, "Dr. Simpson, the expert on sanitary affairs in the colonies together with his counterpart Lugard, argued that the solution to the peaceful settlement of Europeans in the tropics was through creation of exclusive, endogamous, and defensible enclaves by means of careful planning" (Omolo-Okalebo 2011, p. 58).

Furthermore, Lugard (1919), affirmed that—

The first object of the non-residential area is to segregate Europeans, so that they shall not be exposed to attacks of mosquitoes which have become infected with the germs of malaria or yellow fever, by preying on Natives, and especially Native children, whose blood so often contains these germs. Doctors, therefore, urge that Europeans should not sleep in proximity to natives, in order to avoid infection. It is also valuable as a safeguard against bush fires and those which are so common in Native quarters, especially in the dry season. Finally, it removes the inconvenience felt by Europeans, whose rest is disturbed by drumming and other noises dear to the Native. (Home 1997, p. 127)

As Bigon (2012, p. 2) says, "segregationist moves varied in character amongst the colonial powers as to stated motives, statutory means, and the general political framework". The case of South Africa and other colonies that were intended for white settlement such as Algeria or Southern Rhodesia were quite different from West Africa. Bigon (2012) argues that both British and French colonial projects in West Africa were never designated for a permanent white settlement, and as such, were underfunded and understaffed. As a result, the relatively minor friction between the white and the black communities did not necessitate an enforcement of rigid residential segregation (Bigon 2012).

The colonial town planning "included a large array of related policy tools—such as zoning, taxation and state revenues, urban land claims, and political security—upon which sanitation laws and health regulations relied" (Bigon 2012, p. 3). These ideas became a focus of the newly independent African states, initiated and implemented through various international agencies.

The aforementioned peculiarities of the Africa planning-law reforms discussed in this section are generic. To build a platform for planning-law reform in Africa, it is imperative to consider the context- and content-specific of planning-law reforms in some African countries. This is the focus of the next section.

3   Context and Content of Planning-Law Reforms in Some African Countries

There are different nomenclatures for planning laws in different countries: land-use planning, zoning plans, land management, local planning, spatial planning, town and country planning, urban and regional planning, city planning, environmental planning, development control. By planning law, we mean one or more laws that authorize governments or their agencies to apply a set of instruments to control physical development or conservation. Such instruments often include statutory plans, zoning regulations, space standards, subdivision controls, powers to secure land or financing for public services, and the control of development by means of permits, building and housing codes and so on (Alterman 2013). In addition, all countries have laws that empower the state or its organs to take land or buildings for public purposes under a specific set of conditions (Alterman 2013). These differ significantly across countries and are known by different terms: eminent domain, compulsory purchase, compulsory acquisition, expropriation, takings and so on.

In line with the foregoing, the scope of planning-law reforms differs greatly from one country to another, but most share a number of similarities. In almost all countries, planning legislation is concerned with identifying long or medium-term objectives and strategies for regions, dealing with land use and physical development as a distinct sector of government activity, and coordinating sectoral policies such as housing, recreation, transport, agriculture and environment.

The above explanations are exemplified in the three case studies discussed in next points. In the first case, Uganda, our analysis is based mainly on Omolo-Okalebo (2011); in the case of South Africa, on Kihato (2012), Berrisford (2011a) and Home (1997); and in the case of Nigeria on Obateru (2010) and Agbola and Agbola (1997).

3.1   The Case of Uganda

As Omolo-Okalebo (2011, p. 193) points out, the "first Town Planning regulations in Uganda were enforced in the Township ordinance of 1903. The Ordinance provided for a wide range of urban legislations, to be applied to designated Townships under the Township Rules. This permitted legislation to be passed easily upon such matters as street cleaning and operation of the markets". The Township Ordinance remained in force till the 1930's. However, "the Township rules which were applied under its umbrella were added to and modified from time to time", while the number of clauses applicable to each Township within Uganda was also made to vary (Omolo-Okalebo 2011, p. 193).

Omolo-Okalebo (2011, p. 193) reveals that the rules specified building regulations and the size of the commercial plots: "maximum coverage of residential plots permitted at 50 %, the requirements for cemented foundations and so forth were all legislated for, and have to some extent, conditioned the appearance of shops and residence in Uganda's Townships today. The layout of streets, however, was not regulated and the reasons for this could not easily be established". After minor modifications in 1916, the next major revision was in 1924 (Omolo-Okalebo 2011). Under these rules, there appeared a regulation concerning town plans—"all buildings shall conform to the alignment fixed by the Town ship Authority and shall be in accordance with the general plan of the Township" (*Gazette,* 16 December 1918, p. 491, quoted in Omolo-Okalebo 2011, p. 193). By 1918, a Central Town Planning Board had been established.

A major piece of legislation after 1918 was the Town and Country Planning Ordinance of 1948 and its various modifications, especially that effected in 1951. As Omolo-Okalebo (2011, p. 193) says, "during this time and in the immediate post-independence era, Uganda had two physical planning organizations and two separate laws, the one for Uganda and the second for the Buganda Kingdom. Each organization and law operated quite independently". He concludes that "after independence, the 1951 Ordinance was revised and it became known as the Town and

Country Planning Act of 1964. As with the 1935 and 1948 Ordinances, the Township rules continued to be preserved in the codification of laws, ordinances, proclamations and regulations of 1951 and 1964" (Omolo-Okalebo 2011, p. 193).

Omolo-Okalebo (2011, p. 193–194) further notes that "the major aim of the 1964 Act was to consolidate the provisions for the orderly and progressive development of land, towns and other areas whether rural or urban … The laws in principle only acknowledged two plan types/levels, namely Outline Schemes prepared by the Town and Country Planning Board and Detailed Schemes prepared by the respective Planning Committees in a town, municipality or rural area". The Town and Country Planning Act 1964 had been the overarching guideline for physical planning in Uganda since independence, and it remained in force till February 2010, when a new Act (revised) was assented to by the President of the Republic of Uganda (Omolo-Okalebo 2011).

3.2   *The Case of South Africa*

The creation of the South African Republic in 1910, after the union of colonies, saw the union government ceding physical planning powers to the provinces. However, this did not spur any significant legislative action (Kihato 2012). And as Kihato (2012, p. 25) says, "the Commission consequently recommended urgent creation, by local authorities, of town-planning legislation, including town-planning schemes. These recommendations created a flurry of legislative efforts in the provinces, with the Townships and Town Planning Ordinance 11 of 1931 being enacted in the Transvaal".

This law, according to Kihato (2012), "required preparation by municipalities of schemes controlling land use, density, building size and position". This was closely followed by the Township Ordinance 33 of 1934 in the Cape, the Private Townships and Town Planning Ordinance 10 of 1939 in Natal and the Township Ordinance 20 of 1947 in the Orange Free State (Kihato 2012). These laws were modelled on the British Town Planning Act 1925, which had replaced the earlier 1909, 1919 and 1923 Housing and Town Planning acts. Planning adopted tools and language, such as 'schemes,' 'betterment' and 'worsenment' (Kihato 2012, p. 26).

An intimate relationship existed between the segregation of South African cities and the early development of town planning in the country, which was highly segregated before the implementation of the Group

Areas Act (Home 1997). South Africa proved the most fertile soil for segregation through land-use planning. The combination of cultural and structural segregation in the early colonial period was transformed into the rigidly segregated apartheid city (Omolo-Okalebo 2011; Berrisford 2011a). The most severe examples of structural segregation have, therefore, occurred in South Africa, where the so-called apartheid city imposed a lasting and inflexible land-use scheme (Home 1997).

According to Kihato (2012, p. 36), "the need and urgency for planning law reform was widely accepted because of the 'racialised nature' of apartheid legislation. This process of law reform provided an ideal opportunity to not only break with the past, but also forge a new approach where social and environmental issues could be better integrated". Unfortunately, this never happened. Law reform was slow; and thus, planning legislation and laws used for land-use management in the pre-democratic dispensation have persisted to date (Kihato 2012). These are the Transvaal Town Planning and Townships Ordinance 15 of 1985, the Cape Land Use Planning Ordinance 15 of 1985 and the Orange Free State Townships Ordinance 1969. As Kihato (2012, p. 36–37) states, "Planning legislation used in the former 'black areas' still persists in the statute books. One consequence of this is that the fragmentation of planning legislation inherited from the previous regime has persisted".

However, there was a "renewed impetus to change this state of affairs. This resulted in the publication of draft national framework legislation, the draft Spatial Planning and Land Use Management Bill, 2011" (Kihato 2012, p. 37). According to Kihato (2012), there have been some attempts by provinces to reform their planning legislation in the face of the observed problem, albeit with varied degrees of success. These include, for example, in KwaZulu-Natal (through the KwaZulu-Natal Planning and Development Act 5 of 1998, which was never implemented, and through the current KwaZulu-Natal Planning and Development Act 6 of 2008); the Western Cape (through the Western Cape Planning and Development Act 7 of 1999, which was never implemented); in Gauteng (through the Gauteng Planning and Development Act 3 of 2003 also never implemented) and the Northern Cape (through the Northern Cape Planning and Development Act 7 of 1998, which has been operational since 1 June 2000).

Referring to the period of legal difficulties, Berrisford (2011a, p. 7) avers that "the years 2001 to 2010 were characterised by a sense of paralysis in the development of new frameworks for planning legislation.

Some of these arose from institutional and administrative problems and others from legal difficulties". Its purpose, according to Parliamentary Monitoring Group (2008), was to, among others, "guide spatial planning, land use management and land development in the Republic and to regulate land use management uniformly in the Republic". By 2008, yet another draft of the same law was rejected by parliament because of little support from a cross-section of stakeholders. According to them, it failed to provide guidance on the allocation of planning powers and competencies across the three spheres, lacked proper consultation during the drafting process, was silent on how to deal with informal settlements and failed to integrate a role for traditional leaders (Parliamentary Monitoring Group 2008).

It is from the foregoing that Berrisford (2011a) concluded that the reform of spatial planning and land-use legislation in South Africa has been difficult to achieve. In his words "the laws designed to implement the urban plans of apartheid remain stubbornly in place" (Berrisford 2011a, p. 1). "To varying degrees, each town or city in South Africa reflects not only an unequal distribution of infrastructure, amenities and accessibility, but the distances between the places in which the poor and the well-off live exacerbate that inequality" (Berrisford 2011a, p. 3).

3.3   *The Nigerian Situation*

Physical planning, in a general sense, was part of local indigenous administration in Nigeria, long before the colonial administration. By the middle of the 1800s, many indigenous cities, though not urbanized in the sense of having 20,000 people or more, had specific land-use patterns in their domains (NITP 2014). Therefore, the Nigerian landscape, to some extent, had some basic elements of planning. However, "modern planning as understood in line with Western culture and tradition, may be described as a recent phenomenon that emerged in the early 1900s. Since then, various legislations and programmes have provided the framework for planning, starting from 1904 to 1946 ordinances and the latest, at the national level, being the 1992 Urban and Regional Planning Law" (NITP 2014, p. 7).

Modern planning activity within corporate Nigeria is traceable to Lagos, a well-known point of early colonial adventure in Africa. In 1863, two years after Lagos was ceded to Britain, the Towns Improvement Ordinance was made to control the use and development of land in the Colony and to improve environmental sanitation (Obateru 2010). The ordinance was

derived from Britain's Towns Improvement Act of 1847 and the Public Health Act of 1848. The colonial administration was more concerned about amalgamation of all parts of Nigeria and preparation for independence. Modern physical planning was skeletal and restricted to towns and localities where the colonial administrators and European expatriates lived (NITP 2014).

It was Lord Luggard's Land Proclamation of 1900 that provided for indirect rule in respect of land administration and settlement development for the country at large. There were a series of laws in place after 1900 that guided physical planning across the country. The Cantonment Proclamation of 1904 ushered in the segregation of expatriate officials and Europeans from the native areas; and the Township Ordinance No. 29 of 1917 was enacted to classify urban settlement into different grades of cities based on the scale of their municipal responsibilities (Obateru 2010).

The Lagos Town Planning Ordinance of 1928 was enacted in response to substandard environmental conditions and the outbreak of bubonic plague that was endemic in Lagos. It established the Lagos Executive Development Board (LEDB) (Agbola and Agbola 1997). The 1928 ordinance was also in response to the fundamental drawback of 1917 Township Ordinance with no provisions extended to native towns. Consequently, no feasible modern planning ever took place in the native areas.

In a modified form, the Lagos Town Planning Ordinance was extended to the rest of Nigeria as the Nigerian Town and Country Planning Ordinance No. 4 of 1946. Thus, in 1946, the Town and Country Planning Law, Cap. 155, was promulgated. The law made provision for the re-planning, improvement and development of different parts of Nigeria by means of planning schemes and establishment of planning authorities (NITP 2014). As the first nationwide framework for physical planning in the country under the colonial administration, the Nigerian Town and Country Planning Act of 1946 was widely adopted throughout the country (Agbola and Agbola 1997). An important area of significance of the 1946 Act, as recognised by NITP (2014, p. 14), was "the institutionalization of Local Planning Authorities to be responsible for all aspects of planning but through approved planning schemes, and for the administration of existing town and country planning laws". In 1956, the Western and Eastern Regions became semi-independent and adopted the 1946 Act in a modified form to suit the regional peculiarities. The modified law was named Town and Country Planning Law, 1956, Chapter 123 of the Laws of the Western Region (Obateru 2010).

According to NITP (2014), "the implementation of the Town and Country Planning Ordinance of 1946 created a situation in which planning and development of an urban area was equated to the provision of more aesthetically pleasing layouts with architecturally ingenious housing units. Planning authorities were not seen to be concerned with all other problems facing the urban centres under their jurisdiction". Another limitation was "shortage of manpower as urban and regional planning profession was still very new to the Nigerian society" (NITP, p. 17).

The 1946 Act, being a nationwide law applied to every part of the country, remained in existence for close to 50 years and was only replaced by the Urban and Regional Planning Decree No. 88 of 1992.

4   Planning Law Reforms and the Morphology of African Cities

Based on the powers embedded in the various planning laws, planning regulations and development controls set land uses and building characteristics and thus affects the morphology of cities. Alterman (2013, p. 1) writes, "whether intentionally or not, planning law may also affect the social composition of regions, cities, neighbourhoods and even specific building blocks". Policies, legislation, strategies and institutions are the key drivers to a healthy spatial pattern and structure of African cities. This is because "the entire range of human (and nature-based) activities require the use of space, and because space is often people's major property asset, the procedures, institutions, and, especially the rules for controlling urban and rural development affects a broad range of sphere of life" (Alterman 2013, p. 1).

Planning regulation may encourage the supply of adequate and affordable housing and thus reinforce social integration, but regulations might also exacerbate the separation of social groups, provide higher public amenities to privileged sectors and raise housing prices (Alterman 2013). Thus planning laws may aggravate social differentiation and even social exclusion. As further noted by Alterman (2013)—

The major function of planning regulations is to allocate development rights for different land uses and densities—some lucrative to the landholders (such as market housing or commercial), some undesirable (such as designation as protected agricultural zone that allow no development). Planning regulations also determine which land tracts will have better access to good

public services and which will have worse access. Planning regulations also determine which land areas will benefit from positive externalities and which have to bear the brunt of negative ones. In other words, planning regulations have major implications for real-property values and thus for a major portion of the income of many or most households (Alterman 2013, p. 3).

The African Planning Association (APA 2013, p. 12) affirmed that the growth of urban settlements in the post-independence period was influenced to varying degrees by "planning ideas from the United Kingdom (Garden Cities, Milton Keys) and the United States (neighbourhood concept; suburban settlements; freeway development)". As the administrations within the independent countries were based largely on an "imported planning system", planning administration remained largely unchanged. Indeed, until recently, most African planners were educated at European and American planning schools and had no other knowledge base. Planning educators tend to train their students to operate within existing planning systems—the more reason Watson and Agbola (2013) warned that the gap between what planning students were taught and the urban realities they confronted after graduation needed to be reduced. APA (2013) summarised the consequences of this as follows:

Amendments to the British Town and Country Planning system did not challenge its content of blue print planning, development control, permits and licences. Development control, especially in English-speaking African countries, was continued under Town and Country Ordinances, while forward planning remained influenced by tools such as master planning, structure planning and spatial development frameworks. These planning approaches were based on the assumption that future land uses could be accurately predicted and planned for, and that all developments would be mainly formal and modern. This belief-system contrasts significantly with realities of the slow or no growth of manufacturing and formal commercial activities, and the rapid expansion of informal settlements and slums in most African urban settlements (APA 2013, p. 12).

In response to the past (colonial and post-independent) planning reforms, most African cities have undergone certain morphological processes, taking certain spatial development forms. Some African cities have assumed a central core, incorporating the original settlements and, largely, the residential areas of the colonial progenies. In larger cities (such as Ibadan, in Nigeria), "commercial centres were impacted upon by the withdrawal of

the colonial power and decentralization towards new suburbs. Population densities in core centres have remained low" (APA 2013, p. 14). There are exceptions, such as in South Africa, where the Caucasian (relatively wealthier) population has retained land ownership of the historic core areas (APA 2013).

State-authorised evictions carried out under the auspices of colonial-era legislation have become a common feature of life in African cities. The poor, the vast majority, have little choice in either circumstance. They are being edged off better-located land with increasing frequency and ferocity. As the 'formal' city becomes ever more inaccessible, informal settlement expands rapidly around, outside and beyond it (Watson and Agbola 2013, p. 5). Current planning regulations and practices ensure that social, economic and spatial inequality will continue to rise in African cities.

The current top-down (central or state government level) control of the institutional and regulatory framework of planning neglects people and communities who are mostly impacted by the plans. In many cases, the local community and people are not informed of plans which would affect their lives and livelihoods (Omolo-Okalebo 2011). The result is a distorted supply of public goods, waste and disempowerment of urban inhabitants. Urban form in many African cities ("monofunctional and low density areas in some parts of the city, high levels of private car dependence and hence major traffic congestion, low-income residential areas in remote locations", and so on) have "added to the marginalization of the urban poor and greatly reduced the efficiency of urban areas" (AAPS 2012, p. 2). It is apparent that current patterns of largely uncontrolled haphazard development and growth of African cities are a manifestation of inefficient implementation of planning laws and/or lack of adequate enforcement. While planning laws and regulations were made with good intentions, their impacts on the morphology of African cities have not justified the efforts and resources invested in the development of these laws. This situation has proved more costly for the governments.

Considering the growth and densification of the slums and squatter settlements in some African cities, the rather spontaneous manner of urban sprawl and the consequent absence of an orderly layout, one cannot help but question the effectiveness of the existing statutory legislations that guide physical development of these cities. The lack of adequate open spaces, of playgrounds and parks, of housing, the congestion of streets, the misery of informality and illegality and the image they depict of an "African City", are an untold charge against "African life". The moral and

social issues can only be solved by a new conception of planning law and more proactive implementation methods.

The "African City" has assumed (or is tending towards) "socially fragmented and apparently uncoordinated representations which make clear the conflict for and against difference and plurality" (Viana 2009, p. ii). Being influenced by the previous planning-law reforms, Viana (2009, p. 3–4) offered the following submission about the state of an African City:

> It (an African City) suffered the effects of a vigorous process of accelerated urbanization that produced many of its unfolding urban fabric, transforming its typologies, urban forms and their inherent limitations—it reveals a seemingly limitless expansion of the urban area. This process escapes to any simplistic notion of territoriality, in that it extends its structural [sub] systems, capturing continuously the surrounding space, creating and modifying [sub]orders which embody themselves in urban topographies fragmented, but interconnected… African City—sometimes apparently chaotic and incomprehensible—is neither explained by the old urban order, nor by unique principles of rationality and functionality. Its complexity cannot be solved only through interventions in the city centres of colonial origin, or with rules that emerge from this, or even through urban projects considered exceptional, but punctual.

5   Contemporary Challenges of Planning-Law Reforms

Most of the attempts made to rejuvenate urban planning processes have been incapacitated, because, most often, they are not codified in planning laws, and, therefore, lack the legal backing for implementation. APA (2013) reiterated that a number of countries have formulated a Land Use and Spatial Planning Bill, but in most cases, this has not yet been approved by the legislature (for example, Ghana, South Africa and Namibia). There are exceptions, such as Nigeria, which, in recent years, adopted an Urban and Regional Planning Law; Mali, which has implemented various decrees; and Senegal, which has a Town Planning Code, adopted in 2009. These are aimed at regulating spatial planning and land-use management.

Africa is a diverse continent of 54 independent countries with a wide range of different planning challenges, different governance and economic systems and different legal traditions and cultures. However, there is a set of experiences and challenges that are common to all African countries,

which provides an assessment of the critical challenges facing physical planning and the necessary intervention, in form of planning-law reforms, needed to respond to them.

These are now discussed in turn below:

(a) Urban Development Without Relevant Planning Laws

Urban planning policies "are not necessarily predicated on the existence of planning laws. In some legal regimes, including those of many developing countries, governments can decide to make their own planning and implementation for certain aspects of city form" (Alterman 2013, p. 4). In many African countries, planning laws are either outdated, dormant or almost irrelevant. Instead, market forces, social norms or political favouritism regulate the use of land. This is often accompanied by social inequalities and haphazard physical development.

(b) Conflicting Interests of the Stakeholders

Stakeholders' interests must be correctly identified and these stakeholders need to be given a route through which to direct their concerns and views. Although all of these interests and views cannot be incorporated into the law, they must not be simply ignored. If the interests and concerns of stakeholders are not understood in the making of a law, then, that law has little prospect of achieving its objectives (Berrisford 2010). In the context of rapidly growing, weakly managed towns and cities operating in often-difficult political circumstances, understanding these interests and concerns and the conflicts between and amongst different stakeholders is difficult (Berrisford 2010).

(c) Non-Implementation of Planning Laws

Where planning laws exist, many dating back to colonial times, these laws are absent in practice in the majority of urban areas. Worse still, the enforcement of the laws is haphazard. Indeed, many argue that inadequate and ineffective planning law is hardly the greatest of the problems facing the continent. Berrisford (2010, p. 5) argues that "there is so little capacity—technical or political—to implement planning law in most countries" such that the quality of the law is indeterminate. Such an argument advocates a 'do nothing' approach, that is, leave things as they are and wait until there is capacity to implement the laws (Berrisford 2010, p. 2).

Therefore, setting up a legal framework that is incapable of implementation in the hope that one day the circumstances will change and allow it to blossom according to its original design (Berrisford 2010, p. 3) is a common assumption. This is the story of planning laws on the African continent. Planning law that has little or no prospect of implementation in the present or foreseeable future is not of any value, as it imposes additional burdens and costs on a system that is already starved for resources.

(d) Making Planning Standards Flexible

Rigidity of space standards and other minimum standards embedded in the planning law is a common shortcoming within the planning system of most African countries. It is not surprising, therefore, that planning is often disjointed from implementation (APA 2013). The planning process cannot be a purely technocratic endeavour. It must be sufficiently flexible to accommodate the interests of all identified stakeholders. This calls for the need to understand the values and needs of the localities being planned for, and devise tools to mobilize support for worthwhile city and regional planning interventions (APA 2013, p. 25).

(e) Corruption and Political Expediency

APA (2013), p. 17) identifies corruption within the public and private sector as "a serious hurdle in meeting the development challenges of most African countries and the management of urban areas in particular". This situation "poses a challenge to efforts towards sustainable development. Parochial political agendas undermine urban growth management initiatives and this is exacerbated by poor political leadership and administration" (APA, 2013, p. 17). Planning law and regulations, in the face of political interference, cannot be effectively implemented.

(f) Integrating with Land Tenure

Planning law in African countries are "more often than not, further complicated by underlying land tenure uncertainties—whether customary, formal ownership, formal lease or informal" (Berrisford 2010, p. 14). Where a law (planning law) sets out to regulate the use and development of land while rights and interests in land tenure remain unresolved, the scope of issues to be addressed widens significantly (Berrisford 2010).

The challenges discussed above reflect the need for revision of planning legislations in context and content. With a better understanding of the dimensions of these challenges, a clear platform has been established to highlight the goal of the new planning law reforms. This is the focus of the next section.

6   THE URGENCY FOR RELEVANT PLANNING-LAW REFORM

Planning-law reform is difficult in any context, any country, anywhere in the world (Berrisford 2010, 2012). "By its nature, planning law is complex, it has to balance the many, competing interests of stakeholders seeking to maximise their own opportunities" (Berrisford 2010, p. 3). Yet Watson and Agbola (2013) opined that if inclusive and sustainable planning replaced outdated, controlling and punitive approaches, it would underpin more equitable and economically productive urban development in Africa.

Planning laws, in the past, had been focused on removing informal development rather than identifying and rectifying existing segregation and social exclusion. The rate and scale of urbanization in Africa requires a balance between embracing informality while planning for sustainable services delivery. The systemic drivers of dysfunctionality need to be rectified, and these require focus on urban reform, accountability and effective data analysis. Sustainable urban planning is necessary to eliminate the causes of segregator practices (as evidenced in Section 2.1), and this has to be embedded in the planning laws and regulations.

This situation "provides an opportunity for a restart that the more developed economies do not have because planning laws have created a regulatory reality that is difficult to reverse" (Alterman 2013, p. 7). This is a good point in time for African countries to take a thorough look at the record of their existing planning laws in terms of their impacts on social justice, to learn from the experiences of the more developed economies (but not to copy them) and to be very selective about which aspects and instruments of planning laws to adopt or reject (Alterman 2013).

As noted by (UN-Habitat 2010, p. 19), "uncontrolled 'self-help' urbanization, especially by economically poor city dwellers, has come to be regarded as problematic by many spatial planners, urban managers and elites who fear a threat to their quality of life or their Western-derived urban aesthetics". However, given the prevalence of the peculiarities of African

urbanization, the efforts of the poor to meet their urban needs should be viewed more positively (UN-Habitat 2010). Planning laws and procedures should aid this pursuit "and become more flexible, except where objectively dangerous or inappropriate situations arise" (UN-Habitat 2010, p. 19). The goal of the new planning-law reform and its revisions is to focus more on cities as "people-centred concentrations of opportunity', not just problems" (UN-Habitat 2010).

"A people-centred perspective highlights the need for more appropriate, realistic planning and building regulations that are affordable to the urban poor and that facilitate, rather than restrict, sustainable livelihoods […which] should focus less on impractical planning theory and imported notions of urban aesthetics or unattainable regulatory standards" (UN-Habitat 2010, p. 19–20). Instead, they should embrace designs and standards that reflect the local identity and socio-cultural values of the population. The end-users (the public) should be actively involved in the conception, drafting, revision and implementation of planning standards and regulations.

Indeed, the UN-Habitat (2014, p. 44) adds that "planning for human security in African cities involves engaging with a wide range of destabilizing factors such as socio-spatial segregation, religious and youth radicalization, war, as well as transnational trafficking and crime". Planning law reform that is inclusive and participatory will engage all sectors of the society, in governance and decision-making at all levels. Furthermore, "it requires sharing the diverse opinions without fear or favour on matters critical to the citizenry and which requires inclusion to be resolved. Segregation is fed by particular perceptions of otherness, including fear, which can only be overcome through dialogue and inclusion, even if that may be difficult at first" (UN-Habitat (2014, p. 44).

New forms of planning law are required which will incorporate some of the elements of inherited Western-based planning laws (those aspects that have recorded obvious successes, such as development control, space standards and sub-division regulations); informality and illegality; traditional institutions' "land use management and private sector investment patterns" (APA 2013, p. 24); and contemporary demands of African cities. As stated in APA (2013, p. 24–25), "of critical importance is inclusiveness of the poor and marginalized. Exploration of new land use management systems is under way, for example, the UN-Habitat regularization programme (Kenya) and Zambian 'spot rights' system (Lusaka). Traditional city management tools such as urban growth boundaries, densification, multi-nodal

city development, public transport and green open space systems have relevance for many African cities". APA (2013, p. 25) advises that "these should be derived from substantive understanding of contextual specific challenges, localized resource constraints and working with public, private and community investments patterns and trends". In certain circumstances, however, it may be necessary to advocate on behalf of the stakeholders and/or to encourage them on the need and content of the new laws. For instance, Berrisford (2011b, p. 7) states that in Zambia, "there was a widely shared view that the law should change but no indication of how people thought that change should happen or what the new legislation should require and contain. The reluctance of all stakeholders, from the public and private sectors, to express a view on legislative change was marked".

The United Nations Department for Economic and Social Affairs (UNDESA) (2012) reveals that during the 40-year period between 2010 and 2050, the average population densities for Africa will increase from 34 to 79 persons per square kilometre. Policy changes in respect of existing planning laws will be required to guide Africa's rising urbanization levels and the desirable dispersion of population (UN-Habitat 2014). Reforms in the planning laws will take into consideration current and future demographic structures, because the population will remain young for decades (UN-Habitat 2014).

Planning for climate change requires that urban planning laws and development proposals be focussed on producing urban systems that have a greater capacity to absorb shocks and adapt to impacts. In this regard, legislation that would encourage greener energy use in developmental activities should be incorporated into the Africa planning-law revisions.

7   Conclusion

The rationale behind the enactment of planning laws in Africa was broadly similar to that in Europe: bourgeoning urban agglomerations faced challenges with regard to the living conditions of inhabitants. Laws and regulations, later to emerge as health legislations and planning laws, were deemed necessary to ensure habitable and healthy settlements. The evolution of African planning laws, nevertheless, had a unique quality. Different political traditions, economic circumstances and location-specific features make every African nation and city unique. Therefore, effective planning reform and adaptation must be location-specific. Still, a few broad concepts for holistic area-wide urban management have emerged

from comparable situations around the world, and African governments should not ignore them.

Africa's urban transition has the potential to transform the development prospects of countries across the region. Such developmental transformation can only be achieved through planning-laws that are inclusive, incorporating the peculiarities of the African culture. Unless and until greater efforts are made to improve effective implementation of the existing and new planning-laws, the quest for sustainable functional and optimally productive human settlements would continue to be an illusion.

As rightly suggested by Okpala (2009, p. 5) "it is essential to develop a new vision of the African City as a place of innovation, wealth creation and capital accumulation, but no longer as a place of poverty and concentration of all kinds of depravity". Luckily, it is this hopeful vision of the African City that has been the mission and vision of the new Urban Agenda for Africa. The African Urban Agenda has looked at Africa's urbanization dynamics not through a lens of despondency and hopelessness but though one of hope and progressive dynamism (Agbola et al. 2014). This new vision calls for a different conception of planning laws with greater ambition for inclusiveness and sustainability. Every planning-law reform or revision should contain both procedural and substantive components that impact redistributive justice. Justice, in this context, refers to "public policies that promote greater social equity and fairness than the market or pre-existing social forces would have been engendered without public regulation or intervention" (Alterman 2013, p. 3). As explained by Alterman (2013, p.3), "on the procedural side, planning-law must set up institutions, ways of communication with the public, access to information, and degrees of legal power granted to stakeholders. On the substantive side, the essence of planning-laws is that the various instruments with which it empowers government bodies would make a real difference 'on the ground' through enforcement".

Enforcement of well-thought-out planning-laws and land development regulations are the indispensable means to ensure safety, comfort and a healthy environment for the inhabitants of settlements and achieve the goals of physical planning. It is an important strategic tool to promote and maintain the health and well-being of the citizens of cities and other categories of settlements. It is thus the only way to achieve the "end results" which planning regulations seek.

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Issues and Challenges in Urban Governance

'Programmed to Serve': Urban Planning and Elite Interests in Zimbabwe

Amin Y. Kamete

1   INTRODUCTION

A controversial 2010 report by the Special Investigations Committee on land sales, leases and exchanges in Harare opens with this sensational statement:

> There is rampant corruption in all departments of Council. The Department of Urban Planning Services … seems to be the worst affected by this scourge. There is evidence to suggest that all this was brought about by the so-called Strategic Turnaround Programme. This could have been a ploy by some unscrupulous strategists whose appetite for self-enrichment drove them to come out with a plan to loot council land. Systems that are void of account-ability now form the basis of this turnaround project (City of Harare 2010, p. 3).

This is a damning indictment on urban planners and planning. It presents strong accusations of what a local government expert termed 'naked corruption of the most virulent kind' (Interview 1).[1] Unsurprisingly, the report, set off a huge controversy in Zimbabwe's polarised socio-political

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terrain. The ruling ZANU-PF party was accused of brutal forms of primitive accumulation (Moore 2012). The incarceration by the police of the authors of the report at the instigation of a businessman implicated in the scandal fuelled speculation that the country's elite had something to hide.

Focusing on planning, this chapter reframes these reputed goings-on in the relationship between an avowedly neutral technocracy and elite interests in urban Zimbabwe. It examines three areas in which planning has been implicated: promoting elitist visions of the city, facilitating primitive accumulation and defending elite interests. The chapter evaluates the (ab) use of planning to serve elite interest in each of the cases. While acknowledging the complicity of planning, the chapter argues that the real issue is not servility, corruption or criminality. It contends that modernist bureaucracies are built to be handmaidens of elite interests. The institutional, statutory and regulatory framework is by no means neutral. Accordingly, by virtue of its obsession with artificial order, planning inevitably favours the authors and sponsors of that order.

The chapter argues for the recognition of the reality that planning systems are programmed to serve the elite. It contends that without reflection-in-practice within the profession, it is impossible to work against the built-in biases in, and brazen abuses of, planning. After the introduction, there is a brief overview of the analytical framework, focusing on theorisations of the elite and planning's quest for value-free instrumental rationality. This is followed by an examination of spatial planning vis-à-vis the elite. The chapter then moves on to a discussion of three cases where planning is seen as serving elite interests. It concludes with a critical recasting of the subservience of planning to elite interests.

2   Framework for Analysis

The hierarchical organisation of social institutions allows a minority to monopolise power (Mosca 1939, p. 50). As various strands of elite theory show, the elite are made up of two groups: governing and non-governing elites (Pareto 1935; Dunleavy and O'Leary 1987). These in turn can be divided into political, military, economic and social elites (Mills 1956; Acemoglu and Robinson 2012). An aspect that dominates definitions of the elite is the question of advantage and privilege in the sector that is under consideration, be it economic, political or social (Mills 1956). Always in the minority, elites perform key political functions, monopolise power and enjoy the privileges of power (Mosca 1939, p. 50). In their various fields, elites invariably belong to a group of people considered to

be the 'best', thanks to their power, talent or wealth. As a class they enjoy superior status, be it social, economic, political or intellectual.

In this chapter the term *elites* refer to the small group of rich, powerful and influential people who dominate society. The term also denotes the very small group of leaders occupying formal positions of authority or power in public and private institutions at various spatial levels. Thanks to their privileged position, the elite are involved in making or influencing major decisions in the economic, political, social and administrative spheres (DLP 2011).

Machiavelli (1997, p. 67) famously divided rulers into two groups: foxes and lions. As noted by Alexander (1994), the qualities he ascribes to these two classes closely resemble those typical of Pareto's Class I and Class II residue types (Pareto 1935). People with strong Class I residues are the 'foxes'. They tend to be manipulative, innovative, calculating, imaginative and unscrupulous. In this category are politicians, entrepreneurs and technocrats such as planners. Machiavelli's 'lions' correspond to Pareto's Class II residues. The conservative lions place 'much more value on traits such as good character and devotion to duty than on sheer wits', making them 'the defenders of tradition, the guardians of religious dogma, and the protectors of national honour' (Alexander 1994, p. 12). The lions which populate the conservative residues of Class II are capable of decisive and forceful action.

It is the balance between the foxes and lions that determines the overall traits and longevity of the ruling elite. Notably, Pareto warns that elites who embrace humanitarianism are in danger of being supplanted by another elite. According to Pareto, philanthropy, tolerance and related tendencies are precursors to full-blown decadence. He warns, 'Any elite which is not prepared to join in battle to defend its position is in full decadence, and all that is left to it is to give way to another elite having the virile qualities it lacks' (cited in Bar-On 2007, p. 187). It is, at least in part, an awareness of this constantly lurking danger that explains the behaviour and tenacity of Zimbabwe's power elite.

The analysis would not be complete without examining the complicity of bureaucrats, including planners. These technical non-governing elite are an integral part of the designs of the power and economic elite, constantly advancing and defending their interests (Lo Piccolo and Thomas 2008). Most of them are devoted to a kind of value-free neutrality and objectivity rooted in positivism. In fragmented and polarised societies, technical, value-free, instrumental rationalism such as that displayed by professional urban planners provides a fertile breeding ground for the advancement and

perpetuation of dominant interests (see Klosterman 1978; Kamete 2009a; Healey 2006; Webber 1983). Blinded to what are considered to be 'irrational' issues relating to values, and restricted to the realm of devising efficient means to accomplish pre-set goals that are made elsewhere by the elite who monopolise policy-making (see Friedmann 1987; Brubaker 1984; Weber 1978), technocrats become the perfect, if unwitting, allies for the governing elite.

In its workings, planning instantiates power relations that reflect urban politics and power relations at the local and national levels. Since planning is no more than a 'social [event] embedded within society' (Dear and Scott 1981, p. 4), Marxist critiques dismiss it as an arm of a repressive state (Foglesong 1986). Being a state-directed practice, planning derives its legitimacy and authority from the governing elites. In the 1980s, dissatisfaction with what was then the planning paradigm—the positivist rational process model—spawned rival planning theories and practices (Allmendinger 2009). This was aided by a strong Marxist critique of planning. This 'dissenting planning theory' (Low 1991) attacked, among other things, the notion of a unitary public interest and highlighted the commanding role of capital operating through the state.

In southern African in general, and in Zimbabwe in particular, planning still claims to promote the public interest (see Wekwete 1988; Kamete 2012). However, looking at the way the system has operated and its socio-spatial pattern of repression, it can be argued that planning actually serves two principal interests: the state and capital. Classic Marxist theory would argue that the former is a reflection of the latter. Unsurprisingly, it has been observed that even in Africa, 'planning and planners generally serve elite and middle class interests' (Simon 1992, p. 47). As part of the 'superstructure' of society, planning serves the interests of power and capital by propping up the capitalist mode of production and its view of order (see Scott 1980).

3   Planning and Elite Interests in Harare

Zimbabwe's planning system is well known for religiously upholding technical rules, with planners consistently doing things 'by the book' (Kamete 2008). Despite transformations in the socioeconomic and political context, the single-minded crafting, imposition and defence of order through development planning, development control and planning enforcement have remained the primary foci of the country's planning system.

This section reveals how the planning system is implicated in the projects, visions and ambitions of the elite. A planner described this as being 'programmed to serve […] destined to advance interests of politicians and tycoons' (Interview 2), while an academic termed it 'a propensity to be abused and [to] self-abuse' (Interview 4). I will evaluate these assertions by considering evidence from three cases. The section is based on an assessment of published material including official and scholarly publications as well as the mass media. I also interviewed five planners, a local government expert and one member of a Harare City Council committee. Obviously, some of the media and official reports have some biases. I have tried not to reproduce these. This is not a legal treatise; nor is it a commentary on politics or corruption. The point is not to apportion impropriety or guilt, but to dissect planning practice vis-à-vis elite interests.

3.1   Promoting Elitist Visions of Order and Modernity

From pre-independence times, the elite have had a vision of urban modernity that they have unrelentingly tried to realise (Kamete 2013). It is a vision shared by many elites in sub-Saharan Africa (Swilling et al. 2003). A closer analysis of elite utterances and actions reveals that the modern city is an orderly city: a city free of 'pre-modern' or 'anti-modern' activities such as ambulant vending, street trading and squatting. Significantly, a modern city is a city free of 'filth', here taken to mean anything that is out of place in planned urban spaces (GoZ 2005; Douglas 1966; Cresswell 1996). With its 'primitive business practices and flouting of regulations' (Interview 1), informality is no part of this elitist vision. It is a threat to urban modernity.

The elite have always considered informality an obstacle to urban order and modernity. When she announced the launching of 'Operation *Murambatsvina*/Restore' Order (OM/RO) in 2005, the state-appointed chairperson of the Harare City Commission lamented that Harare had 'lost its glow', ominously adding that 'we [read the elite] are determined to bring it back' (City of Harare 2005). The foreign affairs minister ardently endorsed the modernist agenda when he told diplomats that OM/RO was launched 'in order to establish an environment conducive to investment' (Ministry of Foreign Affairs 2005). Needless to say, that investment is foreign investment: an important manifestation of modernity and growth and, most importantly, a vital antidote to the unregulated, pre-modern informal sector. This was all but confirmed when, on several occasions,

the authorities explained that they sought to return Harare to its former status as the 'Sunshine City'. They repeatedly argued that, as the principal port of entry and capital, Harare was crucial in projecting a good image to visitors (Kamete and Lindell 2010).

The planning system is implicated in the crafting, realisation and defence of this vision (Kamete 2013). It is the preferred vehicle and weapon of choice. Planning's obsession with urban order is thus an embodiment of elite aspirations. This is seen in the making of Zimbabwe's famously rigid, legalistic and 'technicistic' development plans, the policy documents that determine the spatial development and growth of the cities by specifying what is acceptable and permitted in specific locations (Kamete 2006). These serve as the basis of development control: anyone intending to carry out development on land under the jurisdiction of the city has to apply for planning permission from the city council, which is the legally designated local planning authority.

A look at the Harare Combination Master Plan (City of Harare 1992), and the many local development plans that have been finalised, shows that planning sticks faithfully to the modernist vision of the orderly city. The informal sector is excluded from the planning process. Little wonder that it is not catered to in the exclusionary urban spaces produced by the planning system (Kamete 2006). It is in the enforcement of planning regulations that planning zealously safeguards the elitist vision and its exclusivist conception of order. Not only are informality, the urban poor, and other 'filth' excluded from the plans, they are also actively suppressed in planning enforcement. Here the planning system has the power to authorise evictions, detentions, demolitions and relocations. Interestingly, demonstrating that the elite approve of planning's methods of imposing and defending order, planning has repeatedly demonstrated that it can readily mobilise the state's repressive apparatus. Hence, in the frequent clean-up campaigns that have been implemented, law-enforcement and state security agencies, the military and sometimes party militia, have been routinely roped in to 'cleanse' spaces contaminated by 'filth' (Kamete 2008).

It is in this context that all the major clean-up operations should be viewed. And there have been quite a few. In 1983 there was Operation *Chinyavada* ('Scorpion'), when the police and army rounded up 'prostitutes'—a term that encompassed any unaccompanied woman walking in the city at night—and detained them at prisons before forcibly transporting them to *minda mirefu* ('resettlement areas') (Rupiya 2005). Another huge clean-up campaign took place in 1991 on the eve of the

Commonwealth Heads of Government Meeting (CHOGM) scheduled to take place in the country. Spurred on by the desire to ensure that visiting dignitaries did not see the 'un-modern' side of Harare and its surroundings—the Queen would be visiting Mbare, the quintessential high-density suburb—the authorities launched a crackdown, removing, among other 'filth', vendors, vagrants, street children and squatters. These were placed in 'holding camps' out of sight of any visitors who might see them and question Harare's credentials as a modern city.

The most famous cleansing operation was, of course, OM/RO, which, for some months eradicated 'filth' from all urban centres. It is instructive that planning was the lead agency in articulating the techno-legal rationalisation of the operation (Kamete 2007). Significantly, out of all the infractions, the state chose to amplify planning violations which, in its reasoning, precipitated a whole litany of crimes and vices. The voices of senior planners merged with those of the elite, justifying the removal of the filth—famously described as 'a mass of crawling maggots' by the head of the national police force (The Herald, 16 June, 2005)—in the language of law, health and order: all of them cherished ideals in planning.

3.2   *Facilitating Primitive Accumulation*

Planning has been accused of aiding and abetting what amounts to primitive accumulation by the elite. In Harare, the planning system, using its position of authority, political mandate and technical expertise, has enabled members of the elite to acquire vast swathes of land and property and to erect buildings where previously it had not been legally permitted (Kamete 2012). While, in some cases this has bordered on corruption, in others it is an outcome not of corruption, but of the pro-elite biases built into the planning system. The following cases illustrate this.

In 2010 Harare's Special Investigations Committee noted that town planning and land valuation, both under the purview of the Department of Urban Planning Services (DUPS), 'lack accountability and [are] prone to abuse by officials, unscrupulous business people and cunning politicians' (City of Harare 2010, p. 3). DUPS's influence derives from its position as the 'gatekeeper and rationer' (Interview 6) of a most valuable resource: land. As observed by the committee, 'all applications for leased properties go to them and it is that same department that chooses which applicant wins amongst other applicants' (City of Harare 2010). The report contains a litany of land swaps, change of use and land sales that demonstrate

in graphic detail the extent of the plundering of land by the political and economic elite.

In one such transaction, the committee reports that a company owned by a well-connected businessman managed to swap 17.6 ha of land in Derbyshire in a relatively 'cheap' part of the city for an equivalent amount of land in Gunhill, one of the most expensive suburbs in the country. Thus 'by the stroke of a pen', the value of the businessman's investment dramatically increased 'without [him] doing anything or taking any risk' (Interview 3). Puzzlingly, the original council resolution was that the businessman would get 10.23 ha 'but on implementation … the company was given 17.6 ha contrary to the resolution of Council' (City of Harare 2010, p. 7). The same businessman was also reported to have benefitted from numerous similar deals from the ruling-party-controlled caretaker council in what was described as a 'scam between … [the businessman] and council officials' (page 14).

The report further alleges that politicians also benefited from the land deals. According to the report a senior cabinet minister managed to get himself allocated 20 hectares of prime land in an affluent part of the city for a paltry $2,300. The same report sensationally revealed that the minister had 'multiple property ownership' (page 8). The report observed,

> Contrary to Council policy that an individual must not get more than one residential property from the Council, the Minister acquired vast tracts of land within Greater Harare and registered them in companies associated with him (City of Harare 2010, p. 8–9).

These scams had a clear sequence of events. The minister would identify a piece of land that he had an interest in and inform council. Planning, being the responsible agency, would 'wield its mandate to nicodemously [that is, secretly] change the use of the land to what was required by the VIP applicant' (Interview 3). The minister would then "buy the land for a song"' (Interview 6).

The two were not the only beneficiaries. According to a report, the elite in Harare and other cities 'looted hundreds of millions of dollars in public funds, land and other assets in an unprecedented orgy of self-enrichment over the past decade' (ZimOnline 2011). It was estimated that the amount fleeced from Harare City Council (HCC) 'in shady land deals and contracts during the tenure of illegal commissions' amounted to US$100 million (ZimOnline 2011). Identifying the elites involved in the

massive scams, the report pointed out that 'influential politicians linked to … ZANU-PF … were beneficiaries of choice housing and industrial stands, which they paid very little for or nothing' (ZimOnline 2011).

Another instance of authorised primitive accumulation relates to the construction of a luxury hotel on ecologically sensitive wetlands. At the time of writing, a five-star hotel was being constructed 'by a Chinese consortium[2] at a rapid rate, despite major objections by local residents, environmentalists and other interested parties' (Environment Africa 2012). The Environmental Management Agency (EMA), the state's environmental watchdog, put up a legal fight to halt construction, saying a proper Environmental Impact Assessment (EIA) had not been carried out prior to the development's start and was only submitted once construction was under way. When the issue attracted controversy, the local planning authority, HCC—now no longer controlled by ZANU-PF—reiterated that no developments are allowed to take place on wetlands and recommended that urgent measures be taken to stop the development. But construction work did not stop.

