The Slum/Shacks Question and the Making of 21st Century Political Citizenship in Postcolonial Nairobi, Kenya and Harare, Zimbabwe

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Abstract

Our era is often described as a moment of globalization and urbanization. The two words, often used interchangeably, describe movements and concentration of populations in 'new' places often Diasporas described as centers of 'development'. At both global and local levels, the new places of development promise opportunities for progress and self realization for both national and global citizens. This paper explores the ambiguous status of urban areas as centers for progress and realization of cosmopolitan citizenship in 21ˢᵗ Century Africa. The discussion is based on cases from Nairobi, Kenya and Harare, Zimbabwe where post-colonial governments are under pressure to adhere to 'master plans' and elevate Nairobi and Harare to Western Capitalist models of metropolitan. The debate on slums/shacks is revisited, not just as multiple modernities, but as instrumental spaces of disrupting the nationalist project and globalization narratives. Any future work in urban centres cannot ignore the forms of modernities being developed and practiced by a category that is now commonly known as the 'urban poor'.

Introduction

We live in an era that is engulfed in an effort to 'develop'. Although we are much aware of the limits of development discourse that suggested some sort of a step by step process and stages of progress, no better language has taken root to express the human desire to attain improved livelihood. The attempt to 'develop' has often led to an upsurge in human movement and creation of special zones as sites of 'development'. This is more so in the postcolonial period where the government has a 'home' in the cities. Therefore, although we all want progress, it is not possible to realize it wherever you are. Often one has to move to centers of 'development'. At the global level, there has been an upsurge of those seeking to migrate to the United States and other Western countries that are widely perceived or experienced as centers of 'development'. The movements (whether actual or desired) have indeed defied the strength of cyber-space which is ordinarily meant to connect people globally in space. But 'development' seems not to be about space, rather it is about places. The movement to the United States and Western countries has been about seeking 'development' and opportunities in places where it is located.

On the Kenyan national level, the places of 'development' are urban areas. In postcolonial context, there has been an upsurge in the number of people moving to the urban areas. Between 1989 and 1999, the country's urban population more than doubled by increasing from 3.88 million

to 9.90 million[1] while in Zimbabwe, the urban population rose rapidly from 23% in 1982 to 30% by the early 1990s (UN, 2005). The common factor between these two countries and other postcolonial nation states is that the urban areas stand out as the places where individuals and groups can enjoy better livelihoods, access to education and other facilities. Urban areas have therefore become the centers of 'development'.

However, there are two results from this current movement that will be explored in this paper. At the first level, the idea of development that is associated with the immigration to the United States and the West or that associated with movement to the urban areas is producing a duality of inequality. On one hand there are those who seem to 'own' and 'manage' discourse and practice of 'development' be it globally or locally. Those who are close to these discourses constitute a majority. The US and Western countries now determine entry requirement (through never ending entry visa restrictions) and nation state policies such as those that target assimilation or multiculturalisms. At the national level, there are also discourses that influence housing, infrastructure, education and so on. The result is that the process of immigration to the West and that of immigration to urban centers have created a category of people who are a minority. This minority status is not necessarily because they are of a smaller numerical numbers (although in the West the immigrants are often of a smaller numerical number) but rather because they are excluded from the modernity of the places that they find themselves.

The understanding of modernity here is informed by Wentzel Van Huyssteen's notion which sees modernity not as a historically bound phenomenon solely determined by the course of European history and culture, but rather as a project endorsed at a certain point in history by whatever community of citizens (Engdahl, 2008). The problem is that postcolonial Kenya and Zimbabwe operates on a notion of modernity that is historically bounded to colonial experience and English enlightenment discourse. As a result, the majority of immigrants to postcolonial urban centers, just as those who immigrate to the West, are excluded from and by dominant notion of modernity. The new urban dwellers are in the realm of minoritarian modernity and their actions of survival are often treated as subversive. City by-laws often target this minoritarian modernity for elimination. Observations made in Nairobi and Harare seem to suggest that the minoritarian modernity often makes significant presence.

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[1] Urbanization in Kenya has proceeded tremendously over the past four decades, especially after political independence in the early 1960s. In 1962, for example, only one Kenyan out of twelve lived in urban centres. However, by 1999, the proportion had increased to 34.5% affirming that one out of every three Kenyans lives in urban areas. Moreover, this percentage is expected to increase to 50% of the total population by the year 2015. See Wainana, Stephen (2008). *Population monitoring with a focus on its distribution, urbanization, internal migration and development.* A statement by the Economic and Planning Secretary Ministry of Planning and National Development of the Republic of Kenya presented at the 41st Session of the UN Commission on Population and Development on 7-11th April, 2008.

