

CREATING AN URBAN VISION FOR KENYA



Executive Urban Leadership Conference

November 2, 2015, United Nations Office, Nairobi

Abbreviations

CBD	Central Business District
CEC	County Executive Committee
CIDPs	County Integrated Development Plans
COG	Council of Governors
CPI	City Prosperity Initiative
ECD	Early Childhood Development
GIS	Geographical Information System
ICLD	International Centre for Local Democracy
ICT	Information Communication Technologies
IGS	Institute for Governance and Sustainable Development Studies
ISUDP	Integrated Strategic Urban Development Plan
KENHA	Kenya National Highways Authority
KISIP	Kenya Informal Settlements Improvement Project
KUP	Kisumu Urban Project
LAPSSET	Lamu Port Southern Sudan-Ethiopia Transport
KRA	Kenya Revenue Authority
MCA	Member of County Assembly
MDGs	Millennium Development Goals
OWG	Open Working Group
PPP	Public Private Partnership
SDGs	Sustainable Development Goals
TARDA	Tana and Athi River Development Authority
UDC	Urban Development Committee
USRG	Urban Sector Reference Group

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CHAPTER ONE: INTRODUCTION

The Urban Vision for Kenya

UN-Habitat, the Kenya Council of Governors (COG), and the International Centre for Local Democracy (ICLD) have joined together to provide the Governors of Kenya and their Urban Development County Executive Committee Representatives (CECs) the opportunity to focus on the urgent challenges and opportunities of Urbanization. A series of conferences have been organized to provide the Governors and CECs the platform and knowledge to create a better Kenya as well as an opportunity for the County Governors of Kenya and the respective Urban Development Committee Members to unify their voices, ensuring an urban agenda that empowers the role of devolved governments.

The goals of the programme are i) to strengthen Governors capacity to handle challenges and opportunities arising from urbanization in counties; ii) intensification of the dialogue between county governors and the national government regarding urban challenges and opportunities faced by the counties; and ii) collective discussion on the challenges and opportunities of urbanization by the county governors with the objective of contributing their inputs into the national government's work on urban development and the international processes relating to urbanization issues by the drafting of an urban statement.

Why a conference on urban issues for Governors and CECs?

Cities are facing unprecedented demographic, environmental and economic challenges. Kenya is expected to grow by 25 million people in the next 15 years. The percent of Kenyans living in cities is expected to grow from 25% to 50% by 2030. Governors and CECs are in the unique position to make a vital difference in how cities and towns develop. Through this urban conference, the Governors and CECs will tackle the challenges their counties face and create a vision to enhance the opportunities that exist. It is important therefore that the Governors and CECs understand each other's challenges and opportunities. Seasonal migration and rural issues have a direct impact on urbanization. Kenya is one interdependent country, not one city or group of cities.

Creating a National Unified Statement

One major outcome of this conference is to bring together Governors with the CECs, create a national statement that contributes a unified urban vision for Kenya. The results will be featured in a film taken from these sessions (interviews) and a printed booklet. Governors will be given a platform to share their vision for Kenya with the National leadership of Kenya. This will be summation of the Governors and CECs contribution to the historical Habitat III process.

United Nations Habitat III Conference

Habitat III will be one of the first global conferences after the Post 2015 Development Agenda. This conference will provide a forum to discuss and chart new pathways in response to the challenges of urbanization and the opportunities it offers for the implementation of the Sustainable Development Goals (SDGs). The conference promises to be unique in bringing together diverse urban actors such as governments, local authorities, civil society, the private sector, academic institutions and other relevant interest groups to review urban and housing policies. The goal is to generate a 'New Urban Agenda' for the 21st century which recognizes the ever-changing dynamics of human civilization.

Introductory Remarks

Shannon, Lovgren, the Programme Moderator and Facilitator welcomed all to the conference. She informed the participant that this was the day three of the *"Executive Urban Leadership Conference"* whose goal was to bring together the Council of Governors, the County Executive Committee members and the government from the local levels, to focus on the Habitat III process which is leading the way for discussion and the goals to provide housing, safe and equitable housing for all. The COG, CEC, ICLD, UN-Habitat are working together to support the needs of Kenya in this regard.