Interestingly, the head of the Zimbabwe Tourism Authority—himself a political appointee and staunch ZANU-PF loyalist—who has no planning remit, arrogantly declared that 'frogs' would not stop the US $300 million investment (Makova 2012). Brushing aside complaints about the project, his boss, the Minister of Tourism and Hospitality Industry defiantly stated, 'It's a contentious issue for other people to worry about locusts and lizards. Since when did locusts and lizards take precedence over a country's development?' (Tahungai 2012).

Apparently the project was orchestrated by the power elite in central government. In accordance with planning and related legislation, central government acquired the land from council claiming it was 'in the national interest'. According to the HCC, other than invoking the 'national interest', central government did not state their intention for the use of the land when they acquired it. As it turned out, the 'national interest' was the Chinese-built luxury hotel. When the local authority realised that it had been duped, it called for the reversal of the decision. Protected by the elite', the Chinese investor continued building. To be sure the investor did retrospectively submit an EIA when ordered to do so by the EMA. But, in blatant violation of regulations, and cheered on by the power elite, construction continued despite orders from the EMA to halt construction until the EIA granted approval of. Little wonder that whereas the state inexplicably appealed to the national interest, critics saw

'greed, abuse of power and manipulation in pursuit of primitive accumulation' (Interview 3).

3.3   *Defending Elite Interests*

The planning system has also been used to defend elite economic interests. In this regard, the elite have used the planning system to defend their interests from rivalry by non-elite interests. The planning system ensures that the viability and profitability of elite businesses is not disadvantaged by unfair competition. It removes or neutralises threats and inconveniences that might disrupt the day-to-day operations of elite businesses. In urban Zimbabwe, these threats come from one source: the informal sector. The endless and often-violent urban 'clean-up' operations epitomised by OM/RO are often rationalised in the language of protecting legal businesses and law-abiding urbanites from parasitic ambulant informal traders and non-taxpaying informal businesses. The main techno-legal argument is typically rooted in the logic of modernist planning, which, as shown above, is obsessed with order—a function which necessarily entails stamping out disorder (Hughes 2002, p. 571). In the stifling of spatial transgression, planning consistently stands on the side of the elitist conception of order and orderliness which can be summarised as the protection of property rights and the use of land for purposes prescribed in the operative plan as shown in the zoning ordinances (Kamete 2008).

The OM/RO case also suggests the protection of legal (elite) businesses from the harm generated by the informal sector through the rapid expansion of a damaging parallel market. The parallel market was the main scapegoat in the country's economic meltdown (Kamete 2009b). Tellingly, one of the oft-cited reasons for OM/RO was an economic one. A day before the operation was launched in Harare, the Governor of the Reserve Bank of Zimbabwe (RBZ), the architect of numerous futile elitist economic 'turnaround' programmes singled out the 'parallel market' as being behind the RBZ's failure to halt the economic meltdown (Gono 2005). By then the government had developed the habit of routinely blaming the parallel market for economic sabotage, through among other crimes, siphoning off foreign currency in violation of the regulated official exchange market. The parallel market was also the conduit for many basic commodities that had disappeared from shops, thanks to government's strict price controls. Since the persistent shortages of foreign currency and basic commodities were portrayed as symptomatic of Zimbabwe's

economic crisis (IMF 2005, p. 4), the blaming of the informal sector as the chief culprit was not an insignificant omen.

In his 2005 Post-Election Monetary Policy Statement, the RBZ boss ominously warned, 'We cannot, and will NOT, allow any shadow forces to interfere with, or derail our [read 'the elitist'] turnaround programme, which we [read 'the elite'] are putting back on the rails with immediate effect' (Gono 2005, p. 18; emphasis in original). Admitting that there would 'always be unscrupulous elements in every society', the governor warned that the government would 'not allow these elements to dominate our sphere, sabotage our turnaround and derail what has already been an extremely difficult journey' (Gono 2005, p. 59). The link between the governor's speech and OM/RO is much more than chronological. Explicitly threatening to deal with '"the illegal "parallel" market for foreign currency [that] has surfaced again', the governor indicated that 'measures are being put in place to curb the activities of this market *decisively*' (Gono 2005, p. 59; his emphasis). Not surprisingly, despite the governor's protestations to the contrary, many critics insist that the 'clean-up' campaign—which was articulated and justified in terms of planning—was an integral part of the promised 'decisive' measures (Tibaijuka 2005, p. 12, 87; Kamete 2009a) to protect elite interests.

The foregoing analysis suggests that protecting elite interest was the major motivation for OM/RO. The national economy (read 'elite economic interests') was being threatened by a predatory informal sector that seemed to have aligned with the criminal underworld in not only precipitating the economic meltdown, but also in perpetuating it. It is logical then to conclude that the operation was motivated, at least in part, by the desire to protect elite interests.

4   On the Subservience of Planning to Elite Interests

It is inevitable that urban planning finds itself at the centre of elite intrigues. In developing economies like Zimbabwe, it is in space and place—matters which are at the very heart of planning—that some key interests of the power and economic elite emerge and converge. It is therefore through planning that these interests are advanced, mediated, reconciled and defended. Useful insights can be gleaned from the preceding discussion. They revolve around the nature of the elite, the role of bureaucrats' vis-à-vis elites' interests and

the capacity of elites to manipulate or override bureaucracies to further their interests.

The elites initiating land-planning abuses in urban Zimbabwe correspond to Machiavelli's 'foxes' (Machiavelli 1997, p. 67) and Pareto's Class I residue types (Pareto 1935). As noted above, the foxes that make up the Class I residues are imaginative, innovative and unscrupulous. They cunningly manipulate the public bureaucracy to achieve their goals. They exploit the loopholes in a system that already favours them. They can also count on the naivety of planners who, as 'means technicians' (Friedmann 1973, 1987) do not question the elite designs beyond 'technical feasibility and adherence to statutes, regulations and directives' (Interview 3), believing that they are neutral and work for the public good. This highlights the absence of critical reflection-in-practice on the part of the technocrats (see Schön 1991): a weakness that the 'foxes' can always count on to work in their favour.

In defending their interests, the elites composing the status quo resemble Machiavelli's 'lions' (Machiavelli 1997), corresponding to Pareto's Class II residue types. The lions among who are predominantly conservative residues of Class II, are capable of decisive and forceful action. However, in Zimbabwe, when the 'lion', or Class II, residue traits dominate, what is manifested is more ferocity than courage. This is evident when the elite tenaciously defend their interests against the incursions of the 'wolves', here represented by informals and the urban poor. As Machiavelli (1997, p. 67) advises, it is necessary to 'be a fox to know the traps and snares; and a lion to be able to frighten the wolves'. In their (ab)use of planning, Zimbabwe's power elite have heeded this advice really well.

In contrast, the technocrats have turned a deaf ear to this Machiavelli's advice. They are neither lions nor foxes. Notwithstanding their lingering suspicions of corruption and other alleged nefarious practices, it can be argued that technocratic bureaucracies are programmed to serve the elite even against the leanings of the incumbents. This is especially the case in authoritarian political systems such as Zimbabwe's. In this case 'any appeal to the rule of law is pointless' (Interview 7). As shown in Zimbabwe and apartheid South Africa, the power elite can craft laws that serve their interests and amend or repeal those that do not. Unsurprisingly, by adhering to such edicts, bureaucracies that lean towards instrumental rationalism; and the rule of law will inexorably serve elite interests. Hence, planners have shown that they are not foxes in that they cannot 'escape the traps laid for [them]' and that they are not lions because they 'cannot defend

… [themselves] against the wolves' (Machiavelli 1997, p. 67). In this case, the traps are the statutory and regulatory frameworks which are open to manipulation by the elite; the wolves are the elite at their most rapacious and ferocious.

As 'rational bureaucrats [who] cling to the prescribed division of labour' (Interview 6), planners believe their 'professional role is to design means to ends based on rigorous analyses of available data' (Interview 7). The goals they seek to achieve are set by the political arm of the state, with the 'professionals' role' being restricted to implementation. It is little wonder that such professionals do not consider it their business to question, let alone adjust, the goals made by their political masters. That would be overstepping their delegated authority. So, the seemingly sheepish advancement of elite interests by the planning system should be seen as an expression of the prevailing logic of a technocratic bureaucracy whose incumbents consider themselves value-free means technicians (Friedmann 1987) who deal with 'factual data but [avoid] the value questions of defining … objectives' (Klosterman 1978, p. 41).

Critics have been quick to read 'corruption' or 'nefarious machinations and outright criminality' (Interview 4) into anything that seems to favour elite interests, especially where it appears to disregard statutory and/or regulatory provisions (see City of Harare 2010). Accordingly, the land swaps and the hotel on wetlands are brandished as proof of 'corruption' and 'criminality'. However, the situation is not that clear-cut. Sometimes such seemingly nefarious deeds are perfectly legal. The problem with latching onto legalities is that it deflects attention away from problematic and even defective legislation and policy. Time and resources are then wasted on pointless debates on whether particular actions conform to 'these defective instruments designed by the rich and powerful, with the rich and powerful, for the rich and powerful' (Interview 4). This of course favours elite interests. For example, a meddlesome local government minister was notorious for doggedly persecuting opposition-controlled councils and installing ZANU-PF apparatchiks in the form of caretaker councils. As discussed above, he was also infamous for accumulating multiple properties in Harare and other urban centres. Both these perceived misdeeds are more complex than the simplistic picture of corruption presented by critics and the media (City of Harare 2010).

In the case of the suspension of opposition councils and the installation of party elites who wind up using the planning system to champion elite interests, the minister was legally empowered to do this. Legislation

specifically empowers the president and minister to suspend a mayor if that mayor 'has been guilty of any conduct that renders him unsuitable as mayor' (*Urban Councils Act* 1995, s 54). The act gives the minister the power to suspend councillors and appoint commissions to serve as caretaker councils to run the affected councils. In view of this, what should be the subject of debate is not the act of suspension and appointment, but the alleged guilt of the mayor and council as well as the credentials and capabilities of new appointees. Similarly, in the matter of directives that favour elite interests, the act empowers the minister to 'impunitively [*sic*] meddle in council affairs' (Interview 1). Section 313 stipulates that the minister 'may give directions on matters of policy' and requires the affected council to 'with all due expedition, comply with any direction given to it'. Again the question should not be that the minister is meddling. Rather, it should be on the basis for his contentious directives. The point is that the statutory and regulatory framework governing public institutions and bureaucracies have built-in biases that favour elite interest. Technicist and legalistically inclined institutions and bureaucracies, such as Zimbabwe's planning system, tend to intensify and perpetuate these biases.

Should we be surprised that the governing elite have a proclivity for stuffing public institutions and bureaucracies with their loyalists, party apparatchiks and protégés? No. This is normal practice even in mature democracies. One can only expect this to be amplified in authoritarian governance systems. So, the question here concerns neither the act of appointing or facilitating the appointment of these minions nor the motives of the elite. We know the elite are empowered to act and they do so for selfish reasons. So as has been argued above, the focus should be on the capabilities of the appointees. When it comes to urban Zimbabwe, it can be said the appointees are of 'varying and mixed abilities [*sic*]' (Interview 5). Some of them are 'well-qualified and perform their technocratic duties reasonably well within the existing framework' (Interview 5). This certainly applies 'to a good proportion of the senior planners' (Interview 4).

Such a positive observation does not apply when it comes to accusations of corruption by the committee that unearthed the land and property scams. This would require a more scrupulous analysis, which is beyond the scope of this chapter. Be that as it may, the point here is not that the planners are incapable and corrupt simply because they seem to consistently promote elite interests. While agency is important, the structural constraints and built-in pro-elite biases in the system should

be acknowledged as a major determinant in the practices of these professionals and in the outcomes of such practices. These structural constraints are accentuated in the case of Zimbabwe, because of 'the unquestioning, *unreflective* technocrats' (Interview 6; my emphasis) dedicated to their role as means technicians and who avoid the ethical issues about goals and objectives (Lo Piccolo and Thomas 2008).

Self-interest and self-preservation are also involved. Mosca (1939) emphasises the important functions within society of the middle classes, which he came to regard as the lower stratum of the political elite. As bureaucrats, planners belong to this stratum. Their fortunes are tied to those of the more superior elite, hence their promotion of the interests of the elite in the upper strata 'so that the crumbs continue to fall from the high table' (Interview 3). The operations of 'mid-elite' are vital to the stability of any political and economic system (Ferdinand 1967); at the same time, the fortunes of the bureaucrats are tied to the stability of the system. The attitudes and actions of planners can therefore be considered 'normal'. In the work of planners, it is only to be expected that there is an element of 'basic self-interest and instinctive self-preservation' (Interview 4) involved. It would 'take extreme gumption and conviction [and] a bit of stupidity to act otherwise' (Interview 7).

5   Conclusion

The relentless political intrigues surrounding the manipulation of planning suggest that the governing elite in Zimbabwe are not unaware of the potential of technocratic bureaucrats to serve as their tools, both offensive and defensive. Be that as it may, it is unhelpful to pass hasty judgements of 'rampant corruption' (City of Harare 2010, p. 3), 'massive impropriety and vice' (Interview 3) or even 'pure negligence, incompetence and criminality' (Interview 1). Attention needs to be redirected away from such unproductive lines of enquiry. The same applies to an obsession with questioning elite interference in planning. The productive lines of enquiry are not about the competence and legality of the actions of the elites or their bureaucratic handmaidens. Rather, the focus should be on how planners navigate the built-in pro-elite biases in the planning system. Not much can be gained from contesting government actions at the techno-legal level. What needs scrutiny is the attitude of, and reflection by, the bureaucrats vis-à-vis their mandate in the light of glaring pro-elite biases. Professionals who consider themselves value-free means-to-an-end technicians (Friedmann 1973, 1987; Lo Piccolo and Thomas 2008) will be subservient to pro-elite biases, perpetuating and entrenching them.

What is needed, as the planning literature has shown, is reflection-in-practice and the resultant insurgency (Schön 1991; Sandercock 1998a). This occurs when professionals reflect on their work, and they start raising uncomfortable questions which could lead to them considering working for the interests of all. This might lead to insurgency, allowing them to escape the trap of instrumental rationalism and consciously work towards 'irrational goals' that might entail the embracing of values such as democracy, justice and equality. Granted, bureaucracies are designed to serve the elite; but this is no excuse for bureaucrats to continuously act as though they are helplessly locked in a programme to serve these interests with no way out. Research suggests that there is room for 'reprogramming' through counter-hegemonic planning practices, even in authoritarian post-colonial regimes (Miraftab 2009; Sandercock 1998a, b). Critical reflection and reflective practice are necessary for this to happen.

With the increasing vesting of power in the economic elite in Zimbabwe, it is difficult to see planners disentangling themselves from their association with elite interests in the absence of reflection-in-practice. Without 'a ginormous seismic shift in the way they cogitate about their doings and the goings-on' (Interview 4), planners will continue to unquestioningly serve elite interests. Public bureaucracies may be 'programmed to serve', but with a bit of reflection, planners can tamper with the code, even vandalise it. Unless they become reflective practitioners, planners will continue to be 'shackled to and by elite machinations' (Interview 2). When planners insist on seeing themselves as value-free means technicians, there is little possibility that they can overcome blind subservience to elite interests.

NOTES

1. Quoting and citing the report and interviews does not mean the author endorses the content, viewpoints and allegations in these sources. There is no intention on the part of the author to be defamatory.
2. The state-appointed Chief Executive of the Zimbabwe Tourism Authority all but admitted the involvement of the power elite in the controversial project when he complained, 'The Chinese are close to ZANU-PF and some people are not happy with that' (Makova 2012).

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Interview 6: Retired local government planner, 26 June 2012.

Interview 7: Senior planner, 20 June 2012.

Urban Planning: When Mining Companies Take on Government's Role—Public–Private Collaboration in Regional Development in Guinea

Pascal Rey and Anaïs Weber

1 Introduction

The mining boom witnessed in Africa over the past decade has raised numerous issues around regional development and urban planning in these new mining areas as well as with regard to the overall process of urban governance in Africa. Many mining projects are located in remote and isolated areas, as the most accessible resources have, for the most part, already been mined. The areas experiencing an influx of mining projects also tend to be areas that are sparsely populated and generally overlooked by their governments. The economic attraction generated by such projects and the arrival of a significant investor interest has lead to a considerable and rapid influx of migrants around the new mines. Local rural and urban populations can increase five- or tenfold in a just few years.

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On the one hand, mining companies are legally bound under international and national regulations to mitigate their negative impacts. On the other hand, they realize how important it is to foster social and economic stability in their mining areas to ensure that the local environment is receptive to their activities. Anticipating in-migration and promoting rational regional development are thus among their priorities.

However, regional development promoted by a private company is not a clear-cut matter. While the company is both bound to comply with legislation and motivated to support local development to create a favourable operating environment, it does not wish to be perceived as a social operator that can replace government, with all expectations regarding the improvement of local conditions focused on it alone. Furthermore, mining companies have neither the mission nor the resources to replace government, which must assume its responsibilities in terms of regional development.

By analysing the mining context and practices in Guinea based on several studies carried out in that country between 2010 and 2015,[1] we will attempt to understand how mining companies can contribute to regional development, in particular in urban contexts, and participate in local governance without serving only their own interests. To do this, we shall firstly analyse the correlations that exist between mining projects and the shaping of the region. Secondly, we shall look at the ways in which mining companies can participate in the regional development process. Finally, we will endeavour to identify the main issues and risks raised by public–private collaboration around regional development.

2   WHEN MINING COMPANIES SHAPE THE REGION

2.1   *Mining Projects: Changing the Local Landscape*

In remote areas where a large proportion of new mining projects are being developed, the arrival of a significant investor in the region generates many expectations on the part of the various stakeholders (Clarkson 1995) in terms of economic and development opportunities. Such projects are highly attractive, particularly as regards potential jobs, and bring many migrants to the area. The extent of economic migration associated with mining projects can depend on the company's hiring policy and the project development phase, but it remains difficult to control; and the number of migrants the mining company and the local authorities ideally expect to see often falls well short of what they should realistically expect:

the number of migrants will always exceed both the number of jobs available and the area's capacity to accommodate them.

To understand these migration phenomena, it is important to understand the profile of the different migrants. Depending on how isolated the mining area is, the proportion of each type of migrant may vary; but general trends can be noted and it is important to understand what has motivated these migrants to move and where they have come from before beginning to discuss how to manage them. We are referring here particularly to migration caused by the arrival of a mining project and its initial development phases (feasibility and construction), which generate the greatest migration flows. In rural areas, depending on the project, between one- and two-thirds of the migrants will come from the prefecture[2] in which the project is located. These migrants come to villages that are close to their own because they consider that the situation in the host village will offer them better chances to obtain a job (often due to its proximity to the mine site or simply because the company has opened a job office there). Of the other migrants, most will come from neighbouring prefectures: these migrants share the same motivations of the former group, although they may find it harder to integrate. Finally, to a lesser degree, migrants will come from distant prefectures or the country's capital city. These migrants may already have a job or be more employable because they have experience on other mining projects that have been developed elsewhere in the country. It should also be noted that a small proportion of migrants (from 5–10 % of the total number of migrants depending on the project) seeking a job or to develop an activity associated with the mine will come from neighbouring countries. In urban areas, the migrants are of notably different origins: while around half will come from the prefecture or neighbouring prefectures, the rest will come from more distant prefectures or neighbouring countries (around 20 % of total migrants). This can be attributed to the fact that it is easier for them to integrate into the urban context where customary social structures are less prevalent.

Identifying migration flows enables several elements to be highlighted. Firstly, it is clear that the migrants' varied origins and attendant language barriers hinder any communication to influence them, and so there is little scope for controlling them. Thus, there is little correlation between job availability/accommodation capacity of the host area and the number of migrants pursuing those jobs. Some migrants come from the local area, and it would appear to be easy for them to return home, depending on the

host conditions and whether their expectations were met. However, the fact that in-town migrants have come from further afield would indicate that those who flood the prefecture's main urban centre are less mobile and thus more likely to stay.

The rapid influx of people drawn to mining activities in the area causes profound upheavals for the region and the way it is managed. While traditionally villages do arise and expand through the arrival of outsiders (the founder/outsider dialectic on the logic of tutelage based on the principle of heteronomy (Zempléni 1996)) and their gradual integration into village social organization, the rapidity of the influx caused by the arrival of a mining company means these local mechanisms alone cannot be depended upon. As suggested by Rubbers (2013, p.10) "mining investors do not colonize a *terra nullius*; they enter a social space already structured by different battle fields and behaviour patterns." The mining company can only therefore expect to influence the integration of these migrants on a different, more general, scale that specifically concerns regional development and, in particular, urban planning, as the longer-term installation of migrants will mainly happen in towns.

The analysis of mining projects in Guinea revealed three types of major and systematic disruption which, if not anticipated can become sources of local tension and impoverishment.

The concentration of migrants around mining activities and infrastructure leads to the increase of "town–country" type socio-spatial disparities. The most affected towns or villages will experience both spontaneous and anarchical urbanization, where living conditions will rapidly deteriorate (for instance, land pressure and speculation, pressure on infrastructure and services and ghetto-ization). On the other hand, rural areas will be more likely to empty out and undergo a development slowdown. Indeed, we observed that some villages remote from the mining project suffered from the lack of a local workforce, in particular young people, as this category of the population was part of the local migration flow seeking jobs at the mine.

Based initially on subsistence farming, the local economy is gradually evolving towards a more formal structure, with considerable economic benefits. Mining companies have limited labour requirements and cannot respond to migrants' increasing demand for jobs. This situation leads to a rise in unemployment and the number of economically vulnerable households. The local economy is thus rendered more fragile.

The increase in spatial disparities and socioeconomic inequalities multiplies the sources of social tension and conflict, particularly between

newcomers and the local communities, who see their environment transformed without benefiting them to the extent they may have expected.

The ramifications of these seemingly different forms of disruption are interlinked. The deterioration of a specific situation has much wider repercussions both in terms of the multiplication and the propagation of risks in a given area.

2.2 The Limitations of the Institutional Stakeholders Responsible for Regional and Urban Development

The Guinean Government, despite having begun a process of decentralization in the 1990s, remains very centralized in its regional strategies and uses its de-concentrated departments to implement these strategies. Each prefecture in Guinea has a technical department, the Prefectural Directorate for Urban Planning, Habitat and Construction (French acronym DPUHC), which is responsible for the planning, occupation and use of land as well as the construction of public infrastructure (including roads and basic infrastructure). Particular attention is paid to the urban context, where local governance stakes and issues are much more complex as they lie at the crossroads between the modern legal system and customary traditions (Colin 2008). However, it is clearly evident that few of the DPUHC are able to assume all their responsibilities in terms of governance and regional development, due to a lack of resources and trained personnel. Current legislation is poorly understood and the technical departments often lack the framework and strategic guidance documents to develop their region. A national baseline study we carried out of the land tenure situation in Guinea[3] revealed that only a quarter of the prefectures had an urban management framework (in French a *Schéma Directeur d'Urbanisme*) or a detailed urban plan (*Plan d'Aménagement Détaillé*) as required under the national law on urban planning.

The decentralization process begun in the 1990s and the passing of the law on local authorities in 2006 aimed, among other things, to share governmental authority in conducting public affairs and to facilitate the transfer of skills to the regions. It is now enacted that "the local authorities, each within their own region, share with central government the responsibility for managing the occupation of land and regional development within the terms and limits provided by law" (Art. 222 of the law on local authorities). Governance and regional development are thus shared

between the de-concentrated government departments and the decentralized government authorities.

However, although "democratic decentralization" involves the "transfer of resources, functions and decision-making powers to authorities at a lower level which are (i) largely or totally independent from central government and who are (ii) elected democratically" (Manor 1995, p. 81), it remains in practice largely ineffective. The local authorities are new and have limited resources (human, technical and financial) to assume all the responsibilities bestowed upon them (particularly as regards regional development, socioeconomic development and access to basic services) and to set in place tools appropriate to the local context. Regional planning documents, the most common of which are the Local Development Plans, consist of a compilation of priority actions for infrastructure construction and resource management without any overall long-term strategy. The regions, and more specifically those affected by mining projects, are developing in a way that is more akin to playing catch-up than forward planning. Local taxes and central government subsidies represent a limited source of revenues and the local authorities do not have their own funds to embark upon significant infrastructure works and are usually obliged to seek external support as allowed for under the law on local authorities (Art. 446).

As Samoura (2005, p. 109) describes, "In their operations, the Guinean decentralized local authorities are faced with institutional and economic difficulties which impact negatively on their visibility and recognition. […] Their responsibilities are not clearly defined and there is often considerable overlap including with those of the Government's de-concentrated departments." The local authorities depend heavily on the relations they sustain with the de-concentrated departments (particularly the prefecture authorities and the DPUHC), which are hardly in a better position in terms of capacities and resources. However, where there are considerable economic opportunities presented by mining projects and where the region is developing rapidly, the existence of several intertwined public authorities presents several limitations in terms of local governance. The need for administration and management is particularly acute here, making the shortcomings of the de-concentrated and decentralized public authorities all the more blatant. Each in turn either acts in its own interests or is passively resigned, depending on the issues at stake, denouncing the bad practices and lack of transparency of the others. Conflicts in terms of areas of competence or other conflicts of interest are commonplace

and stand in the way of developing and implementing a joint strategy for regional planning, management and regulation.

Finally, one last phenomenon is worth mentioning here: the departure of donors from zones where a mining company has come to work. International donors, despite much vaunted policies to develop partnerships with the private sector, often withdraw from areas where multinational mining companies are working, seeming to think that the arrival of such a large investor renders their actions redundant (Rey and de St Simon 2011).

Given their lack of local representation in central government, the limited capacities of local authorities and a lack of cohesion with other development stakeholders, mining companies often find themselves developing the region alone. Their involvement in managing massive influxes of people and the associated urbanization raises many issues.

3 Mining Companies' Participation in Regional Development Processes

3.1 The Framework for Mining Company Participation in Regional Development

The mining law in the Republic of Guinea requires mining companies to take all their impacts into consideration and to formulate a Social Management Plan to reduce negative impacts and enhance positive ones. Migration is one of these impacts, and responsibility for the pressure the migrants will place on the region by competing directly with the local inhabitants must legally be assumed by the mining company. The mining company must therefore participate in increasing the capacity of the area to accommodate the migrants and must also ensure that this rapid demographic expansion is absorbed into the region. These legal obligations are reinforced by an agreement binding the Government of Guinea and the mining company which contractually commits the company to compensate the state for its negative impacts.

In addition to the mining law, there are international standards. Whether the company is a "major" or a "junior," it is expected to comply with the International Finance Corporation (IFC) Performance Standards or the Equator Principles (the latter are based on the IFC Performance Standards). Motivated by their boards or by their membership of the International Council on Mining and Metals (ICMM), most major mining

companies are signatories to charters and are therefore bound to respect a certain number of principles which govern the implementation of their social and environmental responsibility. For junior companies, the terms for constructing their projects, which usually require recourse to significant financing at all project development phases, require them to comply with the Equator Principles, ratified by all the largest private financial institutions. Regardless of the references used, these standards or principles stipulate that the company is responsible for taking its impacts, in particular negative ones, into account and for developing the region where they are conducting their activities. From the project design phase the mining company is asked to take regional development into consideration in setting up its activities and determining the footprint of its infrastructure in accordance with the impacts (ICMM Principle 2, IFC Performance Standard 1). Furthermore, social and environmental impact assessments must be carried out before the construction phase. These studies must justify the choices made by the company in view of the social and environmental constraints in place, and propose compensation measures when negative impacts remain. The mining company is therefore clearly responsible for the migration it induces and must help the region to cope with it.

Finally, as well as its international and national obligations, the mining company sees in the implementation of its social responsibility an important element of its economic policy: the socioeconomic development of the mining area should contribute to ensuring a stable social context, conducive to the smooth running of its activities and hence increasing the profitability of the project in the medium and long term. The experience acquired by the mining sector in Africa over the past 50 or so years has indeed led operators to review their approaches and rethink their involvement in regional development: production outages, the need to import food from abroad for its employees, the need to employ international labour and so on generate very high costs which potentially can be reduced by ensuring harmonious regional development. Such development integrates not only the operational requirements of the mining project, but it also becomes a strategic pillar, an action plan in itself, regardless of the phase of the mining project cycle.

Therefore, the mining company has various incentives to ensure the integration of its project's development with that of the region. This includes, in particular, respecting the integrity of the region and anticipating migration. Building the area's capacity to accommodate migrants and urban planning are key elements in this process. The mining company must look at

the area's socioeconomic, land management and institutional capacities, as well as at issues of public service availability to cater to the new inhabitants.

However, many areas are conventionally the responsibility of the state. The arrival of a mining company in a location where central government is poorly represented raises the community's expectations often unrealistically in relation to a whole range of services that in theory are not the mining company's responsibility: access to electricity, to water, to education, to health care and to other basic services, the development of agriculture and more. Mining companies must therefore be careful not to become, or be perceived as, a social operator. They do not have the mission, the authority or the means to do the government's job, particularly in terms of local governance and development. They must therefore collaborate closely with the local authorities in their area to ensure they do not replace the state.

3.2   *Influx Management Plan and Zoning*

The tool most commonly used by mining companies to ensure from the outset that their project fosters integrated and sustainable local development is the Influx Management Plan (IMP). The IMP is a strategic guidance document whose main objectives are to anticipate the magnitude of migration in relation to the mining project's characteristics, to spread migration flows across the region to avoid the creation of socio-spatial disparities and to mobilize all stakeholders to manage the region together.

While it is difficult and even dangerous to estimate the number of migrants associated with mining activities, as so many factors need to be taken into account, the IMP can help to determine general orders of magnitude and at the same time make demographic projections for the whole of the area impacted by the project. To do this, the company uses the hypothesis that the magnitude of migration is intrinsically linked to the mining company's hiring policy in terms of type of jobs (unskilled workers, skilled workers, experts and so on) and the geographical recruitment areas. In a context where education levels are very low, the more unskilled workers are hired locally, the greater the influx of migrants. According to the IFC, each unskilled job leads to the creation of six more indirect jobs and each direct or indirect job leads to the arrival of three to four dependents (generally members of the household). In other words, each unskilled job generated by a mining company leads to the migration of around 20 people. Labour requirements are not, however, linear; they

vary depending on the project development phase. They are highest during the construction phase. It is thus during this phase that migration will be greatest. Certain towns or villages have seen their demographic growth rise from less than 5 % to around 15 % per year in a few years. This needs to be anticipated so that the negative impacts can be minimized. One of the first rules is distributing migration flows across the whole of the area affected by the project to make it easier to manage and to avoid creating glaring spatial disparities while at the same time spreading out the pressure on available services and resources.

To do this, the IMP allows for the formulation of several scenarios for developing the region, depending on the company's technical choices. Indeed, as with the hiring policy, the technical choices greatly influence migration spread, as migrants tend to set up as close to the mining concession and the mining infrastructure as possible, hoping to benefit from the economic spin-offs. The maps below illustrate two development scenarios for the same area affected by a mining project in Guinea (Figs. 7.1 and 7.2).

In the first case, all mining infrastructure is concentrated either at the base of the concession, or in the main town, so that two types of space are juxtaposed without any interaction occurring between the two: on the one hand, there is a saturated urban area (overpopulated, uncontrolled construction and so on) and, on the other, an empty and isolated rural space (the active population has left to move closer to the economic opportunities). Faced with such a situation the local authorities generally have no control or regulation capacity, and the risks to the population (environmental, public health, social and economic, for instance) rapidly become a source of tension. In the second case, however, the mining project considers the initial socioeconomic context of the zone, particularly in terms of its capacity to accommodate newcomers and its attractiveness/potential. The mining infrastructure and equipment are built in different places, enabling several centres of development to emerge. The phenomenon of urbanization is reduced and can be managed by the local authorities. Similarly, roads are constructed between the different centres. Movement is made easier; transport and the marketing of goods are improved. The local rural populations do not migrate out. Other migrants naturally spread out around the whole area.

The area affected by a mining project does not follow predefined administrative boundaries. It overlaps different types of administrative area (districts, communes, sub-prefecture, prefecture), including or excluding some
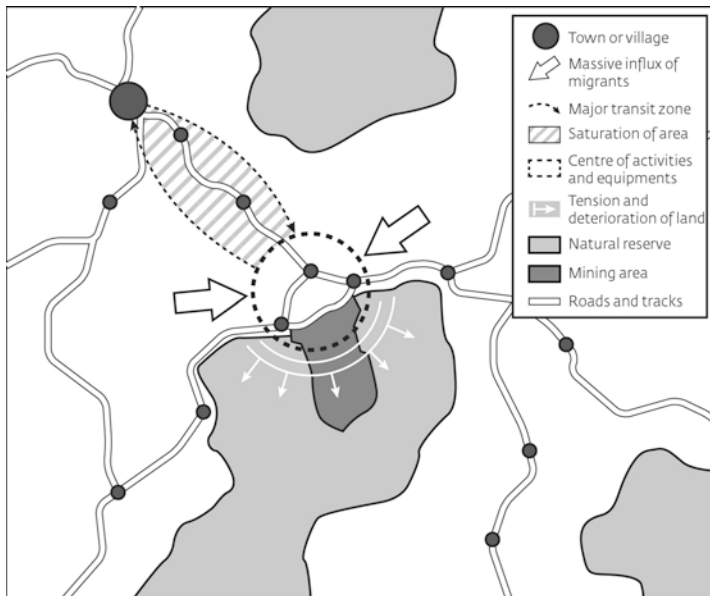
Fig. 7.1 Land management of the mining area, case 1 (project without link with the territory). *Source*: Insuco, April 2013

nearby towns or villages. To this end, the final objective of the IMP is to help the different public authorities and technical departments, particularly the DPUHC, to anticipate and think about local development in a holistic and integrated manner. It involves drawing up an action plan where responsibilities are shared and defined, and the roles and areas of competence of each are respected. More specifically, the IMP recommends that regional planning and management tools be used as well as mechanisms to monitor and guide migration. It also recommends the ways in which companies can work to support the public authorities in their role and participate in local development.

While the IMP helps to rationalize development across the whole of the area affected by the mining project, it is nonetheless worthwhile to pay particular attention to towns or villages that will be the most affected by migration. Zoning is an urban planning tool recommended under the law on urban planning[4] and the law on local authorities (Art. 249–52) which can be used to plan a town's medium- and long-term development.
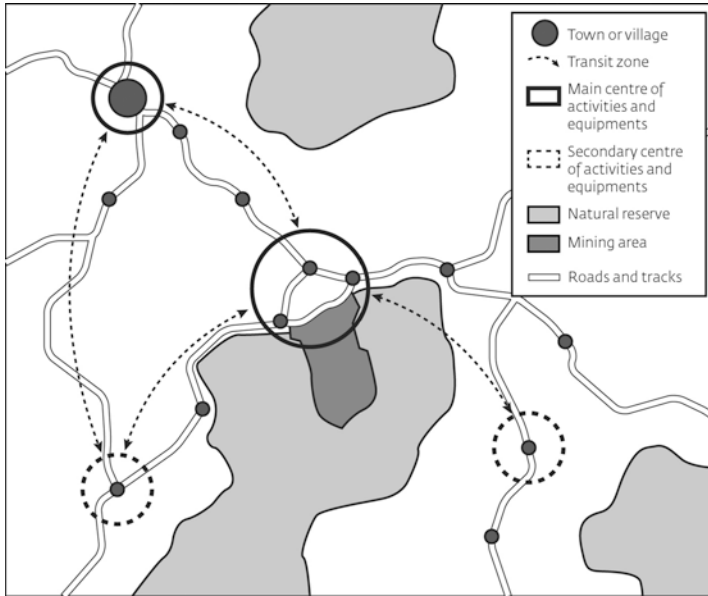
Fig. 7.2 Land management of the mining area, case 2 (project integrated to the territory). *Source*: Insuco, April 2013

It allows for the rational occupation and use of existing spaces and anticipates the extension of built-up areas, depending on the scale of migration and the associated demographic projections. Among the most commonly identified zones are protected areas (such as sacred sites, forests and buffer zones), farmland and land for urban construction (including residential areas and public utilities). Furthermore, zoning also aims to foster social equity in terms of access to basic public services and equipment (public health, education and economic infrastructure). It therefore allows for the construction of infrastructure and a road network that both responds to the needs of the population and complies with the thresholds and standards recommended by national sector policy.[5] The map shown in Fig 7.3 is an example of zoning for a village whose population could rise from around 3000 inhabitants today to 25,000 inhabitants in ten years' time, due to its proximity to a mining concession.

For zoning to respond to the local realities and needs, it should be developed in a participatory manner with all the key stakeholders of the town or village, if not the entire population. If zoning results from local
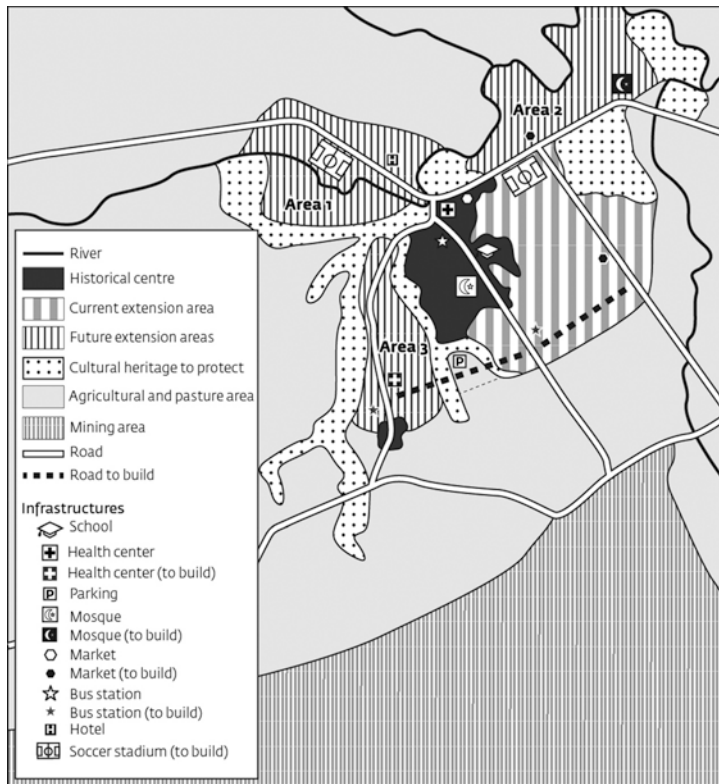
Fig. 7.3 Schematic representation of a zoning of a village close to the mining area. *Source*: Insuco, April 2013

consultation, it absolutely must be approved, legally recognized and implemented (marking, subdivisions, roads and so on) by the technical departments of the DPUHC, the competent and legitimate authority in this regard. Implementation of the plans will of course be gradual, depending on the actual demographic growth in the town and according to the order in which zones are to be developed.

Furthermore, zoning is always accompanied by recommendations for the local authorities so that it is respected and fits into an integrated and sustainable regional development process. A certain number of rules and measures are defined regarding managing migration (the opening of a local migrant welcoming committee will help, for instance, to register all

newcomers and at the same time to obtain reliable statistics), managing infrastructure (by setting up management committees), preventing risk (particularly in terms of floods, waste management and so on) and taking into account areas to be protected (sacred sites and buffer zones). Particular attention is also paid to how land is acquired. Indeed, although today these acquisitions are still mainly based on customary practices, urbanization generally brings with it a monetarized process of sale and purchase or renting of land. Establishing title to areas colonized by the newcomers is thus the norm. This poses the risk of disparity in landholder status between locals and migrants, with the newly arrived outsiders having greater security of tenure: policies to support host-village residents' access to land title should thus be developed.

As for the IMP, mining companies are strongly advised to work with the public authorities, the DPUHC and the local authorities in the zoning process. Their level of intervention will, however, depend on the development agreement they have signed with these authorities as part of setting up a development programme (infrastructure construction or support of local private initiatives for example) but also on the actual capacities of these authorities.

Thus, it is understood that mining companies must get involved in local development and ensure that their project is regionally integrated, particularly by anticipating the demographic growth it will engender and contributing to regional planning at different levels, depending on the degree of impact. However, while mining companies have the legal obligation and it is logical for them to do so, their isolation and the considerable expectations of the local communities must not lead them to replace the government. They do not have the vocation, the authority or the means to do the government's job, particularly in terms of local governance and development. The ways in which they collaborate with the local authorities will thus strongly affect their position as to how the local communities perceive their role.

4   The Stakes and Risks of Public-Private Collaboration

4.1   The Framework for Public-Private Collaboration in the Mining Context

There are no regulations or strategic guidelines in Guinea regarding public–private collaboration in the mining context. Adapted to the local context and existing potential, public–private collaboration should

eventually lead the public authorities to take the initiative for their own development according to the principle of good local governance as defined by Guesnier (2006, p. 420): "Governance encompasses public actors' coordination capacities within a regional organization that brings both the private stakeholders and their industrial organization and the public stakeholders and their institutional organization to work together in synergy." Public–private collaboration must be beneficial for the mining companies, the public authorities and the local communities. The objective is to anticipate and manage the influx of migrants across the entire region, to support local initiatives and economic stakeholders in order to diversify the community's income sources and prevent the entire local economy from relying on the company and finally to improve local living conditions for social sustainability.

In particular, this involves building the public authorities' capacities so they can assume their responsibilities and play a more active role in the development and good governance of their region. Mining companies have a more overall vision and considerable experience with the impacts associated with migration around mining projects. Building local public authorities' capacities can be done in three ways: train the authorities on particular themes (for instance managing migration) and refresh their understanding of the legislative framework in Guinea; provide effective regional planning and management tools (such as the regional plan and zoning) that are adapted to the local context; provide equipment according to a predefined framework that can help them to fulfil their roles and responsibilities.

Public–private collaboration must also take place within a consultative framework as regards the location and organization of infrastructure for the mining project (particularly as regards the capacity of the towns and villages to accommodate migrants and the spatial distribution of migration) and measures to mitigate negative impacts. By including all the stakeholders in the decision-making process, mining companies ensure that the project is accepted by all and thus reduce the risks of tension arising from change.

To this end, the local authorities, in partnership with the mining company, must draw up a development strategy and plan around the institutional structure in which each of the stakeholders is clearly identified and has clearly defined responsibilities that are in line with their capacities. This development plan should look to the medium and long term, even if it will initially be implemented in the short term. The mining company's

contributions to development should thus be aligned with and follow the Local Development Plan and sector policy. This will help to ensure both that the mining company is not seen as the leader of development in the area and that the actions undertaken are coherent, avoiding random projects with short-term impacts that are often unsuited to the actual local needs.

To undertake public–private collaboration where every stakeholder's role and responsibilities are recognized and commensurate with their capacities, a few basic principles need to be respected by all involved. The principle of subsidiarity must be respected by external partners, who must avoid doing anything that may delay the development of local leadership commitment and capacities, whatever the risks. The monopoly mining companies and administrations have over the information that they use to plan their strategies must be compensated for with a communication and information plan targeting all stakeholders according to a principle of transparency. The principle of participation should not stop at the consultation level. It is necessary in the long term to work to ensure that stakeholders contribute actively to their own development (depending on available local resources) in order to guarantee real stakeholder ownership and commitment and the appropriate use of public funds.

4.2   *The Importance of Regulating Practices*

It is clear that when a multinational company arrives in a context where government is poorly represented at the local level and has little capacity to control what happens it becomes difficult to define the boundaries of the role that the company should play. The frequently observed withdrawal of international donors from mining areas complicates the definition of this role even further, as the mining company becomes the sole investor in the development of these areas. As sole investor, the mining company inevitably presents the issue of whose interests are really being taken into account in construction and development of the region. The risk is significant: the disparity in capacities between the company and the different local stakeholders may limit the extent to which interests other than those of the mining company are taken into account.

As regards national legislation, as we said, the laws do not cover every context and situation that arises when a mining company enters the scenario and participates in regional construction. On the other hand, laws obliging the mining company to compensate the local community for its negative impacts remain fairly general and do not specify how the com-

pany must fulfil its responsibilities. Beyond this legal ambiguity, central government has little capacity to enforce mining laws. It is not able to monitor practices at the local level, and furthermore, counts on the company to evaluate its own actions. Studies relating to the feasibility of a project and its implementation are usually provided by the company to the government.

We also mentioned the international context and standards. These standards are generally taken into account by mining companies, and we saw why. However, assessments of the application of these standards are often done off-site on the basis of documents provided by the company, even if a few short field trips may be taken by representatives of the financial or international institutions, depending on the context.

We also discussed internal codes of conduct. We could thus consider there to be a principle of self-regulation based on strict internal rules. However, such rules differ depending on the size of the company and may be obsolete for certain mining projects. Furthermore, the legitimacy and risk of slippage in the case of self-regulation can be a concern. Gendron et al. (2004) emphasize the fact that an "exemplary" company can become a marginal company or even a real predator once it goes beyond the national level.

In such a context, the construction of an integrated regulatory system could fill any gaps at national and international levels as well as internally to the company. This system would be based on transparency through local consultation and communication thanks to partnership among all stakeholders in the area around a joint development programme but also beyond, by seeking to build partnerships with external stakeholders. "By widening the spectrum of stakeholders involved in the regulation of multinational companies' activities, social responsibility would contribute to a strategy of regulatory innovation adapted to the demands of sustainable development" (Belem 2005, p. 18).

Thus, stakeholder involvement should not stop with local stakeholders. Widening the spectrum includes involving other financial partners. If a sole investor supports a programme, questions as to the servicing of unilateral interests arise. It is essential for international donors involved in the country's development and in particular regional development and urban planning not to abandon their activities in areas where mining is taking place. It is by multiplying the investors and hence the interests at stake that we can hope to achieve a better regulatory system. The company should not be left alone: choices and investors should be multiplied by

linking them soundly to regional development policies already recognized in the rest of the country in order to increase the impact of the support offered. It is essential to multiply investors to multiply choices in terms of investment, development objectives and methods to promote regulation through diversity and synergy among actors. These include, on the one hand, the residents impacted by mine activities, the migrants seeking employment, the de-concentrated and decentralized administrations and members of civil society and the private sector and, on the other hand, the mining company and development operators who implement national sector projects supported by donors with multiple approaches and priorities.

Finally, central government as the mediator must play a role in regulating practices, taking into account its lack of resources. On the one hand, on a national level the government should strengthen regulations and specify the boundaries for private-company practices, as well as specify the strategic policy guidelines for regional and urban development. On the other hand, government must not withdraw from the local arena, so it can monitor changes that need to be made to national regulations and strategic frameworks while strengthening its de-concentrated technical departments through their participation in large-scale development projects and their contact with expertise provided by the company in this context. The government would thus return to its role of guarantor of the general public interest and would no longer restrict itself to that of economic facilitator (Biersteker 1990).