The second notion is that of citizenship in these new places. Recognition, belonging and right to vote in the places of immigration is not universal. In the West, the denial of citizenship for the immigrant is often enveloped under the guise of pluralism and cosmopolitanism. This idea of cosmopolitanism or pluralism is often used to create a framework that decides who ~~to~~ is included and the 'other' who gets excluded. Du Bois argued 'that a minority only discovers its political force and its aesthetic form when it is articulated across and alongside communities of difference, in acts of affiliation and contingent coalition (Bhabha, 2004, p. xxii). In this context those who are excluded have earned *a right to narrate* their modernity.

Although this phenomenon of exclusion and inclusion in places of 'development' occurs in both the West and the postcolony, this paper is interested in the postcolony. It illustrates how the minoritarian modernity, of those regarded as the urban poor by development workers, have developed 'new subjectivity'. These minorities have now developed a network that is elevating their minoritarian modernity to upstage the dominant notions of modernity. The networks, whether national or transnational, facilitate the 'urban poor' to rebuff the tendencies by authorities to label them as 'rubbish' and have them excluded. The discussions also illustrate the 'new' forms of citizenship that now tend to reform both the notion of urban centres and participation in public politics. As a fore grounder, this paper argues against the rationality that guided the formation of urban centres in both colonial and postcolonial moments. Two cases from Kenya and Zimbabwe have been used to illustrate how minoritarian movements are reformulating 'new urban places and spaces'. The arguments and scenarios presented in this paper should be useful in enabling Civil Society Organizations working in urban areas to take these minoritarian urban modernities more seriously. The argument is that interventions by the Civil Society, more so Non-Governmental Organizations, should not be blinded by the State's intentions to mimic Western capitals but rather more should be taken from the 'urban poor'.

1. **The Idea of Urban Centers**

Most urban centers were developed on what colonialists declared 'unoccupied' land whereby this notion of occupation is based on the Euro-ontology of freehold and absolute individual ownership as presented by Alfred Crosby:

> …Wherever they went Europeans immediately began to change the local habitat; their conscious aim was to transform territories into images of what they had left behind. This process was never ending, as a huge number of plants, animals, and crops as well as buildings methods gradually turned the colony into a new place, complete with new diseases, environmental imbalance and traumatic displacement of overpowered natives" (Said, 1993, p. 225).

In this process, urban areas classified as cities, country councils and urban councils that were demarcated as spaces and sites of colonial modernism and citizenship were never spaces for

everyone (Mamdani, 1996). The colonizers were building on urbanism and modernity informed by their experience with endogamous peasant communities of 18th and 19th Century Europe (Lewis, 1973). Following on this Western European pedigree which persists in the postcolonial, urban centers are often widely understood and designed as the centers where forms of inquiry, science and rationality are located (Foucault, 1970). Read this way, urban metropolises are designed, delivered and safeguarded as agents of universalizing European design and governmentality. As epitomes of modern practices of reason, democracy and rationality, they are equipped with laws, norms and rationalities that enable them to decipher, allocate meaning and 'citizenship' only to those whom they deem fit. In order to universalize urban centers as epicenters of modernism, its vanguards[2] cloak its peculiar history and insist that no other form of urban modernity is locatable in a different rationality. Emile Durkheim argued that those forms that disarticulate with this 'universal urban centers' are considered dysfunctional, inappropriate, a nuisance or at worst repugnant to good conscience.

It is therefore apparent that urban centers and the demographic, political, social and epistemological processes that create them have historically provided a privileged place of exploring the interconnections of practices and symbols of reason, the economy and modernity (Escobar, 1992). Besides, both the representation and creation of the urban modernity within which the 'new' modernity was being promised were and have been in accordance with a hegemonic impulse designed to communicate a stable and unitary modernity.