On his part, the co-Moderator, Prof. Alfred Omenya welcomed the participants to the conference. A self-introduction then followed. He represented the Urban Sector Reference Group (USRG) whose role was to advise the COG on urban issues. He briefly took the participants through the programme of the day.

CHAPTER TWO: CONFERENCE PAPERS

Creating a unified statement

Dr. Aisa Kirabo Kacyira (Deputy Executive Director UN-Habitat)

Her speech read on her behalf by Mr Nason Mutizwa Mangiza, Director, for Policy and Programme Planning, the Office of the Executive Director, UN-Habitat.

Dr. Kacyira expressed her deep pleasure to participate in the executive leadership conference. She thanked the Council of Governors and the Swedish International Center for Local Democracy – ICLD, for the milestone they had attained in collaboration with UN Habitat, in organizing the conference to ensure effective contribution of Kenya’s county Governors to United nations conference on Housing and sustainable urban development, Habitat III to be held in Quito, Ecuador in October 2016.

With more than half of humanities now living in urban areas, there is a resurgence on interest in urbanization as demonstrated by the inclusion of stand-alone goal on cities and human settlement in the 2030 agenda for sustainable goals recently adopted by the worlds head of states and heads of Government, that is goal 11 makes cities and human settlement inclusive, safe, resilient and sustainable. This is in response to the realizations that well planned and managed urbanization can contribute significantly to sustainable national development, as well as to the realities that many countries in Africa are failing to respond to the 21st century challenges of urbanization.

For Africa, Africa UN habitat recent studies have identified a number of key challenges including the following

- Rapid urbanization and increasing demand for jobs , infrastructure and services
- Urban informality in terms of land and housing transport and livelihood and unplanned and often chaotic peri-urbanization
- Urbanization poverty and increasing inequality
- Expanding youth population and the arising needs
- Inadequate delivery of urban land , its scale in order to meet increased demand for housing, infrastructure and services

- Climate change and cities excessive dependence on fossil fuel
- Inadequate urban governance systems and shortage of urban planning and management skills in a number of countries

Africa is one of the least urbanized and most rapidly urbanizing regions of the world. More than Africa's populations still live in rural but moving very fast towards urban centres or experiencing transformation of their rural homes into urban. More than two thirds African projected population of 2.5 billion people will be living in urban centres by 2063. UN habitat strongly believes in a need for new and more perspective on urbanization.

Paragraph 1-3-4 of the Rio+ outcome document, the future we want, Government stated that if there are well planned and developed including through integrated planning and management approaches cities can promote economically socially and environmentally sustainable societies. It's on the basis of this that head of State and Government recently included goal 11 of the new sustainable development goals.

Urban settlement makes immense economic contributions to sustainable development. Towns and cities account for 70% of the world's Gross domestic product (GDP) on average that is 55 % in low income countries, 73% in middle income countries and 85% in high income economies, the positive correlation between national economic and urbanization is well established and understood.

Throughout history, towns and cities have driven economic advancement and civilization and creativity. There is therefore no doubt that town and cities can be and must be purposefully used as effective instrument and drivers of national economic development. Cities also contribute in fundamental ways to social sustainability. Poverty cannot be tackled without addressing the basic need of the billion urban of the poor such as access to adequate housing, clean drinking water, sanitation, domestic energy and transport.

In developing countries, slums which currently accommodate close to 1 billion people are the physical manifestation of urban poverty and inequality. About 2.5 billion and 1.2 billion people worldwide still lack access to safe sanitation and clean water respectively. This is part of the unfinished business of the millennium development goals, therefore follows that achieving sustainable development will require serious action to reduce urban poverty, especially among

the slum dweller who continues to live under life threatening conditions.