5   CONCLUSION

With the considerable development of the mining sector in Africa over recent years, a new stakeholder is increasingly being seen in the field of regional development and urban planning in areas that are for the most part isolated. Benefiting from an extended presence in the mining zone, from significant financial capacity and from "living" in the area, the mining company has a real desire to ensure a certain level of socioeconomic stability. To foster their own interests, mining companies offer many advantages and present opportunities to approach development in ways other than through donor policies.

However, the extensive involvement of these companies in regional development policy, a role conventionally attributed to central government, is not without its risks. The position taken by mining companies modifies the established local democratic balance of power. It raises the

risk that these companies, with their considerable technical and financial resources, may influence decisions to serve the sole interests of their project. The local public authorities' lack of skills and resources limit their involvement in regional planning and management and do not enable them to really control company practices and compliance with national legislation. International standards offer many tools to integrate the development policies implemented by private companies into the regional context but do not offer solid guarantees when it comes to controlling these practices. It would thus appear that regulation can only be effective if the number of investors is multiplied, thus ensuring a multiplicity of interests and a guarantee that the interests of the local communities will be taken into account due to the involvement of institutional donors in urban planning and rural development.

The new situation in these regions where mining companies play an important role in development should be examined further: while there are certainly risks involved in public–private collaboration, such collaboration also offers significant advantages which should be supported, tried and tested within the context of integrated regional development as well as the overall process of governing urban Africa.

Notes

1. This concerns a range of studies carried out by Insuco (www.insuco.com) for private companies and public bodies based on very detailed social baselines that combine qualitative approaches (studies of land tenure, village history, cultural heritage, local authorities and social organisations for example) and quantitative methods (such as exhaustive censuses, household surveys and market studies). These studies covered around fifteen mining projects under construction or in operation around the entire country.
2. A prefecture is divided into several sub-prefectures, which are in turn divided into districts.
3. Project carried out in 2015 by Insuco on behalf of the Ministry for Habitat and Urban Planning, financed by the European Union.
4. Zoning integrates the detailed development plan for districts which are the smallest level of local authority and which contain several towns or villages within a 10km radius.
5. In order to avoid all pressure on basic infrastructure (water pumps for instance) and to follow public health and education maps.

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Strategies of Urban Inclusion in the Imagined Modern Luanda

Cristina Udelsmann Rodrigues

Abstract Luanda, the capital of Angola, has recently been subjected to extraordinary changes, supported by increased wealth and investments associated with the end of the war. The ideas of modernity that clearly stand out are deeply rooted in the city's configuration and reconfiguration over the years. They inform not only the modernising perspectives and philosophy of policymakers and investors but also those of the urban dwellers. Often, however, the imagined modernity and its benefits do not match the lived realities. This chapter makes reference to the evolution of the city, emphasising the differences between main periods and identifying the underlining strategies in terms of inclusions and exclusions. The conclusions presented, based on empirical and documentary research, point to shifting strategies of urban inclusion and changing categories of the excluded.

1   Introduction

Since its formation, Luanda has been a city of marked exclusions and inclusions, materialised in the built environment and in the spatiality of socio-economic relations. Exclusions and inclusions have been reshaped over the years, at the whim of political, economic and social transformations

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and, importantly in recent times, by the three-decades-long civil conflict and its consequences. One common feature that has permeated urban imaginaries is inclusion in the city by access to the modernity which the city represents. Modernity refers not only to objective conditions urban residents associate with urban development in its infrastructural sense but also to a set of subjective features related to lifestyles that provide notions of the imagined and desired urban life. Having access to these urban 'ideals' therefore represents inclusion.

The aim of this chapter is not only to describe and highlight the main ideas of these urban imaginaries as they relate to modern life but also to discuss the conditions for the production of exclusions perceived as one the key challenges confronting the governing of cities in Africa. The main argument is that within urban situations comprising both exclusionary policies and exclusionary social and economic transformations, urban dwellers have developed strategies for inclusion that envisage adapting to the changeable conditionality. Urban renewal therefore implies constant negotiation between real and imagined lives in1` an effort towards urban integration and inclusion in the modern city.

A substantial part of the chapter is devoted to the analysis of the transformation in the urban social organisation and exclusions in the last decades, framing them in a tentative non-absolute periodisation related to distinct phases of Angolan urban history. These phases encompass an early colonial cosmopolitanism which then combined with the creation of distinct spaces for the excluded *musseque*[1] migrants; the late-colonial modernisation and the attempt to secure political power through assimilation but which nevertheless did not solve the problem of the excluded peripheries; the post-independence incipient projects for modernisation and the newly excluded—those not politically connected; a free-market opening and urban gentrification that kept the non-political excluded but also more visibly started to exclude the non-wealthy; and the recent post-war booming of urban modernisation, with increasing numbers of excluded poor. For each of these periods, the discussion is then centred on the identification of who the excluded are and their main characteristics, which will then lead again to the notion that modernity has been a transverse imagined and palpable feature of urban inclusion, though not always materialised in real, everyday lives.

Among all Angolan cities, Luanda is the most interesting urban case for analysing these type of transformations, not only because it is the capital city but also because of its unparalleled capacity throughout the years to attract population from the whole country. The city's five centuries of

urban history placed it as one of the crucial centres of the colonial international circuit; and, after that period, the city consolidated its important position in the region and within the Atlantic Ocean routes. Its attractiveness was, however, heavily conditioned by the internal dynamics of massive displacements caused by the long civil war (1975 to 2002), which continuously forced the population from the entire country to settle in this safe location and consequently lead to rapid urban growth and urban congestion. The recent extraordinary changes did not reverse the rural–urban migrations but, on the contrary, continue to bring more people to the now extended metropolitan area, where major projects for urban renewal and urban modernisation are taking on a more noticeable shape.

In order to bring forth the intertwined issues on which this chapter focuses—modernity, exclusions and strategies—the analysis will concentrate on the developmentalist modernising perspectives and philosophy of the state throughout the years, emphasising its main characteristics. Moreover, the 'modern' ideal of the urban and the rural is described based on data collected in Luanda on several research trips, mainly through interviews. Evidence of the spatiality of urban exclusions is also provided by the portrayal of the physical and social change of the city in distinct periods and by urban planning. The construction of inclusions and exclusions and the strategies that support them are then described, taking into account long periods of fieldwork in Luanda (see References) as well as the existing literature that, especially today, provides important information regarding the issues under analysis.

In sum, the chapter attempts to emphasise the changes in urban exclusions in recent decades, showing continuities and ruptures, focusing firstly on the colonial domination and conformation of the city centre and *musseques* to these changes; secondly, on the post-independence 'apparently equal' access to the city and the underlining idea of progress; and thirdly, on the post-war increased wealth, investment in the cities and modernisation producing new poor and new exclusions. The commonalities of urban transformation, as they permeate the discussion, are based on the acknowledgment that Luanda has always been, despite formal planning, a city whose growth and management rarely complies with idealised mechanisms and features, with a substantial degree of informality invading all aspects of urban life and an urban growth that constantly emphasises the need to address infrastructure and housing problems. Studies conducted recently, both in the new relocation settlements for impoverished people evicted from the city centre and in the new centralities aimed at the emerging middle class, show the contradictions of the new

urban forms in Luanda, between the 'dream' and the 'ordinary' (Buire 2014). Imaginations traverse the practice of everyday lives and the collective, creating communities of sentiment (Appadurai 1996, pp. 5, 8). This imagined reality is not only a production of the urban dweller, recent migrant or long-time resident of Luanda, but especially of the government, namely, that created through the recent post-war reconstruction projects, 'adopting the imagery of illusion', the government's 'view of the future' (Pitcher and Moorman 2015, p. 124; see also Cain 2014 on 'urban fantasies').

More interestingly, however, is that despite all these difficulties posed by the real urban life (Udelsmann Rodrigues and Frias 2015), the at-times quasi-utopian ideal of modernity continuously traverses the urban imaginaries, providing the basis for urban inclusions and exclusions beyond the objectivity of material life and stimulating the development of creative strategies of inclusion. Continuously, the reconfigurations of the city call for a 're-imagination' and 're-working' of categories of class, ownership and nation (Gastrow 2014) and of access to the urban ideal. The imagined urban life is systematically confronting the urban reality of exclusions.

The chapter starts by describing the nexus of modernity and inclusion and its translation in city life. It then addresses the changes in urban exclusions throughout the different recent periods of the history of Angola, identifying in each the predominant strategies, before making global conclusions.

2   Visualising Urban Modernity as Inclusion

While no longer perceived in a teleological sense—though absolute perspectives still appear at times—but rather as a local ('native') shared notion (Ferguson 2006), modernity is increasingly a useful concept for analysing the relative perceptions of inclusion and exclusion. This has led instead to a more accurate notion of 'alternative modernities', which help us find (Piot 2001, p. 90) the modern everywhere while also preserving a sense of that which might be locally distinct. To a greater extent, modernity tends to be a global way of thinking and perceiving ways of living, while simultaneously it is a locally produced concept, an *emic* category that derives its meaning from the local experience and logics.

With particular constructions both in urban and in the rural settings, modernity trespasses the ideas of the city, present and future, and constitutes a fundamental aspect of the urban transformation in Africa (Nyamnjoh et al. 2002; du Pisani 2004). Modernisation, associated with

the city, is above all an urban concept that integrates not only the idea of modernity itself but also of globalisation and culture (Nederveen Pieterse 2009). Usually, cities are expected 'to be fully modern and effective' (Simone 2010, p. 150); and these expectations, in the meaning ascribed by James Ferguson (1999), guide the strategies of inclusion in the city as well as the quest for the city. These ideas inform the lived experiences of urban dwellers and also the 'global modernist project', contradicted by the actual 'non-linear trajectories and multiplicities of pathways' of the African countries (Ferguson 2008, p. 9). Analysing modernity and how it is associated with the city then involves a finer analysis of urban life, of the 'urban sociality' and 'cityness', in terms of the urban dwellers themselves, an exercise that goes beyond development and urban policy concerns (Pieterse 2010), beyond the 'megarhetoric of developmental modernization' (Appadurai 1996, p. 10).

The aspirations inherent in modern urban life in Angola are comparable to the urban ideals elsewhere that are leading the apparently unstoppable urbanisation of the world. Achieving 'urbanity' is associated with accessing modernity, and the nuanced access to this modernity produces differentiated degrees of urban inclusion and senses of achievement. Modernity encompasses ideas of an improved material life and access to services and infrastructure, which are repeatedly present in the discourses on the subject. The perceptions of a cosmopolitan urban life and of urban styles reveal a widespread desire for separation from rural references in favour of embracing global ones (Ferguson 1999), combined with subtle features related to lifestyle and consumption—such as clothing or fashion, leisure, sports, music, gender relationships, sexuality or marriage patterns (Mbembe and Nuttal 2004).

Access to the modern city has in various contexts continually been the principal driving force for urbanisation and for rural exoduses. But while the concept of modernity helps delineate references that steer urban dwellers' lives, strategies and urban aspirations, a central recurrent concern is that Africa's 'unfulfilled expectations of renaissance and modernity' (Nyamnjoh 2013, p. 125) are always present. The 'right to the city' (Lefebvre 1968; Mitchell 2003)—which involves housing conditions; access to employment, health, education and leisure, among others; usufruct of the urban space; and participation—has been persistently denied to a large number of urban residents, particularly in the cities of the global South. The discrepancies between the real and imagined lives in the city are constantly noticed, by both the urban dwellers and the social sciences.

Exclusions are of different types and change with contexts, as would be inferred, but they are nevertheless always present.

Urban exclusions and polarisation in the global cities of the world (Sassen 2001), are largely based on significant immigration of low-skilled manpower and, in the case of Angola and other non-industrialised contexts, of incipient tertiary sector 'middle classes' that could attenuate the socioeconomic discrepancy (Hamnett 1994). According to Beall et al. (2002), in many African cities, 'the new socially excluded are those who are superfluous to the requirements of the global economy' (p. 41). The authors define exclusion, in broad terms, as (a) a side-effect of global economic realignment within a neoliberal perspective; (b) the broader approach to poverty, which also includes the interlinked inability to participate or to exercise full citizenship; and (c) processes by which people are evicted from spaces they previously occupied or are deprived of rights of access in the first place (pp. 43–44). More generally, within a 'transformationalist' perspective, an approach based more on the structure of societies and economies, 'social exclusion is distinct from, but often accompanies, poverty outcomes, and (…) implies something different from other relational concepts such as racial oppression or gender subordination' (Beall et al. 2002, p. 50). As Bhalla and Lapeyre (1997) state, 'social exclusion overlaps with poverty broadly defined, but goes beyond it by explicitly embracing the relational as well as distributional aspects of poverty' (p. 413). They argue it is then a 'society-specific' concept which should therefore be considered within the framework of the social and cultural norms and institutional context (p. 430). For this reason, it is a 'complex and multi-dimensional process' that 'involves the lack or denial of resources, rights, goods and services, and the inability to participate in the normal relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas' (Levitas et al. 2007, p. 9).

The debate on the 'right to the city' and the critique of neoliberalism has, however, evolved; and new perspectives, increasingly based on the experiences of the cities of the global South, 'insist on the importance of theorizing the agency of the local state as potentially developmental, even progressive' (Parnell and Robinson 2012, p. 594). There are other processes going on in the cities beyond neoliberalisation; and there are more pressures on the state to address poverty and urban developmental planning concerns, without recognising the multiplicity of existing livelihood strategies (Parnell and Robinson 2012).

Policy implications of the conceptualisation of social exclusion refer to impediments for participation in social life, focusing on the 'production of disadvantage through the active dynamics of social interaction' (Kabeer 2000: p. 84). In Angola, the main—but not exclusive—forces of exclusion have been, at different times, the colonial discriminatory policies and practices, the independent state constitution of privileged layers around the political power and administration and the free-market-driven economy, punctuated by inheritances of the preceding systems. Some specific groups subject to exclusions have been analysed in the specialised literature, such as persons with disabilities (de Carvalho 2008); farmers, the illiterate unemployed, street children, ex-combatants, internally displaced or single-parent families (Oliveira 2012); and women, ethnic minorities and informal economy workers (Abreu 2012). The urban excluded have been mostly analysed in terms of their spatial distribution in the city.

Spatially, exclusions and segregation are often associated (Udelsmann Rodrigues 2009) and materialise in the urban-built environment. One of the main visible features of urban exclusion is the spatial distribution and (constant) reconfiguration of the residential and sociabilities' spaces. The polarised, segregated, divided (Beall et al. 2002) cities of the global South are a very concrete materialisation of the exclusions. In Luanda, while 'urban and/or housing transformation produced by the lower-income social groups has contributed to the access to better quality of urban life' (Viegas 2014, p. 521), the results achieved are on a very small scale compared to the visible urban social disparities and precariousness that today characterise the city.

The concern here, however, is to provide a wider portrayal of the main transformations taking place in the urban society in the last decades, how they produced different types of excluded and how the excluded have created strategies to contradict the exclusionary forces and seek inclusion.

In the face of exclusionary urban dynamics, policies and types of renewal, the Angolan city dwellers have developed and reproduced strategies aimed at contradicting these exclusions. The claims for the 'rights to the city' of the excluded translate into social, economic and residential strategies of inclusion, of varied types within the limits of possibilities. Briefly, colonial forces of exclusion, anchored in the existing racialised society, mobilised strategies of 'integration' by assimilation on the part of excluded Africans. Post-independence forces of exclusion, restricting access to non-supporters or non-participants in the state and its structures, called for political engagement and participation in the political dynamics, specifically at the urban level. Post-war forces of exclusion—which include urban planning and evictions, gentrification and

restricted access to resources such as employment—engender strategies of compensation-seeking, mobility and investment.

Recent analysis has brought to the fore the often disregarded agency of Africans regarding modernity and the Western world associated with it. Modernity is not a useful concept when perceived as 'fantasies' in the Marxist sense; on the contrary, its capacity to generate 'resistance, irony, selectivity and, in general, agency' needs to be acknowledged (Appadurai 1996, p. 7), placing Africans in a more active and intervening position. This agency is clearly recognised in areas such as literary production in which 'reading and writing become important instruments of challenging a certain strand of Western modernity'(Ogude 2008, p. 2). Resilience and improvisation, or in the words of AbdouMaliq Simone (2010) 'experimentation' are important resources for the urban life, though they are not always sufficient and require constant reformulations. African cities then appear to (Simone 2001, p. 18) keep residents in an almost permanent state of changing gears and focus, if not location, revealing the capacity of urban residents to constantly recreate the urban life.

The strategies, however, do not allow coping with all the difficulties of urban life at all times and in the same way, particularly in Angola in recent years, where accelerated urban growth took place. While transformation over the years has produced mixed situations that inherited and reformulated the previous social and economic dispositions, each major phase of Angolan urban history has clearly defined contours that can be underlined. Usually, proposals for this periodisation in urban terms consider the colonial period up to 1975, a 'socialist' period following independence extending to 1985 or 1990, and a 'neoliberal' phase from 1990 to 2002 (Viegas 2014). Others prefer focusing on the ongoing post-war reconstruction as a particularly outstanding phenomenon that started more evidently after the end of the war in 2002 (Soares de Oliveira 2015). They remain, however, exemplary in terms of the actual years they refer to—as a result of the aforementioned mixed processes—and also regarding their designation and the actually dominant socioeconomic features.

3   Early-Colonial Cosmopolitanism and Late-Colonial Modernisation as a Political Resource

The idea of modernity is intrinsically connected to the cosmopolitanism accelerated by the colonisation of the coastal cities in Angola that started in the sixteenth century. Early Angolan cities (and Luanda in particular),

built to serve as trading port cities in the Atlantic, later integrated railroad and other communication infrastructure, becoming crucial interconnectivity and commodity trade hubs. Along with this intensification of circulation of people and goods, the exchange of knowledge, ideas and cultures soon made them points of intersection of a cosmopolitan vision of the world and of a cosmopolitan way of living (Amaral 1983; Monteiro 1973; Neto 2012). Key in this construction was the contact between the Europeans and the Angolans, the later increasingly coming from the rural areas looking for opportunities in the cities and engaging in social and economic urban relations with the colonisers and other Europeans. This migratory movement consistently continued during the colonial times, motivated by the search for an urban way of life and better opportunities.

While the many variations in the urban society and economy of early colonial Luanda did not produce a spatial organisation more complex than the obvious centre/periphery distinction—nevertheless a perspective emanating from the colonial state —the increased European migration of the 1950s and 1960s called for new urban management rationales (Udelsmann Rodrigues and Salvador 2012). As a result of unplanned growth in the 1950s, Luanda saw the emergence of a new typology of occupation—the precarious unplanned spaces surrounding the city, the *musseques*—where the rural migrant population agglomerated. In the 1960s, the poorer layers were the majority in these peripheries. The result of both main waves of migrants settling in the city was then beyond the capacity to expand the concrete city to accommodate the settlers from Europe, producing an increasingly clear distinction between those having access to the modern city and the increasingly excluded *musseque* migrants. While the inner concrete city produced a spatial division between the *Cidade Alta* and *Cidade Baixa*,[2] the demarcation of these central spaces from the *musseques* became gradually clearer. In the latter lived a majority of the poorer and lower-ranked population. The major spatial distinctions in the city then crystallised in the built environment, with increased distinctions in terms of housing and infrastructure of the concrete-built centre and the cob-walled *musseques* of the periphery.

Social mobility, anchored in the colonial racial system (Messiant 1989; Monteiro 1973), was also associated with spatial mobility. Planning itself, though somehow tardy, recognised the socio-spatial distinctions. While the late-colonial discourse of 'assimilation' and 'integration' of the Portuguese colonisation contrasted with the colonial policy of other European colonisers, discrimination and segregation were in fact practised (Neto 2012;

Silva 2015), materialised, for instance, in the *bairros indígenas* (native's districts) built in Luanda, with differentiated types of housing, urban infrastructure and services for the Europeans and for the Africans, and unequal access to land (Amaral 1983; Silva 2015). The main distinctions built over the colonial years were profoundly based on race, with the Portuguese and other whites accessing economic, political and social resources in a privileged way, in contrast to the black Africans. The few exceptions, of particularly wealthy powerful African traders (especially slave traders), are historically referenced (Hodges 2001; Jorge 1998; Messiant 1989). The colonial regime in Angola imposed a clear social organisation, and the difference between 'civilized' Europeans, *assimilados*—those 'assimilating' the European ways of life—and natives was defined and cemented over the years (Messiant 1989).

These social differences were directly translated into the residential aspects of life, and social mobility depended directly on residential factors. The city became, more evidently in the beginning of the twentieth century, characterised by a 'segregation of spaces, mainly in terms of housing and services' (Carneiro 1987, p. 45). The urbanised centres, where services and administrations were located, were mainly inhabited by people of European origin and were the areas reserved for their sociabilities. The native population and rural migrants lived in the peripheral areas of the cities which were unpaved and dominated by shanty-type housing (Amaral 1983).

Assimilation remained for centuries not only the strategy of the colonisation for reproduction of its dominance but also a possible strategy for social mobility of the Africans. On the one hand, modern and urban (proto-) integrative planning of the colonial system was actively used as a socio-political instrument. On the other hand, the same assimilation policies constituted the pathways for upward mobility of the urban residents, which was highly controlled by the colonial system.

While the contours of the late-colonial distinctions were acquiring a clearer shape, resistance to the colonial powers that had become more active called for political and urban managerial reorientations. One important attempt to secure political power, especially in the poor *musseque* and *bairro indígena* areas where a number of educated urban youth were becoming more aware of the socioeconomic constraints, was to transform, at least through plans, the discourse on which social exclusions were grounded. Urban plans in Angola were produced starting in the 1940s and continued up to independence in 1974 (Silva 2015), as an acknowledgment of urban spatial and societal issues to be addressed. The Luanda Master Plan

of 1961–64, though not approved, oriented the urban management of the city, proposing an expansion based on Neighbouring Units (*Unidades de Vizinhança*) with distinct housing typologies according to the social and ethnic groups who would share collective equipment within a social integration policy framework (A1V2 2009, pp. 30–31). At the same time, the demonstration of colonial capacity and power was to be materialised in major extraordinary enterprises and projects in the centre of the city, built by the government and propagandised internationally. The idea of "progressive assimilation" of Portuguese citizenship and culture by the native population, behind the plans of the colonisers (Milheiro 2015, p. 29), especially as a response to the initiation of the liberation war in 1961, made Luanda "a laboratory for a modernist, multi-racial urban ideal" (Rodrigues 2015, p. 81), with projects featuring multi-racial, inter-social characteristics like the famous Prenda district (Fiúza and Milheiro 2015). However, this idea recurrently encountered resistance and discrepancies in the face of a socioeconomic reality much different from the one imagined.

On the side of the urban dwellers, the gradual adoption of modern, urban references, habits and lifestyles—foreseen in the 'assimilation package' conditions (Jorge 1998)—represented the existing possibilities for social mobility. Coping with and responding to the economic, social and political constraints of the colonial situation called for efforts on the part of the then-excluded, which 'shaped the economic and social [urban] life (…) and changed their own lives in the process' (Neto 2012, p. 3). They became a common reference for both the *assimilados* and the 'indigenous', increasingly widespread and known to all social groups and strata, part of a process that was, at times, termed 'Westernization' (Monteiro 1973). It included mostly the adoption of what were then literally called modern urban lifestyles (Udelsmann Rodrigues 2016)—such as having formal employment, access to education and modern houses—and conforming to corresponding behaviours, including, for instance, monogamy or secular religion. Social strategies of urban dwellers then creatively combined these assumptions.

4   Enthusiastic But Incipient Post-Independence Projects for Modernisation and Equality

Independence implied major population movements; with the Portuguese leaving Angola, inhabitants of the periphery occupied the centre and new migrants from the interior soon began to arrive to escape the civil conflict

that followed independence. While for many years the spatial mix did not allow a clear distinction between the new rural migrants and the former *musseque* and *bairro indígena* dwellers—including in the latter group the *assimilados*—the ideologies of new egalitarianism brought on by independence went against the thinking of urban management within the colonial segregationist model. The enthusiasm for the erosion of social difference, propagated by the political discourse, echoed among the urban residents, and gradually both the society and the polity incorporated a certain perspective and rationale of egalitarianism.

The colonial spatial distinctions in the city were then significantly erased (Mendes 1988; Roque 2011; Udelsmann Rodrigues 2009) and were integrated into a newly mixed city in terms of housing and type of infrastructure, combining and intertwining the concrete central areas, the precarious peripheral *musseques*—old and new ones created by the continued rural exodus—and new *musseque*-type 'rurbanised' areas (Amado 1992) built in the centre. New self-construction of housing resulted in both the penetration of the displaced, disadvantaged population into the central areas previously occupied by a wealthier population, colonials and African elites and at the same time the expansion of the peripheries of Luanda. While the new peripheral areas grew and the *musseques* invaded the asphalt, the few scattered building initiatives led by the state, with the support of Cuban cooperation (Cain 2013), did not significantly change the spatial organisation and features that Luanda was starting to acquire: a disorganised, congested, precarious city, where infrastructure and services, beyond insufficient, were also collapsing. The so-called 'Cuban houses' ended up being a few isolated buildings, whereas the original project foresaw 'a large housing project being built on what was once a golf course', then called 'Project Golf', targeting 'housing for some 20,000 individuals from the adjoining slum' (Bender 1978, p. 9).

If not completely erased in some of their features, social differences were reconfigured to accommodate the 'new society' being built, particularly the new distributions of wealth and power. Reality, however, imposed new exclusions on those not participating in the political hierarchies, especially the new waves of rural migrants. The main forces of exclusion were the restrictions imposed on those not supporting the party or not participating in the state structure in term of access to goods, privileges and even assets. Unequal access included, for instance, shopping cards, travel and state assets such as cars or housing, and benefits to which the group closest to the state and government had privileged access.

New forms of social mobility then imposed new strategies, which became particularly dependent on political and social capital related to the political elites and state structures. In the process of urban reconfiguration, the mobilisation of this socio-political capital only very slowly allowed for residential mobility for those in more advantageous positions. On the other hand, for the newly arrived migrants and in part for the former *assimilados* residing in the *musseques*, occupation of the houses left vacant in centre, right after independence, was sometimes an accessible residential strategy. Another was the engagement and participation in residential level groups, linked to the political structures, such as the district committees (*comissões de bairro*). Socio-political precedence remained central when it came to social, economic and residential strategies as a whole. Interactions between the old elites and the newly (re)created elites were naturally varied, with some of the former losing their privileges while others emerged, particularly those linked to the liberation movement that came to dominate the political structures. Nuances of this process of transformation of the society also need to be taken into consideration, particularly between what some authors called the 'revolutionary period' (1975–1990) and the 'clientelist period' (1990–2004; Hodges 2001; Pestana 2005) that led to the society of today. Continuities and ruptures throughout the recent history of the country and of the city are therefore only indicatively framed within the time periods identified.

5   FREE-MARKET GENTRIFICATION AND POST-WAR BOOMING MODERNISATION

The enthusiasm regarding society and urban life has, however, slowly waned in the decades that followed independence. Not only has the economic situation started to change significantly with the redirection towards the market, but also the political scene has changed, with elections taking place and a return to war again forcing more displacement towards the cities. Simultaneously, the interest in Angola by foreign firms, especially those in the oil business, has steadily increased since the 1990s. The reorientations of the philosophies of the state and the new perspectives for a free-market economy that would consolidate the already booming informal economy in a liberal society produced new ways of urban living.

In terms of the city dynamics, the demand for housing for the oil-business expatriates and a growing interest in centre city housing on the part of the new wealthier strata slowly stimulated processes of inner city

'gentrification'. Still, in this period, some large-scale companies operating in the country, both national and international, had also started to build closed condominiums in outlying areas, namely, in Luanda Sul. Moreover, international investment groups, particularly motivated by the end of the civil conflict, initiated major transformations in terms of modern construction. Among these, the China-Angola partnership is the most significant and has produced profound changes in the city and its surrounding areas. Luanda now is a city of new wealthy peripheries, with mushrooming condominiums and both old and new poor peripheries—including the already existing *musseques*, new *musseques* and new resettlement districts— all intertwined with persisting inner city poor *bairros* and gentrified others (see Development Workshop 2011).

These processes, taking place simultaneously and at times rapidly, have led to the present configuration of the city, a mixed situation of old and new centres, peripheries, wealthier and poorer locations (Cain 2013). 'The city centre […] and the southern area (Luanda Sul and Belas) are in fact expressions of Luanda's urban history, but they also layout [sic] patterns of socio-economic differences and ways of living that are mirrored in the architectural forms, spatial blueprints and physical traces of daily practises' (Vanin 2015, p. 166). The post-war situation is therefore more complex, with important new changes taking place in the built environment, leading to different urban situations that equally accommodate more differentiated social strata.

Exclusions today, almost exclusively dependent on the socio-political capital, are highly related to the economic capacities of the urban dwellers (Udelsmann Rodrigues 2009; Udelsmann Rodrigues and Frias 2015). The excluded are therefore more clearly the poorer strata, although other types of accumulated social capital still play an important role in determining exclusions and inclusions. Spatial separation and segregation, inherited from the colonial model and reconfigured after independence, is today again reshaped by the city's social dynamics of the housing and real estate market (Croese 2012; Gastrow and Josse-Durand 2013; Roque 2011). The 'nicest' colonial areas again tend to be inhabited by the more affluent socio-economic strata, wealthy families or wealthy foreign investors. Gated communities of condominiums represent the need to mark social separations (Udelsmann Rodrigues 2009), and an estimated 75 % of their residents belong to a (Jenkins et al. 2002, p. 146) high-income bracket. Post-war drivers of exclusion are then mainly the increased inequality in terms of access to resources, not only of businesses but also

employment and formal social benefits. Also, the new spatial reconfigurations are increasingly based on planning, evictions and resettlements, gentrification, and real-estate supply and demand dynamics.

New forms of social mobility call for renewed strategies, particularly for those excluded or potentially excluded from their 'right to the city'. In terms of management, the new organisation of the city is prone to crystallise these reconfigured social differences, although the rationale rather points to increased harmonisation. The 2011 Integrated Plans of Urban Expansion and Infrastructure for Luanda and Bengo (Presidential Decree 59/11)—a regulating tool to be used until the approval of the Luanda Metropolitan Master Plan in late 2015—clearly foresees and describes a distribution of the population by income groups in order to frame the development of housing.[3] In this sense, it aims for a better mix than the historical division between the 'richer Luanda Sul' and the lower-income 'northwest and southwest' areas in central Luanda that attract this population in search of economic opportunities (p. 1570). For this purpose, it establishes four socioeconomic groups, spatially distributed in terms of housing typologies, mixing in various percentages populations of different income levels. Group 1 will have 85 % high-income population, 10 % medium-income population and 5 %low-income population. Group 2 figures will be 80/15/5 %, respectively; Group 3 figures will be 20/50/30 %; and Group 4 will have a mix of 5/20/75 % (p. 1571). Higher-income housing is planned to be concentrated mainly in the south area of Luanda (though also accommodated in all urban areas, according to the group mixings above), while the northwest and southwest will have higher concentrations of lower-income population. This plan, however, is based on studies conducted in the early 2000s, and Luanda has always proved to be able to generate urban realities other than those planned. It remains, however, part of the city imagined by the government; it is yet to be confirmed whether these are only more 'urban fantasies' (Cain 2014; see also Pitcher and Moorman 2015).

When it comes to the urban dwellers' strategies, there is a clear distinction between those who seek to emphasise their socioeconomic differences through 'self-exclusions' and those who attempt to reverse the forces of 'hetero-exclusions' provoked by resettlement, housing prices and a combination of precarious situations they find themselves in. The former have principally sought demarcation by moving to closed condominiums and centralities and adopting militantly urban modern lifestyles, especially in recent years. Upward social mobility is today increasingly concentrated

on housing. The latter have limited options in the face of scarce economic resources and, most crucially, fewer options in the context of urban land redistributions and relocations (Cain 2013). Certain trends and possibilities have been widely explored in recent years, namely, the occupation of areas potentially dedicated to new construction projects in order to claim them as compensation or the longstanding practice of buying, selling and renting houses and land from central areas of the city and moving into peripheral ones. Access to modern urban lifestyles, highly dependent on resources, is in these cases concomitantly limited. Investment in education as a means of producing social capital encouraged the private sector in this area, but the results for poor families must still be evaluated case by case.

6   Conclusion

Notwithstanding its nuances, reconfigurations and contexts, modernity perceived as an urban style of life is an intrinsic feature of the city. The analysis of Luandamn urban society and its spatial configurations brings this notion to the fore, highlighting the persisting vision of the attractive modern city over the years. The cosmopolitanism that emerged from the city's early integration in the world system soon created imaginaries of attraction to the urban way of life, subjectively beyond the actual infrastructural conditions. This attraction, replicated since then, became even more crucial in a prolonged context of civil war affecting the countryside. The city accumulated the ideas (and ideals) of opportunity, modern life and safe haven. The recent post-war reconstruction itself is based on notions of the possibilities of living the modern urban life: 'Luandans—whether they live in the *musseques* or in apartments in the downtown—desire modernity, with which they equate consistent electricity and water, functioning elevators, and access to shopping and transport' (Pitcher and Moorman 2015, p. 130) as well as other subjective ways of experiencing the urban life.

Like other places, however, the urban world has produced its own typical exclusions, as argued in the chapter. Above all, the poor have always been the obvious excluded and still are, but the urban society of Luanda has also created other particular types of exclusions in different periods and contexts: those colonised for an extended period of history and those not integrated into the political structures in the post-independence society. The mechanisms for urban inclusion, though variable and mutable over the years, try to provide urban dwellers with ways of coping with

the drivers of exclusion. Strategies envisaging social mobility and inclusion depend on societal conditions and have changed accordingly in different time periods, in terms of both urban management and the urban residents: within the system of colonial domination, conforming to the rules of urban exclusion was punctuated by the efforts to 'assimilate' a limited segment of the society and, later on, integrative planning aimed at avoiding political contestation, which nevertheless led to independence and a major transformation of the society. While independence disseminated imaginaries of easier and freer access to the city, the delusions of the excluding mechanisms being created, requiring active participation in the political and administrative structures, soon became clearer. Wartime and post-war massive urban growth through rural migration, combined with increasing private and public urban investments, set the conditions for the construction of new mechanisms of self-exclusions, urban mobility and businesses related to real estate. While envisaging urban integration through actual residential dynamics, the construction of modernity and of modern urban lifestyles goes hand in hand, reformulating the urban ideals and imaginaries.

In a context of more and faster inter-linkages to the global world, Luandan society now definitely faces new challenges regarding its self-redefinitions that require more and better knowledge. The excluded, old and new, in their efforts to access the city and the idealised urban life, are required to elaborate more sophisticated strategies, which increasingly demand more than just location. The recurrent features of the unplanned, ungoverned, informal and precarious city are, nevertheless, contradicted by a positively idealised urban life that often alleviates the negativity of the actual conditions the urban dwellers face. The apparently difficult contradiction, implying negotiations between the fast-modernising city and the precarious peripheries, is constantly addressed by the urban resident and inevitably by instances of urban management. They do not necessarily annul each other, and practical use of this knowledge is potentially welcomed: 'a more productive way forward is to pursue a dual track that allows for showcase and iconic new urban projects while focusing special attention on slum urbanism and creative thinking that links the two approaches and situates urban projects within a sustainable development paradigm' (Grant 2015, p. 294). Cities of the global South continuously need to prove that they are 'viable and worthy […] yet different from the urban logics that subjugated them' (Simone 2010, p. 151). The ways of dealing with the contradictions

require, therefore, not only the creativity that Luandans have already demonstrated they possess but also new approaches to urban life by Luandan urban management.

NOTES

1. From the Kimbundo language (red-sanded place), the term refers to the poor precarious peripheries of Luanda though it is currently used in all other urban contexts in the country.
2. This refers to the colonial expansion of the new neighbourhoods of *Cidade Alta* (uptown) from the old colonial commercial centre of the *Cidade Baixa* (downtown).
3. Chapter 7.4, Distribuição da População por Grupos de Rendas a Fim de Conformar o Desenvolvimento de Habitações, p. 1570 and following.

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The Rising "Floating Class" in Sub-Saharan Africa and Its Impact on Local Governance: Insights From Mozambique

Anna Mazzolini

1   INTRODUCTION

Sub-Saharan African cities, as fast-growing and potentially prosperous urban realities, are currently at the intersection of several lines of debate. During the last decade, these have been putting much emphasis on external forces as well as on the internal political and economic factors responsible for the entrance of a great deal of sub-Saharan African population into the middle-income class. This rising wealthier class, named the new urban middle class, has also been identified as one of the main drivers for such a rise (African Development Bank 2012). As soon as this assertion became the subject of international debate, there was a notable change in the perception of sub-Saharan African reality, as much more attention has been given to the fact that it is necessary to make a shift from the social and spatial polarization of many sub-Saharan African cities as they have been conceived so far, towards an interpretation including more composite patterns (Balbo 2014).

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De facto, it is the rising middle class that is largely responsible for the revival of interest in sub-Saharan African urbanities, both in terms of spatial policies (as is evident in the 'African sub-urbanism' concept) as well as in terms of urban ones (mainly concerned with affordable housing solutions). It is being particularly and consistently stressed by local press that the real estate market trends in many sub-Saharan African countries (mainly Ghana, Nigeria, Zambia, Mozambique) do not affect only the poorer classes, but even more prominently the living conditions and chances for the new urban middle class to achieve a minimum acceptable standard of living.

In this regard, more and more attention has been drawn to discerning the alternative mechanisms this class is using in order to obtain a decent dwelling, thus redesigning the physical boundaries of the city. To that end, the following causes have been marked as the most significant ones: (i) still poorly regulated and underdeveloped real estate markets, (ii) the slow retreat of central planning initiatives in the face of an increasing market-driven land pressure, (iii) prohibitive mortgage conditions, (iv) lack of adequate micro-credit programs or other housing solutions suited for the low-income social category, (v) sprawling parallel cities, which are the spatial representation of the misleading vision of the "improved" spending power of the new class, leading to long-term unsustainable settlement solutions (Watson 2014; Cain 2014).

Indeed, it is quite noticeable that there is a renewed interest in the study of the relationships established between the rising urban middle class and the urban governance. Nevertheless, although it is evidently a popular topic, scholars and the public agenda seem to be predominantly focusing on strictly limited lines of thought (as opposed to multidisciplinary), both in spatial and political terms.

Spatial analysis focuses on the variety of elite, gated communities, located or quickly springing up on the outskirts of the major cities, which have been the object of widespread criticism due to the spatial fragmentation and social exclusion they lead to. The political approach, however, is divided into two main trends: firstly, advocating the benefits the whole of society could gain from the greater democratic power this class has acquired (Loayza et al. 2012), and secondly, the opposing view contesting its social and political value by defining it as a mere consumerist niche. In both cases, the new urban middle class is described as an influential and powerful social actor asking local governments to provide better public spaces, infrastructures, recreation zones, leisure and shopping facilities (Balbo 2014), because of its improved spending power.

At the same time, there has been strong opposition to such opinions, coming from a huge group of academics who have been trying to draw attention to the limitations of the income-related analyses of this new class. What they are highlighting is the fact that almost 70 % of the sub-Saharan African middle class consists of individuals who can be classified as barely above the poverty level (Kingombe 2014). This has also been evidenced by some recently collected data and statistics, as shall be seen below.

This chapter aims to integrate the debate through two specific theoretical shifts within the overall framework already described, avoiding taking a specific position along any of the abovementioned lines of thought, but contributing with new insights to the wider debate on the governing of urban Africa.[1]

The first shift this chapter proposes is a careful and thorough reconsideration as to which specific segment of the middle class really holds the potential to modify the urban expansion patterns. At the present time, two main arguments related to the urban needs of the emerging class have attracted wide attention: (i) brand-new parallel cities or neighborhoods, clearly designed to accommodate the upper segment of such a class, and (ii) countless appeals (voiced by local governments, local press and a great number of those involved in the international debate) for *real* social housing programs, low-cost housing construction companies, and a large-scale restructuring of the real estate market. Without admitting or denying the importance of these concepts, let us pose a question: Does considering them as priorities for the international debate actually mean that we are reaching the bulk of the emerging middle class and addressing the issues that are relevant to them? The answer is, absolutely not! The majority of this class (see below for the precise figures) not only find it absolutely impossible to finance living in gated residences, but they are also nowhere near the threshold which allows them a "formal" housing acquisition. For this reason, I have adopted the approach of looking at the overall theme through the specific lens of the lower segment of this class (that is, the "floating class", using the definition of the African Development Bank 2011), challenging the assumption that the upper or middle segment of such a class poses major challenges to urban governance, in terms of spatial management and related policies.

Following this reasoning, this chapter strongly advocates the idea that the major constants of urban transformations are exactly those (although often taking place on a small scale, or even hardly visible/masked under other forms) carried out by the class which, being unable to afford a

"formal" solution, simply has to change, restructure, and even subvert its relationships with both the local authorities and the lower classes to achieve its urban rights, as a result of which urban governance patterns are undergoing a great alteration.

The second proposed shift, directly related to the first one, is to relate/link the concept still labelled as urban informality with the class analyzed, in an attempt to correctly grasp and foresee possible forthcoming urban policy scenarios. Despite the wide recognition that the wealthier classes, in their attempts to achieve a desired lifestyle, also maintain a (culturally and socially embedded) continuum of mixed, informal urban behaviors, the way in which the local authorities actually react to this has yet to be analyzed. The reason such a study would be so important is that some patterns of urban informality have totally different outcomes when utilized by different socioeconomic actors in search of a well-positioned plot in the city, such as the urban poor, as opposed to those belonging to economic and political elites, or even a large number of individuals just out of poverty.

Therefore, the proposed overall research method is to focus not so much on what kind of space production is being adopted, but on *who* the social actor is that is adopting it, because (and this is the main argument) of the fact that different social actors instigate and receive completely different (political and spatial) responses from local authorities.

The following paragraphs will also try to guide the reader through an "informal" policy-based perspective on the current state of the affairs, trying to envisage which kind of urban scenario could come true—and whether it is going to be in favour of the new middle class or not, and also—which one could have a positive rebound effect (through the policies dedicated to urban planning) on the urban poor.

Although, in order to do this, many different sub-categories of the new middle class's urban lifestyle should be analysed, this chapter aims to highlight how housing, as well as the modality of the access to a plot, are the two most telling indicators. The way current land achievement proceedings are carried out not only provides hints of what future scenarios might hold in terms of urban inclusion (Mazzolini 2014), but also indicates how much potential this new urban actor has to modify (both in positive or negative ways) the city environment and the planning policies related to it.

Essentially, this chapter will centre on a series of local urban governance challenges arising from the above-described urban context, along with the elaboration on specific data, observations, interviews, empirical evidence and recent policy trends. In the final part, specific cases of space production and land access in Maputo's periphery will be briefly described to

corroborate the abovementioned concepts. The cases used, the interviews conducted, the short life stories cited and any reference made to the state of affairs in Mozambique are the result of a research project started in 2013 and of specific fieldwork which commenced in 2015.

2   Sub-Saharan African Cities in the New Global Context

Due to their huge recent growth, on the one hand, as well as their history of long-standing "thorny" issues on the other, sub-Saharan African cities are increasingly perceived by the international debate as possible, fertile environments for developing more efficient means of urban governance (Duminy and Watson 2011; UN-Habitat 2015).

Despite the fact that the international debate on those African urbanites seems to be static at this point, indicating the failures in public policies and regulations as the main factors responsible for the possible risk sub-Saharan African cities are running of not being able to deal with the current urbanization trends (which is threatening effective investments, sustainable development and spatial justice[2]), in reality, the current sub-Saharan African socioeconomic and geopolitical situation is significantly different from what it looked like just a decade ago, and consequently it requires a somewhat different approach.

The region is currently going through an widespread urban transition of unprecedented size and rate, primarily in economic terms, which is evidenced by the statistics showing that inflation dropped, trade with the rest of the world has increased by 200 % since 2000 and several African countries have hit growth rates of almost 10 %[3] (The Economist 2011).

Some of the following changes have been identified as main drivers of this growth: wide-ranging political reforms and improvements in political governance, booming resource discoveries, commodities super-cycles, market diversification, opening of trade channels, the rise of a dynamic service sector (namely, telecommunications, transports and tourism, which, according to World Bank estimates, accounted for 62 % of the GDP growth from 1995 to 2011), rising private investment, increased exports and improved agricultural production, technological advances and accelerated urbanization. All of these factors have been described as "ingredients for the engine" which have steadily led to a massive increase in disposable income levels as well as reduced inflation. The growth in question is strictly related to cities (Angel et al. 2011), whose forms, sequence and rate of development is characterised by a scenario that is far

more complex than it was 10–15 years ago: needless to say, the economic growth characterizing sub-Saharan Africa (especially as far the countries in transition are concerned) is predominantly urban-based.[4]

Major changes leading to this African transition occurred mostly between 2000 and 2010; some of these were significant demographic migrations accompanied by the rise of a wealthier class.

Despite being positioned not far above the so-called poverty line, this class, often described as potentially capable of guaranteeing the stability of a new urban consumer market and a more sustainable urban livelihood, has been making progress mostly through the activities and initiatives taken by its lower segment (Kingombe 2014), as we will see later.

Within the overall imagery, the urban middle class is frequently related to new specific emerging urban forms, often described as triggers for fragmentation and separation dynamics (Watson 2014; Cain 2014).

While it is true that such analytical perspectives have considerable importance (pointing to useful indicators, such as the existing correlation between the current socioeconomic shift and the complex interplay of real estate market dynamics and the land-speculation game), it is also true that there are other relevant points of reference not sufficiently mentioned. To be more specific, even given that many completely new spatial urban configurations are currently taking form, urban behaviour of the rising social actor has been neither sufficiently studied (or, to say the least, not studied from an overall perspective encompassing a wealth of heterogeneous elements included therein), nor sufficiently/properly translated into a variety of approaches, interpretations and new research insights, especially in urban governance terms.

Generally, what seems to be lacking is an accurate analysis, carried out with an urban sociological perspective in mind, of the dynamics which the new urban actors are dictating in sub-Saharan African cities, and with a special focus on a specific actor termed urban "floating" class, with a disposable spending power oscillating between 2 and 4 USD/day (African Development Bank 2011). What makes this segment so important is the fact that although it represents, in terms of its financial position, the lower part of a rising class, it is a unique part of the internationally defined "African middle class" that has experienced significant percentage growth.

The official definition of the African Development Bank divides the middle class into three sub-categories depending on their daily spending disposability: floating class (2–4 USD/day), lower middle class

(4–10 USD/day), and stable or upper-middle class (10–20 USD/day). If we have a look at the facts and figures from the time period 1980 to 2013, and try removing the floating class from the abovementioned set, we will clearly see *no* growth of the middle class. That is to say, in the abovementioned time period nothing would have changed in terms of middle-class stability which, expressed as a percentage, declined from 14.6 % in 1980 to 13.4 % in 2010 (African Development Bank 2011; Kingombe 2014).