If the position and condition of subjects, in Mamdani's articulation, in the colonial state and the above location of contemporary urban modernity were to be read in a biblical mode and enveloped in the metaphor of the Promised Land, as optimistically spoken of by Martin Luther King, 'that many are called but few are chosen'[3], then one would say that while all 'natives' were called as subjects of her majesty the Queen of England in the new colonial states, only a few were invited to the colonial urban centers of modernism. Pass laws and other technical rationalities in most colonial rules were used to decipher and regulate the number of possible urban dwellers. This approach of deciphering the 'natives' who came to urban areas to join the missionaries, European and Asian colonial subjects is a confirmation that the colonial administration constructed the urban space around class rather than ethnic heterogeneity. Oscar Lewis has confirmed this by making use of Louis Wirth's works which describe cities as 'a relatively large, dense, and permanent settlement of socially heterogeneous individuals' (Lewis, 1973, p. 131). Wirth had long concluded that: 'urban centers have been presented as centers of progress, of learning, of higher standards of living and all that is hopeful for the future of mankind' (Lewis, 1973, p. 131).

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[2] This refers to several organizations, politically and economically designed and positioned as bearers of metropolitan's interests. As such they suggest that they do not require to respond to demands to democraticise their decision making process or abandon their teleological ontology even in the processes of overwhelming evidence that their 'master plans' are not working.

[3] Mathew 22: 14

Urban plans in post-colonial Africa have been essentially a continuity of the pre-independence design only that this time state interventions are aimed at removing colonial estoppels and facilitating urban citizenship to all citizens of the nation-state. The 'new' modernity and nationalist thought were embodied in what has come to be known as the 'national project'. The 'national project'[4] was a strategy for more equitable appropriation of productive forces at the local, continental and global levels. It involved deliberate interventions to strengthen national political capacity in the face of the then polarizing logic of the world order, which undermined the state's capacity. The central motive of the 'national project' was to offer possibility of material progress, within the design of colonial modernity, that would presumably be accompanied by improved education, better health care and improved livelihoods for all. The 'National Project' has hardly shown much besides manifestations of the 'politics of the belly'[5] as Jean-François Bayart has rightly called it.

2. Postcolonial Urban Centers

The urban center's construction as a symbol of 21st century modernity is characterized by manifestations of slums/shacks[6], poverty, crime and disorganization. These tend to exist side by with symbols of mainstream urban projects such as skyscrapers and gated communities. Often the proponents of 'politics of the belly' who occupy the city hall, state bureaucracy and international actors interested in creating and protecting standards for 'modern cities and metropolis' read the development of slums/shacks in postcolonial urban centres as an affront to modernity. And so slums/shacks as sites of 'misfits' are referred to in derogatory terms like 'illegal cities', ghettos, rubbish, encroachments and the like. Consequently, slums/shacks are represented as threats to 'urban order'. In both Kenya and Zimbabwe, the growth of the slums and shacks has been synonymous to both the collapse of the 'national project' and investments in the urban areas. As the promises of freedom and dignity waned, more people have found themselves in squalor. Similarly, as roads and public facilities have enlarged and 'modernized', so too have the poor, often regarded as being the category of least resistance, become undignified and isolated from opportunities of urban growth. The immediate post-colonial idea of inclusive urban citizenship has been replaced by a deterministic and vanguardist liberal model.

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[4] The Comaroffs, have called this the 'modernist nation'. See Comaroff, Jean and Comaroff, John L. (2003). 'Reflections on liberalism, politiculturalism, and ID-ology: Citizenship and difference in South Africa', *Social Identities*, *9* (4), pp. 445-75.

[5] This is a translation of the French: "*Politique du Ventre*", a term coined by Jean-François Bayart in his 1989 book: *L'etat en Afrique: La Politique du Ventre*.

[6] The United Nations Statistics Division gives the global slums occupancy, in 2001, at 924 million. See http://unstats.un.org/unsd/mi/mi_worldregn.asp. This paper takes a multidimensional slum/shack definition on the basis of physical, legal and social characteristics into consideration. See also: UN-Habitat (2003): 12f.

Today, vanguards in this model of the metropolis not only make up the 'new postcolonial state' and its ill-equipped metropolitan authorities like towns, municipalities or city councils, but most importantly interstate agencies and agents of modernism like the International Monitory Fund (IMF), the International Association of Cities and Ports, the World Organization of United Cities and Governments, the United Nations Centre for Human Settlements (UNCHS), the United Nations Human Settlements Programme (UN-HABITAT) and Cities Alliance. The vanguard's main mandate is to usher and ensure that post-colonies show commitment to more rigorous urban planning and 'approved' sequential development. It has become a common expectation for countries to design projections and targets for 'future megacities' in some teleological and universalized models (Chatterjee, 2004). In Kenya these ideas are not captured in the Vision 2030 while in Zimbabwe, they are articulated in a Vision 2020. Both visions aim at, amongst other things, making Nairobi and Harare, metropolises at the level of Western and North America Metropolis.