In Africa, including Kenya and other developing countries, rapid urbanization has resulted in uncontrolled peri-urbanization much of it informal. Environmental sustainability cannot be achieved without serious and concerted efforts at the local level. Africa's and Kenya's urban agenda must address the needs of urban and rural population, given the continent's stage in urbanization process. In this context settlement should be seen as continuous, from the smallest rural settlements through rural service centres, small and medium sized towns to the largest megacities.

Dr. Kacyira's speech informed the Governors that as leaders most directly responsible for addressing these needs, they needed to have their strong voice be heard at the UN conference on housing and sustainable urban development. It will not be possible to implement the new urban agenda document that is expected at the Habitat III conference, without their contributions. She expressed her pleasure that UN habitat is encouraged and pleased by their efforts to make a contribution towards Habitat III.

She emphasizes that national sustainable development cannot be achieved without sustainable urbanization. The new urban agenda must promote the economic roles of cities in sustainable national development and recognize economic opportunities that cities offer. That agenda must also address in a more holistic and systematic way the basic needs of the millions of poor people in the cities of developing countries.

Finally the new urban agenda must recognize roles of sustainable urbanization in addressing global environmental problems especially climate change. It's my hope you will consider some of these issues in your deliberations today and in your final statement, UN habitat encourages you to take part in current global negotiations on these issues including at the afri-cities summit to take place in Johannesburg, South Africa from the 29th November to 3rd December. UN habitat also encourages all to take part in Habitat III conference to which you are all welcome.

Highlights of Kenya Country Statement into Habitat III

HE Prof. Sam Onger¹

Prof. Onger¹ re-emphasized the importance of the Conference as a preparation meeting for the Habitat III to take place in Quito, Ecuador, from 17 – 20 October, 2016. He commended the participants for attendance, since their contribution in the conference would aid in shaping the urban agenda of making the devolved states as competitive regions.

He informed the participants that the this meeting in Ecuador comes shortly after the post-2015 development Summit held from 25 to 27 September 2015, in New York, where a decision was made to have the Sustainable Development Agenda (SDA) succeed the Millennium Development Goals (MDGs).

Before Habitat III, there is a scheduled meeting on climate change in Paris from November 28-December 11, 2015. One of the major issues to be discussed in this meeting is ways of dealing with green house emissions in cities in towns for the benefit of the population in these regions. The constitution and other legislation have conferred the following mandates to the National government in regards to the urban areas:

- Development and oversight in implementation of policies
- Development of regulations and standards for national urban development
- Capacity building for counties on urban issues
- Allocation of grants and external borrowing

Counties have been granted direct roles in management of urban areas by the Urban Areas and Cities Act. The rapid urbanization taking place is making the 47 counties potential large cities in future that will shift the graph of urbanization as human settlement moves from the rural to urban centres.

There is need to be prepared to handle the challenges of rapid urbanization in terms of services like housing, urban planning, infrastructure, water supply and sanitation, businesses and locations (especially industries and their waste management). There has been significant growth of urban areas and towns in Kenya with regards to population and economic activities since the inauguration

¹ Prof. Sam Onger¹ is Kenya's Permanent Representative to the United Nations Habitat.

of County Governments. He hoped that the services resulting from Habitat III would be relocated to Kenya, since the country hosts UN Habitat headquarters. He hoped that all the stakeholders, from the Governors to the National government all work together to ensure that this was achieved.

He reported that the UN Habitat has a current membership of 58 countries, while UNEP has received a universal membership of 193 countries. All the stakeholders are working towards having UN Habitat receive a universal membership as was demonstrated by the President of the Republic of Kenya during the official opening of the Governing Council of the UN Habitat that Kenya was ready to work together with the rest of the world to achieve this goal.

He urged the counties to be in measures to be able to mobilize resources, since urbanizations results in resource flow. As the key drivers of economies of both the County and National governments, more attention should be focused on urban areas. He hoped that the meeting would result in the consolidation of input as county governments to the Habitat III process, as well as chart a way of accelerating urbanization and development processes in counties.

