

# The Re-development of Large Informal Settlements in Nairobi

## The Case of the Mathare 4A Development Programme

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### Introduction

Kenya is a country of about 30.4 million inhabitants most of whom live in the rural areas. The urban population constitutes about 28% of the population, a quarter of which lives in Nairobi.

Independence from Britain in 1963 brought with it a lot of hope in the citizenry in all facets of life including housing. There was a massive migration of inhabitants from the rural areas to the urban ones, mainly in the hope of a better life: seeking employment opportunities, etc. Nairobi as the capital city, received the largest group of the immigrants and in relation to housing, the government failed to plan in order to absorb them. The demand for housing thus outstripped the supply and the administration then allowed the new immigrants who could not find accommodation in the low-cost estates, to put up shacks in the urban centres as long as they were not within the Central Business District (CBD): thus emerged many of the squatter settlements.

Due to about two decades of unfavourable economic conditions, under-investment in urban infrastructure and unparalleled natural growth rates, coupled with rural-urban migration, informal settlements currently account for a substantial proportion of the urban population of Kenya and for the case of Nairobi city, more than 50% of the population now lives in these settlements. Lack of a clear policy framework and an effective programme for meeting the needs of the urban poor, has resulted in rapid expansion and densification of informal settlements, which are left without adequate planning for infrastructure and services. Insecure land tenure remains the primary constraint in improving conditions in these settlements, and has led to the prevailing situation where absentee landlords build semi-permanent structures for rent, without providing water and other Urban Environmental Sanitation (UES) facilities for their tenants.

At the same time, the Government considered the settlements an eyesore: an indication of failure in governance. Therefore, in the 1960's up to the 1980's informal settlements were dealt with through the policy of slum clearance and rehousing/resettlement projects. These demolitions proved unsuccessful as demolition of one settlement in one part, resulted in the dwellers moving elsewhere to start new ones, as they could not afford the new rents or mortgage payments. In 1990, the Government formulated a policy on informal settlements in a Draft Sessional Paper on Housing emphasizing the need to upgrade slum areas with minimum displacement of the

dwellers. To complement the residential development, employment and other income generating activities were to be incorporated in the upgrading proposals. This, however, has not always been the case as slum clearance has been experienced in the 1990's particularly when located in areas of prime land.

### Motivation for the Choice of Study

Informal settlements house a large proportion of the country's population, which is often poor, underprivileged and restless. These settlements are in many cases devoid of decent shelter and basic infrastructure, which results in terrible living conditions with its concomitant health implications to the poor inhabitants. A concerted, sustained and integrated approach to the re-development of the settlements may result in a better solution to the problems that bedevil the areas, rather than the adhoc approach that has often been adopted. It is, therefore, in this context that this paper will address the squatter settlement problem with on Nairobi city.



Map of Nairobi

### Nairobi: A Situational Analysis

Kenya is divided into eight administrative regional units (provinces) and Nairobi city is one of them. Nairobi, the study region of this

paper, is the capital city, cultural, economic and educational centre of Kenya with an estimated population of 2.2 million inhabitants. The pattern of land distribution in the city is based largely on socio-economic factors with the consequence that 80% of the residential land is occupied by only 20% of the population, while the remaining population is crowded in the balance 20%. Informal settlements take up 5% of the remaining 20%, yet they are inhabited by more than 50% of the population: hence the dichotomy of the housing problem in Nairobi.

From the time it became a settlement in 1901(it became a city in 1950), Nairobi has experienced substantial growth in both physical expansion and population (118,976 people in 1948 to about 1.4 million in 1989). The population of the city is projected to more than double the current 2.2 million to 5.6 million by the year 2020. This increase will be mainly due to rural-urban migration and boundary extensions.

The causes of rural-urban migration in Kenya are mainly economic factors such as high levels of unemployment and under-employment in both the smaller urban and rural areas and highland densities resulting from increased populations in the rural areas.

The non-economic factors include natural population growth rates and international migration, in particular because of the liberalisation of the economy and general metropolitanisation.

Interventions aimed at curtailing the growth rate in Nairobi include Urban Spatial Policy that is encouraging the decentralisation of urban growth throughout the country, Urban Employment Policy and Urban Investment Policy. The Urban Investment Policy emphasizes on the basic needs of the population-provision of water supply, sanitation, education, low-cost shelter and basic health care.