Unsurprisingly therefore, the only part of the pyramid that has constantly been growing (in the last 30 years it has actually grown by 100 %) is the floating middle class, which certainly does not match the rose-tinted view of it presented in many press articles or reports, since this segment, tucked between the urban poor and the "stable" middle class, is obviously a very vulnerable and unstable social constituent (remaining susceptible to shocks such as an increase in basic-goods prices or the cost of fuel) and a social conformation escaping precise definition, due to frequent inflows and outflows from the sub-Saharan African middle class (Lopez-Calva and Ortiz-Juarez 2011; Kodila-Tedika et al. 2014).

There are many reasons that this specific class segment should be under close scrutiny, the main one being that nowadays it seems more constructive to shift the focus to those actors deemed to have an improved social, political and (even modest) economic power if they have the ability to rapidly modify their urban environment. Namely, legally compliant or defiant modes of behavior, as adopted by a class defined neither as poor nor stable, in its attempts to acquire decent urban lots and housing that would fit its members' current social status, elicit far-reaching urban-governance policy responses (as we will see in the case study provided), which have actually already resulted in a very definite reshaping of some aspects of urban social contract between the inhabitants and the local authorities. Even though the members of this class will never live in futuristic, gated communities, this does not mean that they do not have the potential to modify the urban fabric. On the contrary, tucked between a larger poor mass and a wealthier elite, they act as a complex entity, difficult to "control", living in the city, often in hardly visible or hidden ways, as important newcomers capable of occasionally evading, changing or even subverting some "rules of the game" that have to be played in order to gain access to land, thus challenging local authorities much more in terms of their urban governance.

3   THE "FLOATING CLASS" AND ITS IMPLICATIONS ON THE URBAN SCENARIO

Recent development of sub-Saharan African countries is broadly defined by using middle-income labels as reference parameters or by establishing the degrees of social presence (or absence) of a new middle class. The emergence of the African middle class, strictly urban-based, as a new consumerist actor integrated into formal economy, is one of the main topics discussed in the debate on contemporary African countries and major cities[5] (Banerjee and Duflo 2008; Balbo 2014).

The income composition of the African emerging middle class is at the core of the international debate, including frequently voiced criticism urging a major review of the middle-class's definition, not only with reference to their income, but also to their real political and economic influence (Loayza et al. 2012).

The reports and studies analysing the new middle class centre on certain indicators as yardsticks used for making comparisons and judgements, such as employment level, health and education, possession of some goods representing recent global technological advances (for example, satellite antennas, smart phones, and so on) or consumerist habits. In terms of residence, the middle class is occasionally mentioned in connection with larger dwellings and, in some instances, to major ownership, but this surely stands in stark contrast with the real economic picture of the emerging class, and moreover, with the fact that local governments are constantly stressing the need for investments in low-cost housing, trying to satisfy the basic needs of this new class in a real estate market characterised by severe shortages and strong affordability constraints.

Based on this general context, this chapter points out the urgency to relate this new socioeconomic phenomenon to in-depth urban research, aligning it with the wider concepts of urban inequality and access to land, housing and urban services, thus avoiding the misleading overestimation of its economic and spending power. In addition, more light should be shed on some consequences that have not yet been properly studied. The observation of the ways in which the urban floating class has been evolving, with respect to their multiple ways of living the urban life, is a proposed starting point for the process of conceiving which essential changes of urban policies and governance should be made.

There are many reasons why such alterations should be introduced. First of all, policies addressing the urban inclusion problems and economic

empowerment of the floating class are not so easy to implement. They require much more dedicated political will and larger-scale state interventions, primarily because such policies are supposed to act in a way which is different from what the upgrading strategies of aid agencies and programmes assisting the urban poor prescribe and which actually presuppose and recommend "stricter" social housing policies or huge real estate market restructuring actions.

Secondly, the formal–informal balance and interplay within the city are broadly influenced by a new socioeconomic scenario. In other words, much as the lower and middle classes follow pretty similar patterns of 'hybrid' urban behaviour, what makes them different from each other is the forms, timing, policies, actors and social networks they utilize in creating their own way to "make an urban life". These small but fundamental differences are actually vehicles for a thorough reshaping of the proceedings that lead to the acquisition of land or affordable housing.

Moreover, and on the grounds of the abovementioned factors, the very nature of the social relationship between the lower (poor) class and the emerging middle class is bound to alter, most probably paving the way for some new ways of living the urban lifestyle which have yet to be seen.

In this respect, the methodology proposed is to observe the wide range of methods and procedures the middle class (and particularly its "floating" segment) are adopting to settle permanently in the city. This depends not only on their needs, but also on the urban area concerned, as well as on the funds available to them: sometimes they enact or change some obviously very vital and still deeply rooted cultural patterns typical of the poorer classes, and sometimes they imitate the behavior of higher-class elites through more exclusionary forms of land acquisition.

Some simple empirical observations of contemporary peripheries on the outskirts of major (but also secondary) sub-Saharan African cities can help us to understand typical features of the emerging class's settling-down trends, mostly evident as an incremental building modality.

By way of example, in Beira's periphery (Sofala Province, Mozambique), more and more middle-class self-built edifices can be seen, often located in non-planned areas or on the fringes of the urban core, the informal settlements are springing up, sometimes very far from the city centre, or even along major transport routes. Their construction often lasts for several years, because (among other reasons) of the complex land regulations and prohibitive prices of construction materials. Informal labour and informal delivery networks are the main modalities employed to put up a residential

dwelling for the floating class, since formal businesses prefer not to do small, individual transactions with its members. In many cases, the land is appropriated through illegal actions, overstepping regular administrative processes.[6]

A sample questionnaire was conducted during the first months of 2015 in Beira, trying to correlate the income label of the floating class and middle class with housing access and typology in four key zones the middle class preferred to settle down in. The scheme with four zones represented four sub-categories in terms of income, possession of various goods, lifestyle (trying to somehow represent the official African Development Bank sub-division) and was made with the aim of obtaining a sample with some level of socioeconomic "variety". The greatest part of the questionnaire was related to housing access and typology, as well as land access. Despite the considerable economic differences among them, 80 % of the respondents claimed to be building a house through the incremental building modality, contracting local builders, with the construction lasting from two to eight years. Thirty percent of the respondents reported dealing with heavy constraints because of the complex bureaucracy procedures for obtaining the DUAT[7] or a plot in the desired areas.[8]

Be that as it may, this kind of construction project represents the largest investment middle-class families are likely to ever make in their lifetime. Ansah and O'Connor (2009), working in Kumasi (Ghana), similarly described "*the rising demand and growth of single-family housing on the city's fringe*", due to the following factors: (i) new residential values pertaining to middle-class status, (ii) fund remission to families under evolving conditions, and (iii) a "*complex institutional system*" of land and property administration. The authors describe the resulting scenario as a "*mosaic of housing structures scattered haphazardly on the fringes*". The Marracuene's district in Maputo is another clear example of this kind of urban expansion through gradual building solutions carried out by the floating class[9]: this area is characterized by low-density, one-storey houses built step by step, making a great part of the district (especially in Guava neighbourhood) look like a unique, huge and peculiar construction site. At the present moment, both Fundo de Fomento de Habitação (hereinafter referred to as FFH, the organization responsible for social housing and housing provision) and DMPUA (Direção Municipal de Planeamento Urbanistico e Arquitectura, Municipal Urban Headquarters) show great concern about the "uncontrolled" developing of that area. Private land transactions, informal sub-division of plots that do not fit prescribed legal

sizes and settlement activity in unsafe zones are only a few of the exigent issues the authorities are trying to tackle. Similar kinds of expansion dynamics (but in much more densely populated areas) are also observable in Maputo's neighbourhoods of Bairro Ferroviario, Laulane, Hulene A e Zimpeto. Each and every one of them, of course, represents a specific and unique example, providing ample evidence for the abovementioned concepts.

The next paragraphs will reveal other mechanisms driving urban structural changes. Although these changes sometimes appear slight, and other times utterly profound, they are all result from the settling-down modalities of a vulnerable, but nevertheless very influential class. Therefore, the remaining parts of this chapter will be dedicated to unraveling what possible consequences and outcomes there might be in the future, and along with them, what possible "rebound" impacts there are likely to be on the urban poor.

4   New Inequality Forms

Urban inequality is surely one of the main points for discussion on the post-2015 urban development agenda.[10] The reason so much attention has been drawn to this concept is because (among other factors) of the emergence of many new spatial forms within sub-Saharan African urbanities: namely, post-2015 Sustainable Development Goals set for urban management. These require serious consideration, not only because one of their main implications (or threats) might be the extremely fast pace at which the urbanization process could take place in the future or because possible material deficiencies and shortages might be caused by unsustainable urbanization (including the possible failure to meet the population's basic needs), but also because of the nature of the urban process itself, which is, by definition, heterogeneous and unpredictable, due to its internal versatile fragmentation and diversification (UN-Habitat 2014b).

The inequality-reduction debate seems to be unfolding simultaneously alongside the spatial debate and is most prominently characterized by loud voices of criticism towards some new forms of inequality which are spreading thanks to exclusionary spatial trends, such as private-sector-driven residential projects, generally located in areas previously used for agriculture (out of the city centre and far from the fringes of the poorest districts) and clearly designed for the upper-middle class.

Apart from this, there are other inequality-related aspects which can be clearly distinguished in the fabric of society, though they are perhaps not so spatially evident as such, but are rather more concealed and less manageable. Nevertheless, they are all relevant and should be studied as precursors to the future evolution of urban inequality, the main ones being (i) the relationship between the new emerging class and the informal sector, (ii) the constraint on housing access for the floating class and its consequences and (iii) the increasing transformation (and in the case of Maputo, even subversion) of some aspects of the traditional social contract between local government and citizens, in terms of land provision and of the whole planning process.

This specific paragraph, therefore, aims to highlight the fact that forthcoming inequality scenarios in sub-Saharan African cities also greatly depend on the fitness and capacity (or the lack thereof) of the new segment of society to survive and keep improving its living conditions within urban environments. Apart from that, these scenarios will inevitably be determined by how successfully this new protagonist in the urban arena will be able to request, adopt and implement innovative urban policies, and consequently produce a trickling-down effect leading to more inclusion and facilities for the urban poor (Mazzolini 2014; Balbo 2014).

Birsdall (2007) clearly explained this concept, supporting the idea that sustainable and inclusive growth (also conceived as growth leading to economic empowerment and increase in the size of the middle class) is actually fostered by the same policies aimed at reducing poverty, particularly those focusing on fiscal policies and infrastructure improvement.

Along the lines of Birsdall's statement, a key question remains unanswered: How is it possible, then, to facilitate a social and economic empowerment of the floating class through urban governance policies, using tools similar to those used in urban poverty reduction policies? Above all, it must be emphasized that there is a huge difference in the political implications arising from the decisions made following one of the following two strategic options: either investing in land regularization and infrastructure or focusing on the production of "formal" housing, as the first action would inevitably embrace more distributive features and serve a wider portion of the rising class (Balbo 2014). In addition, since the importance of enclosing more "informality" in building regulations cannot be overemphasized, fostering it in building-standard regulations, land allocation proceedings or, most importantly, in fiscal regulations could "unlock" the door to a large quantity of housing stock for the most

vulnerable (yet the most numerous) segment of the middle class (CAHF 2013).

Following this concept, an in-depth analysis needs to be done of how the sub-Saharan urban population qualifies for entering the recently defined category of the middle class (in fact, "floating middle class"), depending on their housing conditions and positioning in the city and, especially, on how they strive and manage to maintain or even improve their status.

This kind of analysis would have to be concretized and implemented in an integrated manner, just like the policies working towards poverty reduction. In actual fact, there is not a great difference between the challenge of reducing urban poverty and that of making cities more inclusive for the emerging middle class: efficient planning and land use, improved infrastructures, financial empowerment, land-regulatory-system reforms and social housing are almost the same imperatives, though mixed or combined in different ways and scaled in importance, depending on the concrete task and situation analysed.

In other words, and this point is of critical importance, some tools to reach both targets could be the same, but the modes of their implementation and policies applied to particular cases must vary, depending on the actors carrying out those policies; this will ultimately lead to a completely different urban inclusion modality and inequality reduction scenario in the years to come.

To strengthen the abovementioned concept let us think about an urban zone like Polana Caniço neighbourhood in Maputo, a hot-spot zone, indeed, and a place where various heterogeneous and mixed social groups meet and interact. For an individual belonging to the poorest class, without access to suitable land, living in such a neighbourhood simply means the aggravation of vulnerability conditions or having to resort to usual "semi-formal" proceedings. In the worst-case scenario, what that person will have to do is change their positioning in the city, maybe moving farther away from the centre, towards the city fringe. However, in the case of wealthier citizens (belonging to the urban middle class), the consequences of such deprivation are more likely to take on a socio-political character—not only because the individuals concerned could have more resources or means to undertake illegal dealings with the administrative apparatus in order to obtain the desired land, but also because, in doing so, they would be able to deploy a totally new set of relationship patterns, tools and engagement modalities. Neither feeling completely obliged to follow the standard procedures as required by traditional/semi-formal entities

for the purposes of obtaining a plot, nor being totally free to pay and solve the problem, they will resort to alternative ways which the local authorities are not ready to manage or control yet. Moreover, new forms of production of space or acquisition of land rights inevitably lead to the arrival of some new actors on the planning scene, such as private consultancies hired to regularize the situation, who shrewdly take advantage of the existing dysfunctional planning apparatus. New modalities, new actors (private technicians), new benefits on the planning scene and, consequently, new relationship patterns established among the various social segments are emerging as characteristics of the entrance of a middle (mainly floating) class into areas like those of Polana Caniço, which is exposed thereby to increasing market pressure. What all these factors are rapidly changing beyond recognition is a deep-seated modus operandi of a habitual urban administration procedure.[11]

5   An Informal Look at Local Governance Challenges

The new urban middle class is closely linked to the inequality concept in two parallel modes, making it play two opposing roles in the political arena: on the one hand, as a passive actor, vulnerable and dependent on urban public policies (Birdsall et al. 2000) and market fluctuations; and on the other hand, as an active one, with the power to influence the local administration and ultimately alter the patterns of urban inequality.

The floating middle class, in particular, has often been described as an entity contradictory in itself, as it actually holds the potential to be both a stabilising force within the society and also a "destructive" one (Stupart 2012), capable of initiating mass social movements and putting pressure on local governments to satisfy their (strictly urban) basic needs, the most urgent of which is to obtain a decent dwelling.

Therefore, the issue of affordable housing seems, de facto, to be a primary concern as far as the floating class and their struggle against urban inequality is concerned. No wonder that the housing shortage in sub-Saharan African countries has been recently much talked about (with Ghana, Nigeria, Zambia being at the centre of such a debate) and that local governments are constantly pleading with international firms and companies to invest in low-cost housing projects. In general, what makes the access to housing especially difficult, not only for the floating class but for the whole middle class, is the lack of affordable mortgage solutions[12]

or suitable micro-credit programs, which stands in stark contrast with a completely opposite marked trend, the rapid development of a high-income housing market niche (UN-Habitat 2014a).

UN-Habitat has also stressed that many members of the new middle class still cannot move out of informal settlements because they basically have no other options. In Mozambique, this population segment includes young professionals as well as teachers, some civil servants, and many students. The proof of this statement is the fact that even rental prices of the houses located in informal areas (despite the excessive, slow and complicated bureaucracy, superposition of different land regulations and under-provision of potentially valorised land) are dramatically rising.

> A social worker named Beto (Beira) used to work with me (2008 to 2011), during which time his income increased so much that he was able to move from a *caniço*[13] house to a brick one. In about three years' time, he acquired a house with a kitchen and three bedrooms. In 2011, with the salary he was earning, he perfectly fell within the category the African Development Bank described as "emerging middle class". At the time, he had a motorcycle, TV, cell phone and other conveniences, so he even started to think about buying a car. Beto was building his house through incremental building, whenever he had disposable funds, in an unplanned, environmentally dangerous area. However, in 2012 he lost his job and did not personally feel as belonging to the middle class anymore. Should he have been provided help by different policies as a support for his subsistence on the modest and temporary means he now had at his disposal? If we want to bring this example to a higher discussion level, we have to answer the following questions first: how could we label a person like him, constantly "floating"? Has he ever completed building his house? Which kind of support policies should the administration put in practice, at present time, for this kind of cases [sic]? (Author's interview in Beira, Mozambique, 2011 and 2012)
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> As another example, there is Dani, a highly qualified professional, working for one of the most relevant international organization in the country. Having completed a postgraduate specialist study program (2013), he was earning a salary comparable to that of a Europe-based junior consultant or junior officer. At a certain point, upon receiving a promotion in the organization he worked for, he decided to move closer to the city center, as that would be more convenient, to avoid traffic jams, save time and allow him to be closer to city services and leisure facilities. So he tried to live in the central neighborhood, renting a medium-size plot for some time, but it meant straining too much. Seventy percent of his earnings were eaten up by the rent, which made him decide to move to the Chamanculo neighborhood,

to an "unplanned area" with low-cost informal dwellings. It seems his plan has worked as, for the time being, he has managed to halve his rental costs, and is constantly saving for the construction of his own dwelling, thinking of building it little by little (incrementally), that is, resorting to proto-formal proceedings in order to, in the first place, come into possession of a plot through standard official procedures while using the informal market to buy the materials needed. (Author's interview in Maputo, Mozambique, November 2015)

Although the above mentioned cases belong to very different social segments, they both unambiguously show how extremely important the housing issue is for the new middle class, as a key factor crucial for determining and changing urban and social behavioral patterns of many individuals through improved (or reduced) spending power. Satisfactory housing is not just a matter of social welfare: in such a context, it has serious implications for the entire dichotomy between the formal and the "informal", which has already undergone numerous changes, while the relationship modes among social actors have transformed and trans-figured, inasmuch as the demands and requirements made by the actors involved (not only in spatial terms but, most of all, in terms of the offi-cial governance) imply building new channels of communication. Self-building undertakings often take place through informal land allocations or by exercising the tactics of planning regulation evasion, wherever possible (for example, settling in unparcelled areas or those without any infrastructure provisions).

Nevertheless, although it is nowadays clearly recognized that the new urban middle class obviously does not maintain its urban living status by adhering to just one form of "legality", the urban governance conse-quences of this simple fact are neither sufficiently taken into account by local authorities (or at least not through appropriate planning tools) nor sufficiently talked about in the international debate.

Taking a broader look at the factors/issues perceived as integral parts of the middle class's everyday life and also related to urban informality (and which are, as such, considered as major restrictions informality imposes on the housing design and planning policies in developing countries), it has to be noted that these factors also set a totally new framework for urban governance. Some of major relevant factors are as follows:

- As already mentioned, since a great deal of the new urban middle class work in the informal sector on a part-time basis, it is difficult

for the governments to develop income-related social housing programs. A survey conducted in Beira confirms this simple fact: in almost 50 % of the cases studied, the *negocios*[14] income source has more impact on the total family monthly income than is the case for those having regular full-time jobs, such as teaching or low-skilled occupations. In Mozambique, for example, recent FFH efforts in this respect seem to have failed to put into perspective, once again, the real (economic) bulk of the floating class. Most recently, proposed housing prices, although much reduced (as in the case of the settlement of Villa Intaka), remain out of reach for lower-middle- and middle-class families.[15] FFH, despite recently trying to develop a policy strategy that would make provision for mixed income sources of house-hunters, still lacks the flexibility needed to turn its housing provision program into an inclusive instrument capable of reaching a variety of lifestyles, income-source compositions and social statuses.

– The fact that, in many cases, the lower- and middle-income part of this class keeps attaining land and carrying out housing construction in "non-formally planned" areas, could make governments reluctant to support and patronize such endeavours, even where the administration has always been tolerant towards settling-down dynamics in "unregulated" areas, as in the case of Mozambique. In this sense, local governments are actually most likely to keep a tight rein on the housing market, trying to "control" future urban development, which would, in turn, give potential house-owners little space for manoeuvring. In addition, state organizations should all bear their fair share of responsibility too if they fail to embrace an "informal" point of view regarding recent urban (and middle-class) growth.

– Local governments' fiscal capacities are generally described as being in an unfavourable position due to the presence of a large informal sector, which, regarding land and housing provision, is being more and more used to the wealthier class's advantage; therefore, it is extremely and urgently necessary to start reconsidering the extent to which "hybrid" policy tools could regulate this area of economy.

– With the exclusion of middle and lower classes from the real estate market and with no affordable residence solutions to offer, governments will experience even more difficulties in promoting functional alternatives within their housing policies, like renting (Gilbert 2012), which is bound to affect the most vulnerable households (for example, in Maputo, renting seems to be a preferred option for the

emerging middle class[16]). Besides this, housing policies including more diversified housing options (not solely related to acquiring homeownership) would also help decongest informal areas.

– The fact that household members with somewhat improved spending power keep living in substandard housing conditions, implies not only a highly dysfunctional environment, but also a lack of political and social recognition of a large part of the population as active urban citizenry. Thus, it stands to reason that collecting city-level data on the new floating middle class, with a view to creating a more realistic picture of its social and economic conditions, would be a suitable tool to redirect planning and housing efforts.

6   The Case of Maputo: From "Inverse Governmentality" to the Superseding of the State Planning

We successfully carried out allotment, implementing a very basic "order", a very basic subdivision. It was a good thing, it was something worth doing … I do not know anyone else doing this nowadays. (Interview with Arch. José Forjaz, October 2015)

Mozambique has a long history of flexible, long-established and informally regulated self-production of space in peripheral areas (Jenkins 2003; Jenkins et al. 2015). The city's (horizontal) expansion, as well as the densification process are the result of mixed (semi-formal, legitimate) proceedings of land allocation and subdivision of plots, including several different actors (inter alia, formal and traditional authorities). Since settling down in the city, most inhabitants have felt safe, not only because the authorities have approached them with a generally permissive, open and protective urban attitude (partially due to their lack of proper planning instruments to tackle an extremely rapid urban expansion) but also because of a peculiar, orchestrated and highly efficient way in which poor inhabitants traditionally root in urban peripheries, which is basically highly imitative of a formal procedure. What's more, this sense of safety citizens feel has remained culturally well-maintained, despite the cumbersome and lasting bureaucratic procedure of the DUAT (personal land's use right) issuance (Nielsen 2011; Lage and Mazembe 2016).

As for the general background of Maputo's urban policy, the local political will, as far as social housing programmes and land development

policy are concerned, seems to be hugely influenced by a new wave of massive regularization programmes enabling citizens to formally register their plot through the achievement of land use rights (DUATs), as the unique solution to cope with the current urban expansion. Such a requirement partially results from the Urban Land Use regulation (established in 2006, but leaning on the Land Law of 1997) and partly from the recent ProMaputo programme (World Bank, 2007–2015), supporting the Municipality's planning efforts. Lying at the heart of the De Soto's approach, and centring on the added land value achieved once infrastructure and services have been provided to a specific area, such a trend is having a great impact on the overall approach FFH is adopting.

FFH, on its part, is putting in a great deal of constant efforts to integrate its housing policy with some 'informal' patterns typical of new society segments, as is the case with a recently promoted, more flexible allocation of credit lines to families with "mixed" income sources, or by making more flexible timetables for the housing credit repayment (thereby admitting the importance attaching to the informal sector within the new middle-class economy sector).

Rui Costa (FFH's President) publically takes pride in this fact, emphasizing that the new housing policy (2013–2019) has set out, as its primary challenge, attracting an increasing number of beneficiaries by modifying timings and interest rates so as to make them commensurate with the specific personal clients' circumstances.[17]

In this regard, recent FFH housing trends and a set of policies created in Mozambique can be construed as an implicit governmental response to rapid socioeconomic change and the 'floating' middle class's increasing demand for urban land.

In addition, some urban development policies promoted by the ProMaputo programme are bound to have new implications for the lower and middle classes, despite the tightening control on the legal procedures of acquiring land rights titles, which could potentially have positive consequences as it would ensure the poor classes' disposition of a registered estate and, consequently, facilitate an improvement in their living conditions. It may, on the other hand, make other, wealthier inhabitants start using easy to employ spatially and politically unfair practices in order to achieve their DUATs.[18]

To make matters more understandable, consider Maputo's development during the last five to ten years. Due to increasing housing pressure on some of its fringes and parallel construction of some big infrastructures,

the management of some areas has become more complex, putting additional pressure on the planning entities to provide suitable solutions for land allocation.

What the city itself is witnessing is a growing intersection of spatial practices that are no longer classifiable through specific economic indicators or related to some specific socioeconomic segment. Urban practices that used to be typical of political and economic elites (officials, party members, civil servants and so on) are becoming more and more characteristic of the growing middle class's needs, as is the case with the expansion of the "formal" city grid through private, proto-legal negotiations to buy lots in the "fuzzy" area between the planned city and the unofficially planned neighbourhoods (as in the case of Polana Caniço).

In the same way, practices of self-production of space—represented by a brand-new phenomenon termed inverse governmentality (Nielsen 2008; Nielsen 2011), which will be described later in the text, where housebuilders tend to take over the task of implementing urban norms and procedures from local authorities which are supposed to do it themselves (Tvedten 2012)—are spreading in areas inhabited by the emerging class, as in the case of the Costa do Sol and Polana Caniço neighbourhoods. This modality particularly seems to suit the new middle class's urban needs, as a safe (and in some cases quick) way of gaining access to housing and urban land.

The very definition of inverse governmentality can be traced back to 2008 when the phenomenon in question was probably first noticed. It is now an on-going process in three expansion zones where collective planning actions (namely, topographical definition of the plots, or the design of the *plano de reordenamento)* have been undertaken by the residents themselves (generally belonging to different income categories) and carried out through the establishment of a direct agreement between the communities and architectural/planning firms, with tacit approval (and a significantly reduced participation) from the Municipality (Nielsen 2011).

In 2008, a group of inhabitants of Costa do Sol neighbourhood started claiming their DUATs from the Municipal Council, but eventually received a negative response because of the mandatory requirement that all lots should be included in the cadastral plan before the procedure for obtaining DUAT could actually start. Knowing that it would take a very long time for the Municipality to create a cadastre registration of the area, they decided to undertake that task on their own, that is, to organize themselves and sign a

private contract with an architectural team for the design of a "reordering" plan and the delimitation of the lots. Once completed, the final detailed plan was delivered to the Municipal council for approval, which was obtained, the whole process lasting about six months. It goes without saying that such a procedure relieved the Municipality from numerous general duties and expenses, such as a series of technical actions, as well as reducing costs (which are part of the standard urbanization process and therefore normally incurred by the Municipality). That these expenses were for the first time in Maputo's history borne by the inhabitants themselves did not actually change the fact that, following the plan's approval, they were also supposed to pay the normal fee for the issuance of the DUAT formal document.[19]

The process was completed in record time, both because the inhabitants were able to pay for the services the architect in charge of the process had provided, and because the income gaps between themselves were not so extreme, the majority of them belonging to the lower or middle class.

In 2013, in the hot-spot area of Polana Caniço (a neighbourhood under great land market pressure), another socioeconomically mixed group of inhabitants united, took the initiative and ventured into another similar action, which is still in progress because of, among other reasons, the non-uniform socioeconomic composition of the group itself (containing some middle-class components, along with those from the lower class). On the one hand, some poor households showed reluctance to join the action (as they felt safe anyway, with or without the DUAT), while higher-income households, given the very long time that the process was taking, decided to act independently, using their own devices, that is, trying to secure their DUATs by engaging in bribery, thus compromising the part of the funds promised to the architect to design the plan.[20]

In both cases, generally speaking, the Municipality routinely accompanies the whole processes, though often assuming a passive role. These kinds of processes take place repeatedly, the proof being not only the attention but also the concern that the Architecture and Planning Faculty in Maputo is showing them.[21]

Moreover, such practices seem to have become commonplace for obtaining DUATs, mostly with middle-class inhabitants eager to speed up the bureaucracy involved. In actual fact, in Catembe, a zone recently proclaimed as "Maputo's future" because of the impending completion of the bridge that will connect this area with the city centre ("Baixa"), some middle-class inhabitants are presently discussing how to unite and begin the same kind of private bottom-up process.[22]

Principally, such a peculiar way of obtaining land use rights escapes strict definitions, and the consequences it might have are impossible to envisage, because it basically holds the potential to subvert many aspects of urban governance dynamics.

By transforming the face of planning regulation within the city, these processes not only offer the prospect of becoming a new instrument of urban democracy and a new way to claim the right to the city, but they are also highly likely to become a threat towards the urban poor, trapped in a planning process that no longer guarantees their traditional safety on the parcels of land they occupy, partly due to increasing market forces, and partly because of the land pressure exerted by a wealthier class, but certainly mainly as a result of the progressive retreat of the governmental authority (be it traditional or "formal") from the whole process of land regulation.

Moreover, the abovementioned processes of land self-production transfer some primary urbanization expenses from the local government to the inhabitants. Such a shift, as well as the fact that the concept that these costs can/must be the responsibility of community itself, is progressively subverting some aspects of the urban social contract between the residents and the Municipality. Moreover, the fact that these processes are started and carried out by socially mixed groups of inhabitants (belonging both to lower and middle classes) also means that the whole set of both explicitly stated and implicitly understood social relationships between the urban poor and the urban emerging middle class is subject to a massive process of reshaping, possibly impacting urban inclusion to a great extent.

Observed from an optimistic perspective, such processes could promote and foster more collective actions seeking urban inclusion for very different social classes faced with the embedded unclear planning procedures, slow bureaucracy and lengthy administrative proceedings. From another, less sanguine point of view, this method could progressively weaken the "central" apparatus for the urban planning, both in terms of expertise in informal areas, and in terms of political "motivation" to experiment and find suitable solutions to some exigent issues in hot-spot zones. Proof of this last point is the perception of the DMPUA (Municipal Planning Department) about this modality of planning and land provision. Not only does the process, following the DMPUA Executive Director statements, "work"; the inhabitants, by themselves, should be aware of the fact that it is normal to contribute to the urbanization process. By fostering the engagement of a local firm for their specific planning purposes as a

"new normal" proceeding, the DMPUA shifts the responsibility of the outcomes from its technicians to the community–architect, thus shifting towards a mere regulatory role and reshaping the embedded relationship modality between the Municipality and the citizen.

As is obvious, the above-described process has already been showing some new patterns of urban inequality, as a consequence of the responses from Municipality at the very final stages of the processes. In the above-mentioned case of Polana Caniço, the inverted planning action implied misleading behaviours and contradictory practical/legislative responses from the Municipality: a very tiny number of the inhabitants are still waiting there for their land right, the main reason for such a delay being that the contracted architect was, in reality, at the same time working for the DPMUA, and clearly had a conflict of interest. The inhabitants that still today do not have their DUATs were promised they would be included in the regularization plan even if their plot sizes did not fit with the standard allowed sizes. The architect himself guaranteed the land tenure, reassuring them that they would be given the plots in question anyway, through a sort of oral agreement (thus using, once again, mixed and traditional ways of action): the oral agreement established that the inhabitants could stay "safe" in their plots and that the real plot regularization (that is, the reallocation of some houses or courtyards) would happen after the middle-class newcomers inhabited the area, since the poor families waiting for their DUAT showed their willingness to sell their plot once they achieved the land title.[23]

The pact has not been respected, and the 5 % of inhabitants waiting for the DUAT nowadays feel extremely insecure, as well as abandoned. No longer receiving any response from the Municipality, or the private architect, they are paradoxically trapped in a much worse situation than they were before. They lost, in fact, through an apparently joint action, the very collective traditional perception of land security that many poor inhabitants have always felt once they settled in Maputo's outskirts, due to the country's *realpolitik* of land management.

Therefore, the conditions giving rise to such an impasse, in which poor might easily find themselves in, often lead to land transactions that may actually be done to the detriment of the poorest inhabitants whose plots have not been officially registered yet. The only reason why they may be hastily trying to sell their plot to the wealthier class, even at a lower price, could be because of their fear of being prosecuted for selling the estate illegally (as any transaction without the DUAT is deemed illegal).

When such an eventuality occurs, it is usually (recently speaking) defined by local authorities as a normal stage of urban expansion characterized by "a very normal and unavoidable gentrification process that happens when a wealthier class appears on the city scene".[24] By correlating the inverse planning actions with the gentrification traditional definition, the Municipal Planning staff holds a very peculiar position that implies two main assumptions that completely change the planning scenario: (i) they imply the belief that, although inverse planning has its roots in collective understanding and agreement for the benefit of the whole community, it mostly leads to just a small (higher-class) part's benefitting from the action; (ii) "hiding" from several steps of the planning process, they somehow prevent the finding of new hybrid, and most of all, public-led instruments of urban governance. If, de facto, such actions could be the beginning of a new kind of integration between particular spatial interests and traditional land management, the complete retreat of the planning authority from the process might lead to giving more and more importance to the land title document (the regularization/formalization) as a unique instrument for urban inclusion, thus threatening the urban *realpolitik* of widespread acceptance of "informal" settling-down actions as accepted ways of production of space.

Presently, the evidence shows how the urban poor consider/use these actions as a sort of continuum of embedded ways of space production, but with an improved level of attempting "legitimacy". The middle class, by its side, tends to use such processes to secure the marketable value attached to the plot, as well as the spatial representation of an achieved social status and political "potential". Thus, the interpretation and the "weight" the local authority attaches to such initiatives could differ immensely depending on which social segment initiated the processes. The policy responses, in this sense, depend much more on *who* the social actor adopting a process is, rather than the spatial or urban "order" output resulting from it.

Some general questions arise from this specific case of the city of Maputo: (i) How is the emerging middle class changing the perception of what is formal and informal and most importantly, which kind of "*scripts for cityness*" (Myers 2011) is it providing us with? (ii) How will the impact that a rising class has on the urban imagery translate into an impact on urban policies? (iii) How does the new "floating class" change the intricate interrelations among the state (local government, especially at a Municipal level), "informal" sector and private sector?

Urban informality, although always considered as "*complementary and significant*" within the urban environment (African Development Bank 2012), both in terms of physical space and its economic implications, has been neither sufficiently acknowledged nor studied through specific and expertly created surveys in relation to the phenomenon of the new urban middle class. The overall focus, to sum up, as far as urban governance and spatial challenges are concerned, has always been on how to increase the level of formality, as a way of restoring, mending or re-establishing some kind of a "broken" relationship between local administration and "informal" inhabitants (Agarwala 2008; Meagher 2014; Tonkiss 2011). Nevertheless, taking into consideration the abovementioned specific cases, the question arises, How can we draw the line between a broken relationship and an orchestrated way of using and expanding urban space? How can we establish distinct borders between an inverse governmentality of the space and a "social" planning action? There are indeed answers to these questions, but they are strictly dependent on the definition we are likely to ascribe not only to new spatial practices, but also most importantly, to the actors implementing them. The labelling (or not) of a "real" middle class is, in this sense, a strictly political (but also moral) choice made within the broader framework of the urban governance.

7   Conclusion

This chapter has been written with the clear intention to take part in the recent debate which is trying to comprehend what is happening on the outskirts of sub-Saharan major cities, home to new settling-down trends and new urban forms, and uncover the reasons it is happening. It also aims to join in the emerging debate on the rising urban middle class and "sensitize" the relevant audience about some missing points in both already mentioned debates by analysing current floating middle-class involvement in the urban development and the implications of such actions for the urban governance scenario. In doing so, the chapter added new evidence and perspectives to the on-going discussion on the governing of urban Africa.

The main focus lays on the demonstration that the social segment which is actually making steady headway (that is, the floating class) is a powerful, complex urban actor capable of reshaping, subverting and opposing some embedded ways of urban living, and sometimes changing "the rules of the game" when dealing with public or private entities in its pursuit of

a decent dwelling or a plot in the city. For this reason, theoretical insights have been presented to provide lines of reasoning to explain how this social actor could start challenging local authorities.

In general, there are many concepts that are worth mentioning relative to the new class's settling-down trends:

- The current socio-demographic shift is still difficult to identify and translate into urban "labels", but it is certainly leading to the formation of new kinds of settlements representing new income niches based on new "mixed/hybrid" forms of urban living.
- Due the rapid socioeconomic change and the consequent increasing pressure on some urban areas, some new urban trends are surfacing as highly subversive mechanisms of disintegration of some internal and culturally embedded dynamics of the production of space, land access and "right to the city" acquisition through land rights; these trends are to be analysed as key drivers of forthcoming urban development.
- Despite the rising calls (mostly voiced and spread by the local press) for the introduction of new social housing forms, as well as specific programs which could provide the rising class with decent dwellings, many local governments tend to put undue emphasis on (and make investments into) current trends, such as the promotion of new "competitive", modern, smart and eco-friendly cities, thereby expressing market-led favouritism towards the upper middle class, to the detriment of other, lower segments of that very same class.
- Because of the abovementioned factors (among others), a silent but constant influx and outflux of the actors involved in the urban planning process is taking place.

These starting points have been analysed through the main aspects of "informality" concept. Why is the concept of the "urban informal" so important for the definition of the new urban middle class? Probably because informality, as we know it, has been identified both as one of the first constraints, that is, an impediment tor reaching sustainable urban goals and development, and also as a key factor for determining highly effective hybrid solutions in city governance. Nowadays, these two parallel, yet mutually contradictory attributes have been reshaped in the light of a new set of urban behaviours, adopted by a rising wealthier elite, which are still difficult to classify. The "informal outlook" that this chapter has

tried to provide aims precisely at filling such a gap (both theoretical and practical). Despite the general opinion that "urban informality" is a transversal issue regarding all different classes, there is still a failure to take into consideration how the new middle-class actors are influencing and reshaping this concept, while creating their modus operandi to "make an urban life".[25]

Sometimes this much-needed and sought-after mode can actually be a continuum of embedded urban behaviours (taking form as peculiar land transactions carried out in a highly innovative way, by superseding the Municipal planning role or imitating the formal grid through the self-production of space). Other times this mode may be a creative spark introducing new actors and subverting local authorities' proceedings. Either of these two modes is equally acceptable as long as they are viable and lead to the creation of completely new patterns of urban governance.

In this sense, the chapter proposed a reframing of the debate through the study of many adaptive forms in which new income niches are appearing in the city, centring on the impact this diversification has both on the informal sector and on urban governance responses to the self-production of space carried out by the middle class, and in particular calling attention to the location of the critical line separating the cultural continuum of self-production of space from exclusionary tendencies adopted by a new social actor.

Maputo has been used as a case study to discern where such a critical line might stand, also because of its typical, deep-seated general laissez-faire position in terms of access to land and creation of new settlements; this kind of "permissive" and informal-integrated urban scenario makes it easier for participants to implement their initiatives and projects. Maputo's fringe is a good and useful example of preferable modes of settlement and housing for a social actor with decent spending power who wishes to secure land and construct a dwelling.

The constantly monitored processes of land access in two neighbourhoods on the fringes of the "formal" city showed perfect examples of a wealthier class's capacity to initiate a series of fundamental changes/reorganization of urban order, urban governance modalities and traditional forms of conceiving urban inclusion/legality, such as—

- the alteration of the notion of "informal or subaltern logics" to access to land and housing;
- the alteration of the urban behaviour of the class immediately below (that is, the poor one);

– the superseding of planning at the municipal level;
– the entrance of new actors in the planning processes, and some-
  times the overlapping of the actors themselves;
– the appearance of new forms of spatial inequality that basically
  depend on local policy responses towards new middle-class set-
  tling modalities.

The examples/case studies examined in this chapter have been chosen
because they represent particular instances which are, or were, difficult
to resolve, because of (among other factors, such as land pressure) the
intersection of the many different social and economic actors involved.
The protagonists of these cases are mixed-income groups of inhabitants in
search of their right to the city; but among them, the middle-class mem-
bers play a crucial and sometimes even subverting role, paving the way for
the establishment of a new set of relationships with local authorities, as
well as the revision of some embedded city-planning practices.

Obviously, there is no preferential mode for the middle class to start
populating the city, and this chapter, de facto, does not wish to general-
ize the cited cases as illustrating a preferential urban modality. Nor does it
advocate the concept according to which the urban middle class will inevi-
tably negatively affect proper urban governance or threaten the chances of
creating a better urban environment.

Instead, the chapter analysed possible urban governance challenges (or
"risks") arising from a brand new socio-spatial complexity. Moreover, on
the contrary, the observation of these specific phenomena is supposed to
encourage a growing interest on the part of the agencies responsible for
urban policies in Mozambique (for example, UN-Habitat), which gener-
ally consider them as positive (if properly regulated) mechanisms to be
possibly included in the participatory urban planning framework.[26]

The cases mentioned are also the object of increasing interest among
many private or public planning entities (CEDH, FFH) as far as the
typology of the current urban expansion is concerned. In the specific
cases of the Costa do Sol and Polana Caniço neighbourhoods, the new
urban middle class is seen as a protagonist, clearly showing capacities
for and interests in the current urban expansion. In Costa do Sol, in
particular, Municipal authorities are having difficulty dealing with such
a mixed-income group of inhabitants claiming their right to obtain a
DUAT: the solutions DPMUA is proposing seem to be particularly inef-
fective in managing diverse and heterogeneous requirements in such a

limited territory. By way of illustration, there was a proposal to solve the situation by a single action, that is, at one stroke, by providing a collective land right for all the inhabitants involved (a collective DUAT), which has eventually proved to be totally wrong, as it actually meant ignoring specific needs of varied social classes. Moreover, if such solutions became standard practice, they would seriously alter the established official social and urban *realpolitik* in terms of land rights and inclusion. De facto, although the legal obligation to issue a DUAT only on the condition that the area in question is 'officially planned' has never had much effect on the lower class (who feel protected living in their existing homes), the fact that it has recently appeared to have a huge economic consequence for the middle class is influencing the poorest classes too in their "safeness" perception as well as the perception of the value of their land.

From a research point of view, the chapter emphasised the necessity to shift the attention from the observation of emerging spatial forms to the actors implementing them. Local responses do not depend on the spatial/typological solutions adopted, but on the specific kind of urban actor implementing them.

The case of the peripheral expansion in Maputo perfectly strengthens these concepts, showing the ability of socially mixed groups to require their urban rights, involving different actors, timings and urban management or regulatory tools (as well as different kind of dealings and "tactics").

The "floating" class, trapped between needing to obtain formal recognition, as a prerequisite for improving its social status, and the traditional way of gaining land rights and housing, seems to be very proactive in pursuing this kind of change. This specific social segment is still completely engaged in a delicate net of social, "informal" relationships yet at the same time urgently needs to take a step forward to achieve better urban conditions through formal recognition proceedings.

The author's personal interviews with the Costa do Sol's president of the inhabitants' committee bear witness to this statement:

> We do have to care about 'them' (families waiting for their DUATs, entangled in a complex net of private residents–Municipality interests). Now that I have my DUAT, I couldn't possibly ignore it all anymore, I have to take care of them. They are part of the city too. We need to stay united, middle class and poor class. I am going to wait and struggle with them until we find a solution.

What the author suggests is to reconsider the present (urban) debate on the emerging middle class, no longer in terms of "difference", "fragmentation" or "exclusion", but in terms of a social (and political) continuum existing among the various classes.

Households (no matter from which social class) engage themselves in (or label themselves as belonging to) a specific social stratum not only through spatial urban behaviours or different relationships they establish with territorial administration authorities, but also through intricate transversal relational ties existing within a singular class. This is why the analysis of this new socioeconomic and territorial diversification should be conducted using more of a blending approach, taking into account more similarities, continuums, fluxes and hybrids within the urban context. Such a commitment would be of particular importance for the local authorities managing urban spaces: depending on their political willingness to consider (or not) this set of continuums, they will partly determine what kind of urban environment can be expected to take shape in the near future, in terms of spatial justice and land rights.

Notes

1. The research in which this chapter is based, in particular the fieldwork carried out in Mozambique, is part of the research done to obtain my PhD in Regional Planning and Public Policies, at IUAV University, Italy, from 2013 to 2016, with a thesis titled "On the edge of the middle class in Maputo. Land and housing strategies", due to be discussed in the first half of November 2016.
2. Despite the much vaunted African socio-economic growth, the last 20 years have been marked with a "severe backlog in meeting the needs and demands for housing, basic services and infrastructure" (UN Habitat 2014a, b), and with the worsening of inequality indexes.
3. The reports from different development or consulting agencies have shown that, by 2013, many sub-Saharan countries (most notably Angola, Ghana, Tanzania, Mozambique, Nigeria, Zambia) had been among the fastest growing economies in the world, with an average GDP growth of 7 % more than the decade before.
4. Sub-Saharan Africa's "Next 10" cities will have probably doubled their population by 2030. By the same year, their economic output is likely to triple (Speed 2014).
5. The 2000–2010 decade has been identified as the period of the fastest entrance of the Sub-Saharan African population into the "middle class" label.

6. Information based on the author's interviews and personal communications, Beira, 2014.

7. Direito de Uso e Aproveitamento da Terra.

8. The surveys conducted in Beira at the beginning of 2015 served to test the functionality of the questionnaires forms to be submitted, in November and December of 2015, to 140 households in Maputo. The survey serves as both data and theory building about the economic and social indicators defining the 'floating' middle class in Mozambique. Given the complete lack of statistics and indicators about this class, the research had to create new data. The survey results are part of the Chapter 4 of the PhD thesis to be discussed in November of 2016 (PhD in Regional Planning and Public Policies, 2013–2016, University IUAV, Venice; supervisor: Prof. Marcello Balbo).

9. Solely because of such constants and rapid expansion Fundo de Fomento de Habitaçao launched a contest to create an urbanization plan for that area, at the beginning of 2000. Although it was produced, the plan has never been implemented.

10. Contrary to previous MDGs' focus on ensuring that a series of basic needs is met and inequalities between rural and urban environments reduced, the new agenda uses three overall proxies as guidelines for development policies: job creation, peace and security and infrastructure and governance, considering them to be more relevant for urban context.

11. Information for these points was collected during field survey in Maputo.

12. In Mozambique, interest rates for mortgages tend to oscillate between the 15 and the 25 per cent.

13. A house made of straw or wood

14. Personal business run outside the formal market.

15. Author's interview with prof. J. Tique, Centro do Desenvolvimento do Habitat, October 2015.

16. Several interviews with middle class professionals, teachers, and students (2014, 2015), revealed that there was a general tendency of renting a flat in the city (even if it meant living in neighbourhoods characterized by very low housing standard), primarily because people were trying to set aside the money for the construction of the real, "ideal" house.

17. Author's interview with Rui Costa, FFH's President, October 2015.

18. Information for these points was collected on discussions and focus groups with land experts, during field work in Maputo in 2015 and 2016.

19. Information collected during author's fieldwork. Interview with DPMUA Executive Director, Maputo Municipal Council, October 2015.

20. Author's Interview with local architect in charge of the plan, Vedor LDA, Maputo, November 2015.

21. Personal interview with Faculty Director, Prof. Luis Lage.

22. Interview with Catembe's prospective inhabitant.
23. Author's fieldwork, Interviews and Personal Communications, October 2015 and June 2016.
24. Author's interview with Arch. Juvane, DMPU Chief, October 2015.
25. This topic is neither clearly mentioned nor included in the recent debate on urban development or housing strategies. Also, neither the Habitat III General Secretary Report nor the "State of African Cities 2014" (among other reports) mentions the emerging middle class in relation to its hybrid (formal and informal) urban needs.
26. Author's interview with UN-Habitat program officer in Nairobi, December 2015.