He reiterated the need for strategic partnerships to tackle the challenges of urbanization. The government has put measures in place to leverage urban development in order to ensure that this agenda is given prominence in the devolution debate. The government is also in the process of developing the regions by funding improvements and additions to the existing infrastructure by applying the Public Private Partnership (PPP) model of development.

He informed the participants that the Kenya Mission to the UN Habitat was available to guide the counties. He also informed the Conference that he will be visiting the counties to assess the programmes that the counties have initiated and to develop a partnership with them, to be able to leverage resources to be able to develop the counties and achieve the vision of devolution.

The Council of Governors Urban Development Committee in guiding urban development in counties

HE Governor Dr. Julius Malombe ²

Dr. Malombe reiterated the commitment of COG in matters of human settlements, urban development, urban planning and urban management. This has resulted in the formation of the Urban Development Committee. The mandate of the committee is to:

- Develop a framework to guide and assist County Governments in establishing structures for the management of urban areas
- Organize forums where participants share ideas on emerging issues and ways of prioritizing and promoting urban areas as the engines of socio-economic growth
- Provide a platform for review and mainstreaming of ongoing urban programmes within the County Integrated Development Plans (CIDPs).
- Provide a framework for the review and mainstreaming development partners' engagement and support to County Governments on urban development and management issues.
- Coordinating the participation of County governments in local, regional and international conferences on urban development and management.
- Ensure that the county governments speak in one voice on all matters on urban development, for example, ensuring that the Kenyan position in the Habitat III conference in Ecuador in 2016 reflects the position of county governments.

He confirmed that the action plans agreed upon during the Executive Urban Leadership Conference held on September 28 and 30th, 2015 had been acted upon. These include:

- The COG had written to the Cabinet Secretary in charge of land, housing and urban development recommending that the country participates and be included in the UN Habitat City Prosperity Initiative (CPI).
- The COG had also written to the Cabinet Secretary in charge of land, housing and urban development to recommending that the ministry includes county representatives as part of the Kenyan delegation to the Habitat III Conference.

² Chairman Urban Development Committee, CoG, & Governor Kitui County

UDC had initiated the following programmes in regard to guiding urban development in the counties:

- The formation of the USRG, which is a multi-stakeholder, multi agency group that advises the UDC on pertinent urban issues
- Formation of Intergovernmental Committee of CEC members in charge of land, housing, physical planning and urban development to harmonize county approaches to urban development
- In cooperation with the Government of Sweden, the UDC has launched the Symbiocity Kenya programme in order to develop sustainable urban development approaches for counties
- In partnership with development partners and the National Land Commission, UDC is working on a programme that will help develop a framework to guide spatial planning in the counties. This framework will guide development partners in prioritizing spatial planning and ensure coordinated support to the counties
- UDC has been instrumental in review of the current National Policy and legislation to align these to the constitution
- Have contributed into the draft National Urban Development Policy as well as the proposed revisions of the Urban Areas and Cities Act

He appealed to the UN-Habitat to support the Kenyan delegation and to consider introducing discussions that touched on sub-National Governments to reflect on the current situation in Kenya, where County Governments had replaced Local Authorities. He challenged the National government to speed up the conclusion of the National Urban Development Policy and the Urban Areas and Cities Act Amendment Bill.

Role of national and county government in urban development in Kenya

H.E. Governor. Peter Munya³

The Chairman reported that there has been significant growth in urban areas in terms of population and economic activities. Urban areas key drivers of the counties as well as the National Government, hence the need to focus more on these areas. The current urban governance is provided for by the current constitution of Kenya, 2010, that allowed the principle of devolution to the County levels.