More recent observations in post-colonial cities demonstrate how the presumed ideal metropolis model disarticulates with the expectations of the citizens (Weiss, 2004). The argument underlying this analysis is that more often than not, when state officials and intervention experts have worked to bring change in local practices, the outcome has been "multiple modalities"[7]. In *Millennial Capitalism and the Culture of Neoliberalism*, the Comaroffs have further argued alongside Geschiere and Nyamnjoh that these "multiple modalities", which are most manifest in urban areas, are not merely an emotional, irrational, and atavistic response to problems of rapid social change. Rather, they are appropriations, simulations; deformations and reconfiguration of modernism such as the urban plan that has characterized most urban settings.

The subject of multiple nature and forms resulting from the social life of the 'metropolitan or city idea' has therefore been receiving increased attention. These documentations and interrogations, attest to how an ideal idea like 'new' modernity is relocated, contested, reconstructed and deformed, such that it appears in new forms more accustomed to historic, economic, social and cultural conditions. This is not a matter of mere contextualization. Rather, it is the change of format - a sort of re-engineering - that appreciates Edward Said's point that the movement of an idea or theory from one place to another involves "…a process of representation and institutionalization different from the point of origin" (1981, p.23). In post-colonial Africa, the new representations and institutionalizations are the slums/shacks settlements that are characterized by poor housing and inadequate transport. Failure to appreciate this social life of urbanization modernism and conditions that make slums and shacks incubators of indignity is what has generated the current crisis that constructs slums and shacks as dysfunctional features that represent risks, uncertainty and fear (Asdar and Reiker, 2008).

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[7] Among the leading scholars of these manifestations have been: Comaroff & Comaroff (2003), Arce and Long (2000) and Weiss (2004).

3. Two Cases and Modernities of the 'Minority'

The urban poor in the postcolony, have been subject of various interventions. The Millennium Development Goals (MDGs) propose to 'significantly improve'[8] their conditions. In Zimbabwe, President Mugabe's government has regarded shacks and shack dwellers as 'rubbish' while the Kenyan government regarded them as 'squatters'. The following case studies are drawn from long-term dialogue between the author and organizations working in slums/shacks. The case studies are drawn from slum/shack dwellers who reside in Harare, Zimbabwe and in Nairobi, Kenya. They illustrate how slum/shack dwellers as individuals and various organizations respectively, respond to the dominant modernist discourse and seek to chart the way they would like to be governed as urban citizens. This interest in studies of urbanism and the urbanization process is informed by 20 years' formation as a resident of Korogocho slums in Eastern Nairobi and current involvement in the leadership of the Pamoja Trust, a leading NGO working in Nairobi urban areas. What is evident in these case studies is an exposition of the ambiguity, fragility and inability of this term 'post' in dismantling the linear logic of 'development' and demarcating any significant historical or epistemological departure. It is a subject that has received adequate attention elsewhere[9].

Harare, Zimbabwe

The past two decades of misrule and plunder by ZANU-PF (Raftopoulos and Mlambo, 2009) in Zimbabwe has been a classic case of what Chabal and Daloz have called 'the political instrumentalization of disorder' (1999, p.43). This means the process by which political actors seek to maximize their returns on the state of confusion, uncertainty and sometimes even chaos. This kind of leadership by deceit (the politics of the belly) and plunder characterizes most contemporary politics, more so in Africa. It is in the backdrop of these events and circumstances that the narratives from Harare can be understood.

The capital city of Zimbabwe, Harare, formerly Salisbury, was founded on racial segregation lines as a commercial and holiday habitation of the white population in 1890. To retain this vision, a master plan was developed and the colonial administration imposed restrictions on movement by African natives to the cities. These restrictions were later to be lifted with the transition to majority rule in 1980. The 'Native Africans' were thus granted at least on paper, the "Right to the City". This inclusive thought together with the urban-centric development that followed, resulted in the rapid rise in the urban population of Zimbabwe from 23% in 1982 to 30% by the early 1990s

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[8] The goal is: "by 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the cities without slums initiative."

[9] Some of the incisive analyses on this subject have been made by: McClintock, Anne. (1992). The angel of progress: Pitfalls of the term "Post-Colonialism" Social Text, *Third World and Post-Colonial Issues*, *31/32*, pp. 84-98; Straurt Hall 'Limits.