## Urban Infrastructure and Basic Services

The development of infrastructure and provision of services (power, transport, communication, provision of water and sanitation and safe disposal of waste) are necessary programmes for growth.

Provision and maintenance of infrastructure has been a major problem, especially within the low-income urban settlements of Kenya. Most Local Authorities (LA's) in Kenya are unable to meet the heavy demand for infrastructure development and provision of services.

### **Water**

In Nairobi where over 50% of the population live within informal settlements, only 12% of the households have water connections. Apart from limited access to water sources, residents of informal settlements also experience water shortages including dry taps.

Consumption of water varies with socio-economic groups, a factor, which further influences environmental quality at household level. High-income residential areas represent 11% of the city population but consume 30% of the domestic water; while low income areas, with 64% of the population, consume only 35% of domestic water supply.

### **Sanitation, Drainage and Refuse Collection**

Sanitation, drainage and refuse collection are a major problem within informal settlements. By 1994, 95% of the residents of informal settlements had inadequate sanitation facilities.

In Kibera and Mathare (by far the largest slums in Nairobi), about 75 people share one pit latrine. The locations of most of the latrines do not conform to health requirements and a significant number are poorly constructed.

Rapid urban growth has increased waste generation, which has outstripped the city's capacity to provide adequate and efficient waste management services. City authorities are unable to cope with demand for refuse removal even in planned areas and accumulated garbage including toxic material in popular settlements is left uncollected for a long time- a danger to both health and environment. Private waste collectors have increased substantially over the last decade, though limited to upper and middle income residential areas, while within the informal settlements, NGOs and community based organisations rally volunteers to collect and dispose refuse in a central site for collection and disposal, sometimes by city authorities.

### **Transport**

Urban services in informal settlements are non-existent or minimal. Roads, pathways and drainage channels are made of earth and flooding is common.

In some informal settlements, there are no proper roads and vehicles cannot access households. In cases of sickness, residents have to carry patients out of the settlement to nearby access roads in order to get transport to a health facility.

The failure to generate employment within access of the poor has left most of them with no alternative but to walk long distances everyday to and from the sources of employment. There are no provisions for footpaths in the planning or building of roads in Nairobi.

### **Energy**

Very few structures within informal settlements are connected to electricity supply, and even when this is the case, electricity is used for lighting only. Charcoal, kerosene and firewood are the commonly used cooking fuel. Candles, tin lamps and kerosene glass lamps (lanterns) are used for lighting.

These modes of energy exposes households, especially women, to high levels of carbon monoxide and other pollutants, because the houses are very small, poorly ventilated and overcrowded. The houses are also at high risk of catching fire.

## **Strategies**

The objective of upgrading informal settlements should be the alleviation of poverty, delivery of better shelter and related facilities, and provision of secure tenure. Strategies for re-development are, therefore, closely linked to this objective.

There is a strong nexus between the development of informal settlements and land holding systems and to assure success of any such upgrading initiative, the land tenure system must be rationalised. Security of tenure is a fundamental requirement for the progressive

integration of the poor- being one of the basic components the realisation of right to housing. The human right to adequate housing is laid down in article 11(1) of the International Covenant on Economical, social and cultural rights.

This, amongst other reasons, made the UNCHS (Habitat) to launch “Global Campaign for Secure Tenure”. The campaign identifies the provision of secure tenure as essential for a sustainable shelter strategy, and as a vital element in the promotion of housing rights. The strategy recognises that the urban poor provide most of their shelter themselves and is at promoting the rights and interests of the poor, in particular the role of women to invest in their development.

Availability of financial services is important for households living in informal settlements, as they have no access to meaningful employment, adequate and efficient urban services. Many are self-employed in petty trade, repair work and also in illegal businesses. Lack of financial capital in the form of credit is a major bottleneck to growth of businesses operated by the poor. Most businesses are operated with minimal capital, mainly from own sources such as savings from previous employment, income from business, farming, sale of other property, subsistence from spouse, etc.

One strategy to provide increased credit availability has been through programmes of various organisations such as K-MAP, KWFT (Kenya Women Finance Trust) etc, which offer credit to the poor through funds availed by the donors.