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New Urbanities: Exploitation of Water Resources in Return for a Dream—The case of Kigamboni in Dar es Salaam, Tanzania

Maria Chiara Pastore

1   Introduction

Today, the African city is overwhelmed by rapid transformations and by new governing challenges. It evolves and undergoes structural changes, it expands, and it grows vertically. Urban growth impacts the city through progressive densification and the occupation of new lands by the built environment, either in the shape of informal settlements or by new top-down projects. These projects, promoted by central governments, are usually placed in proximity to primary cities or, by additions to the existing city, as satellite centres and new centralities. As Watson argues, these projects share specific characteristics, as "they consist of graphically represented and three-dimensional visions of future cities rather than detailed land use plans, and most of these visions are clearly influenced by cities such as Dubai, Shanghai or Singapore; there are clear attempts to link these physical visions to contemporary rhetoric on urban sustainability, risk and new

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technologies, underpinned by the ideal that through these cities Africa can be 'modernized'; they are either on the websites of the global companies that have developed them or are on government websites with references to their origins within private sector companies; their location in the legal or governance structures of a country is not clear—where formal city plans exist these visions may simply parallel or over-ride them; and there is no reference to any kind of participation or democratic debate that has taken place" (Watson 2013, p. 3).

Characterized by the impressive size of the land to be occupied (the average is 1000 ha, but some parcels are even bigger), urban developments are usually divided from the existing city by natural features. They stand on artificial islands created through land reclamation, or they occupy remote agricultural lands but are well connected by major transport systems such as airports and major roads.

Eko Atlantic in Lagos, La Citè du Fleuve in Kinshasa, King City in Takoradi and Kigamboni New City in Dar es Salaam are just a few examples of the new developments spreading throughout the sub-Saharan continent.

As Watson mentions, private investors own and drive these developments; central governments sponsor them; and firms and consortia are involved in the preparation of the future plans and images of these cities, representing stunning, super-modern high-rise glass buildings on green, well-kept streets, promising tidy, functional, modern, smart environments. These plans address the desires and needs of Africa's growing middle and upper classes, while seducing global elites through standardized yet recognizable images of a certain typology of city, thus appealing to major sources of foreign capital (Watson 2013). Developing these projects requires extensive areas of underdeveloped land, institutional capacity to oversee development, and huge amounts of investment capital.

These plans do not consider the reality of the cities, inhabited in large part by low-income earners who informally occupy city lands, with over-stretched and -exploited basic infrastructures, poor government resources, and limited funds to invest in new infrastructural services.

The purpose of this chapter is to investigate the impact of the new urban developments on existing cities, and through that to offer new insights on the debate concerning the governing of urban Africa, by considering the water and sanitation issue, because water is, among the various urban resources, the only one that must be locally available, as it is heavy to transport. In Swyngedouw's words, "the very sustainability of cities and the practices of everyday life that constitute 'the urban' are

predicated upon and conditioned by the supply, circulation and elimination of water". In fact, access to water and sanitation defines the political, economic and social relations of the city (Swyngedouw 2004, p. 1). The subject of the case study is Kigamboni, an area of 6492 ha in the southern part of Dar es Salaam, Tanzania, which was selected to be the site for the development of a New City.

This work is the result of the study of the Three Dimensional Masterplan for Kigamboni New City project and documentation; field surveys on the site of the project; interviews of the different stakeholders; and comparison of data from the proposed project with data collected from the interviews, field surveys and reports, regarding the entire city of Dar es Salaam.

The chapter begins with a brief description of Dar es Salaam, followed by a description of the Kigamboni New City project. It then highlights the different features related to the water and sanitation sectors, and finally considers what the possible impact of these proposed urban interventions might be on the existing cities.

2   Dar es Salaam—Kigamboni: The Case Study

Dar es Salaam is the major metropolis in Tanzania in terms of population, income and economic growth. The city's population in 2012 was 4,364,541 million people, with an annual growth rate of 5.6 %.[1]

The city is crossed by a system of rivers, small streams and a deep natural bay, all of which contributed to its radial expansion. Building is concentrated along the coastline and the four main radial roads (Bagamoyo, Morogoro, Nyerere/Pugu and Kilwa). The city is mainly composed of one-storey buildings (Brennan, Burton and Lawi 2007; Calas 2010). Expansion is occurring primarily in peri-urban areas, first alongthe main roads and then in the areas between them, thus increasing the urban sprawl, while in-filling densification occurs in more central areas (Nawangwe and Vestbro 2003).

The city's relatively young age, remarkably rapid population growth, lack of investment in the infrastructure, difficult governance, lack of coordination among the different institutions and poor financial resources all severely affect the its environment, resulting in increasing environmental degradation, shortage of basic services (like water and sanitation, health facilities, waste management, roads and basic transport facilities), inadequate housing and an increase in unplanned settlements and overcrowded conditions. Statistics indicate that today, 80 % of Dar es Salaam's built environment consists of unplanned settlements (UN-Habitat 2010).

Among its various problems, water and sanitation are one of the most striking challenges that the city faces today. As Action Aid reported, "The water system [has] failed to keep up with population growth in the city, and by 2003 only 98,000 households in a city of 2.5 million people had a direct water connection [approximately 16 %]. Only 26 % of water was being billed, 60 % was lost through leaks, and a further 13 % through unauthorised use, illegal taps and non-payers. In low-income areas, the vast majority of households had no water connection at all, relying instead on buying water from kiosks, water vendors or their neighbours, at more than three times the price" (Action Aid 2004, p. 5, in Dill 2010, p. 613).

The city's main source of water is the Ruvu River, 80 kilometres from the city centre. Other sources include groundwater and potentially a large aquifer south of the city, exploitation of which would help the city meet its increasing demand for water. Pipes mainly serve the centre and northern parts of the city, where the colonial settlement was formerly located, while the rest of the city relies on deep or shallow wells and water kiosks (Jica 2005, Ministry of Water 2011, Ministry of Water, 2006). Water vendors serve the city both in places unreached by any water service and during the temporary failure of water provision from pipes or kiosks. The system has been assessed as being able to serve only 58 % of the city's inhabitants (EWURA 2010). Sanitation is almost completely on-site, with oxidation ponds spread around the city.

The city is divided administratively into three municipalities: Kinondoni, Ilala and Temeke. Each municipality is divided into wards and sub-wards and works as a semi-autonomous authority, reporting directly to the Prime Minister's Office–Regional Administration and Local Government (PMO-RALG). The municipalities are in charge of the provision of basic services, primary health care, waste management, water supply, local roads and urban planning.

Dar es Salaam City Council, re-established in 2000 in order to improve local governance capabilities,[2] has the same powers as municipalities, with the main role of coordination, particularly in relation to cutting-edge projects such as roads, slum upgrading, health care and waste management. The central government, through the Ministry of Lands, Housing and Human Settlements Development (MLHHSD), is in charge of the planning activities for the whole country, but as Dar es Salaam remains the most complex, dynamic and challenging urban environment, it carries out many of the statutory functions appointed to the city council and the municipalities (Ilala Municipality et al. 2010).

Water supply and sanitation are the responsibility of the Ministry of Water, and the authority designated by this Ministry for the Dar es Salaam, Bagamoyo and Kibaha regions is Dar es Salaam Water and Sanitation Authority (DAWASA). DAWASA is in charge of infrastructure and planning. Dar es Salaam Water and Sewerage Corporation (DAWASCO), a parastatal authority, is in charge of operations and water services (Ministry of Water 2002).[3]

The government, over the years, has promoted a series of programmes in order to cope with the growth of Dar es Salaam. The 20,000 Plots program had the aim of providing space for private housing development through the survey of remote lands within the city premises. Satellite city schemes tried to address the challenge of peri-urban growth through decentralization of the city services, in order to decongest the city centre, and to provide a systematic attempt to guide the development of peri-urban areas. In 2009 a Korean firm, Korea Land and Housing Corporation, was selected to prepare a master plan for the development of a new city, named Kigamboni, in the southern part of the city.

Kigamboni is separated from the city centre by the natural harbour. Because of this natural feature that physically constitutes a boundary, particularly when it comes to the daily process of commuting to the city centre, the land does not host massive settlements, but a few industries are connected to the port activities, including quarry mines (average size 150 ha) extracting building materials and salt, some agriculture activities, an important portion of land occupied by military agencies, and resorts along the coastline. In Kigamboni ward, particularly in the areas close to the ferry, there are small retail merchants, corner shops, stalls and temporary kiosks. Settlements include planned residential areas, government and military houses, and scattered informal settlements. The residential building typology is the typical Swahili house, one storey high, built with concrete blocks and a corrugated iron roof, containing six rooms, three per side, divided by a corridor, with facilities outside. Water is provided by water trucks, water vendors, shallow wells and a few deep boreholes, as there is no pipe crossing the creek. Sanitation is totally on-site, with septic tanks in the touristic and small, gated communities, and latrines used by the rest of the population (Fig. 10.2).

This area is less developed in comparison with other central parts of the city for two reasons: the first is the location south of the harbour, which de facto separates the land, giving Kigamboni the appearance of an island. The time involved and the cost of commuting via ferry do not encourage

settlements. The second reason the area is less urbanized is the absence of water provision. There is no pipe connecting the peninsula, so water is distributed by water trucks in those planned residential areas and resorts, while residents of the scattered settlements buy water from water vendors. Shallow wells, if used, have a high level of salinity and are generally polluted, as the whole area has a high water table.

The Kigamboni New City project aims to accommodate 500,000 people,[4] with the development of high-income-targeted housing and new facilities. It includes a new central business district (CBD), with a new government area, strengthened tourism attractions and exploitation of the residential sector (with developments such as apartment housing, resort houses and detached houses). The main goal is to "create [an] ultra modern city to support compactness, [an] efficient transportation system of people and goods, and orderly development and land uses in the city" (Korea Land & Housing Corporation 2010, p. 273). The area currently accommodates 82,808 people, and 13,883 households (Korea Land and Housing Corporation 2010). Calculations of the actual population and population growth projections have estimated 500,000[5] people in 2030, with an increase of 83,400 households upon construction of the new buildings.

3   The Provision of New Water Resources to Supply the New Urban Development

The size of the project, an area of 6492 ha (Korea Land and Housing Corporation 2010), affects work prioritization by the water authority, thus impacting the resources available for service provision to the entire city.

In order to sustain the feasibility of the project, the area should benefit from the provision of new groundwater resources (Kimbiji and Mpera sites for water extraction), prioritized by DAWASA, which will serve the new settlements. It is estimated that the two aquifers, if exploited, can provide up to 390,000 m³/day. Water will be pumped to a central water storage tank and then distributed to three storage areas. Distribution is by pressure and gravity. Water demand has been calculated on the basis of actual water demand by high-income households in Tanzania (250 litres per person per day; see Table 10.1)—with the percentage of loss estimated at 20–25 % (in Tanzania in 2010, reports estimate a loss of 52 %)—and on overseas examples (Yemen, Oman, Algeria, Korea), with a total demand per day of 181,500 m³/day. It is noteworthy to mention that, if the project is implemented, Kigamboni's

Table 10.1 Water consumption in Tanzania based on income

Consumer category	Urban areas (L/ca/day)			Remarks
	FR	M-UT	M-PBT	
Low income, using kiosks or public taps	25	25	25	Most squatter areas, to be taken as the minimum
Low income, multiple households with yard taps	50	45	40	Low-income group housing; no inside installation and pit latrine
Low income, single household with yard taps	70	60	50	Low-income group housing; no inside installation and pit latrine
Medium income household	130	110	90	Medium income group housing, sewer or septic tank
High income household	250	200	150	

FR: flat rate; M-UT: meters with uniform tariff; M-PBT: meters with progressive block tariff.

Source: *Three Dimensional Masterplan for Kigamboni New City*. Technical Supplement Utilities (2010, p. 35).

residents (500,000 people) will receive 181,500 m³/day, while the rest of the city, with a population of 4,500,000 according to 2012 Census Statistics, relies on 164,000 m³/day (DAWASA 2010), the amount of water supplied every day in DAWASA's service area (Korea Land and Housing Corporation 2010).

The sewage system must be built from scratch, as no existing pipe or pond is located in Kigamboni (Fig. 10.1). It will be separated from the storm-water drainage system, and treated water will partially be reused for industrial, irrigation and toilet uses. Data for the provisional dimensions of the sewage system include population projections (500,000 people, 123,800 m³/day), estimation of industrial wastewater (14,600 m³/day, based on 355 ha of land occupied), for a total daily sewage production of 140,000 m³/day, and dependence on two treatment plants (Korea Land and Housing Corporation 2010). These data would not be anomalous, until it is compared to the current situation of the sewage system. It is estimated that 10–14 per cent of total liquid wastewater from the whole city is treated by waste stabilization ponds, while the rest is either buried underground or discharged directly into rivers and streams. DAWASA has eight sewage treatment systems in the form of waste oxidation ponds across the city that collect and treat about 38,000 m³/day. Daily production is estimated to be more than 255,000 m³/day (DAWASA 2010). Under these conditions, if the plans described above were implemented, the city would be unequally served by different infrastructural devices.

The other issue emerging from the project regards its implementation and governance. Its size and complexity seem to justify the proposal of a new agency to supervise the project area, as specified in the master plan report (Korea Land and Housing Corporation 2010, p. 235): "implementation process requires commitment, strong leadership, coordination, detail planning, design guidelines & development control and many players in the field that will require decision to avoid project delays and cost escalation". The decision supported by MLHHSD favours establishing the Kigamboni New City Development Agency (KDA), as a public institution. Among its duties, the agency should work on the mobilisation of human and financial resources, land acquisition and sale, compensation and resettlement, master plan policy enforcement, environmental protection and land development. Moreover, KDA would be responsible for marketing and promotion of investment in the new city along with overall project management. The new agency would be apparently under the authority of the PMO-RALG, as Ilala, Temeke, and Kinondoni. Two committees, the Kigamboni Project Committee, composed of ministers and authorities under the authority of the prime minister, and the Professional Practice Committee, composed of all the relevant stakeholders, should be put in place in order to support the KDA for the following:

> Establishment and modification of the new city master plan; Financing method for the new city project; Land compensation and resettlement policy for existing residents; Construction plan for the major new city infrastructure services; Land and housing supply plan. (Korea Land and Housing Corporation 2010, p. 245)

The different development methods proposed for implementation are public development (KDA purchases the lands and develops the project directly), owner development (landowners develop the projects within the master plan's guidelines), substitute lot (KDA develops the project for the owners) and public-private partnership (KDA and private investors jointly invest capital and establish joint venture companies). The chosen development method for seed funding is public–private partnership, while implementation includes different forms of financing: government financing, international organizations, banks/funds, issuance of urban development bonds, issuance of asset-backed securities and options like project financing and permitted private investment for infrastructure services (Korea Land and Housing Corporation 2010).
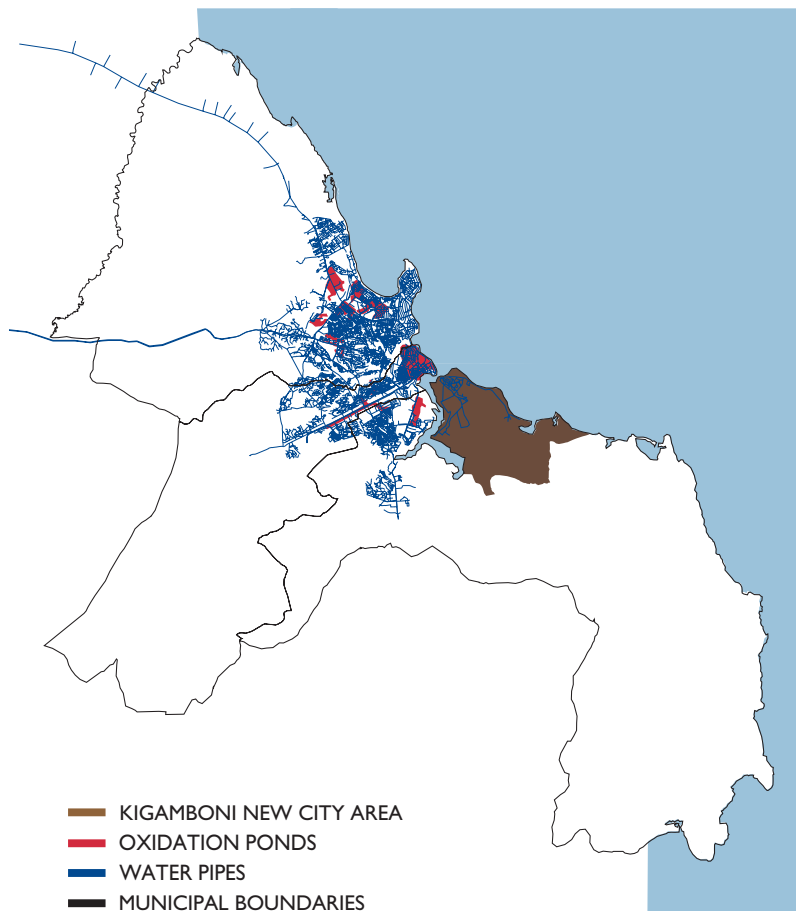
Fig. 10.1 Map of Dar es Salaam boundaries, pipes system, oxidation ponds, and Kigamboni New City Boundaries. *Source*: Dawasco Mapping Division, 2010. Courtesy Maria Chiara Pastore

The municipality in which the project is located, Temeke, is at the moment the only local authority entitled to develop the project, and it is never mentioned in the decision-making process. It is not specified whether the KDA will hold the same powers as the municipalities or be under the existing municipality's supervision. The creation and separa-

Fig. 10.2 Kigamboni Ward, Dar es Salaam (2011). *Source*: Courtesy of Maria Chiara Pastore

tion of the KDA from Temeke will also impact revenue collection, receipt of funding from the central government and various physical assets of the municipality. Temeke is currently composed of three different areas: the first includes the port and hosts various informal, highly populated settlements; the second includes all the areas where Kigamboni New City will be established; and the third includes agricultural lands with scattered settlements. If KDA is established as a new municipality, Temeke will have a very different budget coming from revenues, as well as divided lands within its premises.

In these uncertain governance conditions, responsibilities over water and sanitation are undefined. As shown in Table 10.2, the two main actors involved in water and sanitation responsibilities are DAWASA and KDA. DAWASA is in charge of the plants (two sewage treatment plants and the water extraction plants in Mpera and Kimbiji sites), while KDA is responsible for water distribution, the sewerage network and reservoirs.

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Table 10.2 Classification of the main agencies for the implementation of infrastructure

Classification	Facility type	Main agency for implementation
Site development	Road Water distribution network Sewerage network Park and others	KDA
Structures	Kigamboni bridge 1	Fund/investor
	Kigamboni bridge 2	NSSF (National Social Security Fund)/TPA (Tanzanian Port Authority)
	Kigamboni bridge 3	Fund/investor
	Tunnel 1	Fund/investor
	Underground road	KDA
	Distribution reservoir	KDA
Power plant and network		Tanesco (Tanzania electricity Supply Company)
Sewage treatment	Plant	DAWASA
Water supply	Plant	DAWASA
ICT facility	Network	Private company

Source: *Three Dimensional Masterplan for Kigamboni New City.* Main report (2010, p. 269)

Although DAWASA is responsible for the distribution and discharge of water for the whole city in the shape of pipes, sewage, oxidation ponds and reservoirs, in the Kigamboni New City project, it seems that that responsibility will fall entirely on the to-be-established new agency, presumably public. It is not specified whether KDA will assume the role of coordinator and DAWASA will be in charge of infrastructure and planning, or if KDA will be in charge of distributing, overseeing and maintaining the infrastructure.

DAWASA's 2014–2017 business plan report includes the drilling of 20 boreholes to extract water from Kimbiji and Mpera within the medium-term (2015–2017), in order to provide water to southern and central areas of the city. This prioritization confirms a willingness to exploit the aquifers and to provide water for the new project. One possible scenario considers the privatization of those branches that will distribute water and collect wastewater in this sophisticated and secluded part of the city, as well as all the treatment plants for water provision and discharge, thus isolating and enhancing the separation of this enclave with respect to the rest of the city.

4   CONCLUSION

New urban developments will be at the top of the agenda for most of the planning authorities of the growing African countries, as one of the solutions to urban growth. It is important to consider and to study these projects, not only in relation to urban growth and the provision of new housing and services, but also to relate the new projects to the existing urban environments, and to the existing infrastructures.

Although the case study is based on the master plan's report, as the project is not yet implemented, it had been possible to demonstrate how Kigamboni New City impacts the existing city by analysing the water and sanitation services. Revenue and cost recovery, based on private investments, together with the possibility for other new piped areas and a new sewage system have been considered an opportunity by both the central government and by DAWASA, and made the exploitation of Kigamboni's new sources of water a top priority.

Another interesting aspect is the necessity to overcome the possible uncoordinated situation among authorities, municipalities and the central government by creating a new agency to coordinate the work, avoid some bureaucratic contingencies and speed up the process.

Prioritizing these new projects, both in terms of infrastructural services and the development of housing and services, runs the risk of limiting investment to the existing built environment, thus opening up spatial and social inequalities of unprecedented scope. These projects, which are more like cities within cities, will realistically enhance the social division, with some areas of the city served by all types of urban services and others left without services or maintenance. Even the governance of these projects, moving towards private management, will negatively impact the city overall, increasing the challenges of the future equitable development of urban areas.

In particular, the size of new projects such as Kigamboni, even if only partially realized, might impinge in the future on water and sanitation resources in different sectors. The quantity of water allocated to these areas, for example, might create water shortages in other parts of the city, widening the water stress and increasing prices.

Urban environments represent the first places in which new projects are implemented and need to serve as pilot areas for the increasing urbanity of the next decades. The planning authorities need to reconsider city development in relation to available resources, the existing built environment and

progress toward building the capacity of the existing governing bodies, in order to implement harmonious and sustainable solutions and innovative strategies for urban growth.

NOTES

1. National Bureau of Statistics, Population of Dar Es Salaam By Sex, Number of Households, Average Household Size And SexRatio, Online Census Database [accessed September 2, 2014 at: http://www.nbs.go.tz/].
2. In 1996 due to poor performances, the government dismissed the city council. A commission was appointed with two main objectives: follow the daily activities and propose a new administration for the city, which is basically the present administrative situation. The re-establishment of the city council had the main goal to recognize local power over the huge power that the central government has over the city (Kjellen 2006).
3. [accessed 9.6.2016 at: http://dawasa.go.tz/about-us/ last].
4. Calculation does not consider temporary residents (resort guests, daily commuters, and so on).
5. It is necessary to highlight that the increase in population will not include the present population, as it "will be displaced to resettlement areas within the planning area or other areas outside the planning areas" (Three Dimensional Masterplan for Kigamboni New City, Main Report, p. 78).

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Public Spaces in Constantine, Algeria: Between Discourse and Reality

Nadia Chabi and Khalil Bouhadjar

1   INTRODUCTION

Confronted with the requirements of contemporaneity, the city of Constantine has experienced a crisis of governability. The city became a complex set of territories controlled by management methods, city planners and other politicians. As a determining element of the political urban environment of the city, public space is a privileged place for the exercise of power *"that in which the different components of society affirm their existence, come into communication with each other, discuss in exercising their power of expression and of criticism"* (Smouts 1998, p. 90). Indeed, it is an excellent stage for the democratization of local and citizen initiatives, civic engagement and government actions.

Since independence, the Algerian city has experienced malfunctions affecting its different components. Indeed, rapid urbanization supported by the housing crisis promoted the production of blocks of houses at the expense of public spaces that surround them. The resulting tension touched the Algerian public spaces that have become non-places (*non-lieu)*, in the sense that Marc Augé (1992, p. 100) defines: "A space that cannot have an identity or cannot be defined as relational or historical space is considered

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as a non-place". The Algerian public spaces have lost their importance, their shape, their role as junctions between the various urban functions, their function of meeting, conviviality, exchange, recreation (leisure, play, rest, entertainment, and so on). Public spaces usually do not receive proper consideration during the process of urban design and for that reason public spaces consist of residual land which is poorly defined, undeveloped but under the control of the state because, as Farid Marhoum (2011, p. 16) says, "in African urban space ..., intersect moments of collective massification where one makes vibrate the crowds, addressing itself to the emotions more than the reason". Besides that, the public spaces inherited from the colonial period, which carry in them the imprint of Western culture, such as the principles of democracy, sociability, and so on, are highly frequented.

The inhabitants of Algerian cities favor the use of colonial public spaces compared to those created after independence. They recognize and appreciate the quality of their design, their management, the choice of their judicious localization because they constitute places which, as Farid Marhoum (2011, p. 16) argues, *"by their localization compared to the urban centralities, promote consolidation between individuals who are identified to a group by the place they use"*. This is why the public authority has enclosed these public spaces, limiting or prohibiting their access to the public.

Today, the public space of the Algerian city is no longer the essential locus of the urban dynamics or the icon of the vitality of the urban society. On the contrary, as Farid Marhoum (2011, p. 16) says, "sociability and the places where it develops are confronted with 'the precariousness', 'the marginality' and 'the exclusion', produced by social differentiations of the city ...," revealing the weaknesses of the governance processes. Algeria is a country where public space, as Farid Marhoum (2011, p. 16) argues "is a node of challenges in societies where the concept of 'public sphere' is badly founded, and where the relationship (private/public) is muddled, vague and not too clear". What are the political means and measures, which the state must take so that public spaces constitute places of democratization, sharing and engagement with the citizenry in Algeria?

To meet this concern, the state must implement the measures announced in its own policy documents as well as those in the international charters ratified by the Algerian state, especially the charter for the environment and sustainable development. These charters were established for local authorities in order to implement an environmental action plan called Agenda 21. In fact, there is a gap between the discourse and the reality in the field. It is imperative to ensure the application of the appropriate legal texts in terms of urban policies through the decentralization and the transfer of certain competences

related to urban management and town planning. The new instruments such as the Local Government Act (Law No. 90-08), the Urban Land Act (Law No. 90-25), the Planning Act (Law No. 90-29), the master urban development plan (*'Plan Directeur d'Aménagement et d' Urbanisme'*) and the land use plan (*'Plan d'Occupation du Sol'*) should be put in practice and implemented in order to facilitate work in public spaces at the local scale. By the force of these abovementioned laws, local government became responsible for the quality of public spaces and for the future of their cities.

The control over public space, the way it is produced, managed, how it is governed, its environmental dimension and layout reflect the way the city is governed. Thus, public space is becoming the keystone of any successful urban improvement operation within the framework of sustainable development. This is also the case in a city like Constantine, with its medina, its colonial fabric and its new town Ali Mendjeli. Any work carried out in the city requires the development of urban policies that take into account the expectations of citizens, if it is to face the new challenges imposed by contemporaneity: sustainable development, good governance based on participation, negotiation and coordination between the different actors of the society in question, and so on.

The research is based on the real life of the inhabitants of Constantine that have resentment towards the public spaces in their city. As Rachid Oulebsir (2013) shows, this discomfort results from the "prohibition from enjoying the public space and the exclusion of this property that was once of their parents. They have structured a defiance report, initially, and then a conduct of destruction of public space that is the property of the enemy". Therefore, an empirical approach, based on the observation of an aspect of social reality, has been selected. It is consolidated by a content analysis of the legislation and graphic illustrations to transmit faithfully the lived reality of public spaces. Our main research tool was the field survey, which allowed us direct contact with the population and public spaces.

Thus, the inhabitants of Constantine were questioned on public spaces, their use, their management, the actors responsible for the management, the participation of the citizens in their management and so on, through a questionnaire prepared by the authors. The target population for this survey concerns the inhabitants met in the city centre, the outskirts of Constantine and its new town Ali Mendjeli. The questionnaire did not target a class or a category of age in particular. The sociological survey has not favoured the distribution of the population by sex. This survey does not claim to be exhaustive. To generalize the results, this work must include a second part, which supplements the results of the present work.

This complementary work is planned by the authors, but not completed yet. It consists of carrying out interviews with the decision-makers and the actors responsible of the creation and management of Constantine and its new town Ali Mendjeli, in particular their public spaces. Through the exploration of this case, the chapter aims to contribute new insights to the debate on the governing of urban Africa, in particular to the discussions focused on the policies towards urban public spaces in the African cities.

The structure of this chapter is articulated in four parts. It starts by giving an outline of the governance and urban policies of Algeria. Then it tackles the subject of the use of public spaces and its management through a sociological survey. Citizen participation constitutes the basis of the new vision of governance, especially for the public spaces of Constantine and its new town Ali Mendjeli. The following part concerns the interpretation of the survey's results, and the last presents the general conclusions of this chapter.

2   Urban Policy in Algeria

2.1   Overview of Governance and Urban Policies Issues in Post-Colonial Algeria

After 50 years of independence and several waves of public-policy initiatives, Algeria is facing a deep crisis of governance, notably with regard to its cities. Every actor, notably central government, tries to control the policy process in order to keep a monopoly on governance. However, this monopolist attitude of administrative control destroys the existing relations between the institutions of the state and local government, which is in charge of the daily management of the city, thus hindering the resolution of the urban social problems.

This last aspect reveals the incoherence between the official discourse of the state and the reality. It is clear that these political conditions of failure reverberate on the city, its components, its scheduling, its urbanism, its management and so on. Excluded from the politicians' consideration, the citizen becomes a passive actor in the environment that surrounds him, notably in relation to the application of urban policies concerning his city. A divorce exists between the citizen and the decision-makers, the administrators, the governance and the future of their city. Thus, the contract of confidence that must exist between administrators and citizens is broken, generating a crisis of citizenship in Algeria.

Just after the independence, the government's major concern was to implement national sovereignty in all its territory, after a colonial occupation that lasted 130 years. In the beginning, urban policies were seen as an emergency response to the catastrophic situation in the country. They were not conceived primarily as the framework for state investments in infrastructures and in different economic sectors. This sector and monopolist approach gave priority to the development of industry with the aim of decreasing the regional disparities (south/north, zone of the Highlands/zones of the coastline, city/countryside, and so on) and to the construction of housing, with a clear neglect of urban public spaces. This approach generated spaces of life that were disarticulated, poorly defined and underequipped, endowed with investments that did not correspond to the real needs of the population.

Since the 1990s, with the transition to a market economy, changes in policy have been marked by a new orientation of state action, which allowed the emergence of new actors in both the public and private sphere. This change, even if it was mainly at the level of discourse, created a challenge for Algeria in the governance of public spaces, as in the case of Constantine and its new town Ali Mendjeli, where public spaces were overlooked in the design; instead they were marked by a lack of effective support, management and maintenance.

2.2 Concertation as the New Vision of Urban Governance: The Case of Public Spaces in Constantine and in Its New Town Ali Mendjeli

The way public space has been considered and valued in the post-independence urban policy in Algeria has been responsible for the fact that urban public space is generally underused by citizens. Indeed, the inhabitants of Constantine live much more inside than outside the house. This reality highlights the clear separation between the public space and the private one. There is a political will to impose this demarcation because it limits the exercise of citizenship and the duties of the inhabitants in the city, which ensures possession of public spaces by the state. In this case, the "public" becomes the field of intervention of a state that has a monopoly and control of all public spaces: streets, public gardens, park, square and so on. In fact, these public spaces are places of democratization where formation of the forces opposing the established power can take place. Therefore, the control of public spaces allows the state and its institutions

to remain in place while seeking to control the society. The citizen as a user is excluded from the processes of design, implementation, management and monitoring of the public spaces that represent the strong link of democracy and highlight good governance.

3   The Governance of Public Spaces in Algeria

A survey entitled, 'Governance of Public Spaces' was undertaken, in December 2015, with the aim of analyzing the use of public spaces by the inhabitants of the city of Constantine. The target population for this survey were the inhabitants that usually met in the city centre, in the outskirts of Constantine and in its new town Ali Mendjeli. The questionnaire did not target a particular class or age category. The survey has not favoured the distribution of the population by sex. The sample comprised 300 persons, users of public spaces in the city of Constantine. This sample is made up of 38 % men and 62 % women. The survey revealed important facts about the use of public spaces in the city of Constantine.

3.1   Use of Public Spaces

The survey reveals that only 52 % of the surveyed population use public spaces (Fig. 11.1), which consist mainly of the public gardens created during the colonial period. These public gardens are not considered as gathering places or venues for debate, which is the reason they are fenced off and closed to the public—as is the case with the Beirut garden in Sidi

Fig. 11.1 Use of public spaces. *Source*: Authors, January 2016

Use of public spaces

No 48%

Yes 52%

∎ Yes   ∎ No
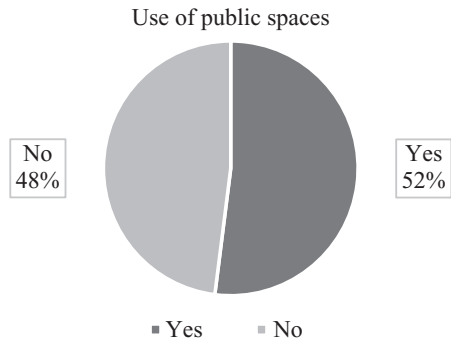
Fig. 11.2 Public square of Sidi Mabrouk Inferieur. *Source*: Authors, January 2016

Mabrouk Superieur and the public square of Sidi Mabrouk Inferieur (Fig. 11.2)—except those located in the city center (Fig. 11.3). It is clear that citizens prefer to exploit the public spaces where security is provided, such as shopping centers and sports complexes, especially in the case of women.

Furthermore, the survey shows that athletes go to public areas located in natural surroundings such as natural parks (forests, places with trees, lakes and so on) located in a rather elevated zone, such as Djebl El Ouahch, Baaraouia (Fig. 11.4), El Meridj and so on. The rest of the interviewees, representing 48 % of the sample, do not frequent public spaces.

Fig. 11.3 Public spaces of Constantine City Center. *Source*: Authors, January 2016

3.2   Practices and Uses

The control of public spaces by the state significantly affects the use (and the non-use) of these spaces. Moreover, the uses of public spaces are limited, as shown in this exploratory research. Thus, 27.05 % of respondents use public spaces to meet their friends, and 22.64 % exploit these places to get acquainted with other users and have discussions with them. As outdoor playgrounds are scarce or non-existent, 20.12 % of respondents use such public places as play areas. The remaining 10.06 % of the interviewees read newspapers in these spaces. On the other hand, 17.61 % frequent these areas to practice sports, to walk with their family or simply to rest. The remaining 12.58 % did not answer (Fig. 11.5).

The use of these public spaces does not take place every day. The majority (49.30 %) of the interviewees used these places once a week. However, 19.20 % occupy these places two times per week, whereas 13.70 % do not use them; they do nothing but pass by these places. There is a minority

Fig. 11.4 Natural space of Baaraouia. *Source*: Authors, January 2016
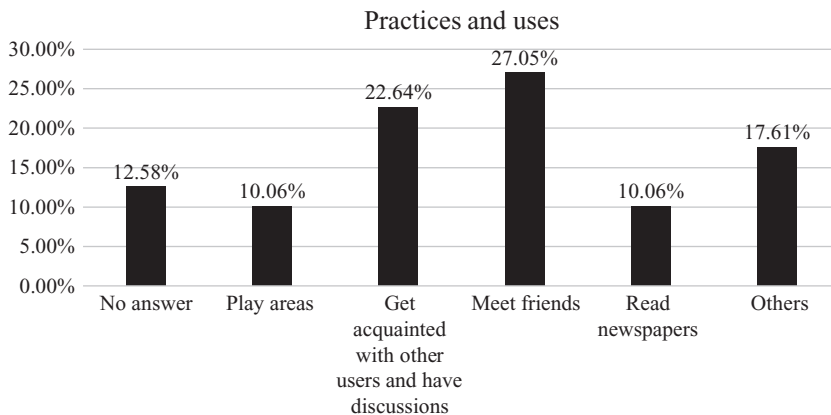
Fig. 11.5 Practices and uses of public spaces. *Source*: Authors, January 2016

of 2.70 % using these spaces daily; 15.10 % rarely use these spaces (once a month, one hour a week and so on) (Fig. 11.6), 18 % use these areas occasionally and 11 % did not want to answer (Fig. 11.7). Furthermore, the use of public spaces by the surveyed population is mainly done in the afternoon. Indeed, the majority of respondents (58 %) use these public places in the afternoon, while only 13 % use them in the morning.

The users go to these places accompanied, fearing to find themselves alone in these anonymous and deserted public spaces (Fig. 11.8). They prefer to use such public places in groups. Indeed, 75 % of respondents go accompanied to these spaces. The majority, accounting for 38.10 % of the users, goes to these places with their friends. In the case of 12.45 % of
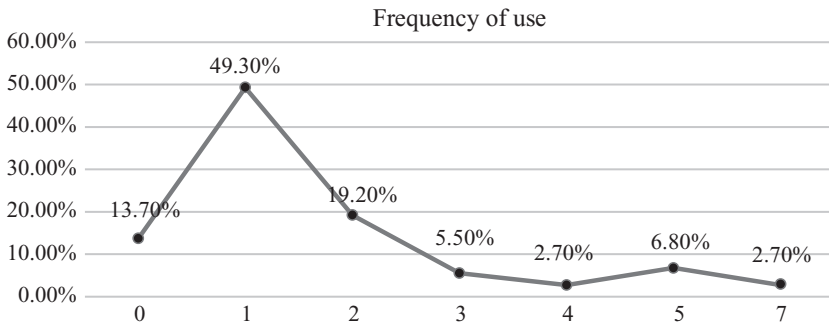
Fig. 11.6   Frequency of use of public spaces. *Source*: Authors, January 2016
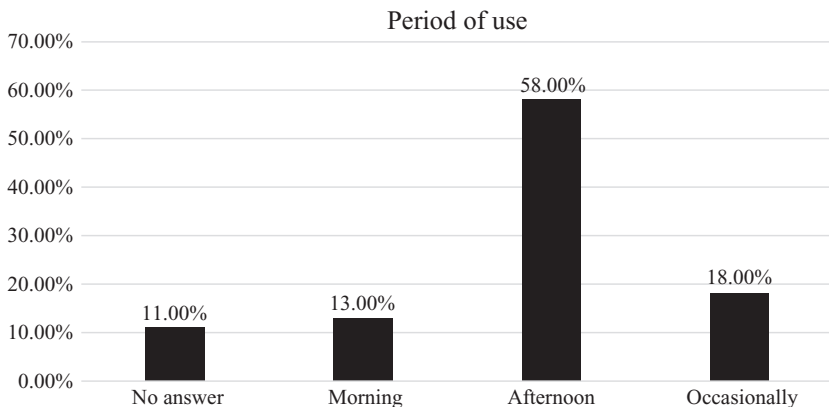
Fig. 11.7   Period of use of public spaces. *Source*: Authors, January 2016

Fig. 11.8 Accompaniment to public spaces. *Source*: Authors, January 2016

Accompaniment

No answer 16%

Yes 9%

No 75%

■ No answer   ■ Yes   ■ No

Accompanist

- 45.00%
- 40.00%
- 35.00%
- 30.00%
- 25.00%
- 20.00%
- 15.00%
- 10.00%
- 5.00%
- 0.00%

38.10%

12.45%

9.82%

7.20%   7.20%

0.23%

No answer   Brother(s)   Sister(s)   Father/Mother   Friend(s)   Other
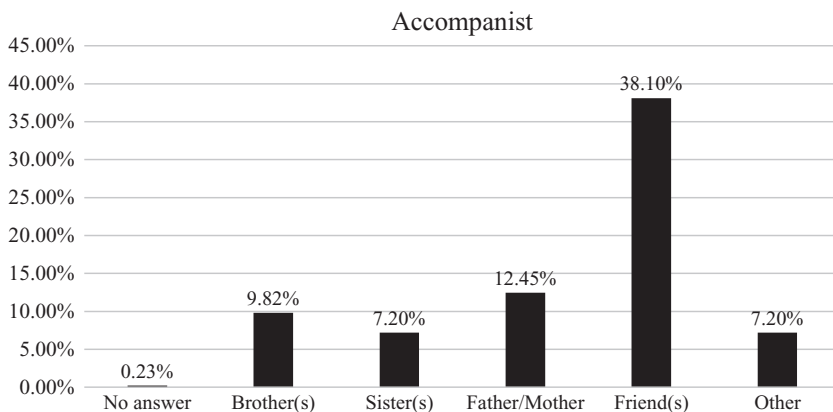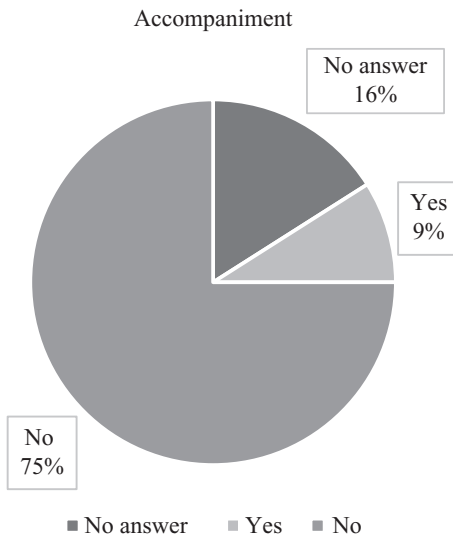
Fig. 11.9 Accompanist of users in public spaces. *Source*: Authors, January 2016

respondents, parents go with them, and 9.82 % use these places with their brothers. As for women, representing 7.20 % of the surveyed population, they go to these public areas with their sisters. The remaining 7.20 % of the surveyed population uses these spaces with their families (spouses, children and so on), and 0.23 % did not answer (Fig. 11.9). Safety and

comfort are essential for the frequentation, the practices and the use of the public spaces. Indeed, the use of these spaces depends on their design, convenience, hygiene and security.

3.3   Comfort and Security

According to the survey respondents, the public spaces of Constantine pose problems of comfort, security and hygiene: 48 % of respondents who do not use public spaces justify their non-use by citing the lack of comfort and safety. Among these 48 % (i.e., non-users), 13.54 % did not use these places because of the bad reputation of some of its users. This was the main cause of their non-use of public spaces.

The second most commonly cited reason for non-use (12.48 % of respondents) was lack of hygiene. Finally, security concerns were cited by 11.47 % of the non-users surveyed. Other parameters of comfort which prevented people from using public spaces were remoteness and location. Indeed, 10.37 % of respondents justified their non-use of public spaces by citing two factors: the remoteness compared to their places of residence and the dangerous position of these places in the urban fabric—pointing out, in particular, locations between two major highways or near heavily trafficked roads without any protection from vehicles (Fig. 11.10). The remaining 0.14 % of surveyed persons did not answer (Fig. 11.11).

Security

Security is a sine qua non condition for the use of public spaces in Constantine. As the users are excluded from the management process of public spaces, the majority does not know who is in charge of public-space safety, cleaning, management and so on. Indeed, 50 % of the surveyed people consider the public places are secure (Fig. 11.12). Among these 50 %, a total of 17 % estimate that public-service security agents ensure safety, 13 % suppose that the APC[1], the Safety of the *wilaya*[2], and the forest agents are security managers of the public places which they frequent, while 8 % argue that the *gendarmerie* ensures the security of these areas. Seven percent confirm that the police are in charge of this task. Moreover, 3 % of respondents using these places have no idea of the entity in charge of this mission. As for the remaining 2 %, they affirm that the users themselves provide security for these spaces (Fig. 11.13). These responses confirm, in fact, the confusion that exists about who is responsible for the security, cleaning and design of public spaces and highlight the lack of

Fig. 11.10 Dangerous position of public spaces in the Urban Fabric of the New Town Ali Mendjeli. *Source*: Authors, January 2016
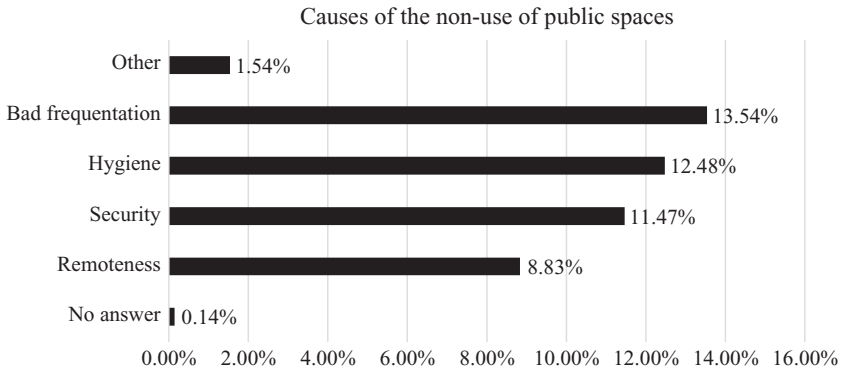
Fig. 11.11 Causes of the non-use of public spaces. *Source*: Authors, January 2016

Fig. 11.12 Security of public spaces. *Source*: Authors, January 2016

Security of public spaces

8.00%

42.00%

50.00%

■ No answer ■ Yes ■ No

Entity in charge of public spaces' security
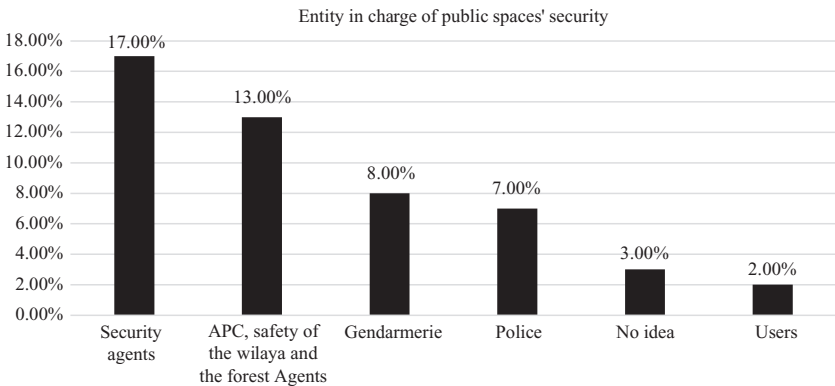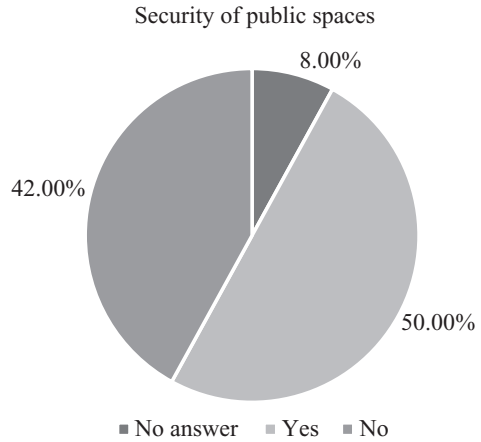
Fig. 11.13 Entity in charge of public spaces' security. *Source*: Authors, January 2016

dialogue between local authorities and citizens. This is because the governmental institutions in charge of public-space governance exclude citizens and do not inform them about the decisions and actions they take. In fact, ambiguity and lack of transparency characterize the governance of these special areas.