Various acts of parliament set out the criteria for the transfer of functions to the county and urban levels. These legislations set out the following mandate for the National Government in regard to the urban areas:

- Development of regulation and standards for national urban development
- Allocation of grants and external borrowing
- Capacity building for counties on urban issues
- Development and oversight in implementation of policies

The Urban Areas and Cities Act confers the counties the role of management of urban areas which include:

- Allocation of funds to the urban areas
- Establishment of Urban Boards, Urban Managers as well as citizens forums
- Conferment of municipalities and town status on urban areas within the County
- Approval of the Integrated Urban Development Plans
- Oversight for service delivery by the Board that includes Public and Private Partnerships (PPPs).

He hoped that the meeting would consolidate inputs as counties towards the Habitat III and to chart a way of speeding up urbanization and development process within our counties. The meeting was a testimony of each County's commitment shaping the urban agenda and making the devolved states competitive regions. He emphasized on the importance of strategic partnership with competent agencies and organizations in tackling the urban challenges of urbanization.

³ COG Chairman , Governor Meru County

He reported that the COG had commenced on a programme aimed at leveraging the urban development matters, in order to offer it prominence in the devolution agenda. Plans are underway to develop all the regions by funding improvements and additions to existing urban infrastructure, through the Public, Private Partnership (PPP) model.

He declared the conference officially open.

Session 2: Urban Planning and Design

Session Chair: HE Dr. David Nkedianye, Governor, Kajiado County and Vice Chair Urban Development Committee of CoG

In his introductory remark, HE Dr. David Nkedianye informed the participants that the session would deal with examples from counties and technical people who would have lessons to share on how urban planning is being done, the challenges of this process and how counties are overcoming these challenges. He hoped that everyone would learn from the experiences to be shared. He also hoped that the National Government would assist the counties more particularly on capacity in urban planning.

Experiences of urban planning and management from Kisumu County

HE Governor Jack Ranguma⁴

The Governor was represented by Doris Ombara, City Manager, and Kisumu City. Doris' reported that the structures that exist in Kisumu County is three fold; Kisumu County, Kisumu City and the Wards. Each of these tiers has a strong planning unit that makes urban planning a challenge. The County government has County urban development planning fund, while the city has a city hold city development planning fund. On the other hand the MCAs have ward development planning fund.

There is need to have an authority where the jurisdiction of planning will be based. This authority will harmonize the operations of the three tiers. The city has implemented the Integrated Strategic

⁴ Governor Kisumu County

Urban Development Plan (ISUDP) which focuses on the 14 wards of Kisumu City. The plan has been passed by the County Assembly. The plan establishes an inventory of the general infrastructure and the resources available within the City.

The City is undertaking to develop detailed zonal plans of the zones in the City. These plans will be extended to the other Wards in the County (the County has 39 Wards, which include the 14 wards in the City).

Technical aspects of urban planning and design in Kisumu County

Solomon Mwongo⁵

Mr. Mwongo gave a brief description of the urban planning in Kisumu County. The major urban centres in Kisumu County are:

- Kisumu City – designated city – Integrated Strategic Urban Development Plan, has been approved.
- Ahero – designated urban centre
- Maseno – outdated plan
- Muhoroni – outdated plan
- Katito – unplanned
- Pap Onditi – unplanned
- Holo – plan up to date
- Kombewa - unplanned

The modern dynamics of urban growth and the related influence of transportation networks, the Kisumu's Central Business District (CBD) dominance has been eroded. Kisumu City's urban form has been achieved through various design elements and principles. The challenges facing urban planning & management in Kisumu include:

- Urban primacy – the status of Kisumu and the level of Servicing has eroded the growth potential of other centres
- Population growth and the related proliferation of slums

⁵ Mr. Solomon Mwongo is the CEC member in charge of Lands, Housing and Urban Development, Kisumu County

- Scarcity of land for expansion of urban centres and for establishment of industries
- Urban decay – houses are old and others are aging fast
- Un-coordinated traffic management system – influx of boda boda and tuk tuk within CBD
- Dilapidated port of Kisumu
- Environmental degradation – encroachment on wetlands and pollution of Lake waters
- Inadequate resources – finances, equipment and skilled personnel
- Natural features that limit spatial expansion – e.g. Wetlands, flood prone areas and the rocky and steep hills
- Existing institutional barriers that limit consensus building – e.g. in relation to Kenya Railways housing and lake front project