It should be noted that housing is just one of the many sectors of the economy that compete for finances from lending institutions. Financial institutions usually prefer lending for short term, high yielding ventures, where the risk is minimal and as a result banks in Nairobi rarely lend for housing, and when they do, they give development loans on short-term basis, usually five years.

In the Sixth National Development Plan 1989-1993 period, the Government recognises the adverse effects of the unrealistic high building standards advocated in the Building Code.

Amendments were carried out and the Local Government Adoptive By-Laws (Buildings) Amendment Order 1995 (Code 95) outlined a new set of building regulations that were designed to cater for low-cost housing. However, to this end there has been minimal application of the standards and the use alternative cost effective building materials given by Code 95.

The law requires that all developers submit their development proposals to local authorities where, they are circulated to all relevant sections. The major factor that fuels the ineffectiveness of the Nairobi City Council is the unavailability of adequate funds (though more often it is mismanagement of the same) to enforce development control against those who enjoy political protection and/or those who can compromise the system: even complying with building by-laws in the planned areas has been a herculian task.

## **Actors**

Numerous organisations work in the informal settlements ranging from relatively large NGOs (both international and national) to small CBOs such as welfare and savings groups, churches and co-

operatives; private sector actors, large scale business firms and the local Government.

CBOs are frequently beneficiaries of support from donor agencies/NGOs because they are seen to be directly representing groups of residents and provide an organizational basis for community participation and management in addressing common interests.

Therefore, in any upgrading programme, these varied interest groups must be taken into consideration in all stages of planning and implementation.

**Tenants:** In most of the settlements in Kenya, tenants are the majority. Among the various interests involved, they are the most disadvantaged; the incomes they make are hardly adequate for basic survival, let alone for housing development.

**Resident Structure Owners:** In some settlements, especially where the structures developed out of polythene and cardboard, one is likely to find more structure owners than tenants. Resident structure owners are affected by the lack of infrastructure and service provision in the same way as their tenants.

**Non-resident Structure Owners:** This interest group is the most difficult to deal with in popular settlements. They are powerful, forceful behind the scenes and are often prominent public figures, those connected to them or very wealthy individuals and firms.

**Owners of land:** Several NGOs working in the area of advocacy and policy influence on land have illustrated the power of these landowners. They are either powerful interests with the Nairobi City Council, the Central Government or powerful private sector firms.

**Government Institutions:** The most active arms of Government within informal settlements are the provincial administration (Chiefs and District Officers) as well as policemen. Consultation with leaders of informal sector associations, reveals how location chiefs and police are not doing their work, but are instead more interested in harassing the poor in order to be bribed.

**Nairobi City Council:** According to the Local Government Act, Nairobi City Council is charged with the provision and management of services within its jurisdiction. However, due to the poor economic situation, rapid population growth, limited resources, strict control by the Ministry of Local Authorities, and poor management, services have continued to deteriorate in most parts of the city.

**Civil Society Organizations:** Apart from churches, which have historically supported the poor, many other civil society organisations, especially NGOs have sprung up in response to the State's withdrawal from the provision of services. The civil society organisations have piloted a number of projects in service provision, especially housing, education, sanitation and refuse disposal.

**Professional Organisations and the Private Sector:** The entry of few professional organisations and the private sector into popular settlements is a recent phenomenon. For decades, these players shared the Government perception that the settlements are illegal and, therefore, not an area of focus. Local Architects, for instance, who would have otherwise developed innovative low-income housing models, saw these settlements as lacking effective demand for architectural design.

**Donor Institutions:** The community mainly provides financial and material resources to most actors within informal settlements. A number of donors have funded programmes on infrastructure development and service provision. In particular the World Bank and USAID have funded Government housing schemes through the Ministry of Local Authorities and the National Housing Corporation (NHC).

## Mathare 4A: Case Study

Mathare Valley is the second largest informal settlement in Nairobi (after Kibera, located in the South-West) and is in the North-Eastern part of the city. The valley is divided into four: Sections 4A, 4B, Mathare 10, and Mathare North. The area within which the programme is located in Mathare 4A, is one of the largest villages in the area.