(Raftopoulos and Mlambo, 2009). Despite this rapid rise, it was practically a situation where access to the urban area was expanded under the rhetoric of the 'new' modernity of the national project to more citizens while no space, in terms of housing and economic occupation and facilities, was created to accommodate the upsurge. Initially, the city was insulated from an upsurge of slums similar to what has been reported in post-colonial situations by two factors.

First, there was a stringent enforcement of building bylaws and standards[10] and secondly, the fact that most land in Harare is privately owned, starved the new urban immigrants of public land within the city surroundings[11]. Irrespective, the city of Harare soon become populated by small scale traders who used the streets, back lanes and pavements to erect their stalls and sell their wares. Several shacks soon appeared in the city peripheries and deserted farms. Some of the settlements included: Churu Farm, Killarney Farm, Mbare trading stalls, Epworth, Chitingwiza, Rusape and Hatcliffe amongst others.

On 18 May 2005, in what is claimed to have been politically instigated[12], the government launched what it called operation *Murambatsiva* (Drive out Rubbish). In its statement, the government argued that *Murambatsiva* was a mere precursor to a yet to come Operation *Garikai* (rebuild). It argued that the presence of street vendors and informal settlements in Harare was a violation of the City's master plan as guided by the by-laws and urban standards in Zimbabwe. In what appeared to be a typical narrative of the former colonizers, the government also suggested that the informal settlements around Harare had a large proportion of dwellers many of whom were not only unemployed but seemed to have had no intention of finding honest jobs[13]. Although the 2005 evictions were reported to be the most vicious and ruthless, they were not the only ones. The case of Wurayayi Magwidi[14] below demonstrates how the dwellers of informal settlements in Zimbabwe and street traders yearning for the promise of the "Right to the City" have encountered and engaged with the post-colonial administration.

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[10] All these laws owed their origin and design to the colonial regime.

[11] See http://www.everyculture.com/To-Z/Zimbabwe.html. Accessed: August, 31, 2011.

[12] The politics here seemed to have been ZANU-PF's strategy to deprive the opposition parties of the rich vote pool amongst the disenfranchised urban dwellers. As there is often de-lineation of who can vote where, moving this part of the population from the city was part of broader Jerry meandering politics.

[13] Such centimeters are not uncommon in the numerous colonial reports from what was referred to as the Commission of Native Affairs, see for instance *Rhodesia Colony: Native Affairs Department Annual Report 1927-34* (Nairobi, 1927-34).

[14] Wurayayi Magwidi narrates about life in Hatcliffe, Zimbabwe (Author's data).

I am married with four children and seven grandchildren. Although my birth certificate says I was born in 1945, I was probably born in 1940, as my mother breast-fed me for 5 years and I was only registered when I began school. So I was born the same day I started school! I was born in Gutu, a traditional reserve. We were very poor, not just in money, for the soil is poor too. It was simply hard to live. We had to work for others doing odd jobs. Like herding cattle and labouring.

In 1966, I came to Harare to seek my fortune (it was then Salisbury). I was technically twenty-one or so. First of all I got a job as a garden-boy for a white family. They were English speaking South Africans. My pay was the princely sum of two pounds and five shillings. I lived at the back with the other house staff. After that I went into building construction as a laborer. I lived in hostels and flats. It was hard but I made good friends with other workers. When I met my wife, I asked her to be kind to me. And she was. So we stay well together. Bless her.

In 2005 the local government destroyed everything here. They moved us to Caldonia farm. They told us we had to get out because there was no water and sewerage or services on this land. But it was not so. Some of us who knew construction investigated. And we found water mains and sewerage pipes. They were here all along. So we came back! In the end the local government gave back the land to us. They say from conflict better things come…. But I still can't afford to build my house. The inflation is too high! I have built the foundation, but it's impossible to finish, there is no cement, no bricks and if there is, the price is too high. So I own the land and wait for better days. My great hope is to be a good man and to live a good life with my family. And have one or two friends.

The case of Magwidi demonstrates that the subject of slums is not a mere issue of housing. It has much to do with the historicity of modernity and the site of modernism. For Magwidi, Harare is the place that stands between him and a better future. This is a prophetic history that is supposedly shared in Zimbabwe's post-independence 'national project'. Having been excluded from the project or rather the project having become a mirage, he and other residents of Hatcliffe see the possibility of achieving this modernity within Harare through a different format and process. One such strategy is the gradual upgrading of his house. However, the municipal officials of Harare continue to act as zealous vanguards of the Harare master plan with a colonial blueprint which disallows a strategy such as the one being used by Magwidi.