Kisumu City presents opportunities in urban planning & management such as:

- Availability of land (potential for urban renewal in old estates)
- Geographic location that makes Kisumu a regional hub for Western Kenya & East Africa
- Lake Victoria as a source of various resources
- Conducive climate for doing business in relation to terror threats
- Hospitality of the local people
- It has the potential of being a tourist destination
- Availability of man power – skilled, semi-skilled and unskilled
- Existing infrastructure for service provision - hospitals, airport, railway, roads, schools, energy etc
- Natural endowments such as fresh water bodies
- Functional formal institutions - governmental and non-governmental
- Coping With Challenges: the County has made tremendous strides towards coping with the challenges related to Urban Planning & management.
- Expansion of the highways to ease traffic
- Kisumu Urban Project (KUP) – this comprises numerous projects & programmes that address the challenges
- Construction of by-passes to ease traffic within town
- Kisumu Integrated Strategic Urban Development Plan is approved-implementation in progress
- Initiating new housing projects as part of urban renewal of old estates
- County Spatial Plan to direct investments & development

- Planning of major urban centres to promote service delivery which will ease pressure on the city
- Partnering with other agencies and private sector in service provision esp. in health, education and housing sector
- Promotion of rural sector especially in agricultural intensification & diversification

Planning opportunities and challenges in the LAPSETT Corridor

HE Governor Josphat Nanok⁶

The Governor had the following highlights with regards to planning as integration to urban development planning opportunities. He noted that the constitution of Kenya 2010 essentially created 47 planning hubs for development and urbanization. The County government focus is on the 47 counties and sub-counties which are going to be developing and or are already developed as urban areas.

There is a reduction of rural to urban migration from outside Nairobi into Nairobi and an increase from rural migration into county headquarters. There is crucial need of balancing between the needs and requirements of rural areas and emerging urban areas. The County government Act states that every county needs to have a county development integrated plan to guide implementation of annual programmes. The process is reviewed every two years so as to accommodate any emerging issues within the counties.

All counties have done the CIDP: This is a document that is guiding the implementation of annual programmes and plans. The county government Act requires counties to conduct spatial development planning all across the county which is implemented gradually due to the high cost. Turkana County has begun the spatial planning with the 7 key urban areas and gradually expands to other areas. The County Integrated Development Plan and the spatial planning involve heavy community participation at the villages, the wards, and sub-County and at the county level.

Development and urban planning leads to population growth hence these plans need to be updated every time so that they are realistic and take into account the increase of people from rural and urban areas, pressures on infrastructure that is experienced and other emerging issues. Turkana

⁶ Josphat Nanok is the Governor Turkana County

County is having a joint approach to development planning with the UN family and other development partners.

Planning Opportunities and Challenges in the LAPPSET Corridor

The second transport corridor is very significant particularly for Northern Kenya as it had not known any development or significant access including the international community, but this is going to be an economic game changer for this particular area and also for Kenya. He cited various planning opportunities available in the LAPPSET corridor

1. Discovery of oil, gas, energy and minerals and opportunities for producing electricity. For example Marsabit with Lake Turkana wind power and geothermal along Baringo-Turkana stretch.
2. Potential for irrigation for expansion of food production capacity.
3. Livestock availability which is an opportunity to develop the agro-processing industry.

Challenges

1. Limited resources for planning and execution.
2. Land tenure systems that define ownership of land from Lamu to Turkana County. This is due to lack of expertise within the county. It also hinders the economic improvement around the corridor.
3. Governance structure of the LAPPSET. The county and the National government should work together with the communities on managing and planning the implementation of the infrastructure on the corridor.
4. Insecurity along the corridor.