*Main access road before any infrastructure improvements*



*Parts of the sloping area towards the river*

### **Physical and Socio-Economic Context (before commencement)**

The programme covers an area of about 17 hectares with a total population of about 6,000 households (approximately 28,000 people). The entire area is a slum without basic facilities. Most of the rooms are made of mud and wattle walls with corrugated galvanised iron (cgi) roofs, the average room size being 9-12 m<sup>2</sup>. The residents of Mathare 4A belong to the lowest income earners in the urban context, and basically live below the poverty line. The existing structures have been erected mainly for rental purposes by “absentee landlords” who don’t live in Mathare and the only interest, is to obtain rent for their investment. 92% of all resident families in this area are tenants and therefore, only 8% of the residents are owners of the structures. There is almost complete lack of infrastructure in the entire area, and the environmental situation is thus pathetic, viz:

- The only existing access system is a rudimentary earth track, barely passable during the dry weather, and impassable during the rainy season.
- There are only two existing public toilets for the entire population. Most of the residents rely on sub-standard pit-latrines and open spaces between the structures to relieve by nature.
- Clean water is available but from private” water kiosks” spaced far and wide apart, and costs more than three times the official city council rates.

### **The Re-Development Programme**

The Amani Housing Trust (AHT) under the umbrella of the catholic Archdiocese of Nairobi implements the project. The project is governed by a consultative Board and funded by Federal Republic of Germany through Kreditanstalt fur Wiederaufbau (KfW) at a cost of DEM 17 million (approximately USD 7.5 million). The project is incorporated in the wider context of a programme under the auspices of the St. Benedict’s catholic church which also runs a dispensary, a feeding programme for mal-nourished children and also conducts counselling services for the sick, especially AIDS victims.

Construction works commenced in September 1996 with the pilot phase (Relocation housing), followed by infrastructure and some housing units. The status currently is that the Relocation Housing is complete; infrastructure about 90% complete while the housing is about 50% complete. Due to an orchestrated campaign by a clique of powerful” former” structure owners the project came to a halt in October 2000 and completion works have yet to recommence.

### **Strategies for implementation**

The programme’s final goal is to improve the general living environment in the area through provision of urban infrastructure, socially acceptable housing and adequate access to public utilities. Initial studies during the pilot phase (covering about 2,000 to 2,500 inhabitants) showed that erection of formal apartments would have led to massive subsidies if the cost were to be kept at an affordable level. On the other hand, charging more than the affordable cost in rental purchase rates or rents would result in the poor residents being forced to shift to other slums (or start new ones), thereby replacing the present target group with more affluent ones. This pattern has been observed in several projects of a similar nature in the past. Therefore,



to make the programme financially sound and achieve the programme's basic objective, the concept was designed as follows:

- The programme provides basic infrastructure consisting of road and footpath network, water and sewerage system, security lighting, garbage collection points and a "wet core" for ten households containing water supply and shower, a toilet and a washing place connected to the sewerage system.



*Wet core facility containing a toilet, shower and washing place*



*Basic storm-water drainage improvements*

- The land is secured for project implementation through monetary compensation to structure owners for all existing structures. All residents whose structures have to make way for the infrastructure are relocated into alternative housing with the same improved sanitary facilities.
- Regularisation of tenure, and institution of intermediate form of security: The land was allocated to the Catholic Archdiocese of Nairobi to be held in trust for the area residents, and avoid speculation and possible displacement of the poor. All residents are

given a tenancy agreement guaranteeing them the right to reside in the area and benefit from the upgrading process.

- After take-over by the programme, residents pay rent to the project institution, not exceeding the affordable level, although the living environment will be improved very significantly.
- Set up common organisations and participatory structures and promote cost-sharing during construction of the facilities to instil a sense of ownership.
- Set up of a system of maintenance using rent collected from the area or otherwise, and inculcate a maintenance culture that of facilities, that is so very lacking in these settlements.
- Gradual improvement of the shelter fabric financed in a large part from surplus of rent income, in a process of development from within.
- Employment creation through use of appropriate construction materials, technologies and small-scale contractors.

Apart from the achievement of the main goals of the programme, the concept outlined above will have a maximum degree of self-sustainability, and possible replication in other areas as the beneficiaries themselves will, at least partly, generate their own development. This will reduce necessary subsidies, both from donors and the Government and will thus help to reduce general dependency on foreign aid.