Concurrently, 42 % of respondents attest that there is a lack of safety in these areas. Among these 42 %, there are 30 % who estimate that they have no answer to give as to the reason for this, 8 % have confirmed that this is because of a lack of security and police officers. However, 3 % have no

idea about the security of these public spaces. The rest of the respondents (1 %) deplore the absence security and surveillance systems (camera, video feeds and so on) and general neglect of urban security on the part of the authorities (Fig. 11.14).

Comfort

If the security is regarded as major problem reducing the use of public spaces, lack of comfort constitutes another important parameter which limits the frequentation and the utilization of these places. Only a slight majority of the surveyed population (56 %) estimates that public spaces in Constantine present an acceptable comfort level (Fig. 11.15). Among them, 17.65 % consider that public spaces are secure, 13.55 % consider the public places well landscaped, and 12.38 % state that accompanying services exist in these places (i.e., kiosks, cafeterias, public toilets and public transport) . Moreover, 10.58 % of the interviewees felt that hygiene is adequate in the public places. Of the 56 % who find the public spaces "comfortable", 1.73 % claim that they have no other options and that they use them just for the pleasure (Fig. 11.16).

In parallel, 37 % of surveyed people confirm that there are problems related to the comfort of the public spaces in Constantine, among them the lack of spaces fitted with outdoor furniture and amenities (benches, dustbins, tables, lighting, light-signaling devices, trees and so on), the absence of accompanying services (kiosks, cafeterias, public toilets, public transport serving these public spaces and so on) and poor hygiene and security. The

Causes of lack in safety of public spaces
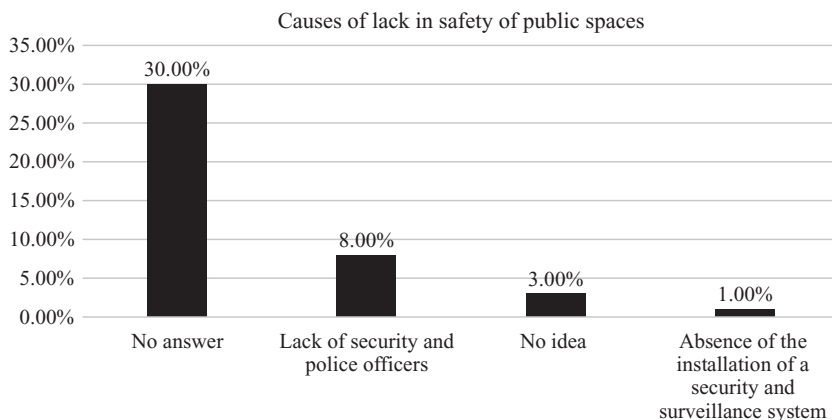
Fig. 11.14 Causes of lack in safety of public spaces' security. *Source*: Authors, January 2016

Comfort of public spaces

Fig. 11.15 Comfort of public spaces. *Source*: Authors, January 2016

Indicators of comfort in public spaces
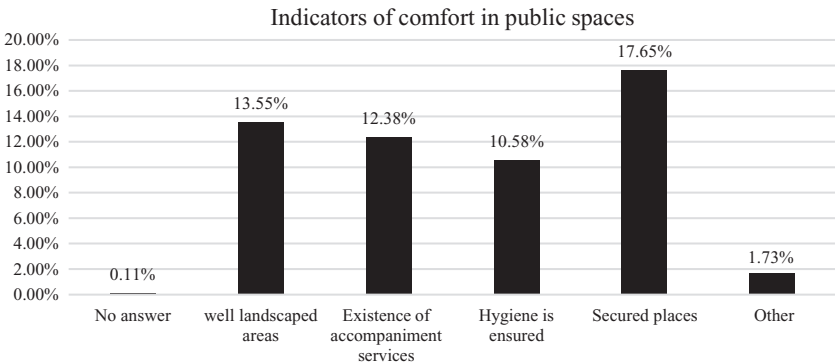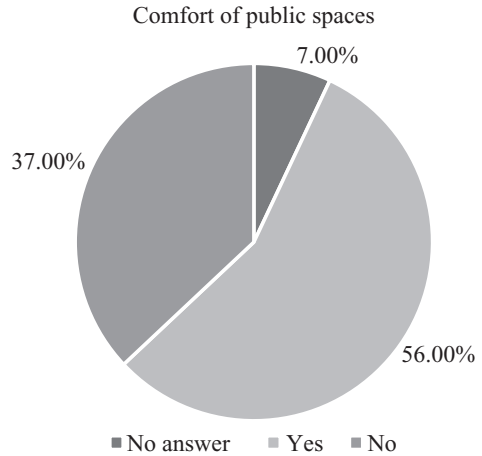
Fig. 11.16 Indicators of comfort in public spaces. *Source:* Authors, January 2016

rest of the surveyed population (7 %) did not answer. This investigation has also raised issues relating to the management, servicing and maintenance of public spaces in Constantine, which will be discussed below.

3.4   *Management, Service and Maintenance*

The fact that most public spaces in Constantine are neglected poses serious problems for their management and maintenance. People believe

that since the state controls these public areas it should take charge. Users of these public spaces affirm that their role is limited to the use of these spaces, without participating in their management or maintenance (Fig. 11.17). Thus, 50 % of the people surveyed do not take part in the operations of management, service and maintenance. Among these, 33 % feel that the state decision-makers who control these spaces must deal with them, whereas 6 % are unaware of who manages public space. In addition, 11 % of respondents believe that the relevant state departments, like the APC and the APW[3], must be responsible of these public spaces. The remaining five % do not feel concerned by this preoccupation (Fig. 11.18).

Meanwhile, other users, 45 % of the people surveyed, take part in the management, the service and the maintenance of public spaces through approved associations (24 %), and voluntary work (12 %). The remaining 9 % believe that their participation is limited to leaving the public spaces clean or cleaning them occasionally, considering this an act of responsible citizenship. Most of the time, these maintenance operations are initiated by citizens without consultation with local authorities (Fig. 11.19).

Fig. 11.17 Participation of citizens in management, service and maintenance of public spaces. *Source*: Authors, January 2016

Participation of citizens in management, service and maintenance of public spaces

No answer 5%

No 50%

Yes 45%

■ No answer   ■ Yes   ■ No
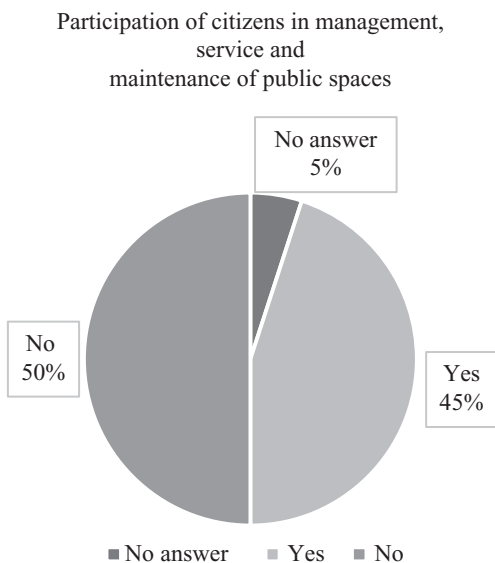
Fig. 11.18 Entity in charge of management, service and maintenance of public spaces. *Source*: Authors, January 2016

Entity in charge of management, service and maintenance of public spaces

■ The state   ■ Concerned services   ■ No idea

Citizens' form participation in management, service and maintenance of public spaces
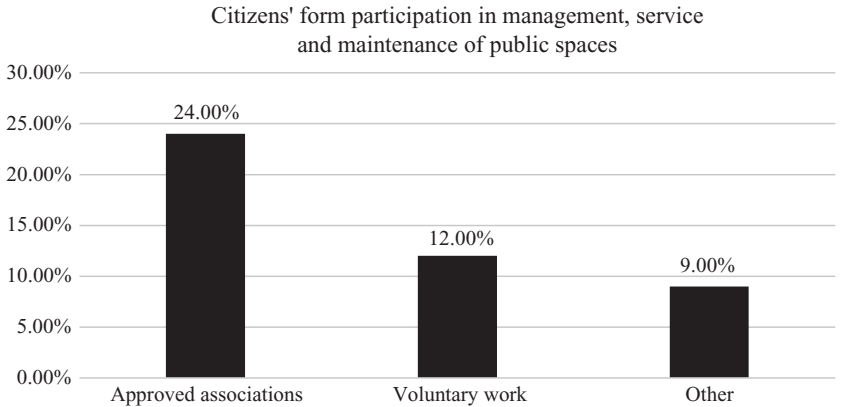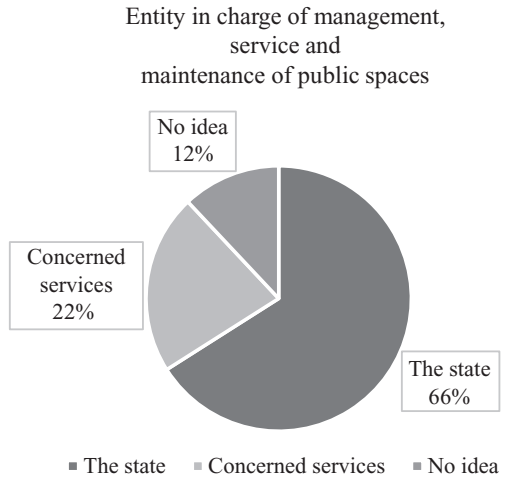
Fig. 11.19   Citizens' form of participation in management, service and maintenance of public spaces. *Source*: Authors, January 2016

3.5   *Concertation*

As the state controls public spaces, it is the only active actor responsible for the decisions, actions and interventions carried out in these public

places. Thus, the state voluntarily excludes citizens from the process of taking charge of the public space. The state provides funds, designers (developers, town planners, architects and so on) and the agents of control. In this context, civil society plays the passive role of a spectator who can only accept or reject the public spaces built by the state. Indeed, this exploratory research reveals that there is a rupture between the authorities and the citizens in this regard. Citizens are not informed about urban operations concerning public spaces, such as improvement, refitting, and embellishment.

Citizenship Versus Governance

The relevant state departments autonomously take decisions and actions to ensure the maintenance of public spaces. There are no sensitization or media campaigns aiming to involve users. However, the survey reveals that citizens are willing to exercise their citizenship by participating in the management of public places if the state would inform and consult the inhabitants. Moreover, there is a willingness on behalf of the surveyed citizens to point out the problems of public spaces to the relevant institutions. Moreover, 55.40 % of respondents are taking steps to get in touch with local authorities to improve the public places of Constantine. A total of 39.20 % of people interviewed tried to contact a member of their neighborhood committee in order to pose their problems concerning the public spaces, but 5.10 % do not know whom to contact. Others remain completely resigned users because of the lack of consultation and malfunction that characterize the governance of public places in Constantine (0.30 %) (Fig. 11.20).

Wishes and Aspirations of Citizens

The governance of public spaces of Constantine rests entirely on the state. The later tries to improve these spaces by scheduling and carrying out urban operations (embellishment, urban improvement and so on). However, the government maintains a monopoly on the planning and management of these places in order not to lose control. The decision-makers fear that the inhabitants will assert their citizenship rights to share the power with the state. Indeed, public-space management represents a threat to those in power because the spaces themselves provide a venue for citizens to organize, assert their claims and engage in the public protests.

Conscious of the part these public places play in their living environment, the majority of the surveyed population (86 %) wishes that public spaces were well designed and arranged, cleaned and made safe to

Citizenship concerning public spaces
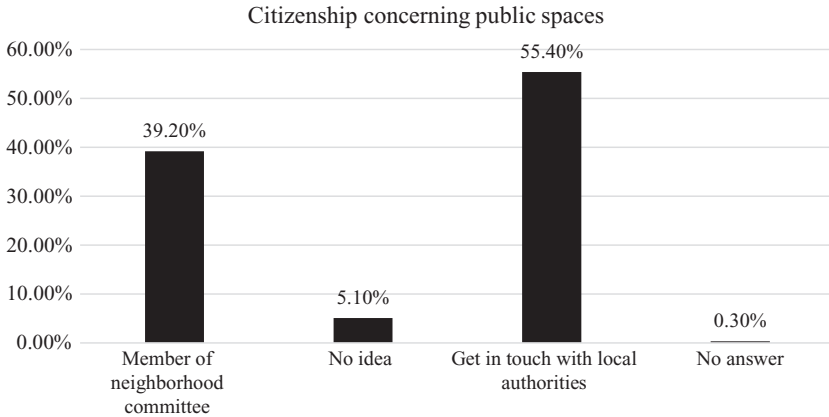
Fig. 11.20 Citizenship concerning public spaces. *Source*: Authors, January 2016

use. According to them, this urban resource must be able to play the role assigned to it by the citizenship. Among this majority, there are citizens who want public spaces designed, built and maintained according to international standards of urban planning and architecture. In fact, the citizens want that public spaces to resemble those of the developed countries, in particular, France. Others aspire to have public spaces which are designed to accommodate children and the elderly people while also including green spaces. Some of these respondents also wish that the state would integrate a policy based on awareness and consultation while applying standards of environmental quality (HQE,[4] HQE²R,[5] and Agenda 21). They wish to participate in urban operations concerning the improvement of the quality life and the environment in their city, in particular, the public spaces. The remaining 14 % of those surveyed did not want to answer.

3.6   *Interpretation of the Results*

This research has highlighted some issues related to the public spaces of Constantine and its new town Ali Mendjeli. Indeed, the results have confirmed the observations made in situ. Moreover, they have permitted us to

evaluate the governance of public spaces in Constantine and its new city Ali Mendjeli. The following observations can be made on the results of this survey:

- There is a gap between the official discourse and the reality on the ground.
- Urban governance based on negotiation, participation, and coordination between the different actors, including citizens, is, in fact, nonexistent.
- Old, monopolistic attitudes persist that are aimed at imposing a model of the city, including its public spaces, in which citizens are always under control.
- Civil society is alienated because there is no consultation and participation of citizens regarding the operations carried out on public spaces. This irrefutable fact generates a feeling of discomfort, insecurity and great frustration.
- The decisions taken and investments made for the operation of public spaces are always centralized: there is no consultation or involvement of the citizens in the decision-making, conception, management, and so on.
- According to the objectives of the state and the institutional culture it imposes, the citizen is considered a passive actor consuming space.
- There is a lack of quality in the projects undertaken in urban public spaces, especially in terms of environmental standards.
- There is lack of accompanying services in public spaces.
- Location of these public places in relation to the residential areas is poor.
- Their remoteness and their position in the urban fabric pose traffic-accident risks and problems of accessibility and transport.
- The public spaces built during the colonial period are always closed to the public.

4   Conclusion

Despite recent political changes in Algeria towards increased administrative decentralization and citizen participation in public affairs, the old political culture—centralist and focused on certain sectors to the exclusion of others—continues to be present in multiple areas of Algerian life, thus

constituting a barrier to reforms. Indeed, the results of the survey confirm that there is a disconnect between policy-makers and citizens. In addition, while the literature review shows that the political discourse in Algeria includes laws that have been established according to international standards coming from the developed countries whose policies are founded on democracy, the implementation of these policies fails to attain the aims proclaimed in the political discourse.

Thus, municipal officials become mere executants of policies determined by central government, ignoring the needs and expectations of the citizens. The latter are excluded from the governance process of its city and its environment, especially its public spaces. Moreover, the results of the survey confirm that the public space is not the cornerstone of the urban composition. Considered superfluous, they consist of residual spaces whose shape is difficult to arrange. Their locations are chosen in such a way as to make their accessibility difficult and even dangerous, because they are not considered to be important junctions for urban living or given a key role in the daily life of citizens.

Abandoned, unmanaged and unsecured, these public spaces are uncomfortable for citizens, who as a consequence do not use them. They have become "no"-places that are poorly attended.

The results of the survey show that people are willing to take part in the management of their environment, especially public spaces. Therefore, this work can be the basis for outreach work with citizens. It can be used to determine their needs and aspirations and establish a dialogue between the various stakeholders, especially the citizens. It can become a basis around which local authorities can coordinate the actions of the various partners in question, public and private, where local authorities play the role of regulators while adopting an inclusive and participatory approach. This work can be used to establish a charter of public spaces. It is a kind of guide supporting the idea that the quality of public spaces must be respected.

For better governance, those responsible for city planning and management (governors, managers, politicians, architects and so on) must think about the best way to urbanize the territory and how to provide the citizens with an adequate built environment. Their projects must meet the needs and expectations of users for whom they are intended. The financing of these projects should be done following the guidelines and requirements of the state and its legislation while taking into consideration the state's responsibilities towards consumers, taxpayers and the electorate. Meanwhile, researchers have a duty to assist the authorities to understand the city because they have

the keys to explaining the complex mechanisms that make up the city. They should address issues of governance, management, efficiency and equity so that state interventions will be successful. Their analysis can provide answers to practitioners. Sharing knowledge and concerns with the different actors in the city will allow all stakeholders to overcome segmentation and to build new references even if they do not share the same interests.

The criteria that guide operational decisions cannot be reduced to financial indicators or limited to quantitative assessments. On the contrary, quality should be the priority, while the financial and managerial aspects of planning and urban redevelopment operations, land management and socio-economic analysis should also be taken into account, along with the modes of operation carried out in the public sector or the private sector. Coordinating these multiple interventions is necessary in order to optimize them. This requires skills and project management tools to harmonize between actions and decision making in the direction of the project's strategic objectives, including communication—media coverage and facilitating access to information—and the means of monitoring and control.

Even if it is true that this work reflects the reality of the field, however, it can never be a sufficient basis on its own to ensure the design and management of public spaces. It must be supplemented by the contribution of other skills. Indeed, in order to translate the needs and aspirations of citizens into design, laws and so on, we need contributions from other professionals such as lawyers, project managers, architects, artists, policymakers among others. Public spaces depend on the presence and work of a multidisciplinary team—a conclusion that should be considered by those engaged in the governing of urban Africa. The team should act like a cell, activated on the site of the intervention, that is able to respond to the concerns of citizens while trying to address their grievances. It must be able to organize the associations and their activities in the form of volunteer work so the citizens can improve and use their public spaces.

Notes

1. Assemblée Populaire Communale (Communal People's Assembly).
2. The Wilaya is an administrative division of Algeria: the city and its region with territorial governmental entity.
3. Assemblée Populaire de la Wilaya (Wilaya People's Assembly).
4. High Environmental Quality (Haute Qualité Environnementale).
5. E^2 stands for Environment and Economy in rehabilitation projects, so this acronym means "High Quality of Environment and Economy".

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Limits of Acceptable Change and Heritage Management on the Island of Mozambique

Margarita Gómez Salas de Schetter and Oliver Schetter

1   INTRODUCTION

Limits of Acceptable Change (LAC) is a planning and management tool focused on the relation between transformation and conservation. It calls for awareness towards change; this includes reflecting on the origins of change as well as possible effects or consequences, which are important issues in the overall process of urban governance in Africa. LAC provides the opportunity to analyse and to look for categories of solutions in different spatial contexts. Problem-solving is not limited to restoring conditions; new possibilities can arise by way of alternative standard setting. But how can LAC be relevant for heritage site management?

Using the example of the UNESCO-protected World Heritage Site Island of Mozambique, this chapter explores the possible relation between this management planning methodology and other existing spatial planning and conservation instruments. While complementary use of these

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instruments is feasible because of structural and logical analogies, the comparative advantage of LAC is that it places the concept of change at the centre of action, as it is a tool that supports the management of change.

Especially in a place like the Island of Mozambique, which is subject to dynamic on-going change for to a number of historic and social reasons, exploring the use of LAC can provide interesting impulses. Tapping this potential responds to current academic discussions about how to manage the world's historic heritage. These discussions include raising questions of what should be permitted to change and what should be destined for preservation? Especially in urban heritage sites, the formulation of answers requires both political and social engagement of different stakeholders. Many interests are brought to the table for discussion and negotiation. The specific challenge with regard to LAC is to demonstrate how and where this potential can actually be applied in instructional and social landscapes and in the context of public programs, actions and regulations. Analysis of historic, legislative, administrative, instrumental, and programmatic conditions applied on the Island of Mozambique shows that the implementation of LAC not only depends upon harmonization with other conditions but that the tool requires proper use and especially the fundamental will to actually employ it in heritage settings.

The chapter initially portrays the historic and current dynamics on the Island of Mozambique, examines the way that planning documents respond to this dynamic, assesses the added value of LAC and then looks for the tool in the context of institutional planning. Section 2 briefly presents the Island of Mozambique, synthesises its spatial genesis and highlights the features that UNESCO qualifies as worthy of heritage protection. Section 3 explains the different challenges to conservation on the two culturally and socially distinct sides of the Island. Section 4 analyses the positions of different categories of plans with regard to the Island's heritage conservation, and Section 5 presents the main features of LAC, provides examples of its application in heritage conservation and compares its methodology with that of urban planning in Mozambique.

2   ISLAND OF MOZAMBIQUE AS A HERITAGE SITE

The Island of Mozambique, declared a World Heritage Site by UNESCO in 1991, is located in the Province of Nampula, in northern Mozambique. According to the Plano de Gestão e Conservação da Ilha de Moçambique 2010–2014 (PGCIM 2010, p. 28), in 2010, about 17,000 people live on

the tiny Island (of about 1 km²), which is connected to the mainland by a 3.5-km-long bridge, built in the 1960s.

The Island of Mozambique first emerged as a trading post in the Swahili culture between 900 and 1500. In early 1500 the Portuguese took control of the area, installed a trading station in the northern part of the Island and began to consistently construct buildings out of stone. The local population, as well as slaves and servants, settled in dispersed huts built with mangrove roots and local wood and covered with palm tree leaves known as *macuti* houses, after the local population. This distinction prevailed during the whole colonial period and was emphasized by norms and regulations that created a strong social and physical division in the Island's fabric. As the settlement extended from the northern part of the Island southward, the specific territorial occupation changed. An initial longitudinal east-west separation gradually shifted until it consolidated as a north-south separation during the latter part of the nineteenth century when the colonial 'Stone town' occupied the northern and central portion and the local '*Macuti* town', the southern portion of the Island. These successive transformations are explained and meticulously mapped for several pivotal historic moments in the report *Ilha de Moçambique, Relatório-Report 1882–1985,* produced jointly by the Secretaria de Estado da Cultura—Moçambique and the Arkitektenskolen i Aarhus between 1982 and 1985 (SEC & AA 1985, pp. 24–33).[1]

In the mid-1970s, during the transition to independence, the rapid exodus of colonizers led to a process of depopulation of the Stone town and public infrastructure began to deteriorate. *Macuti* town, however, continued to grow and building materials were sourced from abandoned buildings in Stotne town. During the civil war (1977–1992), there was an influx of population from mainland rural areas, which led to a strong densification of the *Macuti* town and the illegal occupation of some abandoned buildings in the Stone town. Between 1980 and 2007, the Island's total population increased from around 6837 to 13,350 (PGCIM 2010, p. 62). However, in 1988 the population had already reached around 14,000 (Mazzola 2001).

The 1985 in-depth study of the built heritage *Ilha de Moçambique* (SEC & AA 1985) enabled Mozambican authorities to present the Island to UNESCO as a candidate for a World Heritage Site. The survey included both Stone town and the local quarters of *Macuti* town with their popular architecture. The value of popular vernacular architecture in Mozambique had already been emphasised elsewhere through the work of the renowned architect 'Pancho' Amâncio d'Alpoim Guedes (1971, pp. 200–209).

When the Island was inscribed in the UNESCO World Heritage List in 1991, the status of World Heritage Site applied to the whole Island, including Stone and *Macuti* towns. Despite this general inclusion of the physical environment, the Portuguese colonial history and its legacy are the determining factors for the listing by ICOMOS. Under criterion (iv) ICOMOS highlighted that 'the town and the fortifications on the Island of Mozambique, and the smaller Island of St. Laurent, are an outstanding example of an architecture in which local traditions, Portuguese influences and, to a somewhat lesser extent, Indian and Arab influences are all interwoven. For criterion (vi), the Island of Mozambique was considered to bear 'important witness to the establishment and development of the Portuguese maritime routes between Western Europe and the Indian subcontinent and thence all of Asia' (WHC 1991).

3   HERITAGE SITE UNDER TRANSFORMATION

Today, the integrity of the built heritage on the Island is threatened and it is suffering from the loss of many of the characteristics that qualified it as a World Heritage site. According to the nomination dossier of the Island for the World Heritage List in 1990, the urban environment was in an advanced state of degradation and one-third of the built heritage was decaying. Degradation is therefore a situation that preceded the listing. However, this is not only a process of existing and continuing decay of historical building stock, but a process of social, economic and administrative transformation of a dynamic habitat that is experiencing the emergence of new functional relations and ownership structures as well as continuing densification and territorial occupation. The general situation is conditioned by a weak administration (SEC & AA 1985, p. 49) an out-dated cadastre and shared guardianship by various public agencies. Still, the majority of constructions have, to date, maintained their shape and spatial conception (PGCIM 2010, p.57). However, the dynamic and conditions of both transformation and conservation are markedly different in the north and south of the Island.

The Stone town is made up of just one neighbourhood called *Museu* ('Museum'). Less than one-third of the Island's population resides here. Most of the individually relevant historic buildings and representative urban spaces and fabric are distributed throughout the neighbourhood. Decay of historic building stock and ensuing abandonment became a problem after expropriation in the wake of independence due to lack

Fig. 12.1 'Stone town' Island of Mozambique. *Source*: Gómez Salas de Schetter (2009)

of financial capacities for renovation and maintenance (PGCIM 2010, pp. 55–56). As the Island is a tourism destination and this part of the Island captures most of that flow, it has also attracted outside investment and some of the buildings have been transformed for the tourism industry, including spin-offs in the form of private holiday homes. Many renovations have introduced new materials, different users and cater to different needs (PGCIM 2010, p. 57) (Fig. 12.1).

An important challenge for the conservation of the private and public spaces and buildings in the neighbourhood is the local population's lack of identification, or even refusal to recognize architectural sites related to the history of colonization as their own heritage (Pimentel Teixeira 2014, p. 12). Still, public entities carry out specific actions of public preservation for public buildings and public spaces. Financial support by international donors has contributed toward maintaining buildings and sites and their morphology (PDIM 2009, pp. 17–18).

Fig. 12.2 '*Macuti* town' Island of Mozambique. *Source*: Gómez Salas de Schetter (2009)

The seven neighbourhoods that compose the *Macuti* town have experienced a marked increase in population as well as physical density. More than two-thirds of the total population live here; and many residents have altered or substituted their dwellings, for instance, by replacing the organic roof with zinc sheets and the walls with cement bricks in a process that dates back to the middle of the twentieth century (SEC and AA 1985, p. 155). According to the Plan of Conservation 2010–2014 (PGCIM 2010, p. 17), 'contrary to the Stone Town, whose construction tradition guarantees longevity of the buildings, the houses in *macuti* have a life span not higher than 20 years.'[2] This may be a reliable estimate for some components of houses built from local materials—though probably not for an entire dwelling. Moreover, houses made from other building materials, though fewer in absolute numbers, are by no means marginal. For instance, out of 495 houses that were recovered in 2008 in the wake of Cyclone Jokwe, one-third were built of conventional building materials (PGCIM 2010, p. 48) (Fig. 12.2).

In her blog *Macuti*, Silje Erøy Sollien states that changes in construction techniques have not necessarily helped to improve the quality of life, other than trying to adapt to what is considered 'how we do things nowadays'. Since poverty was associated with this type of construction it carried 'a stigma to live in plant leaf covered houses' (Sollien 2011). Many residents believe that conventional materials look more modern than traditional architecture and therefore the *macuti* roof is at risk of disappearing as local people are more interested in roofing their houses with zinc plates than with traditional materials (WHC 2015). A typology based on a zinc roof of three to four slopes, the so-called 'windmill house', is used all over the country and is also being adopted on the Island (Lage 2001, pp. 78–79). Sollien affirms, '*macuti* houses are disappearing. UNESCO and others are calling for some form of conservation to keep the authenticity and integrity of the World Heritage Site. However, the voice of the people has chosen the three slopes' (Sollien 2011).

By contrast, quality of life is impacted negatively by factors pointing beyond the individual dwelling through an enormous deficiency in sanitation and unsatisfactory infrastructure conditions.

'Some of the houses are built below sea level, frequently keeping people from making use of landfills for waste or improved latrines. Such situations have brought dramatic consequences at all levels, such as the proliferation of open defecation places and waste disposal along the beaches and amongst the ruins. The case of buildings with public toilets with open flow channels that discharge effluents directly onto the beaches are causing health hazards, particularly during low tides is also worrisome' (PGCIM 2010, p. 62–63).

Even though the material composition of some houses has changed as a result of different economic-political developments and colonial legislation, the majority of constructions have maintained their shape and spatial conception. During one of the ICOMOS missions to the Island, authorities, considering the transformations in *macuti* houses, suggested that 'the maintenance of the organization structure and the living traditions would be more important than the building material itself' (PGCIM 2010, p. 17). However, despite a damaged or rudimentary urban infrastructure, this part of the Island displays signs of gentrification with new constructions and businesses displacing traditional families (Hougaard 2014).

In summary, conservation has to deal with different influences of economic-political development and environmental changes. Changes are occuring on the whole Island at the level of restructuring individual buildings, changing ownership and changing functional occupation. Due to the more limited life expectancy of buildings in *Macuti* town, the replacement of buildings is a more pressing issue here and the urban fabric is more malleable.

4   HERITAGE MANAGEMENT PLANS

Several administrative bodies of different hierarchical order contribute to conserving the Island's heritage. They combine national, provincial and municipal administrative competencies. At the national level, they are also informed by legislation concerning the protection and safeguarding of the Island of Mozambique as a whole, in the context of cultural heritage (including conventions), environment (spatial planning and urban land management, sea waters, and so on), tourism and related areas. At the local level, the District Government of Mozambique Island (GDIM), the Municipality (CMIM), and the Cabinet for the Conservation of Mozambique Island (GACIM) constitute the main institutional framework for the management of the Island of Mozambique. National institutions like the Ministry of Culture (in the 2000s Ministry of Education and Culture and since 2015 Ministry of Culture and Tourism) or the National Council of Cultural Heritage (CNPC) and international institutions like UNESCO also participate in programmes and policy-making, including the development of plans. These plans are not limited to conservation; rather, the scope of the plans includes economic and urban development. Since the Island is a functional social and economic system, a necessity for wider planning exists and conservation is a significant factor feeding into this.

An especially vital plan for the Island's improvement is the Integrated Development Plan for Island of Mozambique (PDIM) from 2009. It has a ten-year scope and defines objectives, expected results, priority areas of intervention, political measures, programs and projects, budgeting, financing, implementation and monitoring. Regarding heritage, the global strategic objective is to 'promote and valorise the World Heritage, which the Island of Mozambique is' (PDIM 2009, p.164). Specific strategic objectives include the restoration and enhancement of built heritage,

the enhancement and promotion of the historic-cultural heritage and the identification, organization and valuation of the underwater heritage.

The PDIM is defined as founded on an 'open model' that involves all areas of activity—economic, social, institutional and heritage management—based on economic and social sustainability. It provides three different scenarios of impact:

A. Tendency Evolution: Everything continues the way it is or it has worsened
B. Evolution with adjustments: Some things changes, but a little
C. Controlled change: Almost everything changes. What is good, stays (PDIM 2009, p. 62).

Every scenario is based on change. Scenario C introduces the understanding that change can be controlled, that it is also allowed and is part of the process of actively bettering conditions. The sentence 'What is good, stays' is the key for the necessity of using an instrument that could help identify what is 'good' and should be preserved. This distinction requires, of course, a normative definition of what can be considered 'good'.

Another contemporary plan dealing specifically with conservation is the already cited Management and Conservation Plan—Plano de Gestão e Conservação da Ilha de Moçambique, 2010–2014—that was elaborated by the Ministry of Culture with the participation of all the institutions mentioned above. After a diagnostic and analysis of the situation, it enumerates the main objectives for action: 'to implement a management plan, to elaborate an inventory of assets, to take actions for the conservation of heritage, to improve living conditions for its inhabitants, to disseminate the importance of the cultural heritage of the Island, and to define options for intervention in construction including economic, technical and environmental feasibility' (PGCIM 2010, pp. 21–22). This last objective includes the study of traditional techniques and materials, a capacity-building project to improve traditional building techniques, the identification of the location of building materials and the development and design of typologies of *macuti* houses. The latter is specified as 'a project for a macuti house typology in accordance with the cultural significance of the Island, regarding actual necessities' (PGCIM 2010, p. 96). This last objective calls for studying, analysing and improving the *macuti* typology, adapting it to actual needs and opening new possibilities for sustainable transformations.

Therefore, both plans are open to considering changes. However, the PDIM contemplates the possibility of change more liberally. In contrast, in the carefully worded conservation plan, changes are more closely related to adapting historic buildings. The goal of improvement of living conditions is sandwiched between the conservation of heritage and the dissemination of the importance of cultural heritage. In fact, authorities on the Island are mindful of physical alterations to the built heritage, fearing that transformations could condition the loss of the Island's status as a World Heritage Site (Pimentel Teixeira 2014, p. 9). Interestingly, this indicates that there are limits to just how much change is likely to be acceptable and that change management as implied by the PDIM might incur conflicts with conservation planning. What is also noteworthy is that none of the plans requires a specific methodology for elaboration or implementation.

5   LIMITS OF ACCEPTABLE CHANGE

LAC was developed in the United States in the 1980s by Stankey, Cole, Lucas, Peterson and Frissell for the management of recreation in national protected areas. LAC considers changes and transformations, establishes limits, monitors and guides the process while preserving identity and local values. As the authors point out (Stankey et al. 1985, p. 1):

> 'The challenge is not one of how to prevent any human-induced change, but rather one of deciding how much change will be allowed to occur, where, and the actions needed to control it.'

In order to achieve this, the system proposes 'four major components: (1) the specification of acceptable and achievable resource and social conditions, defined by a series of measurable parameters; (2) an analysis of the relationship between existing conditions and those judged acceptable; (3) identification of management actions necessary to achieve these conditions; and (4) a program of monitoring and evaluation of management effectiveness' (Stankey et al. 1985, p. 3).

More specifically, the system consists of nine steps:

1. *Identify Area Issues and Concerns.* These build on the unique features of an area, such as outstanding ecological, scientific, recreational, educational, historic or conservation values. The step also incorporates policy review, the analysis of the regional supply and demand, as well as the analysis of opportunities.

2. *Define and Describe Opportunity Classes*. During this step, a number of opportunity classes that reflect the range of desirable conditions are established.

3. *Select Indicators of Resource and Social Conditions*. Each indicator should reflect some relationship with the amount and type of use occurring and social indicators should be related to user concerns. The indicators should be measurable in cost-effective ways and with acceptable levels of accuracy.

4. *Inventory Existing Resources and Social Conditions*. A comprehensive inventory is compiled by way of a mapping and recording process.

5. *Specify Standards for Resource and Social Indicators for Each Opportunity Class*. Standards provide a base against which a particular condition can be judged as acceptable or not. The product is a table of specific measures of acceptable conditions for each indicator in every opportunity class.

6. *Identify Alternative Opportunity Class Allocations Reflecting Area Issues and Concerns and Existing Resource and Social Conditions*. This step defines the resource and social conditions to be maintained or achieved in specific areas. The product consists of maps and tabular summaries of alternative opportunity class allocations.

7. *Identify Management Actions for Each Alternative*. After formulating alternative packages of opportunity classes, it is necessary to identify the differences that exist between current conditions (inventoried in step 4) and standards (identified in step 5). The product is a list or map of all places where conditions are below standard and the identification of management actions that might best improve conditions.

8. *Evaluation and Selection of a Preferred Alternative*. This step includes an analysis of resource, social and managerial costs and social benefits. The authors point out the importance of participation: 'public participation plays an important role in selecting a final alternative and ensures that important issues in the area have been identified to dealt with'.

9. *Implement Actions and Monitor Conditions*. These actions should be based on comparing the indicator conditions with standards and analysis of the performance of the management program. This step includes a summary of the relationship between existing conditions and standards for all indicators in all opportunity classes and, where

necessary, recommendations for changes in order to obtain satisfactory progress toward bringing existing conditions up to standard (Stankey et al. 1985, pp. 3–20).

In summary, LAC is a methodology that combines elements from planning and management approaches by incorporating analytical, decision-building, managerial, evaluative and other tools into a simple but comprehensive step-by-step methodology, which helps to identify desirable standards, options and alternatives. If the system is interesting, it is not because it does anything radically different from other planning and management methodologies but precisely because it constructs a logical sequence from known methodologies and because it conveys a positive image of change by associating it with limits, especially limits that are built on the analysis of existing dynamics.

5.1   *LAC and the Management of Heritage Sites*

Cole and Stankey affirm, 'that LAC can be applied to any situation where (1) goals are in conflict and all goals must be compromised, (2) a hierarchy of goals exists such as one or more goals can be considered to ultimately constrain the other goals, and (3) it is possible to develop measurable standards. So the process can be applied outside the wilderness and even outside protected areas … as long as there is a conflict between use and resource impacts' (Cole and Stankey 1998, p. 9).

In the context of the CHERPLAN (Enhancement of Cultural Heritage through Environmental Planning and Management) project, LAC has been associated and compared with the concept of carrying capacity, which includes social, cultural, political and ecological perspectives. Carrying capacity is also described as 'the maximum level of human activity that organisms, ecosystems, natural resources, can afford without provoking irretrievable damages for a long period' (Iliopoulou-Georgudaki 2012, p. 10). The concept is used in tourism planning and other planning fields, since it focuses on establishing the level of activity and the quantitative impact use of an area. It 'can be utilized in planning and development of urban areas to keep a balance between built environment and natural environment' (Centre of Excellence Integrated Land Use Planning and Water Resources Management 2012, p. 5). LAC, on the other hand, is based on maintaining and attaining desirable resources and social conditions. The concept is 'more closely aligned with the thought of protecting the values

for which an area was established than the carrying capacity paradigm' (Iliopoulou-Georgudaki 2012, p.18).

Yet, LAC works with a dynamic understanding of change, since the instrument is based on the definition of acceptable standards and works towards reaching or maintaining them. In inhabited heritage contexts, change receives an additional dynamic. Bandarin and Van Oers (2012, p. 110) emphasise that 'living historic cities have a constant need for adaptation and recognition of the life cycles, the expansion of interrelationships between groups and interests which requires negotiation and the changing notions of what is to be considered heritage, with approaches for recognition and inclusion.' This opens important perspectives for introducing dynamic processes into heritage management, as it builds on the involvement of local communities and stakeholders. It provides them with an instrument to develop critical perceptions of their own needs and reflect about the consequences of transformations. LAC, as an instrument of dialogue and inclusion, works best in urban heritage settings if citizens are afforded with an opportunity to express concerns and needs.

LAC has started to be used as an instrument for heritage site management and has been mentioned as an instrument for sustainable planning in heritage management. At the International Workshop on the Management of Historic Urban Landscapes of the twentieth century, in Chandigarh, India, participants considered the concept of the limits of acceptable change for cities, in relation to their authenticity and integrity and determined that 'limits of acceptable change should be established through clarification of the outstanding universal value, the integrity of a property as well as its authenticity, qualifiers and attributes' (WHC 2007). In addition, the approach from the UNESCO Recommendation on the Historic Urban Landscapes (HUL) is based on the recognition of urban heritage as a social, economic and cultural asset of historic cities and considers the dynamic nature of cities while promoting their development (UNESCO 2013). It is therefore necessary to work with a management tool that considers these changes, establishes limits for changes and monitors and guides the transformation process while preserving identity and local values.

Pereira Roders affirms that LAC has already been employed on Island of Mozambique and that it 'was used following a binary scale approach (yes/no), and regarding the following rules for construction works: maintain and restore are the main aims and did not seem to work well. It was not being applied, or taken into consideration when transformations took

place on Island of Mozambique. Related decision-making took place, regardless of GACIM advice' (Pereira Roders 2013, p. 44). The referred binary approach, though somewhat simplistic, can be an expression of LAC, yet, if the specific setup has no practical impact on heritage management, it becomes clear that the tool, which, as shown, is about management, is either not being used correctly or that something is being erroneously labelled as LAC that is actually something else—for instance, a technical administrative process of defining features to be conserved.

The latter hypothesis is supported by Pereira Roders' claim that LAC has been used in the elaboration of its *Código de Posturas* (Pereira Roders 2013, p. 43) However, it is important to understand the following: The *Código de Posturas* is a set of rules approved by the municipal assembly (ANAMM 2010, p. 74) and it 'regulates the action of local government in all spheres of activity' (Verdade 2016). This administrative rule guide is usually not elaborated by way of a participatory process. LAC, by comparison, as Stankey et al. point out, 'is inherently a political process and its success is also tied to continued public participation. There is much expertise among public groups, and at each step of the process planners should seek to involve the public, both as a way of obtaining important information and as a way of developing support for and understanding of the process'. They also point out the necessity to recognize different interests, views and values in order to achieve the goals important to stakeholders (Stankey et al. 1985, p. 21) Given this important role of participation in the methodology, it is therefore unclear to what extent LAC can have positively driven the process of bringing about rules regarding conservation in the *Código de Posturas*. LAC has to be applied in an institutional context where it fits and in accordance with the methodology by which it evolved. If it is not carefully inserted into a specific institutional context it disbands.

5.2   LAC and Urban Planning

Regarding the role of public involvement in planning processes, Krumpe and McCool affirm 'early public involvement, built upon principles of dialogue and learning, and involving a broad spectrum of interests, cannot only assist planners in developing more effective plans, but also resolve some issues in a more timely fashion' (Krumpe and McCool 1997, p. 19). LAC raises both issues of acceptability as a social phenomenon

and stakeholder involvement: 'Ultimately, the specific technique for securing participation is less important than the recognition that such participation is important and necessary' (Stankey et al. 1985, p. 21). In this sense, LAC is also related to urban planning. Both are dynamic processes based on the need to adapt and consider transformations and changes that build upon social, economic and environmental aspects and work with identity.

The recent administrative decentralization or de-concentration process in Mozambique aims to strengthen local governments and is founded on a supportive legal framework. According to the Land Use Planning Law (Lei de Ordenamento do Território 2007, pp. 7–8), the elaboration of spatial plans at municipal level is the responsibility of local authorities. Despite this autonomy, due to a lack of municipal planning capacities, urban plans are being developed in most Mozambican municipalities with the support of institutions of higher education and the provincial-level representations of the Ministry of Coordination and Environmental Action. On the Island of Mozambique, a detailed plan for the whole Island, a 'Plano de Pormenor', is currently being developed with the support of the Lúrio University from Nampula.

The Regulation of the Territorial Planning Law (Regulamento da Lei de Ordenamento do Território 2007) enacts public participation in Article 9: 'Public participation of citizens, local community, collective persons, public and private, is guaranteed throughout the entire process of elaboration, execution, alteration and revision of the instruments of territorial planning' (Regulamento da Lei de Ordenamento do Território 2007, p. 23). Public participation includes periodic public consultations through meetings at different levels and the dissemination of the process through the media. It also states that recommendations and conclusions resulting from public involvement should be documented and incorporated into the process.

The regulation lists the following phases in the elaboration of the instruments of urban planning under Article 6:

'(a) formulation of general and specific objectives; (b) inventory of the existing geographic situation where the instrument can be applied; (c) analysis and diagnosis of the data collected in the framework of the inventory; (d) the elaboration and evaluation of alternatives; (e) a selection of applicable alternatives, (f) monitoring of the implementation of the regulations of the instrument of territorial planning (g) systematic revision of the

Table 12.1 Comparative assessment of methodologies in the elaboration of the instruments of urban planning in Mozambique and LAC

Instruments of Urban Planning	LAC
Phase 1: Formulation of general and specific objectives	n/a
Phase 2: Inventory of the existing geographic situation where the instrument can be applied	Step 1:Identify Area Issues and Concerns Step 2: Define and Describe Opportunity Classes Step 3: Select Indicators of Resource and Social Conditions Step 4: Inventory Existing Resource and Social Conditions
Phase 3: Analysis and diagnosis of the data collected in the framework of the inventory	Step 5: Specify Standards for Resource and Social Indicators for Each Opportunity Class
Phase 4: Elaboration and evaluation of alternatives	Step 6: Identify Alternative Opportunity Class Allocations Reflecting Area Issues and Concerns and Existing Resource and Social Conditions Step 7: Identify Management Actions for Each Alternative
Phase 5: Selection of applicable alternatives	Step 8: Evaluate and Select a Preferred Alternative
Phase 6: Monitoring of the implementation of the regulations of the instrument of territorial planning	Step 9: Implement Actions and Monitor Conditions
Phase 7: Systematic revision of the regulations of the instrument of territorial planning	

regulations of the instrument of territorial planning' (Regulamento da Lei de Ordenamento do Território 2008, p. 23) (Table 12.1).

There are clear sequential similarities between the methodology described in the regulation and the methodology described for LAC, and the majority of planning phases can be equated with steps that make up LAC. However, there are also marked distinctions and the logical sequences they construct differ. This is essentially due to the fact that the first methodology applies in planning environments and the latter in management environments. Whereas the planning process starts with a normative definition of objectives (phase 1), the management process is immersed in existing conditions, and it is therefore essentially problem

and conflict driven and can immediately identify related issues (step 1). In this sense, its initial steps share similarities with a tool like the SWOT analysis. Urban planning derives its logic from relating analysis and planning and the planning quality is enhanced by thorough preliminary diagnosis. LAC strengthens management as the third vertex that is integrated directly into the process. The conditions for implementation are already assessed during the elaboration of alternatives. From a management perspective, only alternatives that allow for management options are interesting and therefore the steps successively incorporate management aspects.

There is another basic and important distinction setting urban planning and heritage management apart: urban planning incorporates the possibility of far-reaching spatial alterations in the face of dynamic social, economic, political and/or technological change; heritage management, even when contemplating the possibility of change as in the case of LAC, is informed by the task of maintaining spatial systems. However, this does not necessarily create conflict, as there are no apparent contradictions between the seven planning phases and LAC's nine steps. And even if LAC offers no equivalent step to the first planning phase, this does not mean that general and specific objectives are not present in management; rather, they are implicit and already defined outside the LAC cycle. If they were to change, LAC would respond by the formulation of standards during step 5. This different rhythm does not condition a conflict, as the time scope of both processes is different. Urban land use plans may be revised after five years and renewed or redone after ten years, whereas LAC, as a management instrument, can be tested and adapted as an on-going cyclical process whenever necessary: LAC 'is conceived of as a dynamic, continuing process' (Stankey et al. 1985, p. 3). This implies that LAC can be used as a complementary system during the planning process but also, given shorter time cycles, as an instrument that enhances monitoring and implementation as well as systematic revision of urban plans (phases 6 and 7). Guzmán, Pereira Roders and Colenbrander affirm that 'monitoring tools proposed by international organizations such as UNESCO and UN-HABITAT, are facilitating the bridges between conceptual definitions of heritage and sustainable urban development' but 'that such concepts are not yet transferred into urban practices' (2014, p. 5). However, once the guiding principles are put into place, LAC can be a supportive practical instrument to bridge this gap.

