



Informal Urban Settlements and Municipal Governance in East African Cities

Historical Antecedents and Contemporary Relevance

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Published: 23 August 2023	Received: 13 April 2023	Accepted: 26 July 2023	DOI: 10.5281/zenodo.19548599
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ABSTRACT

This article examines Informal Urban Settlements and Municipal Governance in East African Cities: Historical Antecedents and Contemporary Relevance with a focused emphasis on Morocco within the field of Law. It is structured as a comparative study that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

Keywords: *Informal Urban Settlements, East African Cities, African Cities Historical, Cities Historical Antecedents, Informal Urban, Urban Settlements*

<p>Article Highlights</p> <ul style="list-style-type: none"> • Colonial and post-colonial histories shape current municipal governance frameworks • Persistent disconnect between top-down governance and bottom-up settlement realities • Tenure regularisation and service provision remain critical challenges • Informality must be recognised as integral to urban fabric, not aberrant 	<p>Methodological Approach</p> <p>Qualitative comparative analysis using East African cases as conceptual framework to examine Moroccan context through legal texts, policies, and judicial decisions.</p> <p><i>This analysis bridges historical jurisprudence with contemporary urban law for rapidly urbanising regions.</i></p>
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Introduction

The proliferation of informal urban settlements presents a profound governance challenge for municipalities across East Africa, a phenomenon with deep historical roots and acute contemporary relevance([Farazmand, 2022](#))([Farazmand, 2022](#)). These settlements, often characterised by insecure tenure, inadequate infrastructure, and marginalisation from formal planning systems, test the capacity and legitimacy of municipal authorities([Herbert & Marquette, 2021](#))([Herbert & Marquette, 2021](#)). While the focus of this comparative study is East Africa, examining this dynamic through the lens of Morocco offers a valuable counterpoint, illuminating how different legal and administrative traditions contend with similar pressures of rapid urbanisation and informality([Menezes & Barbosa, 2021](#)).

The core problem lies in the persistent disconnect between top-down municipal governance frameworks and the bottom-up realities of settlement formation, a tension that exacerbates social inequality and impedes sustainable urban development. This article's objective is to analyse the historical antecedents of this governance dilemma and assess its contemporary manifestations, arguing that effective responses require legal and institutional adaptations that recognise informality as an integral, rather than aberrant, component of the urban fabric([Oderkirk, 2021](#)). As Farazmand notes, public administration must evolve to manage complexity, a principle acutely applicable to urban governance.

The trajectory of this article will first establish the methodological approach for this comparative analysis, then present a comparative examination of governance patterns, discuss their implications within broader scholarly debates, and conclude with reflections on potential pathways for more inclusive municipal governance in Morocco and analogous contexts.

Methodology

This study employs a qualitative comparative design to analyse the governance of informal urban settlements, drawing on documentary evidence and policy analysis to construct a nuanced understanding of institutional responses([Menezes & Barbosa, 2021](#)). The analytic design is explicitly cross-jurisdictional, using insights from East African cases as a conceptual framework to critically examine the Moroccan context, thereby identifying both divergent and convergent governance patterns([Oderkirk, 2021](#)). Evidence sources include national urban policies, municipal regulations, judicial decisions pertaining to land and housing, and scholarly analyses of urban development in the referenced regions.

This approach is justified as it moves beyond simple case description towards generating transferable insights about how different legal systems conceptualise and operationalise 'governance' in complex urban environments. As Herbert and Marquette suggest, understanding governance impacts requires attention to contextual institutional landscapes. The primary data for Morocco consists of legal texts and policy documents, analysed through the thematic lenses derived from the broader literature on informality and municipal authority.

A key limitation, acknowledged frankly, is the reliance on publicly available documents and secondary literature, which may not capture the full spectrum of on-the-ground implementation challenges or the nuanced perspectives of residents themselves. Nevertheless, as Oderkirk implies in a different context, systematic analysis of institutional frameworks provides a crucial foundation for understanding governance capacities and constraints.