In the long run, slum settlements like Hatcliffe are seen as mere informal and unplanned residential areas and not as a case of citizens struggling to create a new model of urban modernity. What is evident in Hatcliffe is a case where collective anger and misery are redirected as resistance and struggle against indignity. Magwidi's resistance is not hemmed into the status quo i.e. the master plan of urbanization and urbanism. Rather, it 'deforms', as Partha Chatterjee argues, and reconstructs the master plan. Thus in Hatcliffe, the master plan of Harare is redrawn, appropriated and its model of delivery re-designed by the slum dwellers. When academics, city planners and

vanguards fail to recognize these creative models as legitimate expressions of urban modernism in the 21st century, the result is further marginalization and divestment of their dignity. Sites like Hatcliffe and incremental housing models as the one described by Magwidi have potential to accommodate the 'urban poor' but architects and city technocrats have described them as illegal cities (Lewis, 1973).

Nairobi, Kenya

When it was established about 100 years ago as a transit point for the Kenya-Uganda Railways, British colonizers had envisioned Nairobi as the focal metropolitan for the East Africa protectorate. Until June 2007 when the government launched the Vision 2030 and the Ministry of Nairobi Metropolitan, the City of Nairobi has all along operated based on a Master Plan of 1948. The Master Plan aimed at shaping Nairobi in order to create the conditions for the economic, social and political modernization and development of the colony over the next 25 years. Although its major ingredients were racial and class segregation, it had integrated ideals that would award urban citizenship to the urban African élite in the long run. This was a functionalist model to create new citizens through urban planning. To craft the plan, the colonial administration looked to South Africa and brought in sociologist Silberman to be part of what ended up as a multidisciplinary team. The other members of the team were architect Thornton White and engineer Anderson. Their mandate was to develop an urban plan that would be racially segregated and follow the 1944 Greater London Plan. Mechanisms such as pass laws and other discriminatory ordinances were used to restrict the number of people coming to Nairobi.

The post-independent government took forward the same functionalist and class segregated logic of the city through the 1973 Metropolitan Growth Strategy (MGS) that was funded by the World Bank, Nairobi City Council, the Kenya Government and the United Nations (Anyamba, 2004). From its implementation strategy and design, the MGS supported the new Africa elites and the burgeoning upper class. But the continuous marginalization of the new poor urban immigrants and strict city by-laws on housing did not deter immigration to Nairobi originally destined for Pumwani and Pangani[15]. By 1993, there were 40 slum settlements in Nairobi housing about 60% of city dwellers (Brown, 2006). In response, the Nairobi City Council organised a convention on the future of Nairobi.

Today there are over 150 informal settlements in Nairobi (Pamoja Trust, 2007). The largest of them is Kibera Slums where Margarete Atiemo Okoth resides. Most of Kibera dwellers are casual workers, security guards, househelps and small-scale traders either in Kibera or in the neighboring

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[15] The colonial administration had demarcated Pumwani and Pangani as the two Natives locations in Nairobi. Pumwani was the location set aside 'officially' for the natives who worked in the city whereas Pangani was the place where those who were evicted from the old irregular natives' settlements were housed.

industrial areas and affluent estates. Small-scale trading dealing in foodstuff has evidently become a predominant occupation of slum dwellers. Initially mainly a domain of women, it is now a common space with men and women in open markets such as Toi Market around whose site the narrative of Ms. Okoth is scripted[16].

> I was born in 1958 in Nyanza province, Siaya district. I am married with twelve kids (seven daughters and five sons). The first born daughter is married. We all live together at Mashimoni village in Kibera settlement. I got married in September 1974. Then in 1978 we came to Nairobi and lived in Huruma. In 1981 my husband lost his job and we moved to Kibera. Kenya's job market is very insecure and we have to struggle together. So I started a business, which I had for two years at Laini saba.
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> In 1983, I came to Toi Market to do business. I sell second-hand clothes. I buy them in Gikomba. Sometimes I have to leave very early and go to the market. But it is dangerous, as where I live the security is not good, especially for women like us. An unpleasant thing happened when we were going as a group in Githunguri to buy greens to sell. I was pregnant, we did not know it was Saba Saba day (that is the day when the politics are at on all time high) we went to eat lunch at a café. Suddenly, administration policemen came and threw tear-gas and started shouting at us. A rubber bullet hit my back, I fell down and my eyes were painful from the tear-gas. I started running to look for water to relieve my eyes. We lost each other often, but fortunately, we all managed to walk to Muthaiga where we took a Matatu into town and got home. We were lucky to survive and meet again in the market.
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> We started *Muungano* in August 1996. We did so in response to the constant harassment by police and extortions by the Chief at the time. We were about twenty-nine federation members in Toi. Four of us were women. We formed Muungano[17] to address human rights violations in Toi market. We demonstrated at the launch of AIC church to which the President had come. We made a long line and demands to the President to give us back the market. The President responded by saying that a market be built. The Asian foundation built a market of 192 stalls that we later discovered was not for us! So we filed a case in court and started our campaigns and solidarity links with other interested groups.
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> Muungano has enlightened me on how to unite with people for a common objective. It also has enlightened me on my rights. As a woman, I have learnt that owing to ignorance, women are very vulnerable in society. Muungano has mobilized women to come together and discuss issues around women and children that previously no-one talked about. Now I know that what I have worked hard for is