County challenges of urban development, the case of Nakuru County

HE Governor Kinuthia Mbugua⁷

The Governor outlined the following as the challenges facing Nakuru County and added that these challenges run across all counties:

1. Inadequate urban municipal infrastructure: water, street lighting, drainage, access roads, sewers. These were previously designed for a small population, which has since grown. To mitigate against this, the County is working with Water and Sewerage companies in the

⁷ Kinuthia Mbugua is the Governor Nakuru County

County in investing more in water reticulation. The County is also working with donor agencies in the Kenya Informal Settlement Improvement Programme.

2. Urban sprawl: the mushrooming of peri-urban areas which are informal. In mitigation, the County has embarked on the urban physical development plan.
3. Housing deficit: the population has increased tremendously, thereby straining housing in the County. The County is re-developing estates and investing in low and medium cost housing schemes.
4. Inadequate capacity to fund, prepare and implement physical development plans: the capacity to fund this is beyond the County's capabilities.
5. Informal business activities: the County is grappling with handling and accommodation of the informal business people. The County has constructed multi-storey market, has decentralized business to the residential areas as well as establishing satellite markets.
6. Environmental challenges: include deforestation, soil erosion, desertification, water shortage and degraded water quality, flooding, poaching, and domestic and industrial pollution.
7. Transport/traffic challenges: the County is experiencing congestion in the urban areas. To mitigate against this, the County has developed multi-storey parking lots as well as development of non-motorized transport through the Kenya Municipal Programme.
8. Geological challenges: the unstable geological zones experiencing frequent local geological faulting characterize the western zone of the town. The County has used technology as a way to by-pass this challenge, where it is possible to construct high-rise buildings.
9. Legal framework – the conflict in land management framework. The County is working towards the harmonization of land laws and institutions in urban land management.
10. Land tenure that leads to un-controlled development and spontaneous development.

Framework for planning in Kenya

Dr. Herbert Musoga⁸

In his presentation, Dr. Musoga highlighted the planning process as a concurrent function. The National Government has the following functions:

- General principles of land planning
- Coordination of planning by counties (as provided for by schedule Part 1/21)
- To monitor and have oversight responsibilities over land use planning throughout the country (Article 67(2) (h)).

The County Governments on the other hand, play the following roles in planning:

- County planning and development
- Plan preparation, approval, implementation (including development control) and review

The following types of plans are envisaged under the County Governments Act 2012 and Urban Areas and Cities Act 2011 National Land Use Plan:

- ☐ Inter-county plans – plans out of collaboration
- ☐ County plans
- ☐ County spatial plans – 10 year plan
- ☐ County integrated development plans – 5 year plan
- ☐ Sectoral plans
- ☐ Integrated urban Development Plans

The requisite instruments in realizing effective planning are, sectoral policies, legislation, practice guidelines/manuals. The outputs of the planning process are as follows:

- The vision of the long-term development of the municipality/county, emphasizing its most critical development and transformation needs
- Assessment of the existing level of development in the municipality/county.
- The urban/county area's development priorities and objectives

The planning process leads to the following outcomes:

- i. Sectoral integration: this includes; coordination and integration of sectoral plans/programs, transport agriculture health social services and recreation commerce and industry environment housing
- ii. Sustainable human settlement: natural resource management (land, minerals, water, forest,

⁸ Dr. Herbert Musoga from the National Land Commission

wildlife) investment location infrastructure and services provision urbanization and rural development

- iii. Making Decisions between Urban Development and wildlife Conservation
- iv. Planning to support land survey and titling, create basic order

Planning also comes with challenges. Some of those challenges are:

- ❖ Capacities to plan, implement and control development
- ❖ Planning and managing of metropolitan areas which transcend county boundaries
- ❖ Developing a hierarchy of urban places and assigning roles to achieve functional specialization
- ❖ Undertaking capital investments to create competitive urban areas
- ❖ Developing efficient land delivery mechanisms to attract investors and foster PPPs
- ❖ Balancing short term political interest and strategic long term planning perspectives.