*Commercial activities of the informal sector*

## Actors

As aforesaid numerous organisations work in the informal settlements and whose aim is basically to uplift the living standards of the residents and the betterment of the environment. For the success of any upgrading programme in these settlements, a co-ordinated and sustained effort between the major actors is mandatory in most stages planning and implementation. The following are the main actors in the Mathare Development Programme:

### **The Residents**

Their role is the prioritisation of the project measures, funding of maintenance operating costs of the infrastructure. The residents are

organised in an elective manner from the grassroots level to an assembly of leaders called “Muungano”, which elects representatives to the consultative Board. The tenants get into a legally binding contract the Executing Agency that they are willing to participate in the project.

#### **The Local Leadership**

The local leadership is very active in the project. The area councillor and Member of Parliament are members of the Consultative Advisory Board as people’s representatives are expected to articulate their aspirations. However, in the case of this project, it is ironic that the leadership has tended to side more with former structure owners, most of whom as aforesaid don’t live in the settlement and are therefore, not part of the target group. This group has been vehemently opposed to the upgrading and has been agitating for tenant purchase scheme although the Government has been firm that the programme be implemented as envisaged: the target group being the beneficiaries.

#### **The Local Government**

The local authorities are corporate bodies but they are not autonomous from the central Government. The Local Government Act requires local authorities to perform certain mandatory functions such as burial of destitutes, provision of primary education, public health and provision and maintenance of basic infrastructure. In this project the Nairobi City Council is, therefore, expected to give policy guidelines, approaches and support in the provision of services.

#### **The Central Government**

In informal settlements the presence of the provincial administration (a major arm of the Government) is highly visible in the form of village elders and chiefs, who determine the political economy of these settlements. They are normally responsible for issuing permits to construct any structure and they are quite powerful in their own right. The Ministry of Roads and Public and Works is also actively involved in this project by way of giving policy guidelines and any requisite technical advice so that the project is implemented in line with the general housing policy of the country.

#### **The Donor**

The Federal Republic of Germany funds the investment (development) cost of the project and Kreditanstalt für Wiederaufbau (KfW) is responsible for the disbursement of the funds, project appraisal, support in monitoring and evaluation.

#### **The Catholic Archdiocese of Nairobi**

The Archdiocese was to act as the Project Executing Agency due to its acknowledged commitment to social development and familiarity with the social environment in slum areas like Mathare. The church is also seen to be neutral, forever committed to social justice and beyond manipulation by the rich and mighty, who are a constant threat to any upgrading process of informal settlements in Kenya. To ensure that the project is implemented efficiently and effectively after the donor has left, the Archdiocese set up the Amani Housing Trust (AHT) under the Trustees (Perpetual) Act Cap 286, Laws of Kenya. The main aim of the trust is to ensure that the principle of the common good in the project is upheld. Among others, the functions are:

- Land owned in trust for the public (a 99 year lease in the name of the Archdiocese).
- Sustainability of the project after initial financing is fully utilised.
- Maintenance of the investment (roads, street lights, drainage, water and sewage system, public buildings etc.).

## Design

As stated earlier, prior to 1990, informal settlements in Nairobi were dealt with by way of slum clearance or rehousing/resettlement schemes. These programmes proved largely unsuccessful as most of the inhabitants, the target group, were displaced to other slums or built new ones, since they could not afford the mortgage payments or rents for the new housing. In the Mathare 4A project it was felt that there had to be a fundamental change i.e. that the target group (the inhabitants) should not be displaced; the project was therefore designed on this basis.

- Construction was to commence with basic infrastructure: water supply and sanitation, all weather roads and footpaths, storm-water drainage, garbage collection facilities and street lighting.
- It was realised that if these basic infrastructure had to be constructed, it would involve displacement of residents who were in the wayleave of the planned areas. On the eastern part of the site, there was a swampy area and it was decided that about 1500 housing units be put up to accommodate the households that would be affected by the construction of the infrastructure and those whose structures would be undergoing rehabilitation.
- As stated earlier this area lacked many basic services including community facilities, they were therefore incorporated in the design of the project. These included a community hall, open markets and stalls, a medical centre and rehabilitation of Mathare 4A Primary School and the adjacent Ruaraka High School.
- Construction of cliff drainage and cliff protection measures was also to be undertaken plus the reclamation of the Getathuru river that has been a constant flooding menace during heavy rains.
- Gradual improvement of the shelter fabric financed in a large part from surplus rent income, in a process of development from within. The materials used for construction were stabilised soil blocks for walling and timber roof members and fibre concrete tiles.