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[16] Margarete Atiemo Okoth narrates about life in Toi Market-Kibera, Nairobi – Kenya (Author's data).

[17] The *Muungano was Wana Vijiji* is a slums dwellers federation formed to galvanize the movement against evictions and for dignified and better livelihoods for the urban poor. See: www.pamojatrust.org.

mine and my family. Nobody should take away what belongs to my family. Through daily savings I have managed to save and access credit for expanding my business. I have educated my children with far less struggle than before. Character-wise it has developed my confidence to lead people and to be with people. I belong to the advocacy team. My husband has always supported me and never discouraged me. He gives me assurance which gives me courage.

The main problems I see in our slums are congested houses and congested toilets. It is a health hazard. When someone gets sick we all get sick. Due to my big family, I rent three structures to fit my family. Sometimes my sons get informal or casual jobs that help to pay rent. I have always wanted my kids to live in a better environment. I love my daughter and I feel very uncomfortable when I mix them with my sons especially where water and sanitation is considered. We share one toilet between my family and a whole lot of neighbors. I fear for the security of my girls especially.

The case of Okoth, in Nairobi, Kenya, is a nuanced description of how she got to live in the slums, her occupation and the challenge this poses to her reproductive identity and position. At a meta-level, Okoth makes a distinction between choices and agency. While she reckons that her choices have been stifled by material, political and social deprivation, Okoth asserts that the result has been more active agency. Her concern though is the indignity and fear of want that she and her household have to live with.

When Okoth and her spouse left Siaya for Nairobi they had expectations of finding a well paying jobs and fulfillment of the prophetic history articulated by the 'new' modernity. Their expectations were short-lived. Okoth's husband found a job and at that time, they lived in a planned low income area of Huruma Estate (next to Pumwani). But once Okoth's husband lost his job, they moved to the sprawling Kibera slums. Henceforth, Okoth and other residents of Kibera have been engaged in sustaining residential and occupational areas that are not within the Nairobi master plan. Once more, they have had to deploy more active and visible agency in order to protect themselves from being edged out of the urban areas.

Their tools of resistance have been both strategic public picketing like the one that caught the attention of the President during the opening of an AIC church and the use of legal mechanism. The use of legal instruments is a notable strategy. The 'rule of law' from the conservative standpoint is to maintain law and order. In order to use the law in their favor, yet another deformation was required. A review of the legal suite by Okoth and colleagues is illustrative of a creative redefinition and 'deformation' of the law for it to acquire a jurisprudence of the propertyless in departure from the traditional standpoint of 'protecting property'. June Starr and Jane F. Collier (1989) have written an admirable and influential description of the kind of legal discourse used by the traders in Toi Market. From the standpoint of Starr and Collier, Okoth and her colleagues made asymmetrical power relations whereby Kenya's historical times were essential for their resistance. From this perspective, the lawyers in the traders' case reached conclusions that were different from those of the lawyers and social scientists working without temporal or power dimensions.

The stalls which were under construction at the time Okoth and her group went to court, was part of a particular metropolitan vision for Nairobi. This was a Nairobi with prescribed order where only those who could raise predetermined capital would be allocated stalls. In other words, there was a particular kind of modernism developed and approved by the vanguards of urban modernism (represented by the Nairobi City Council). In the final analysis, the fact that Okoth and the group members of Muungano (a group that was formed as part of the resistance), still undertake their business from Toi Market, is illustrative of how weaker groups overcome obstacles created by legal order and meta-modernisms.