6   CONCLUSION

Limits of Acceptable Change has grown from the management of natural protection areas to encompass the field of heritage conservation, and the discussion about its applicability is on-going. Its insertion faces challenges directly related to the tool but also pointing beyond its immediate usefulness. The conceptual issue of allowing change to happen is certainly a key element that is not to be underestimated. The ability of LAC to contribute positively to a process of transformation depends upon acknowledging that transformation happens and can be guided. Before change can become a driver for conservation, institutions dealing with heritage conservation have to embrace a change of mind-set, an important aspect to consider within the overall debate on the governing of urban Africa. Without this paradigm shift, LAC obviously cannot contribute toward heritage conservation. However, the creation and exploration of the possibilities that change offers is reflective of a particular contemporary process of rethinking and repositioning heritage in which UNESCO is engaging—albeit timidly and mainly on a discursive level.

Apparently there is a potential for using LAC within the institutional and social landscape of Island of Mozambique. Evidently, there is demand on the social and institutional side and there exists a conflict between conservation and transformation that surfaces in physical transformation of the Island's habitat and by comparison of different planning documents from the areas of conservation and development. While it is challenging under current conditions to actually use LAC in heritage settings on the Island of Mozambique the conditions for employing LAC meaningfully in institutional settings are, in principle, favourable.

Mozambican legislation promotes participation in the elaboration of municipal land use planning instruments and LAC offers analogous steps for both planning and consultation processes. Under this premise, it becomes feasible to procedurally relate questions of urban planning and heritage management and align different thematic axes. Given the particular proximity of urban planning and heritage management manifest on the Island of Mozambique, it is likely that LAC could assist in bringing about a change of mind-set and combining expertise from different disciplines. The harmonization with existing legislation and its insertion into institutional landscapes is possible and LAC is a promising instrument in the context of the Island of Mozambique, where heritage is subject to dynamic transformation.

Notes

1. *Macuti* town and Stone town are popular and widely used denominations but not the official names of the respective areas. In other Mozambican towns, the same dichotomy exists through the terms Reed Town (cidade de caniço) and Cement Town (cidade de cimento).
2. Texts cited from Mozambican documents, books, or sources were translated from the Portuguese by Margarita Gómez Salas de Schetter.

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Citizen Participation in Urban Governance

Stakeholder Contribution to Municipal Planning in Mozambique: An Obvious Response?—The Case of Inhambane

Oliver Schetter

1   INTRODUCTION

This chapter examines the relation between administrative-technical and participatory inputs and municipal urban land use planning, the impacts those have on different orders of spatial deliberations, and the potentially conflicting relations plans can create in the environment onto which they are projected, and, through this, intends to contribute to the overall debate on the governing of urban Africa. It represents an attempt to triangulate physical realities, the proposed planning order, and consensus-finding processes. The latter partly inform the content of plans on the basis of stakeholders' territorial and procedural knowledge. The case study of the Municipality of Inhambane in southern Mozambique is set in the context of national municipal autonomy consolidation and the accompanying exercise of local planning competencies. Comparative analysis of the process of inscribing infrastructures of different spatial orders with varied

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functions into the 2013 Land Use Plan[1] (PEU)[2] and the controversy they generated evidences both structural similarities and differences between distinctive spheres of discussion and contributions made by different stakeholder groups—especially citizens and planners.

What can or does each stakeholder group contribute? How do different forms of knowledge relate and inform each other? What happens with the knowledge of different orders of 'invited' citizen participation and 'mandatory' public agency contribution with regard to the planning product? Although it studies social and communicative behaviour and the inputs made by different stakeholder groups within the specific planning process, the present analysis deliberately does not concentrate on political provisions shaping participation, and the term 'contribution' applies in the amplest sense. It is not the intention of this chapter to challenge recently established norms and mechanisms of participation and devolution that inform development in Mozambique but, rather, to analyse the relevance of contributions made within the immanent logic of the delineated process and the leverage permitted to stakeholder groups within these established boundaries. Comparing these contributions with the dynamic of actual territorial occupation permits us to critically reflect on the benefits of narrow procedural confinements. The chapter advances that participation would require more extended topical engagements by planners and citizens to increase the ability of land use plans to contribute toward establishing spatial order. In order to develop this argument, Sect. 2 portrays the general dynamic and conditions in the preparation of the 2013 PEU; Sect. 3 looks at the relations between local communities and planners at neighbourhood level; Sect. 4 analyses the process of inscribing the expansion of the airport into the Land Use Plan; and Sect. 5 compares both settings in order to identify latent conflicts and possible benefits of planning decisions. The chapter mainly draws on personal engagement and critical ex post facto reflection of the land use plan development process.[3]

2   LAND USE PLANNING

Mozambican municipalities have been drafting a new generation of Municipal Land Use Plans since the passing of the national Territorial Planning Law in 2007.[4] The general political framework wherein municipal land use planning happens is decentralization and devolution. This process was initiated after the end of the civil war in 1992, and two important milestones in this process were the Law for the Local Organs of Government (LOLE)[5] from 2003 and the Base Law for Municipalities[6] from 1997. Through the latter, citizens of the current 53 municipalities[7]

elect their own representatives. Decentralization has strong analogies with processes of recent decades across many countries in sub-Saharan Africa. The Territorial Planning Law from 2007 also finds equivalents in other former Portuguese colonies in Africa that passed new planning laws around that time (Silva 2015, p. 3). Territorial planning (Article 6, Attributions) is one of the rights that municipalities have gained (Lei de Bases das Autarquias 1997). The Regulation of the Territorial Planning Law[8] enacts public participation in Article 9: 'public participation of citizens, local community, collective persons, public and private, is guaranteed throughout the entire process of elaboration, execution, alteration and revision of the instruments of territorial planning' (Regulamento da Lei de Ordenamento do Território 2007, p. 23).

From the capital Maputo and its neighbouring city Matola to important provincial capitals and economic hubs such as Nampula and smaller provincial capitals like Inhambane, these plans are also successively being drafted in less prominent municipalities. Currently, even peripheral municipalities are among those developing land use plans. The main reason for this sequential development is that municipal planning departments do not have sufficient capacity to develop the plans themselves and require the assistance of outside actors. These actors are mainly the National Directorate of Spatial Planning (DINAPOT)[9] of the Ministry for Environmental Coordination (MICOA)[10] and the Faculty of Architecture and Physical Planning (FAPF)[11] of the University Eduardo Mondlane in Maputo. Currently, the University Unilúrio in Nampula is also starting to engage in the field of urban land use planning in northern Mozambique. Sometimes, the plans are developed in the form of consultancies, and development agencies have co-financed some of them. These actors are not the same as those who developed land use plans before the passing of the law. From the late 1990s, private consultancies provided land use planning services to municipalities and prior to the creation of municipalities and from the 1980s, the National Institute for Physical Planning[12] developed urban plans. Urban planning parameters under central planning were different in that period.

The development of the land use plan in Inhambane began in 2011 and reached its culminating moment at the municipal level the day before Christmas 2013, when the delegates of the Municipal Assembly approved the plan unanimously. It was submitted to the Ministry of State Administration (MAE)[13] for approval in the first semester of 2014 and in August 2015 the municipality affirmed imminent publication of the plan[14] in the *Official Gazette of the Republic*.[15] During 2011, the municipal planning staff benefitted from training in planning tools and computer

skills such as GIS and CAD. Preliminary considerations and preparations for the plan development process also included a regional conference in October. Due to the sudden death of the mayor in December and subsequent political and administrative restructuring, the process did not advance significantly during 2012 but unfolded fully during 2013. Compared to most other PEUs cited above, the plan was developed with less external technical and financial support.[16]

When the municipality set out to develop a new PEU, no valid land use plan existed, since an unfinished attempt from 2005 to 2006 (prior to the passing of the territorial law) commissioned to Arcus Consultores from Maputo had stalled at the stage of defining spatial development hypotheses (Concelho Municipal da Cidade de Inhambane 2013, p. 5). The textual part of a PEU from 1991[17] surfaced during the coordination of the planning process at the planning department of the *Provincial Directorate of Coordination of Environmental Action,*[18] but merely the first volume, which contains only the diagnosis. Plans of existing urbanization were limited to the city centre and to the second urban nucleus, the Tofo & Tofinho area, which are the two main classified urban areas. Both plans dated from before independence—even though the copies available at the planning department had no date and showed no other information than line drawings of plots, streets, and buildings. Therefore, existing planning documents, despite constituting valuable support material for the planning process, did not offer direct guidance for future municipal development. Even if the 1991 land use plan had been available in its entirety, it would only have been of limited use given the substantive structural territorial changes that took place in the interim: (a) the plan was developed during the latter part of the civil war under very different development assumptions (Alvarenga and Woudenberg 1991, pp. 30–34); (b) tourism development on the beaches has also impacted noticeably on the municipal hinterland since the 2000s.

The PEU 2013 is the result of five consecutive and partly overlapping core phases of planning that took place over a period of ten months between February and December 2013. It included (1) public launching, (2) public consultations, (3) information gathering and processing, (4) hypothesis formulation and preliminary plan drafting, and (5) plan presentation, review, and approval. These phases were developed in analogy with regulations, which call for the formulation of objectives, data compilation, analysis and diagnostic, scenario building, plan presentation, review and approval, and a posterior phase of implementation (Regulamento

da Lei de Ordenamento do Território 2008, article 6). The respective phases conditioned different forms of contribution: some were politically delegated, some occurred by intermediary delegation within civil society or indirect participation, and some were immediate and direct. Phase 2 counted on the input of citizens and during phase 3 contributions occurred via the cooperation between different public agencies. Phase 4 was essentially an internal technical phase but required some coordination nonetheless, and phase 5 generated public discussion about the merits of the proposed plan.

3   Neighbourhood Consultations

Participation at the neighbourhood level was relatively compact since it essentially occurred through a sequence of single meetings. Some relevant considerations of the respective contributions by the municipal planning staff and communities can be derived here and subsequently compared with those of a more complex multi-relational setting. In order to understand its specific conditions, it is helpful to initially look at the structure of the municipality of Inhambane that covers a territory of 192 km² and occupies the tip of a peninsula between the Inhambane Bay and the Indian Ocean. It includes the city of Inhambane, which is the capital of the homonymous Province. The municipality somewhat resembles the shape of a right hand with curved fingers seen in profile and can be roughly divided into three main zones consisting of (a) consolidated dense urban and dynamic sub-urban areas—equivalent to the first phalanx and the joints of the effigy's thumb; (b) mixed and dynamic, generally peri-urban areas dominated by tourism along the beaches and spin-off settlement activities along the access roads—equivalent to the curved fingers; and (c) rural and peri-urban areas of moderate or low dynamic, equivalent to the base of the hand. Most of the areas, with the exception of the southern and eastern hinterland, are connected by National Road 5 branching off the National Highway 1 some 35 km south and leading straight into town (along the thumb) and from there leading onward as National Road 242 in a curved trajectory toward the beaches in the east (along the curved fingers).

The whole municipal territory is divided into 22 neighbourhoods and one localidade[19] called *Ilha,* consisting of two small islands that are home to a fishing community. Livelihood circumstances of citizens vary greatly according to location. Neighbourhoods either have an urban, suburban, peri-urban, or rural character. Neighbourhoods vary greatly in

size, population density, land use, territorial morphological features, and infrastructure. Many of them are larger in surface than what the English term neighbourhood evokes. Two neighbourhoods constitute the original core urban settlement. Eight further neighbourhoods located predominantly to the south surround them. These areas are densely populated and their genesis was essentially conditioned by the 1977–1992 civil war, which caused populations to flee the countryside and seek refuge in cities. Approximately half of the municipality's population lives in the city among urban and suburban areas.[20] The remaining neighbourhoods are larger in extension and mostly either rural or peri-urban. One of them is the neighbourhood of Josina Machel in the northeastern part of the territory and includes the small urban satellite called Tofo & Tofinho, which, in addition to Barra, is the municipality's main tourism location. Supportive services for tourism activities that also dominate the micro-economy of several adjacent neighbourhoods are located here as well as additional social and primary infrastructural services. This draws local populations that settle along the main highway and more affluent residents that settle in proximity to the sea.

Meetings with local citizens took place between late March and May 2013. Citizens were consulted in the course of 16 public consultations, as some neighbourhoods were joined together because of their proximity and related physical reality. An average of 75 people were present at the meetings, but participation was distinctly lower in the more consolidated and centrally located areas with higher service provision. Consultations involved the municipality's technical sector, technicians from the *Provincial Directorate of Coordination of Environmental Action* as well as the administrative delegates of the neighbourhoods. The meetings were communicated through the neighbourhood secretaries[21] (secretários de bairro). Together with the chiefs of the ward (chefes de quarteirão) and the heads of 10 households (chefes de 10 casas) they constitute the neighbourhood organizational structure. Participation is somewhat conditioned by this structure even at meetings outside the neighbourhood:

'The level of contribution and the quality of information gathered depended on the stakeholders invited to events. People did not self-invite themselves. In this sense, inputs are different when higher ranks of institutions are invited. For hierarchic reasons, people were very sensitive. Public consultations in the neighbourhoods counted mainly with the local community but more important events, like the launching event, the interim and final presentations saw the participation of the neighbourhood chiefs.

In the neighbourhoods, people expressed their opinion according to protocol. In higher-ranking meetings there were few members of the community present and people did not speak unless after their neighbourhood chief.'[22]

Yet there is room for citizens to voice their concerns—especially when these are related to their immediate needs.

In order to organize and evaluate citizen input, the planning staff went to meetings with a prepared methodology. The meetings began with mutual introductions and the presentation of the meeting's objectives, which included clarification of the planning process. The main part consisted of information gathering through a semi-structured approach by way of guiding standard questionnaires that were similar in all meetings and that the staff themselves filled out on the basis of the citizens' replies. It contained between 11 and 13 topical items, including transport, education, security and police health, water, electricity, sanitation, communication, rain water, waste collection, sports and leisure, religion and culture, markets and commerce, and work. The topics security and police and communication were introduced into the questionnaires after the early meetings in response to community concerns, while sanitation was dropped. During one of the initial meetings in the neighbourhood of Marambone on March 25, 2013, participants estimated that 90 % of the population use traditional latrines.[23] If this tremendous deficit did not justify the topic it is due to the absence of a sewerage network in the entire municipality and no prospects of changing this situation any time soon. Improvement of sanitation conditions passes through public educational campaigns and improved latrines, that is, specific steps that do not reflect immediately on the level of territorial organization and land use planning—despite the fact that soil contamination and spatial constraints related to sanitation especially in the more densely populated areas pose a serious challenge.

The method applied for information gathering already established a thematic focus in the discussion and a general understanding of the form of contribution. It also conditioned certain answers. Nonetheless, these helped planners to develop an understanding of the municipal territory. Planners from the municipality knew the neighbourhoods but they were not necessarily familiar with the specific social and service infrastructures in many locations because these do not relate to their everyday work. Managing urbanization by the municipal planning department—and in the everyday work environment, this is more of a management than a planning process—entails specific micro-area surveys to decide on the

feasibility of authorization of plot distribution or building rights. Their scope of work also includes the drafting of local plans for extensions of neighbourhood settlements areas—but this is already the exception. This form of urban planning or, rather, management of a gradual formalization of settlement activities builds on limited knowledge of existing infrastructure or issues arising from infrastructure provision—especially since prior to the development of the PEU, the technical planning staff had no planning control that could possibly impact on infrastructure. Social infrastructure like schools and health centres were under the guidance of the respective Provincial Directorates. In 2014 this responsibility was transferred to the Municipality's councillor responsible for education and health (Vereação de Educação e Saúde), which is, however, not the same area that is responsible for planning. Service infrastructure develops, for instance, under the responsibility of the water company (FIPAG)[24] and the electricity company (EDM).[25] The National Road Administration (ANE)[26] is responsible for the few main roads located within the municipal territory. Therefore, if municipal technicians had knowledge of these networks prior to the information-gathering phase of the PEU, it was chiefly through personal experience or exceptional work deployments and not through their core activities.

In any case, the technicians' knowledge of local infrastructure lacked systematization and data. Additionally, they had limited knowledge of the actual physical location of infrastructures, as no comprehensive maps existed and they could therefore not assess infrastructures in their real spatial dimensions and relations. Through the consultations, they gained a better understanding of the spatial logic, possibilities, and requirements and were able to generate a 'big picture' of the municipal territory.[27] Citizens supported this process by enriching the diagnosis of their respective neighbourhoods with on-the-ground knowledge. Specifically, citizens provided information about existing infrastructures and services; they knew what existed and what was lacking much better than the municipal planning staff that worked without plans or with outdated and fragmented plans and a spatial knowledge that was not comprehensively documented. Since citizens knew infrastructural deficits they also knew what they wanted. This information resulting from the neighbourhood meetings made the municipal planning staff aware of whom their constituents are, what these require in their respective habitats, and how these requirements relate to the municipal territory. The information obtained through this input impacted on the quality of the land use plan. Yet, the PEU is a

macro-territorial planning tool for ordering the overall territory and does not necessarily provide many definitions at the scale of individual settlements apart from social infrastructure location. Urban planning arrives at this level of spatial definitions through Partial Urbanization Plans (PPU). And posterior management is also not necessarily easier or more likely with a PEU regarding specific land use or infrastructure implementation at the level of communities.

Both parties—planners and citizens—acted within their capabilites regarding their individual knowledge base and political mandate. The citizens essentially demanded services. Many citizen-voiced concerns seemed somewhat obvious, as they enumerated what exists and what is lacking in social infrastructure (schools, health centres, police stations, markets) and service infrastructure (water, energy, waste disposal, sanitary facilities). Being an obvious demand did not make this position less valid or superfluous. In fact, demanding services is a popular and tested strategy for communities in the developing world and can be an effective path to enhance chances of achieving a gradual betterment of local physical conditions. This entails communication and negotiation and effective procedures of building inclusion in planning can benefit from grassroots initiative (Hague et al. 2006, pp. 28–41). The fact that citizens participating in the local consultations could not respond positively to other questions derived from the circumstance that the exercise was limited to examining the immediate spatial circumstances and infrastructural services impacting directly on the quality of their everyday lives within the boundaries of their local communities. Questions regarding a larger territorial scale were discussed elsewhere.

4   AIRPORT EXPANSION

Inhambane's international airport is a key infrastructure even beyond the municipal territory as it is important for the region's economy and especially the tourism industry. The project for the airport expansion was initiated outside and well before the land use planning process, whose protagonists faced the task of coordinating the implications for spatial planning and inscribing the specific spatial requirements into the PEU. The infrastructure was of seminal importance for the plan since it potentially impacts on many questions of spatial planning and conditions the location and performance of other areas and primary infrastructure systems. This is due to its constraining and constrained setting in close proximity to the main urban area. It is located about 2 km east of the city centre from

which it is separated by marshes that are used for agriculture and where residents cultivate small plots. The national road that leads past it provides the main access to the beaches and the eastern part of the municipal territory. Territorial maps[28] (Direcção dos Serviços de Agrimensura 1958) from before independence show that through the initial implementation of the airport itself[29] (Vilhena, 2016a) and a posterior expansion of the runway, the road deviated from a straight line and later described a semicircle to the south following the airport perimeter.

In 2007, the public company Aeroportos de Moçambique, responsible for the management of Mozambican airports, drafted a plan for the expansion of the 1500-m-long runway by another 1000 mto allow the servicing of bigger planes (Aeroportos de Moçambique 2007).[30] The proposed area also includes a further 900-m extension reserve as well as the required perimeter safety strips, almost tripling the current surface of the airport. The only feasible direction for this expansion is again southward, as the runway is already close to the marshes by an inlet from the Inhambane Bay toward Mucucune Peninsula in the north. Further extension of the road circumvention solution to the south is difficult due to wetlands and other spatial constraints. This conditions a profound change in the territorial functioning, especially of the road network, since 90 % of the municipality that is currently reached from the city centre will have to be accessed from elsewhere. Also, this will potentially turn the city itself into a cul-de-sac for vehicular traffic and generate alternative flows of goods on the municipal territory.

From the time of the ADM draft, the airport expansion was imminent and, although almost no one knew the specific plan,[31] there was talk by public servants and others who speculated that the following year would bring about the implementation of this project. Despite this confidence, the airport is yet to be extended. It is likely that the project did not go ahead because of the preference given to the overhaul of Vilankulo's international airport further north in the Province of Inhambane, inaugurated in 2011, which is the entry port of a more developed high-end island tourism than that of Inhambane municipality and its neighbouring districts. Also, resources were applied in the redevelopment of the international airport of Maputo and additional airport infrastructure elsewhere in the country with relevance for the extractive boom that has hit Mozambique during the 2010s (Aeroportos de Mocambique 2016).

The time lag between planning and implementation negatively impacts the probabilities of the project's implementation, since the area is subject

to dynamic land use, which has led to partial occupation. This development is negatively aided by several factors: (1) the ADM expansion plan is not a map but a technical drawing, with the existing airport perimeter being the only reference with regard to its actual territorial location—however, this existing perimeter is not fenced or otherwise marked in physical space; (2) the expansion area is also not marked or fenced—therefore it is not obvious to settlers that they are infringing on the airport reserve; (3) the existing area of the airport itself has been subject to occupation and a residential neighbourhood had sprung up in the buffer zone adjacent to the runway even before the expansion plan was drafted—making it potentially hard for citizens to understand the relevance of safety zone requirements beyond the physical dimension of the core infrastructure itself (runway, terminal, hangars, fuel tanks). ADM has not taken in-situ action to safeguard either the existing area or the projected expansion reserve. The municipality is aware of the expansion plans of ADM, as they jointly visited the area after the drafting of the plan[32] but this has also not resulted in added activities to safeguard the physical space—despite general municipal support for the project.

Still, the municipal administration has not been aiding directly with the adverse spatial occupation dynamic as it issues no land use rights[33] or construction permits to residents settling inside the airport safety buffer zone (which would also be contradictory, this being technically airport territory). This position prevents residents from building houses with conventional, industrial building materials except for zinc sheets for roofs, but tacitly tolerates their erecting temporary dwellings made of organic materials. The number of dwellings has increased in past years, and while residents have no way to officially claim any rightful presence on site, they obtain their plots by acquiring the right of use informally from parties alleging to be in possession of this right. This is part of a system where only a share of all the areas and plots within the municipal territory is registered officially at the municipality's cadastre office. Only land for which the municipality has either granted land use rights directly to applicants or land that has been subject to a successfully undertaken and administratively approved passing of the land use right process from one party to another is registered at the municipality. Traditional land use rights are likely not recorded and thus a large portion of land rights exists outside the cadastre. Citizens know that they can transfer the right to land use from one party to another initially at neighbourhood level in the presence of witnesses and afterwards register their contracts at the municipal

administration. However, not everyone takes this process all the way and even when it is not completed, people make use of land as if they held the right after paying for it or after coming to some other form of agreement with fellow citizens detaining this right.

In addition to infra-citizen transactions, uncoordinated action of public entities also poses a challenge to land regulation in the airport's vicinity. Communication with other public entities during the PEU planning phase showed that public companies, provincial directorates and other administrative branches of the municipality were not aware of ADM's plans even though these would have a direct impact on existing, on-going and foreseen infrastructures and projects. For instance, the Provincial Directorate for Tourism planned its relocation to a site just across the N242 right in the axis of the runway expansion (Fig. 13.1). The electricity company EDM would have to relocate the main electricity line servicing the whole central and eastern part of the municipal territory about 2 km further south to comply with safety regulations once the runway is actually expanded. The municipality itself started to develop a plot distribution area in a portion of Muelé III neighbourhood from 2011 onward in parallel to the coordination of the PEU and bordering the airport expansion zone but for which it

Fig. 13.1 Projected new location of the Provincial Tourism Directorate in the axis of airport runway expansion. *Source*: Author

opened an access road with funds from the National Road Administration ANE that is located entirely within the airport expansion zone.

Despite these challenges for coordination within and across different branches of public administration, support for the land use plan draft was broad. During the preliminary presentation of the PEU in October 2013, more than 50 members of the municipal administration, provincial directorates, public companies, the university, civil society organizations, the private sector, the media, and development aid met at the Provincial Directorate for Public Works and Housing (DPOPH).[34] The merits and pros and cons of the plan were freely discussed and the plan was received favourably. Participants highlighted the importance of sustainability, among other factors, and the question of the airport specifically led to more intense discussions.

In particular, the provincial coordinators of important development agencies from two donor countries argued against the plan. Their arguments regarded the necessity of national airspace deregulation and the negative impact of the project on residents in proximity of the airport, respectively. Both inputs regarded issues that had not informed the planning process hitherto and provided entirely different planning perspectives. One representative questioned the necessity for even incorporating a physical reserve for the expansion prior to changing national aviation policies, and the other asked for the airport to be relocated elsewhere outside of the municipal territory. The latter position was taken to a meeting with the governor, who, however, has no say in municipal territorial affairs. This position also figured in an article about the PEU in the national newspaper *Notícias* in late November 2013 (Jornal *Notícias,* p. 5, 25.11.2013). The urgent necessity for a plan was underlined and the article portrayed the planning process generally very favourably. A previous article in *O Pais* had already explained the importance of the airport expansion and its impact on the municipality's road network and was an indicator of the multi-level and institutional support for the plan (Jornal *O Pais,* p. 5, 05.11.2013).

During the development of the PEU, analogous processes with similar challenges took place for other large infrastructures, such as a relocated municipal waste dump or a new industrial area. All these issues were difficult to discuss and coordinate effectively between public agencies whose technical staff generally felt more confident in implementing existing plans within their administrative competencies, that is, following plans, than showing agency in on-going planning decisions where normative considerations have to be weighed against each other, that is, contributing to

formulating plans. This was further conditioned by the challenge of formal institutional exchange: public administrations can only process information if it is contained in already approved plans or if data exchange is channelled through protocol with other administrative entities—which entails time-consuming processes including the exchange of delegation letters and sequential meetings that require authorization by superiors every time. This would have required a lengthy process in order to coordinate action with several institutions simultaneously in a working group, and would have surpassed the scope of possibilities of the plan's development phases. Such settings bring about conditions that create uncertainties regarding the implementation of action almost up until the moment when it actually occurs. Yet, the municipal technicians and their advisors countered the limitations of these structural institutional constraints with limited means for the circulation of information and little planning security through delegated individual meetings with technicians, planners and engineers from other administrations and public companies.

5   MAINSTREAMING CONSENSUS

It is well known that land use is full of conflicts and that land use planning requires consensus formation: 'The activity of land use planning combines analysis, synthesis, and consensus formation… On the consensus formation side, the methods are primarily interactional and based on conflict management.' (Kaiser et al. 1995, p. 36) Several possibilities for conflict become manifest through analyses of the PEU development process. Its relevant protagonists include citizens, local communities and NGOs, technical planning staff, development aid advisors, media, and others. Their behaviours were oriented by divergent positions and responsibilities in the advancing, supporting, discussing, questioning, and communicating of the planning process. The municipal planners and their advisors led the process most of the time and other stakeholders followed their arguments. On the surface, most stakeholders entertained similar understandings of planning and development. Certainly citizens had direct expectations of local territorial infrastructure provision and planners entertained linear expectations for devising plans to be ideally superimposed on the municipal territory. In this sense, each stakeholder group corresponded to its role. But this being true-to-role for most local parties also included avoiding conflict: 'People flee conflict, even if avoiding conflict means avoiding a solution; they hope that a solution will come by some other means.'[35]

Accordingly, the input of technicians by other government agencies was cautious.

Overall, stakeholders' behaviour was informed by either personal or technical concerns. Citizens and local communities nurtured expectations unlikely to be fulfilled, and latent conflict is therefore contained in potential individual or collective frustrations. Yet, citizens did have an understanding from previous experience that plans are not necessarily translated into realities or that outcomes might not satisfy their expectations. This is why they were cautious about the possible benefits of their involvement. This contrasts with planners and external agents, who do not suffer such immediate personal implications even when their plans encounter reversals upon implementation and do not succeed in achieving spatial transformation or conservation.

During the neighbourhood consultations, citizens essentially enumerated structural deficits and voiced their interest in services. Apparently, the only conflict in this approach lies in the risk of infrastructures not being delivered. Of course, individual priorities of members of the community could differ, but the methodology did not provide such in-depth analysis nor was there any necessity for establishing priorities. By contrast, the discussion of the airport extension generated opposing positions regarding its general desirability. This process received no direct inputs by local communities, who were not asked about it, and having no knowledge about it, could not comment upon it. There were, however, interest groups and civil society organizations commenting on behalf of civil society. Among the remaining stakeholder groups, some questioned the airport's validity and did so for different reasons. These reasons were partly related to the location of the airport, and parties claimed some sort of agency on behalf of local communities and citizens residing in proximity of the airport—however, theses claims did not originate from members of civil society and were injected into the discussion from the outside, finding additional, if momentary support from other non-civil-society stakeholders. Other opposing arguments were clearly motivated by interests unrelated to the airport itself or the task of developing the land use plan. External agents brought conflicting agendas directly into the process, and these were representative of both more direct and indirect interest-driven politics with issues located elsewhere and, owing to multi-dimensional considerations, transcending the otherwise straightforward planning deliberations. This propelled the possibility of conflict in a clearly more manifest manner into the deliberations, but these were not necessarily the sort of conflicts

that would need to be played out in order to enhance overall planning congruency.

Odendaal et al. (2014, p. 285), referring to Escobar, reiterate the relation between planning and development discourse. It is precisely the issue of spatial development from a developmental perspective that frames the probability for the implementation of specific aspects of the PEU. This is part of the multi-relational nature of land use planning. Community input during the information-gathering phase is reflected in the quality of the plan, but neighbourhood infrastructures need not translate into physical space in order for the ensuing plan implementation exercise or for the established functional territorial model to remain feasible. In fact, providing community facilities and complete infrastructure coverage is not requisite at all for territorial order or territorial functioning, since communities already cope and function in locations with deficient infrastructural services. Only if the land use plan were to propose the implementation of spatial consumptive standards much higher and denser than the existing patterns of land use and analogous forms of socio-spatial organisation would actual delivery of additional social and service infrastructure become important for ensuring the viability of the territorial model.

This territorial model associates development with larger spatial infrastructures like the airport. Its surface requirements do not derive from the actual core infrastructure but rather from the surrounding safety zones that need to be kept free from occupation. Such vacant and apparently 'useless' land is not an exclusive feature of the airport; it also applies to the municipal waste facility buffer zone, and a host of zones established in the PEU that require extensive surfaces providing for functions which cannot be immediately implemented: the industrial zone, logistics zone, service zone, provincial stadium, and sports facilities. It also applies to agricultural lands, nature reserves, protected areas, and the axis of the main new airport bypass and municipal perimeter road toward the beaches. Contrary to provision of service infrastructure in the neighbourhoods, supplying these functional infrastructures will become important for the general spatial development of the municipality. This land-reserve reasoning is an issue of pre-structuring space to permit desired land use intensity and functionality and not forfeit development options to which territorial planning has attributed strategic importance.

Yet, many of these strategic areas and surfaces are already subject to more or less dynamic occupation with other, more modest, mainly residential uses. Therefore, the conflicting interests between public and individual or

local collective actions will be a challenge—unless the municipality finds a way of managing not only the occupation of new lands for settlement activities according to the land use plan, but also of keeping relevant reserve areas free of conflicting residential and other uses. The example of the airport shows just how difficult this will be. If key infrastructures are much more relevant for the land use plan because territorial order hinges on them, they are also more relevant for potential conflict. This is because land, which is a socially contested commodity in Mozambique (as elsewhere) despite the specific land legislation preventing actual land ownership (Land Law, 1997, Article 3),[36] especially invites spatial conflict if it is located in grey zones where planning reserves large territorial surfaces with conflicting potential for dwelling without providing mechanisms for safeguarding it. Community infrastructures, whether existing or planned, are not necessarily related to land conflicts (the emphasis here is on not necessarily) whereas key infrastructures' reserve areas are attractive due to their location and locational features that could also be used alternatively. It is therefore the order of infrastructure that conditions probabilities for the specific mix between territorial and social conflict.

The underlying activity of planning itself remains abstract, and planning generally has a somewhat weak performance record. Technical planning staff define spatial provisions, and conflict potential initially arises from the lack of integration of different plans, for instance, the uncoordinated airport expansion and the Muelé III access road, which generate adverse occupation of a specific territory. This is not a question of a plan but of aligning several plans.

For planners, conflict surfaces when the plan cannot be implemented but planning for the PEU itself brought forth little direct conflict. The absence of a previous valid guiding plan with a functioning territorial macro logic facilitated the avoidance of potential conflict. As no previous Land Use Plan was available, no reference existed to illustrate the relation between conflicting spatial interests and planning. Existing land and infrastructure conflicts such as the residential occupation of the airport area do not relate to a physical plan but to management of land and infrastructure resources by the various responsible public entities on the ground. Conflict only surfaces when a plan is implemented and contestations occur in actual space rather than in technical or legal environments. However, as plans are translated into physical space, citizens and communities contest decisions that negatively impact on their social and spatial life circumstances.

Ultimately, conflict potential arises from the respective references of citizens and planners that are mutually conditioning but situated in different spheres. The structural disadvantage of citizens in this setting is that they are rooted entirely outside the plans in physical reality and therefore have very little leverage for assuring that planning will better their conditions or, even worse, that it will not provide propositions that might even negatively impacting their livelihood; the structural disadvantage of the planners derives precisely from the adverse actions of citizens or other public institutions limiting the implementation of their plans in physical space. In theory, land use planning is built on mediating these conflicts and preventing conflict through functional definitions; however, it may also create conflicts deriving from individual or group action if a plan cannot shape functioning spatial relations.

6   Conclusion

Varying forms of contributions by a range of stakeholder groups supported the development of the 2013 PEU for the Municipality of Inhambane. Their interactions brought forth a knowledge exchange that took on different forms according to specific planning phases and the spatial and institutional conditions of contributions. This exchange was predominantly a single-direction affair from citizens to municipal technical staff during neighbourhood meetings and resulted from the methodology applied, that is, pre-structured interviews during one-off meetings. Analogous relations applied during technical consultations and during meetings with technical staff from other public administrations that communicated the state of planning and on-going activities of their respective institutions. A more solid multi-lateral exchange of information between these and other stakeholder groups took place during the preliminary presentations of the plan.

Consensus derived from the social and procedural framework conditions and became tangible at all stages of the planning process, including neighbourhood consultations, presentation meetings, a unanimous vote in favour of the plan at the Municipal Assembly and discussion of the plan in the national press. Contributions of stakeholder groups were obvious both in the sense that each stakeholder's input was clearly visible and that each group responded with inputs in accordance with the roles assigned to them in the process. What remained, however, largely hidden during this process is the true dimension of conflict that is likely to result from

applying the land use plan on the ground, from moving beyond abstraction and into tangibility.

A consensual planning product like the PEU, directly or indirectly, brings forth other forms of contestations. Integrated planning efforts regarding key infrastructure like the airport are especially likely to generate conflict if implementation continues to lag and other forms of spatial occupation remain attractive and feasible. Conflict that was avoided during the plan's development is apt to surface later unless framework conditions change radically and paradigms shift. Underneath obvious social relations and stakeholder inputs lies something unobtrusive that nonetheless contains the seeds of a continually impacting parallel truth.

Therefore, the implementation of the PEU faces challenges that predominantly relate to the discrepancy between planning delineations and spatial actions—consolidated, on-going, or imminent—of citizens and public institutions on the same territory. This conflict pertains to a post-planning and implementation phase, as pointed out, the process of developing the plan has been essentially consensual. The terms of this consensus are something that is intimately attached to local conditions and the specific planning tasks but reflects closely in other planning settings in Mozambique.

While the 2013 PEU can contribute to constructing larger territorial order, it will not solve citizens' expectations regarding infrastructure services. Neighbourhoods will continue to suffer from infrastructure scarcity. This base condition impacts negatively on factual larger territorial order, since the scarcity of secondary infrastructure is an important factor that conditions encroachment upon primary infrastructure, for instance, regarding the road network. An important conclusion regarding participation and implementation deriving from this is that although key infrastructure may be more important for establishing territorial order, its implementation likelihood and the availability of land required to place it on the territory would be enhanced by a wider and fine-grained infrastructure coverage. Given that investment constraints limit infrastructure coverage, a wider, process-driven and less segmented form of participation and contribution could help citizens and institutions to develop notions of the benefits of territorial planning. However, this is not a question of learning to accept order for order's sake but establishing beneficial forms of social development synchronized and advanced through spatial decisions—even in the face of lasting infrastructural limitations.

Even though the scope and methodological constraints of this chapter do not permit exploring this relationship further, it is actually an important hypothesis for further research within the wider debates on the governing of urban Africa.

NOTES

1. The technical terms are translated into English by the author in this chapter and the Portuguese names are placed in the notes.
2. Plano de Estrutura Urbana.
3. The groundwork for this chapter is personal experience from planning practice: my wife acted as planning advisor to the municipality of Inhambane on behalf of a development aid agency during the development phase of the PEU and I contributed to this process on a pro-bono basis with strategic advice on planning models through our local private planning practice. When the plan's development began, we had been living in Mozambique and specifically in Inhambane for a number of years and therefore knew both local and institutional conditions quite well. Our combined knowledge also relied on local experiences in other professional activities that included advisory and consultancy services as well as university lecturing next to planning and architecture commissions. We had been continually discussing the conditions of our individual and collective assignments or jobs, and the development of the PEU was a favourite and constant breakfast table and office desk topic; we frequently drove around the municipality surveying neighbourhoods and reflecting about the viability and possible impacts of planning models. These manifold approaches provided us with a critical mass of information and insight to successfully support the development of the plan. A word of caution: I participated in the process as a foreigner and a planner and my understanding and interests differed from those of local citizens. They also differed from those of planners and technicians from the many administrative bodies involved who tend to have a more linear technical understanding of plan development and implementation. Also, my position contrasted with that of technicians in the municipal administration that act under local political guidance and from that of my wife under indirect political guidance of her agency. I was in a privileged position, albeit a biased one in the sense that I was defending normatively that planning could provide for better tangible urban order. Still, I was aware of the reduced possibilities of translating plans into reality. These are the specific limitations of my understanding of this process and also of my current approach from a scholarly angle.
4. Lei de Ordenamento do Território (Lei Nro. 19/2007 de 18 de Julho).

5. Lei de Órgãos Locais do Estado, (Lei 8/2003 Assembleia da República).
6. Lei de Bases das Autarquias Nro. 2/97, de 28 de Maio.
7. From an initial 33 municipalities in 1998, the number has been increased by ten in 2008 and another 10 in 2013.
8. Regulamento da Lei de Ordenamento do Território, Decreto n.° 23/2008 de 1 de Julho.
9. Direcção Nacional de Planeamento e Ordenamento Territorial.
10. Ministério para a Coordenação da Acção Ambiental. Since April 2015 Ministry of Land Environment and Rural development.
11. Faculdade de Arquitetura e Planeamento Físico, Universidade Eduardo Mondlane.
12. Instituto Nacional de Planeamento Físico (INPF).
13. Ministério da Administração Estatal e Função Pública.
14. Oral communication by Orlando Massingarela, City Councilman for Health and Education, 05.08. 2015.
15. Boletim da República, Publicação Oficial da República de Moçambique.
16. For a more detailed account of this process see Schetter, O. and Gómez Salas de Schetter, M. (2014) *Mozambique: Developing the Inhambane 2013 Land Use Plan—Territorial Macro-Logic, Participation and Capacity building.* Conference paper Southern Africa Cities Study Conference 2014 University of the Witwatersrand, Johannesburg, 2014. Available at https://www.academia.edu/9010365/Developing_the_Inhambane_2013_Land_Use_Plan.
17. Plano de Estrutura da Cidade de Inhambane. Parte I: Análise.
18. *Direcção Provincial de Coordenação da Acção Ambiental, Inhambane—DPCAA.* Two of their technicians would subsequently assist the municipality in updating infrastructure mapping with use of GIS software.
19. Localidades are 1. A localidade é a unidade territorial base da organização da administração local do Estado e constitui a circunscrição territorial de contacto permanente dos órgãos locais do Estado com as comunidades e respectivas autoridades. 2. A localidade compreende aldeias e outros aglomerados populacionais inseridos no seu território. Artigo 14, Lei dos Órgãos Locais do Estado (Lei 8/2003 Assembleia da República).
20. INE Instituto Nacional de Estatísticas, 2010.
21. 'Secretários de bairro ou aldeia: as pessoas que assumem a chefia por escolha feita pela população do bairro ou aldeia a que pertençam:' Artigo 1 do Diploma Ministerial N° 80/2004, de 14 de Maio, que regula a articulação dos Órgãos das Autarquias Locais com as autoridades Comunitárias. Boletim da República, Ia. Série n° 19, Suplemento de 14 de Maio de 2004.
22. Oral communication by architect M. Gomez Salas de Schetter, 29.12.2015.
23. Questionnaire: consulta pública no âmbito do PEU Plano de Estrutura Urbana, Muncipal planning archive CMCI.

24. Fundo de Investimento e Património do Abastecimento de Água.
25. Electricidade de Mocambique.
26. Administração Nacional de Estradas.
27. Oral communication by architect M. Gomez Salas de Schetter, 29.12.2015.
28. Direcção dos Serviços de Agrimensura, Província de Moçambique, Distrito de Inhambane, Carta Topo-Cadastral, 1958.
29. The airport initiated as an Aero Clube in 1948 (Vilhena 2016a).
30. Aeródromo de Inhambane. Plano Geral. Des. No 01.
31. In addition to the runway, the project also includes a new terminal that had been designed by mid-2011. Oral communication by architect João Tique on 11.10.2011.
32. Oral communication by architect M. Gómez Salas de Schetter 29.12.2015.
33. DUAT - Direito de Uso e Aproveitamento da Terra.
34. Direcção Provincial das Obras Públicas e Habitação. Since April 2015, Direcção Provincial das Obras Públicas, Habitação e Recursos Hídricos.
35. Oral communication by architect M. Gomez Salas de Schetter 29.12.2015.
36. Lei de Terras, Lei n° 19/97 de 1 de Outubro.

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Urban Practices and Planning. A Moroccan Case Study

Heide Studer

1 INTRODUCTION

This chapter discusses the role of citizens as actors in their urban spaces using the example of the town of Kasba Tadla in the Middle Atlas Region.[1] After some theoretical considerations, a micro-perspective is advanced. It focuses on everyday practices and their impact on the constitution of urban space. The results are part of a research on urban practices of girls and women, ranging from spatial-temporal rhythms, patterns of work and social organization to the impacts of town development. Based on this broad data collected on urban life, the chapter investigates whether recent town planning supports urban life and points out frictions between urban planning policies and spatial practices of inhabitants, an issue that should be carefully considered within the processes of urban governance in African cities.

1.1 *Constitution of Space*

In a socioconstructivist approach, space is conceptualized as relational space (Ardener 1993; Löw 2001; Massey 1994 and Massey 2006). According to

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the German sociologist Löw (2001), space cannot be seen as a container or a fixed entity, but as a relational order of living beings and social goods. It is produced in interactions and shaped in permanent processes of construction. Löw describes spatial practices as embedded in daily routines, and they form recurring patterns incorporated into social structures (Löw 2001). Her concept prompts us to adopt a new view of the role of the people producing their own space. It encourages us to turn to citizens' everyday practices and their significance for the constitution of (urban) space.

Bayat's (2010, pp. 14ff., 55f.) concept of "quiet encroachment" supports such an approach, taking into account the contribution of ordinary people on their city. His work on contemporary political processes in the Middle East describes cumulative actions of ordinary people reclaiming resources from the propertied and powerful in order to make a living. As he puts it—

> Scant attention is given to how the urban disenfranchised, through their quiet and unassuming daily struggles, refigure new life and communities for themselves and different urban realities on the ground in Middle Eastern cities. The prevailing scholarship ignores the fact that these urban subaltern redefine the meaning of urban management and de facto participate in determining its destiny; and they do so not through formal institutional channels, from which they are largely excluded, but through direct actions in the very zones of exclusion (Bayat 2010, p. 5).

Bayat puts the focus on the politics of practice and direct action. This suggests a wider view on what is considered participation. His estimation that such encroachments gain their power through large numbers of similar practices and are not rooted in formal organizations like political parties or social movements is valid. My Moroccan case study (Studer 2011), however, shows that urban life is not based on a structure of atomised individuals, as Bayat sees it, but on complex patterns of belonging.

Anthropologists (Combs-Schilling 1985; Eickelman 2002; Geertz 1979; Newcomb 2009) have been discussing the importance of the dyadic ties[2] and segmentation/kinship as underlying cultural constructs of life in Morocco for many years. From a historical perspective, dyadic ties such as patron–client relations between friends, relatives and neighbours have been the basis for social and spatial organization of urban space. In contemporary Kasba Tadla, kinship and dyadic ties still influence spatial practices; no ideal conceptions are manifested, but rather changing patterns of belonging are evident (Studer 2011). Urban spaces within the town are dynamic, created

through interactions and changing according to time, place and people. My research points out specific practices and patterns of the constitution of space in relation to town quarters, education, age, socioeconomic background and marital status. The importance of single, prosperous, dominant men who organize the lives of many dependent humans is still evident, but it is waning. Women are gaining more influence in their households and in society with their participation in education, commerce and administration. In parts of the emerging middle class, regular incomes facilitate economic independence. As structures of mutual support can provide an additional basis for making a living, patterns of belonging remain an important part of urban life in poorer and informal town quarters.

1.2   *Contemporary Urban Life*

In Morocco, as in many other countries worldwide (Bell and Jayne 2009), a considerable percentage of urban space is situated in towns and small cities, which are indeed important if we are to understand the complexity and heterogeneity of urban space. Concepts proposing that contemporary urban life takes place in every town and city in the world reject the idea that a few big cities in the global North can be taken as models for all towns and cities (see Bell and Jayne 2009; Robinson 2006, p. Xff. and 65–92; Wilson 1991, pp. 121–34). Applied to urban Africa, the frequently used developmentalist approach often focuses on deficits such as the lack of services and infrastucture (Robinson 2006, pp. 116–140), factors that influence urban living conditions, especially those of the poorer parts of the population. At the same time, there is a tendency to lose sight of the specific town or city with its historical background, its unique problems and its specific potentials.

1.3   *Local and Regional Contexts of Urban Planning*

Kasba Tadla is a rural town with a population of around 40,000.[3] Founded in the seventeenth century, it consists of a *madina* (Arabic town, city, historic centre) with historic roots: former colonial quarters built by the French, planned quarters and former informal quarters. Some of the latter have tribal origins (Studer 2015), an aspect discussed below (see Sect. 3). Morocco has a modern planning administration and elected decision-makers. Municipalities are in charge of the execution of urban development, although at the same time the central government administration

has retained planning and supervising competences (Abouhani 2006b). During the last decades, Morocco has undergone various processes of democratisation. There has been cooperation between municipalities and associations of dwellers since the 1980s (Abouhani 2006b; Ameur and Filali 1997; Navez-Bouchanine 2006). However, wide-ranging participation in urban planning is not common. Even though there are academics doing research on towns, publications and professional discussions they tend to focus on big cities like Casablanca, Rabat-Salé or Fes. They frequently deal with questions like neoliberal policies, slum clearing, urban renewal directed towards representative waterfronts or the preservation of historic *madinas* (for example, Bargach 2008; Bogaert 2011; Meyer 2008).