Comparative Analysis

The comparative analysis reveals a persistent pattern wherein municipal governance frameworks, often inherited from colonial-era planning laws, struggle to accommodate the organic growth and socio-economic logic of informal settlements (Farazmand, 2022). In many East African cities, historical antecedents include rigid master planning that excluded large segments of the urban poor, fostering parallel systems of land allocation and service provision (Herbert & Marquette, 2021). Examining this through the Moroccan lens shows a similar, though distinct, trajectory where rapid urban migration has pressured traditional medina structures and spawned peripheral bidonvilles.

The strongest pattern emerging is a shift, albeit uneven, from purely punitive or eradication-based approaches towards more nuanced strategies that involve varying degrees of recognition, upgrading, and participatory planning. This finding directly connects to the article's central question by demonstrating that the contemporary relevance of historical governance models lies in their enduring legacy of institutional mismatch. For instance, the centralisation of planning authority, a common feature in both regions, often leaves municipalities with responsibility for service delivery but insufficient legal or fiscal tools to manage informal areas effectively.

As Menezes and Barbosa observed in a different policy arena, the dismantling or inflexibility of participatory institutions can exacerbate conflict. The evidence suggests that where municipalities have developed more flexible legal instruments for tenure regularisation or delegated management, outcomes appear more sustainable. This transition sets the stage for interpreting what these evolving approaches signify for the theory and practice of urban governance.

Discussion

Interpreting these findings suggests that the governance of informality is less a technical problem of service delivery and more a fundamental question of legal inclusivity and institutional adaptation (Menezes & Barbosa, 2021). The comparative analysis underscores that municipalities which perform better are often those that have developed legal mechanisms to bridge the formal-informal divide, moving beyond seeing settlements solely as planning violations (Oderkirk, 2021). This connects to broader scholarship on adaptive governance, where, as Farazmand argues, resilience in public administration requires learning and innovation.

The implications for Morocco are significant; its experiences with programmes like the Villes sans Bidonvilles initiative reflect a recognition of the need for integrated approaches, yet challenges of implementation and scale persist. The practical relevance lies in understanding that effective municipal governance in this context demands legal frameworks that empower local authorities to negotiate, regularise, and integrate rather than merely regulate and clear. This echoes concerns raised by Herbert and Marquette about the need for governance systems that can manage emergent crises and social tensions.

Furthermore, the Moroccan case illustrates that top-down, large-scale rehousing projects, while addressing physical infrastructure deficits, must be coupled with legal recognition of community structures to foster genuine integration. The discussion therefore positions municipal governance as a critical arena where the right to the city is either substantiated or denied through everyday administrative and legal practices.

Conclusion

In conclusion, this comparative study finds that the persistent challenge of informal urban settlements in East African cities—and its resonance in Morocco—stems from a historical failure of municipal governance systems to legally and institutionally accommodate urban growth driven by the poor. The article's contribution is to frame this not as a planning failure alone, but as a continuous governance dilemma requiring legal innovation. The most practical implication for Morocco is the urgent need to further decentralise and tailor legal instruments, granting municipalities the discretionary authority and resources to develop context-sensitive regularisation and upgrading protocols, rather than relying solely on national standardised schemes.

As Menezes and Barbosa highlight, the delegitimisation of local actors can be a major obstacle. Therefore, the next logical step for research and policy is to critically evaluate existing participatory legal frameworks in Moroccan cities, assessing their genuine capacity to incorporate resident voices from informal settlements into planning decisions. Ultimately, the governance of informality will determine the future cohesion and sustainability of cities, demanding a move from control to negotiated co-existence within the bounds of an adaptive and equitable rule of law.

Contributions

This study provides a novel comparative legal analysis of municipal governance frameworks for informal settlements in East African cities, situating them within their specific colonial and post-colonial histories. It contributes to scholarly discourse by demonstrating how historical legal-administrative antecedents continue to shape contemporary regulatory approaches and resident vulnerabilities.

Practically, the analysis identifies transferable lessons and persistent challenges in tenure regularisation and service provision, offering a critical reference for policymakers and urban planners. The research thus bridges historical jurisprudence with current urban law, proposing more contextually grounded and effective governance models for rapidly urbanising regions.

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