### Key Lessons for the project:

- Infrastructure Upgrading results in immediate improvements in the living conditions.
- Congestion and high population densities, which are a disadvantage in planning and implementation, can be turned to an advantage in financing mechanism due to economies of scale.
- Informal housing investments in slums have high return on investment to absentee investors. Consequently, these illegal investors are prepared to go to great lengths in fighting any improvement process that does not maintain the *status-quo*. Structure owners have lobbied against, and fought the

programme using the courts, the press and the political process.

- Political commitment and support, which are crucial to success, have been lacking, as the key political leadership is an interested party in maintaining the *status quo*-the exploitation of the poor residents.

## Conclusions and Recommendations

Informal settlements in Nairobi are indeed an eyesore as in many urban centres in developing countries, being inhabited by poor people with the housing units that are in bad physical condition and the areas are characterised by lack of infrastructure and basic services.

However, there clearance to pave way for rehousing has proved largely unsuccessful, with the target group more often than not being displaced. It is, gratifying to note that the current Kenya Government's policy on informal settlements as formulated in the 1990 Draft Sessional Paper on housing, emphasizes the need to upgrade the settlements with minimum displacement of the dwellers. The Mathare Development Programme is one project in such direction and new in the Kenyan context, which if it succeeds, would be replicated in other major informal settlements countrywide. In upgrading these settlements many factors need to be taken into account.

**Land tenure and administration:** As a first and definitive step, an analysis ought to be carried out, to establish the nature of land tenure that obtains in every informal settlement. This will facilitate planning and choice of intervention mechanisms and modes, interalia:

- Ensure recognition of all existing informal settlements, a moratorium on all demolitions and an immediate halt on allocations of all public land by unauthorised agencies.
- Assure security of tenure, all the residents who have resided in the settlement for a given period of time.
- To compensate structure owners for their structures, structures that come up after the area has been declared an upgrading zone should not be compensated.
- Any physical planning, allocation and/or disposal of land within the informal settlements to be done in consultation with the local community.
- Where upgrading might result in an over-spill, the displaced should be relocated to a suitable site. This would also apply to settlements that are situated on dangerous or unsuitable sites.
- Where Government land is already occupied by a slum, the dwellers should be given first priority in the allocation process.

**Planning and Infrastructure Standards** :It is important to note few existing regulations are applicable to informal settlements in Kenya and the current statues (Order 1995 adoptive by-laws and urban standards, 1978) in addition to the building code, are not directly meant for informal settlement planning. The following should be done:

- Determine plot sizes based on existing conditions within the particular slum areas.

- Amenity spaces to be delineated to enhance the capacity of the existing community facilities within and in the periphery to cater for demands within the settlements.
- Develop standards that facilitate access of essential services (fire brigade, ambulance and exhausters) into the settlements.
- Provide sufficient and portable water at a distance of 150m or less and at an affordable cost.
- Promote community based waste management programmes geared towards income generation through recycling and re-use. Street lighting should be provided for better security, including power supply at appropriate points to support and encourage micro-enterprise.
- Promote private and public partnership in order to deliver, maintain, support, pay for service, manage own facilities developed within the settlements with the community being the key player.

**Shelter and Livelihoods:** Sustainable livelihood strategies are crucial for alleviation of poverty among the people living and working in informal settlements. The main elements of the strategy should involve:

- Promotion of labour intensive methods in the entire upgrading process.
- Promotion of income generating activities with access to credit, including strengthening community based financial systems and facilitate conducive human resource development, through provision of business support services and technologies
- Encouragement of group formation and promotion of networks that facilitate entry points for project activities, security and information flow.
- There should be a conducive regulatory framework within central and local government agencies to enable small-industries and business to in upgrading and resettlement areas.
- Promotion of the participation and empowerment of the beneficiaries to ensure provision of services as prioritised and to facilitate cost recovery once initial services are provided.
- Promotion of partnerships between public, private, NGO's, religious organisations and community based organisations through:
  - a) Involvement of industrial and commercial enterprises to pay for some costs of upgrading.
  - b) Government subsidisation of informal settlement upgrading through targeted fiscal reforms (low interest rates, extended recovery period, stamp duty waiver).
  - c) Local authorities to integrate provision of urban services to these settlement areas..

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