Conclusion

Many post-colonial cities show impeachable evidence that grand narratives of emancipation, restructuring planning and grand cities have given way to narratives that depict 'new' appropriations, deformation, and contestations and in some cases rejection of the 'national project' and restructuring urban plans. This is a phenomenon that I have called 'the social life' of modernities (Akoth, 2008). My notion of the social life of modernities is a call to understand the social circulation of what Richard Wilson calls 'symbolic capital' of modernisms (Wilson, 2006). The appropriation of modernism by the subaltern, like Magwidi and Okoth, can be read in two ways. First, although unaffordable or even unachievable the subalterns see the 'master plan' as the reference point. Second, despite Magwidi and Okoth's narratives of threats or actual evictions at one point, the authorities in Harare and Nairobi seem to have accepted co-existence with the paralegal nature of these slum/shack modernities. In any case, slums/shacks are constituency which is very important politically. Although the discussion here has made these two individuals visible, we can tell that the way they exercise their presence in the urban areas is more from a collective or co-joined string of relationships.

This paper has used two narratives that can be read as life stories, a journal, or an autobiography. In an attempt to demonstrate is that alongside the abstract promise of popular sovereignty (embedded in the nationalist 'national project'), people in Africa and indeed most of the world are devising and reclaiming mechanisms and space in which they choose how to be governed. I therefore hold that it is both unrealistic and irresponsible to condemn all such paralegalism as evidenced in slums or shacks as not part of the capitalist modern state in Africa. The two cases used here tend to demonstrate the struggle between the ideal metropolitan (post-colonial nationalist project) on the one hand and the invisible appropriation by the urban poor on the other hand (Asdar and Rieker, 2008).

By insisting on the permanence of Toi Market as Okoth does and the irrevocable place of Hatcliffe as Magwidi does, these individuals and the collectivities within which they work engage in a critique and successful modification of an otherwise hegemonic epistemological space of urban planning and urbanism. These are similar to the daring actions of imperial resistance that gave rise to

13

the independence nationalism. The narratives of Magwidi and Okoth are of resistance to non-inclusiveness in urban citizenship and the hegemony of the 'master plan'. Magwidi and Okoth represent the 're-birth' of the same political subjects only under different circumstances which call for new tactics.

A number of reasons speak to the're-birth' of these political subjects at least in the 21st century. Most prominent are: (1) as a historical agent, the landless working poor have no track record and thus have not been discredited as the post-colonial African elites; (2) the Working Poor and unemployed shack/slum dwellers have been rapidly growing to the point of eventually encompassing the metropolis like Nairobi and Harare as a whole; (3) unlike other differentiated classes, urban dwellers have been subject to collective punishments, more so expressed in actual or threat of evictions, imposing on them a collective or imaginary identity that often transcend ethnicity, religion, language and other axioms of political identity; (4) they have shown proclivities of militancy in resisting and responding to forced evictions; (5) for reasons of militancy and developing a 'paralegal system', the slum/shack dwellers have been defined as subversive, 'illegal' and encroachers who are a threat to the metropolis order; (6) the subject of their existence and their presence as a critique to nationalists' promise of the 'National Project' has lately been a subject among many scholars. Some of these scholars have proposed that the new forms of urban modernism and urbanism 'produced' by slum dwellers should be the basis of re-interpreting the social and political reality of post-independence modernisms.

If the urban slums have brought an end to the nationalist meta-narrative and developed new formations, we may also want to interrogate how the re-birth of these political subjects have positioned their struggle. The story of Magwidi and Okoth illustrate defiance, persistence and optimism of a people divested of their dignity and 'robbed' of their citizenship. But it also underlies a deeper assertion of legitimacy. Read from the standpoint of the State, their actions go against the principle that 'every citizen *appele ou saisi* on the basis of the law (and here we have the master plan being enforced by the law), must immediately obey or be deemed guilty of 'resistance'. Primarily, on establishment of a sovereign state based on the will of the people, the right to resistance does not exist. But that the people pre-date the State would imply that if the State fails in its promise to deliver, then 'the people' can reclaim their rights to resist.

Even though such an action may be deemed subversive, the activation of resistance at the very least attests to the residual right that 'the people' have before they develop the new relationship with the State – as citizens. The right to resistance deployed by Magwidi and Okoth is therefore a residual right triggered, as Bobbio says, "…at the moment in which government's authority (moral, legal or political) and the relationship between the citizens and the state (as evidenced in urban authorities of Nairobi and Harare) but *de facto* and based on rule by the strongest" (1993, p. 109).

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