This chapter is focused on an ordinary town with less economic pressure on the real estate market. Against the backdrop of spatial practices, in connection with the food supply, it presents a recent urban development project in Kasba Tadla and discusses whether this project, which is characterized by cooperation with tribal land users, could be understood as a step towards participative planning.

2   SPATIAL PRACTICES

In this section, the constitution of urban space is presented using the example of spatial practices in connection with the food supply. In order to supply themselves with food, the town citizens pursue a variety of recurring routes.

2.1   *Practices of Buying*

In Kasba Tadla, a set of spatial practices related to buying food can be observed. In order to earn money, some inhabitants—mostly men and young females—move towards paid work. Others, such as artisans, traders of the informal sector or farmers, are selling their own products or animals either at markets or in their houses, in shops, in the streets or at customers' locations. The predominant opportunity to buy food is the weekly market in town. It supplies town citizens as well as customers from the neighbouring villages with all kinds of products. On market day, there is a stream of people moving towards the marketplace, starting in the early morning hours and the town is characterized by men and women walking, riding and driving. Around noon, the tide begins to turn: taxis, cars, mopeds, mules and carriages transport people and their purchases to their homes. Furthermore, the market is also an important meeting place. Family members and friends encounter related persons buying their goods, and

they meet and exchange news (see Fig. 14.1). Customers' movements connected to purchases in shops and markets in town centres are less synchronized, as the daily opening hours—coordinated with prayer times—are longer. In the neighbourhoods, from dawn to night time, small shops, street traders and in some cases neighbours supply products needed daily. Age and gender structures determine who participates in these urban patterns: Women (and men) in charge of their households have to do the shopping on market day, but young people can also choose to go there.[4] In the town centre, men dominate as customers, but women and young girls who have errands in the centre also go there. Everyone, including children, buys products in their own neighbourhoods. These consumer practices are considered legitimate and urban by local authorities, in contrast to some of the practices of producing food described below (Figs. 14.2, 14.3).

2.2   *Practices of Producing Food*

There are a variety of food-producing practices, including, on the one hand, practices of livestock breeding (including sheep, goats, cows, chicken, rabbits and bees), and on the other hand, practices of farming of diverse grains

Fig. 14.1

Fig 14.2

Fig. 14.3

and vegetables and, on a smaller scale, of gardening. Practices of wheat cultivation on the rainfields surrounding Kasba Tadla are highlighted as an example illustrating practices of agriculture. The cultivation of cereal grains includes sowing, guarding, weeding and harvesting. This seasonal work on the fields at the edge and outside town is considered a male task and is done by farmers and day labourers. In good years, the farmers sell surplus parts of the harvest. The wheat grown is divided among the families and stored in bags in the homes. In most households, every one to two weeks the women take out one bag and wash and clean the grain in front of the door or on the roof terrace. Afterward the bags are transported to a mill to be processed into flour (See Fig. 14.2).

Every morning, the women within the neighbourhoods use the flour to bake bread. They bake it either in ovens in their own kitchens or in clay ovens constructed at the edges of their quarters that are used commonly shared by a few women. Others carry the bread to bakeries to get it baked. This description shows that the production of bread is a gendered practice as it relates to the distribution of work and movements in (urban) space. It is influenced by both infrastructure conditions of the town quarters and socioeconomic factors. In the historic centre, as in many *madinas* in North Africa, there are bakeries to make bread, while in poorer quarters at the edges of town, there is clay, space to store quists and straw and to build clay. In the well-equipped quarters of the middle class, more families can afford to buy all their bread. Families without local roots do not get a share of the wheat produced in fields surrounding the town.

2.3   Spatial Questions

The described practices are part of a variety of recurring spatial patterns. They form a spatial-temporal, pulsating urban fabric produced by activities of the citizens in connection with fulfilling basic needs through the division of labour. Household activities tend to have a centripetal effect, keeping women and children in their own neighbourhoods. Men's activities tend to lead them farther away to the town centres or the fields.[5] The findings suggest that women's and men's spaces overlap increasingly, as younger females participate more in paid work and older women take part in shopping activities, especially on market days. Information technology, unemployment, holidays and retirement often keep men closer to their homes. Even within a small town, diverse practices can be observed.

While doing the fieldwork on which this chapter is based, the author recognised frictions between some of the practices of urban food supply and the notions of the decision-makers concerned with urban planning. As urban food production is important to make a living, especially for poorer parts of the population, I agree with Philifert and Valette (2014), who proposed integrating urban agriculture into Moroccan urban development. Their contribution builds on the rising importance worldwide of the urban food question (see also de Zeeuw and Drechsel 2015; Morgan 2015).

3   Urban Planning and Urban Practices

This research reveals a variety of controversial issues concerning everyday practices of food supply and urban planning—from ranging resource questions, as all potential areas for urban growth are situated on rainfields, to debates around keeping livestock within the urban perimeter. Further issues are urban planning not supporting neighbourhood spaces as places for the everyday work of women[6] and the debate on changing the location of the weekly market to the periphery of town.

Using the example of the process of requiring areas for urban growth on non-irrigated communal land of the tribal *duwar* ("village"), I present below some frictions as well as steps that have taken towards cooperative approaches to urban development.

3.1   Urban Development on Communal Land

In Kasba Tadla, the predominant part of the land available for future urban growth is communal land. As the town is situated within a wide, fertile plain, it is not the communal land but water that is scarce. The families with land use rights have plenty of rainfields and are not dependent on their harvests in close proximity to town. In a historical perspective, in the context of the French Protectorate, inhabitants of the *duwar* changed from pursuing a semi-nomadic life to a sedentary life in the course of the twentieth century. The families agreed to divide small parts of their communal land and to erect permanent villages. During the last decades, several informal villages of this type have been integrated into the urban perimeter of Kasba Tadla.

Today, cooperation of the municipality with the *duwar* is necessary to legally obtain development areas for housing and business, as Moroccan law does not easily allow individuals to sell or divide communal land (see Decroux 1977, pp. 463ff.). To change the status from communal land for agricultural use to building lots the *jamaᶜa* ("assembly", in this case of village representatives[7]) has to agree to sell the land to a public institution or ethnic collective, in this case to the municipality. At the same time, the men of the *duwar* in Kasba Tadla founded an association to buy parts of their land back and to start development. This process was supervised by the Ministery of Interior Affairs and took several years.[8] During the negotiations, in order to give up their land use rights, the *jamaᶜa* demanded better infrastructure for existing *duwar*/town quarters with informal tribal origins. So the municipality equipped their quarters with, among other improvements, paved streets, better street lighting and a connection to the sewage system.[9] The association allowed the tribal members to profit from the rising monetary value of the land. The *jamaᶜa* decided that all male members of the *duwar* from families with land use rights should get the same amount of building lots for their private use. The inhabitants of the affected town quarters profited from the development in terms of better infrastructure and better economy. Many men sold lots, which made more money available; and in many cases the money was invested within the neighbourhoods. Jobs, especially within the building and livestock-raising sectors, were created. In addition, the lots without infrastructure offered inhabitants a cheaper opportunity to get a building lot in town, a benefit also accessible to citizens with no tribal roots. The economic situation of many families in the existing town quarters/*duwar* became remarkably better, in terms of infrastructure, living conditions and availability of money.

Reflecting on this process of urban growth, it seems that the restrictions on selling communal land promoted a cooperative approach between planning authorities and farmers. For the municipality, the procedure was successful, as new areas for business and housing could be established in town. Concerning the spatial structure of the new quarters, there was no participation, as it had to follow the previous existing development plan.

3.2   Continuity of Practices

A remarkable continuity of spatial practices of informal neighbourhoods can be recognized (See Fig. 14.3). As soon as the status of the land was changed, the cultivation of the rainfields stopped, streets and lots were marked and the first construction projects started. The owners of the lots did not wait for streets, electricity, water and sewage or building permits—quite a few started to build houses right away.

Those who built their own houses respected the spatial structures of the development plan but circumvented the official planning procedures that foresaw an urban development step by step, in a planned spatial pattern.

The new urban margins started to be used right away: Women built new clay ovens to bake bread, children played on the fallow land. New development areas increased the amount of land open to pasturage. Several men sold lots, built stables at the edge of their existing neighbourhoods and bought livestock, mostly sheep. So the urban growth that took place seems to include a period when the raising of livestock in town increased, a practice not highly regarded by town representatives. The integration of livestock farming, an important source of income for poorer parts of the urban citizenry in smaller towns and at the edges of cities is important. Internationally, a comeback of livestock framing in cities is perceptible, including in cities in the global North (Delia et al. 2015). Towns like Kasba Tadla built on existing practices to develop their own contemporary practice of urban livestock farming.

3.3   Gender Questions

The cooperation process described above was skewed in favour of male tribal members, as the case of Kasba Tadla illustrates: the *jamaᶜa*, which is in charge of land use rights, comprises exclusively male representatives. In the concerned *duwar*, agricultural land is distributed every ten years among all married men. In the case of building lots, the *jamaᶜa* decided to give lots to all male members regardless of age and marital status. The female members were not taken into account. In the case of a rich *duwar*, the girls and women were enraged, because every boy and man had got four pieces of land. At the time, this was discussed in all the houses and neighbourhoods. As Moroccan women have gained more equal rights during the last two decades,[10] girls and women have organized demonstrations in the town centre to assert their claim to lots available to the public

and to convince the *jamaᶜa* to distribute the obtained wealth between all family members. Even though they could not convince their grandfathers, fathers, sons, brothers, cousins and husbands in this case, the girls and women claimed their part of the economic basis of the *duwar*. Starting in 2007, in several regions in Morocco, there have been empowerment processes of women focused on their right to participate in processes of privatisation of communal land. In some cases women have succeeded and gotten their share of the money and the land (Berriane 2015).

To work together with existing social structures—in this case the *jamaᶜa*—can be an important step towards the cooperative development of future quarters. Hopefully, in the future, a more balanced participation of diverse groups of inhabitants, including those without tribal backgrounds and women, will be possible.

4   Conclusion

Looking at the heterogeneity of urban life revealed crucial frictions between urban planning and townspeople. Suppressed practices necessary to make a living—in this case livestock breeding—have a tendency to lead to recurring "cumulative actions of ordinary people", reminiscent of "quiet encroachments" (see Bayat 2010). The case of Kasba Tadla shows that such cumulative actions also occur in the urban context of towns. Even though these actions are not connected to formal organizations, they should not be seen as practices of atomised individuals but as rooted in structures of self-organization within the town quarters. An additional level of action is time. Time perceptions of politicians, experts and citizens can vary considerably. For "ordinary people" it may be necessary to accelerate processes at their own pace in order to improve their precarious living conditions. Such accelerations can lead to instant economic improvements—availability of money, job opportunities, space for urban practices or affordable building lots. Urban development that is aware of the specific urban space, the diverse groups and their spatial and economic practices has the potential to develop more flexible processes of urban growth that support the economic basis and everyday life of the citizens. Further research on diverse urban practices, social organization and potentials of town quarters, including informal settlements could be a step in this direction. Such research—relying not only on big cities but also on a broader view of contemporary urban life—could be an important source of input to urban studies and urban planning.

Furthermore, cooperative processes can help ensure that development areas conform to the interests of the citizens and development plans. In this case study, the municipality did not choose the participatory approach, although in fulfilling its responsibility for an urban development planning it was urged to cooperate. The planning process—together with input from some of the future inhabitants—succeeded in producing town quarters according to the plan document. In order to integrate the interests of local groups with less influence—in this case women—support from national and international levels is helpful. A better legal basis for broader participation could also support their struggle for equal rights.

The development process in Kasba Tadla can be interpreted as a successful step towards more cooperation in urban planning. In Morocco there is still a long way to go to achieve broad participative planning. For politicians, administrators, researchers and planning experts engaged in processes of urban governance, it would be a rewarding challenge to focus on the people inhabiting a specific urban place and learn about their urban practices and needs in order to develop locally rooted planning solutions.

NOTES

1. This chapter is based on research since 2009, in connection with my PHD at the University of Vienna and as a lecturer at an interdisciplinary field trip in 2014. The research worked with methods of field mapping, participant observation, cognitive maps, interviews with town representatives and citizens, analysis of literature and planning documents and an exchange with key informants. Part of the field trip was a presentation and discussion with decision makers within politics and administration about town planning in Kasba Tadla.
2. Dyadic ties rely on longtime exchanges between two people, who are embedded within a network of such ties. Geertz describes dyadic ties as the underlying social structure in Morocco. They form a network of reliable relationships, including friendship, patronage and family (Geertz 1979, p.315).
3. Concerning the housing structure, almost the entire town consists of economical housing, planned or informal. There are some small parts with simple houses, but no shanty towns. The economical housing type is built of concrete bricks or stone, it has two to five storeys, windows facing the street and in many cases a roof terrace. Very often houses cover the whole lot.
4. Within the Moroccan practices related to the weekly market there are regional differences, as the example of some regions South of the High

Altas mountains shows, where one can observe cases where men dominantly are in charge of the purchases in connection with food supply.

5. In this context the work of Skounti is interesting. He describes centrifugal and centripetal dynamics in connection with the distribution of work in a rural context. His findings offer an understanding of gendered spatial patterns in Morocco not based on concepts of segregation and gender stereotypes but on the division of labour (Skounti 1995).

6. This aspect is not worked out in detail in this chapter, for closer information see Studer (2015).

7. In precolonial times and in rural contexts, the *jamaᶜa* decided political and economic issues for tribal communities. Each family sent a male representative to participate in the assembley (Abouhani 2006a). Today, as in the case of Kasba Tadla, the *jamaᶜa*-s are concerned with affairs connected to communal land. They can also organize common infrastructure and take responsibility for save living conditions in *duwar*-s with tribal roots. In general, *jamaᶜa*-s are composed of male heads of the families. During my research locals pointed out, that the *jamaᶜa*-s are independant institutions. The state does not interfere in decisions or determine structural matters.

8. The process had already started before 2009 and was finished 2011. The status of communal land with a surface of around 100 ha of several *duwar*-s of the Semguett was changed. The development areas comprise one area for commercial purposes and two for housing.

9. Only in one case it was necessary to rebuild a few simple houses within the town quarter because the dimension of the existing streets was too small for further developments.

10. Compare, for example, Alami-M'Chichi (2004); Code de la Famille (2004); Fonds d'appui pour la promotion de la reprénsentativité des femmes (2008)

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My Water, My Choice! The Role of Citizens in Ensuring Equitable Access to Water in Soweto East Village—Nairobi

Jacqueline Walubwa

1 INTRODUCTION

The concept of democratic innovations has been a fairly new concept worldwide, with more global North communities embracing it than the global South communities. This could be due to the colonial heritage that has for a long time permeated the discourses found in the civic engagement of these countries. These countries have always waited for their leaders to provide them with basic services and goods, without which they could not provide for themselves, though in recent decades, the situation has been changing and citizens are taking it upon themselves to provide the basic necessities that they deem suitable in their own lives.

In the Kenyan context, urban neo-colonialism has imposed a new urban order in which dominant elites, whose privilege draws upon their identity, class and location, utilize the contemporary city to advance exploitation of labor and resources and promote segregation along lines that are more

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class-created than plan-created. These colonial-type urban relations bring with them a situation where groups enjoy vastly different packages of rights and capabilities under the same urban regime, depending on their class, identity and place of residence. This is evident by the fact that in the wider Kibera slum there are no fair opportunities for the people to enjoy basic urban services like water and sanitation, yet in the wider Nairobi, citizens living in the planned areas enjoy these goods as one of their rights. The significant question that could be posed here is, Why does such a significant part of the 'recognized' population lack a basic right, namely water and sanitation? Are they disenfranchised because of their place of residence? Are they not profitable enough to invest in?

With this in mind, a study was conducted in Kibera–Soweto East village to find out exactly how the citizens have organized themselves to access a basic right on their own terms, as they should be having water and sanitation provided by the state.[1] Several local and international non-governmental organizations have tried to be a part of the solution, yet they have have failed; therefore, it can be concluded that there is something unique about this particular community that is actively shaping and reshaping its space in the urban sphere.

This chapter uses a methodological, pluralistic approach, employing a variety of methods to study the site. Ethnographic surveys, non-participant observations and field interviews are among the data collection methods used in assisting us to make several moves back and forth between theory (re)construction and data analysis. The chapter aims at exploring the main democratic innovations used in Soweto East–Nairobi to provide the citizens with access to water and sanitation. It begins by exploring the literature on deliberative and democratic innovations, followed by examining the background to the study area; later it presents the case study and closes with the conclusions.

The chapter offers new insights on one of the key challenges confronting the governing of urban Africa: the need for democratic innovations in the delivery of urban services—namely, water and sanitation—in deprived urban areas. In the next section the chapter discusses issues related to deliberative democracy and democratic innovations, followed by an exploration of the background to the local water and sanitation governance situation in Nairobi-Kenya. The following three sections deal with the case of Soweto. The first of these three sections presents the case study Soweto East–Nairobi, the second explores and discusses features of the informal law system for water resource management in the area and the third examines and discusses

how to render the governance structure resilient. The chapter ends with a set of concluding remarks highlighting how important democratic innovations in this field can be in improving the governing of cities in Africa.

2   Deliberative Democracy and Democratic Innovations

As a new field of political research, democratic innovations involve not just rethinking old concepts of participatory democracy, but more than that, engaging the citizens at their point of need. Studies indicate that "people have become more and more disenchanted with the traditional institutions of representative government, detached from political parties, and disillusioned with old forms of civic engagement and participation" (Yetano et al. 2010). They are in search of true engagement, which is the ideal speech situation, as it resonates well with citizens. This thought brings into play concepts of rationality, truth-telling and democracy; its assumption is that through discourse, participants in decision-making will arrive at the best decision, resulting from the force of the best argument (Healey 1997). The best argument is always the one that the citizens have bought into, as it speaks to their own preoccupations and desires.

Deliberative democrats would argue, as Fung (2003) says, that "that providing participants with sufficient information and access to expertise, and seeking to encourage them to form positions during discussions rather than to bring pre-prepared positions and agendas with them, can instill new norms of conduct". Therefore, for justice to be realized, support from other levels of society should be enhance. The state and other institutions should be in a position to integrate new technologies into public discourse in an effort to allow the voices of the people be heard, regardless of their socioeconomic status, party affiliation, or ties to the party (ies) in power. And as Fainstein and Hirst (1995) argue, "the urban programs and policy discussions should be imbibed in a concept of justice relevant to what is within the city government's power and in terms of the goals of urban movements".

In response to these new forms of conduct, recent years have seen a growing interest, not only in increasing participation, but also in the "quality and form of the engagement between citizens through the use of direct, deliberative and participatory democratic mechanisms"(Graham 2009). Fishkin (2009) argued that if the decision-making process is inclusive and dialogue between citizens is unconstrained, it will lead to greater

understanding of different perspectives, more informed debate and decisions that are widely accepted by participants who are thereby engaged and empowered. This lead Cornwall and Coelho (2007) to argue that

> "therefore, techniques that are explicitly oriented to amplifying the voices of the least vocal enhance the possibilities of deliberation, allowing positions to be openly debated rather than defensively asserted. Thus, the introduction of innovative interactive practices can begin to change the culture of interaction in the participatory sphere, countering the reproduction of old hierarchies and exclusions, and enabling a greater diversity of voices to be heard so as to bring the best voice forward".

If citizens—especially the residents in informal settlements—were given a chance to participate equally, then they would be in a better position to air their views; the state should look for ways to boost public involvement in the political process. This could be through "participatory budgeting, citizens' assemblies, consensus conferences, citizens' juries among other blended democratic innovations which offer opportunities for wider and deeper citizen engagement as they offer a chance for the state to reclaim the distrust which citizens have of them"(Cornwall and Coelho 2007).

The same authors argue that for deliberative democracy to take root and be effective there needs to be s(pl)aces (spaces and places) where the citizens can freely participate and make their views known. They may be provided by the state, backed in some settings by legal or constitutional guarantees and regarded by state actors as their space into which citizens and their representatives are invited. These spaces can also be created by the legitimate bodies that are carrying out the interventions and rulings of a jurisdiction. They offer legitimacy to the intentions of the ruling bodies, as they demonstrate that the citizens have a voice in matters affecting them.

For Cornwall and Coelho (2004),

> "the challenge of building democratic polities where all can realize their rights and claim their citizenship is one of the greatest of our age. Reforms in governance have generated a profusion of new spaces for citizen engagement. In some settings, older institutions with legacies in colonial rule have been remodeled to suit contemporary governance agendas; in others, constitutional and governance reforms have given rise to entirely new structures. These hybrid 'new democratic spaces' are intermediate, situated as they are at the interface between the state and society; they are also, in many respects, intermediary spaces, conduits for negotiation, information and exchange".

These spaces help in the governance of a particular area and could either be invited or invented spaces, which could be temporary or perpetual, as long as they are needed. As Cornwall and Coelho (2004) put it, "expanding democratic engagement calls for more than invitations to participate" … and "calls for demonstrative participation whereby people are able to exercise their political agency. For this to take root, they need first to recognize themselves as citizens rather than see themselves as beneficiaries or clients". This then calls for new forms of s(pl)aces where civil society can engage and conquer in demanding inclusion of citizens by "mixing conventional representative forms of participation with new direct as well as deliberative participatory instruments or hybrid democracy" (Miraftab 2004).

In all sectors of society, human beings have a way of becoming disenfranchised, even after all possible efforts to secure their well-being have been thought out and put in place. In light of this, they have to create spaces where they feel represented and can have a stake in things at the community level. Civil societies usually bridge the gap created between the state and citizens by mobilizing the citizens at the most informal level,

> "which has granted legitimacy to the significance of informal politics and of informal action at the grassroots level which most development and planning projects, (e.g., World Bank, USAID), including the hard-core promoters of neoliberal development programs have been forced to pay special attention to. These spaces though occupied at the grassroots and claimed by their collective action, they are institutionalized and directly confront the authorities and the status quo in the hope of larger societal change and resistance to the dominant power relations" (Miraftab 2004).

It has been argued that these are spaces of contestation as well as collaboration, into which heterogeneous participants bring diverse interpretations of participation and democracy and divergent agendas. As such, they are crucibles for a new politics of public policy.

3   Background to the Local Water and Sanitation Governance Situation in Nairobi-Kenya

As the UN-HABITAT (2014) stated, "Despite significant economic growth, Africa still experiences massive urban poverty and other social problems", due to unregulated and unplanned massive growth of cities,

with a quarter of the 100 fastest growing cities in the world being in Africa. Indeed, as data provided by UN-HABITAT (2014) shows, "in 2011, Africa alone hosted 52 cities exceeding one million inhabitants". These statistics do not translate to all these inhabitants' having access to all the rights and services the city can offer. Therefore, the prevailing worldwide view that cities are engines of growth and human development may very well be challenged by the unfolding realities in Africa, unless this urban economic and general developmental progress is translated into more broadly shared well-being among African nations' socioeconomic strata (UN-HABITAT 2014). This then is the challenge of governing expanding unpredictable cities in Africa, the core theme of this book.

The challenge of governing these African cities is brought about by the fact that most governance regimes tend to depoliticize the local, which is why they tend to "ignore or underestimate the role that politics and power play at the city level and the importance of city—state or city—party relations" (Bekker and Fourchard 2013). This underestimation of the role of politics in the local sphere leads to an even more pressing challenge, which is the failure of the planners and governors to study the local context and see that "the urban forms and growth of the cities takes different forms" (UN-HABITAT 2014). For instance, "in East Africa urban growth takes place mostly in the slum areas and informal settlements" (UN-HABITAT 2014); thus direct transplanting of the master planning approach to the local context may contribute further to social and spatial marginalization or exclusion from the urban fabric of the ever-increasing urban population, rendering them second-class citizens.

These second-class citizens have been and are continuously being subjected to different regimes of governance which perpetuate slum proliferation consciously or unconsciously by "promoting powerful political and economic entrepreneurs to profit from underserviced areas through exploitation of service provision networks or by killing of decentralization initiatives designed to empower local governments, leading to the maintenance of the status quo of the settlements" (Bekker and Fourchard 2013). And as these authors argue, the status quo is characterized by weakly regulated urban settlements, acute housing shortages, traffic congestion, crime, pollution, lack of basic infrastructure like electricity water and sanitation and insufficient living areas among other factors which depict a weak infrastructural base.

A weak governance system compounded with these vulgarised aspects renders life nearly unliveable in most slum areas, especially when it comes

to the provision of water and sanitation. Even though the 1980s was declared the International Drinking Water Supply and Sanitation Decade, universal coverage was a far cry from what was envisioned, since official UN statistics suggest that 27 % of the urban population in what the UN terms developing regions lacked basic sanitation in 2012; for the least-developed countries the figure was 52 % (WHO and UNICEF 2014). Clearly the Millennium Development Goal target for halving the proportion of the population without improved or basic sanitation was not met in urban areas; and now the introduction of the Sustainable Development Goal 11 has revised the target to suggest that water and sanitation should be accessible to all with no specifically defined target numbers.

Before the introduction of the Sustainable Development Goals, many governments were in a race to meet the Millennium Development Goal target and started many initiatives to address the water and sanitation needs of the most vulnerable segments of the society, especially the ones in the informal settlements. They employed all the machinery at their disposal but as the proverbial African forms of government, they turned out to be ineffective, as the process of implementing the programs or awarding contracts to the service providers encouraged patron–client relationships more than "relations of independence which entail provision of solutions to the problem" (Jaglin 2005). These services were pegged on "political parties being able to exert pressure over local political expression" (Jaglin 2005); and therefore no sustainable water and sanitation solution was effectively provided for these urban dwellers. The projects have more often than not been "hit and run", starting with much pomp, but often achieving only a short lifespan due to disenchantment of the local people with the prevailing political regime. These services should not be pegged to a client–patron relationship; they are basic services which should be accessible to everyone.

This scarcity of urban services is a form of injustice that has been perpetuated in the capital city from colonial times through independence in Kenya, where land and housing policies have done little to change the situation of the urban divide, which was built along racial lines, but at the moment exists according to socioeconomic lines. The dominant elites have made it literally impossible for the informal settlement dwellers to access water and sanitation services, leading them to experience inhuman and undignified lives.

The water and sanitation needs of these people are clear, but, as Mitlin and Satterthwaite (2012) state, "most urban centers in low and many

middle income countries appear to lack the technical and financial capacity to install, expand, maintain and pay for comparable water and sanitation system—and the regulatory framework to support this creating a huge gap in service provision". And Satterthwaite et al. (2015) point out that, "this has resulted to the use of on-site sanitation options by many inhabitants of the informal areas and an adaptation to the near lack of publicly funded sanitation options and provide for themselves or use and pay for informal or small-scale service providers for water and sanitation".

To lower the costs of these solutions, many countries have adopted similar approaches: co-production and co-design, community participation, public private partnerships and so on. The essence of these solutions has been participatory inclinations with user involvement at the base. As Satterthwaite et al. (2015) point out, residents are active in discussions of

> "what should be done (to what standards, at what cost, who pays what and how payments are structured) and who should be involved in the planning and during implementation. They have to make the trade-offs among what they would like, what can be afforded and what support they get from local authorities, and their decisions have to factor in the needs and priorities of different household members—especially women, children and those with impaired mobility".

Co-production has currently been gaining more approval as a paradigm of governance to deliver sustainable solutions to the problem of inadequate water and sanitation, especially in the wake of RIO+20, where water was recognized to be at the core of sustainable development given its linkage to key global challenges. Ostrom (1996, p. 1073), defining co-production as "a process through which inputs from individuals who are not in the same organization are transformed into goods and services", presents case studies from several developing countries and argues that co-production of many goods and services normally considered to be public goods by government agencies and citizens organized into polycentric systems is crucial for achieving higher levels of welfare in developing countries, particularly for those who are poor.

4   Soweto East-Nairobi: The Case-Study[2]

In Soweto East, there has been a lot of mistrust of the state as the citizens feel and see themselves as second-class citizens, as they are not able to control their daily lives. The state, through the local leaders, has always promised them rewards; but these promises have not come to fruition, thus

leaving them disenfranchised and concerned about democratic accountability, participation and representation.

In this particular informal settlement there has been a concerted effort by the local administration to assure the citizens that the state has the intention of promoting transparent and responsible government. They have done this by creating formal spaces where the citizens could participate. Citizens received a space where they had the right to put forth their suggestions and grievances if they wished, allowing for near perfect representation. This was accomplished by the state's offering a s(pl)ace where representatives from the community could go to the Ministry of Housing to speak about their concerns. This has been done through several consultative forums where the community representatives, through the Settlement Executive Committee, gave their suggestions about house designs, location of water and sanitation points in the settlement and the hierarchy of needs.

Other invited s(pl)aces in which the citizens were given the opportunity to have their voices heard was in the chief's *barazas*—open air gatherings that give an opportunity to all community members to air their opinions. The citizens are aware of these forums in which they can have direct access to communicate their concerns to the local authority. These forums are legitimized in that the chief acts as a representative of the state. As Taylor (2006) says,

> "if managed well, deliberative democracy enable citizens access, efficiency and effectiveness in financial management and equity in delivery of services like unbiased access to the basic necessities of urban life, championing of pro-poor policy for vulnerable populations and promotion of participatory decision-making processes which ensure accountability, transparency in operation of local government, responsiveness to central government and citizens, and promotion of integrity".

The people of Soweto East, through the capacity-building done by civil society, have been able to organize themselves to influence the policy and organization by forming cooperative societies and *chamas,* at watering points, where they can determine their livelihoods and financial future; these watering points provide plenty of room for negotiations and discussions by women. These are s(pl)aces citizens have created for themselves to carry out their intentions (Fig. 15.1). For instance, when they want to make retribution or a chastise a member of the community, the best place to do this is at the water tap, as opposed to the formal spaces where it would be inappropriate to discuss the details of the day-to-day practices.

For Goetz and Gaventa (2001), "the institutions of this sphere have a semi-autonomous existence, outside and apart from the institutions of formal politics, bureaucracy and everyday associational life, although they are often threaded through with preoccupations and positions formed in them". The council of elders is another important invented space, as it is used for locating and localizing interactions and sanctions. It is the collaborative space of the village, where binding decisions are made before they are taken to the formal bodies. Besides the council of elders, the
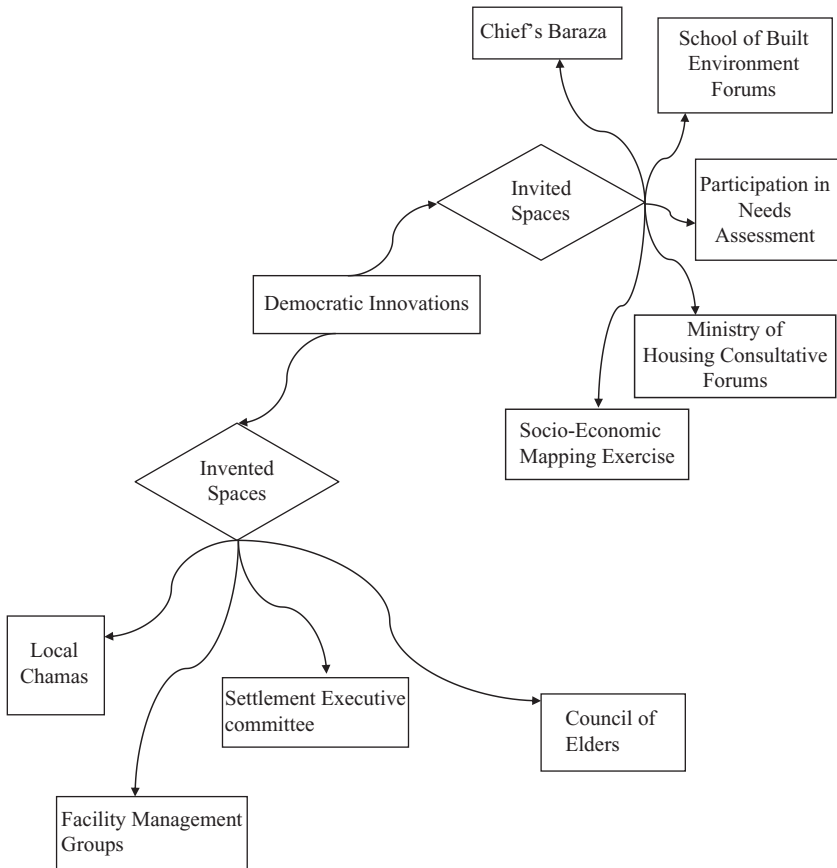
Fig. 15.1 Democratic Innovations present in Soweto East Village. *Source*: Author, 2015

Settlement Executive Committee acts as a s(pl)ace of contestation in that it ensures that the status quo is challenged. It ensures that the government does not lord it over the community, but lets the community decide its own fate; this has been achieved by ensuring that every member of the community has a chance to voice his or her opinion, which is then transferred to the 'governing council' of the project. These community members are represented in the structure owners, the youth, the widows and the faith-based groups and the opinion leaders.

Invented s(pl)aces are "arenas in which the boundaries of the technical and the political come to be negotiated, they serve as an entirely different kind of interface with policy processes than other avenues through which citizens can articulate their demands—such as protest, petitioning, lobbying and direct action—or indeed organize to satisfy their own needs" (Goetz and Gaventa 2001). They should be encouraged as much as possible, as they give rise to "new political subjectivities opening up more areas of decision making to public engagement thus multiplying spaces in which growing numbers of people come to take part in political life" (Goetz and Gaventa 2001), allowing them to take charge of their destiny, giving them a fair share of their belonging to a just city.

5   Features of the Soweto East Informal Law System for Water Resource Management

As stated earlier, each system that is governed by local institutions evolves over time, according to the specific needs of society. The characteristics that make it unique usually depend on the context and environmental expectations. The following section outlines the three major features that are omnipresent in this particular system: user development, participation and localism (Walubwa 2016).

(a) User Development

Based on the experience gained from the past interventions in the slum, this particular system has been described as "a bottom-up uprising against the top-down tyranny" (Walubwa 2016), which means that the community members who are users of the system were the main initiators of the development of the system. It is home-grown, as it relies on users to manage, monitor compliance and enforce the rules of the system.

Consequently, "it contains provisions requiring community service for the maintenance of the water resource and other institutional arrangements for resource management" (Bilaa et al. 2003). For example, whenever there is any repair work to be done on a facility, the community members always volunteer to do it as opposed to hiring labor from outside. If labor is hired from outside, it means that there is a cost implication which will put a dent in their savings; normally the dent is not appreciated.

The community was party to developing the norms that are used in the governance system. The laws have not been developed and imposed from without, but rather they have been founded on an internal criteria and process (Glenn 2007). There is a complex or sophisticated mechanism of meting out justice. For example, if an individual fails to participate in the clean-up organized monthly, he will be beaten up by unknown people on his way home from work. The process of developing the rules involves a lot of communication among the users, as they all have a sense of ownership of the project, which elicits more cooperation than if the rules were imposed on them. They feel that they have sufficient opportunity for their voices to be heard and as such they contribute to the conversations revolving around the creation of rules and their implementation.

(b) Participation

Like many systems and development initiatives in informal settlements, this project called for a participative approach. The participative approach is a way of working in which more than one actor is involved in the development of the goal, normally through partnerships. Partnerships can be defined as "collaborative arrangements in which actors from two or more spheres of society (society, market and civil society) are involved in a non-hierarchical process through which these actors strive for a sustainability role" (Glasbergen 2007). The chief of the area talked of this partnership as one of the greatest assets of the project, as everyone is given a chance to put forward their best ideas in terms of innovations—the government, the NGOs, community and other development partners. He emphasized collaborations in which all partners are given a valued chance to contribute to the development. Indeed most of the World Bank grants nowadays require a form of partnership to be established so as to harness potential at all costs (World Bank 2003). In effect, the idea of partnership has gained significant political influence in recent years on a global level and within national and localized contexts, as it "offered a third way and more

efficient alternative to the free market and strong state" (Murphy and Coleman, 2000).

As argued by Hague (Haque 2004), "partnership fosters a more holistic way of thinking and encourages partners to work collaboratively putting in their different strengths by sharing their best practices". In fact it has been suggested that "institutional reform of partner organizations might be a more important product of partnership than any other outcome" (Tennyson 2003). For example, in this particular project one of the community members remarked that the change in attitude was very marked as soon as participants started working together. The member cited a "solidarity wall" in the community and pointed out that more people were eager to participate in development projects. Other scholars argue that there is always an inherent assumed benefit of participatory approaches, which is that individuals and organizations learn from each other (Mitchell 2005). In this sense, "partnerships are transformative" (Lasker et al. 2001).

(c) Localism

Customary law systems tend to operate within a relatively small and well-defined boundary (Ostrom 1992). Due to their origin and evolution, the constitutive norms of a customary law system often embody "a wealth of experience and are particularly suited to the local situation, livelihoods, cultures and social mores of the people" (Ostrom 1992).

In Soweto East the rules that have been developed tend to only apply in this particular jurisdiction and not in another, even one as close as Lindi, the neighboring village; this is because they are very territorial and have been adapted to the needs and temperaments of the people who live there. These dwellers appreciate the importance of the shared facilities; thus they have developed a normative system and an institutional governance framework that deters any unsustainable behavior, as they know these behaviors have a direct and immediate impact on their livelihoods. These facilities are viewed as a precious resource which must be protected by any means possible. They have a sense of ownership of the resource instilled in them as they participated in its development and maturation, as seen in the preceding section.

This conviction indicates that the dwellers are aware of the highly localized nature of their systems, which have been created while avoiding any negative externalities that may played a role in the past. It is more of a psychological

mode of reaction which indicates that humans sensing negative effects of unsustainable behavior change their behavior to produce desired positive results; in the process, deep-seated evolutionary cognitive and emotional responses are usually awakened. It is the power of the proximity principal: which indicates that human beings are not inherently sustainable and when faced with a fight-or-flight choice, individuals choose to change their behavior to obtain a better living standard (Richardson 2011). Also, "humans who live in close communities have the capacity to resolve problems of unsustainable use of shared resources through self-developed mechanisms of order without the need for formal legal rules" (Robert 1991).

It is interesting to note that, the implementing agencies had provision of houses as the first priority but the community vehemently rejected their proposal and instead insisted on water and sanitation being a first-priority need. One of the design principles postulates the "right to organize"; these are the rights and legitimacy of users to devise their own institutions (Ostrom 1990). If this is recognized by outsiders, then the resource will be managed well. It is important to ensure that the common people have their own power to elect those whom they wish to represent them—those they wish to see in charge of their institutions. Thus the informal institution made formal, according to the common people is the surer way of lending longevity to the project. These rights of the people to organize themselves can only be very context specific, which is a characteristic of the localized nature of this particular system.

6   Rendering Soweto East Governance Structure Resilient

The above discussion examines the governance of the Soweto East water management structure, attributing to it distinguishing features. This section analyses the capacity and features of the informal norms that are rendering the system resilient, showing that the system has been adapted to the users who contribute to the longevity of their water resource.

6.1   Knowledge Management System

The system has way of transmitting knowledge between the different nodes and within each of the nodes on its own. It is important to have a medium through which the knowledge or experiences acquired over time can be passed on to the next generation or the next group of people

who will be using the facilities to ensure proper and effective management through the course of implementing the project.

Data collected from a survey of the literature and discussions with key informants confirmed that there is documentation of the physical construction and technical aspects of the sanitation facilities. The community leaders and the chief explained that all the lessons learnt from the commencement of the project to date have been documented meticulously, so there is always a point of reference for understanding what transpired throughout the process. They said that all the construction plans of the sanitation facilities and all the plumbing designs have been stored safely so that in the event that a plumbing repair that needs to be done, the people involved do not have to resort to guesswork, but can always refer to the manuals and go exactly to where the problem is, as opposed to trying to figure out where there is a problem, which then ends up perhaps unnecessarily involving the whole system.

Lessons on how the community was mobilized to own the project were also documented, together with the challenges faced. The opinion leaders confirmed that the processes used to effect the community mobilization were derived from local knowledge passed on from the people living in the village themselves. The procedures of recruiting members to work in the construction sites, how space was procured, how the authorities were involved—all the information relating to the project has been documented to ensure transparency and, if needed, replication of the system.

6.2   *Effective Feedback Mechanism*

A successful system for resource governance has a feedback mechanism that allows for "relevant information to be put back into the system" (Bosselman 2005). Effective feedback of how the system is being managed properly (or not) is important as it can be used in the decision-making process. Such a feedback mechanism, especially if it allows for user community involvement, enables "consequences of earlier decisions to influence the next set of decisions, making adaptation possible" (Bosselman 2005). For example, in one of the facilities, the young girls were finding it difficult to go to the sanitation facilities unaccompanied at night, as they complained of being harassed by the caretaker. This was deliberated in one of the meetings, and the caretaker was sanctioned; he had to pay a fine for not providing security to the girls. Not only did the caretaker suffer the punishment, but also the whole section of the community accessing

that particular facility suffered, in that their facility was opened for only a minimum number of hours to make them reflect on their behaviours. After the lesson was well absorbed, the facility was reopened to serve the community at will.

Informal social learning is recognized as an effective feedback mechanism. Ostrom and Basurto (2009) have argued that where participants are in an environment in which they can share experiences of failures and successes—for example in regular meeting places where they can discuss problems being faced with the managers of the system—then the system is likely to produce better outcomes and be sustainable. An observation of community habits demonstrated that monthly project meetings, the tap area and the kiosks along the roads provided a hub where community members consulted each other and shared experiences, including many personal matters that were affecting them. For the women, the kiosks and the tap were the most common places of exchange, while the men used the project meetings as their main node of exchange.

In view of this the community's informal law system is thus constantly changing to reflect not only the changing regimes of managing the facilities but also changes in the socio-political and economic conditions.

6.3   Inherent Modification Procedure

One of the conclusions drawn from research on successful common property governance systems was that in order for a management system to be resilient it had to have "good procedural rules for changing the substantive rules" (Ostrom 1990). These procedural rules "ensure that the system can develop new rules to match new circumstances, including the diverse environmental and strategic threats common in dynamic systems" (Ostrom 1992).

Bosselman (2005) proposes that "effective procedural rules include an attitude of open-mindedness of rule-makers to adopt alternative ways of thinking that may result in better outcomes or that may be necessary given the change in social, economic or ecological conditions". This attitude was observed in the system, as it gave voice to all the people of the society. All the different sectors of society were recognized and allowed to share their ideas as pertains to the management of the facilities. If a rule was not sitting well with the users, then open communication with all concerned parties was taken into consideration. The representatives of the different groups—the youth, widows, disabled and so on—spoke

about the modifications and if accepted it was taken as law. Community participation in the rule-making process also facilitates the revision of these taboos and religious sanctions where their continued existence ceases to be justified.

6.4 Stratification of Rules

One of the features of an effective customary law system is that the rule system must be sufficiently stratified to allow for partial modification. Bosselman (Bosselman 2005) refers to this quality as the system's possession of fine-grained rules, arguing that a rule is fine-grained if it is capable of being modified in small increments. A successful customary law system is thus one that "defines rules and individual entitlements in such a way that these can be adjusted without having to overhaul the entire rule system" (Rose 2002).

Since the implementation of the rules in Soweto East are mostly consultative, sometimes these rules are subject to negotiation and modification with relative ease. For example, one of the rules states that credit facility can only be given for a specified amount of time; if the household exceed this time, it is denied access to water. However, before this rule is implemented, the concerned household head is given an opportunity to justify his/her actions. Depending on the reason adduced, other sanctions can be applied to avoid inconveniencing the entire household; for example, the household can be given access to only 70 % of their water needs, so instead of drawing ten containers each day, they could be given permission to draw only seven containers. This is to avoid too much debt accrual. Or if the debt is too much, households can pay in kind, that is, they can provide labor at the sanitation block and have their debt written off in lieu of payment. This modification of the rule is based on the appreciation of the diverse circumstances that afflict the slum dwellers. Sometimes they have opportunities to access income sources and sometimes they do not; yet they belong to the same community and these facilities are supposed to benefit the whole community. Thus, there is a bit of modification to allow for inclusivity.

Another example of a stratified modification is the enforcement system currently in use. Even though it is the responsibility of the each facility to mete out sanctions to the "offenders", sometimes the one managing the facility is not able to impose the sanction due to various reasons. In such situations the chief is usually called in to intervene.

6.5   *Autonomy*

Autonomy is the ability of act independently of any superior power; it implies sovereignty and self-sufficiency. Autonomous systems are usually more resilient and sustainable, as they ensure equity and resolute mechanisms. These systems are autonomous in the design, operation and modification of the rules governing the systems and are better suited to ensuring self-governance than are superimposed systems.

The informal law system of Soweto East is based on norms developed by the community. The operation and implementation of the rules is in the hands of the community. The community's autonomy in design of the rules is considered sacred as was evidenced in the focus group discussion with the facilities management team.

7   Conclusion

Nairobi's distinctive history of spatial segregation of urban spaces due to its rich colonial heritage has resulted in unevenly developed spaces, with some being deprived of basic services, which results in slum formation. Most of these slums have had several interventions to remedy the situation, but these have not been effective, and many times the residents are left in a worse state than they were before. This has always been due to the fact that the slum communities are treated as passive recipients of aid and interventions as opposed to active participants in their fate.

This chapter has indicated that active community participation is the key to development and the proper governing of cities in Africa. It invests the power in the people affected by the situation, who can take charge of their destiny. This is put into practice by allowing the community to co-produce solutions with the powers that be. Community members thus produce home-grown systems which are localized and speak to the needs of the particular community as opposed to needs that are not of value to the broader community. This process proceeds in tandem with the theory of non-tragic commons, which vests confidence in the community, and acknowledges that the community has the power to safeguard its resources if it deems that the resource is of benefit.

Democratic innovations, if given a chance to thrive, produce solutions that are indeed unfathomable and can be used to satisfy the users. They are laden with creativity and a will of possession, which makes them workable, as opposed to authoritarian solutions to everyday urban problems.

Continuing inquiries would be beneficial, especially in the global South cities, regarding solutions to water and sanitation issues, with a view to upholding innovative citizen engagement in the production of their own spaces and more broadly in the governing of African cities.

NOTES

1. This study in which this chapter is based is part of the research done to obtain my doctorate from Université Bordeaux-Montaigne, France (Thesis title: "Recognition of Informal Norms in Creating Resilient Water Management Structures—The Case of Soweto East, Nairobi"). The field work was spaced out in specific periods of three subsequent years; 2013, 2014 and 2015 as it was an ethnographic survey which was tracing a system for an extended period of time. It is a follow up of research done in 2009 under a project called 'Governing Cities in Africa' where researchers from Université Bordeaux Montaigne and University of Nairobi had a collaboration to study cities like Nairobi and Dar-es-Salaam.
2. This and the next two sections are based on the research conducted for my doctoral dissertation (Université Bordeaux-Montaigne, France).

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