Challenges facing urban development, legislation and spatial planning in Kenya

Mr. Joan Clos⁹

Mr. Joan Clos, Executive Director of the United Nations Human Settlements Programme, was a very welcome surprise guest at the conference. Though he was not in the original program, his contribution to the conference was greatly appreciated. He was happy to report that the United Nations had approved the 2030 Agenda for Sustainable Development, which is a continuation of the Millennium Development Goals (MDGs). Urbanization has been recognized as a tool for development, which is a shift from the traditional approach to tools of development being infrastructure, energy, and human capital.

Urban areas contribute over 65% of the GDP. This is a clear indication of the crucial role urbanization plays in the economy. The approach of urbanization as a tool and a driver of development has not been sufficiently exploited. UN Habitat emphasizes on the need to be more proactive towards urbanization. A reactive approach is counter-productive since there is possibility of spending a lot of resources without achieving the objective of making urbanization a driver of development. The following are the strategies for changing the approach on urbanization:

⁹ Dr. John Claus, Executive Director, UN-Habitat

1. Increasing the value generating capacity of urbanization at all levels of cities. This is through three fundamental pillars:
 - a. Rules and regulations – this is the most important since these generate more value to urbanization. These have to be brief, clear and have to be implemented. Rules and regulations attract or repel investments, based on how they have been formulated and implemented. UN Habitat has generated new tools to evaluate the rules and regulations, to establish any issues that may undermine the urban capacity of generating value.
 - b. Urban designing – this is different from master planning. Master planning mainly concentrates on zoning land. On the other hand, urban planning deals more on designing and allocating of the space in terms of what space is common/open or buildable space. The design of the interrelation of the two types of spaces is what urban designing. Urban designing generates economic value to urbanization.
 - c. Financial design – this concerns more on how to share the value that has been generated by the above two pillars. It is more on who is responsible for capitalization the value. There should be an integrated system of the value sharing system. Urbanization doesn't grants. Good urbanization should add more income than the capital that has been invested.

UN Habitat can assist counties in mechanisms on how counties can increase value generating capacity of urbanization as well as ways of establishing mechanisms of sharing the value generated by urbanization.

To be able to increase the value of urbanization, counties need to plan for city extension. This will establish the map of the value of the land. He hoped that those present would take advantage of the meeting to consult with the staff of the UN Habitat about the issue of value addition to urbanization. UN Habitat hopes to convey the same message to Habitat III in terms of offering a proactive and optimistic view of urbanization rather than concentrating on the problems of urbanization.

Urbanization in Kenya and the importance of urban planning

Raf Tuts¹⁰

He highlighted what UN Habitat is doing in Kenya and listed the following counties with whom UN Habitat is working:

1. Kisumu County – UN Habitat is in the process of concluding new agreement with the county on Lake Front Development Plan, narrowing down on the major assets of the county and focusing on the three-prong approach of design, legislation and financing for urban development to the lake front development. He thanked the Governor for the support towards this initiative.
2. Nairobi – UN Habitat is working closely with the County on public space work. The agency is using global programme of public space to demonstrate how public spaces can be made more valuable. He cited the examples of Jevanjee Gardens and the public spaces in Kibera. UN Habitat is also assisting the County to come up with a public space inventory of its 60 public spaces in Nairobi. They are also assisting in the implementation mechanisms of the Nairobi Integrated Urban Development as well as offering advice on planning legislation of the City of Nairobi.
3. A major programme in nine towns in 8 counties through the Kenya Municipal Programme focusing on capacity development of leaders (MCAs and technical officers). This is being carried out in Mombasa, Kilifi, Kitui, Kiambu, Nyeri, Nakuru, Machakos and Embu counties. He acknowledged the contribution that these counties have offered towards this initiative, with some Governors attending the some of the capacity building sessions. He announced that this programme will soon be extended to Kisumu, Kakamega, Kericho and Eldoret.
4. Kilifi County – the UN Habitat is working on slum upgrading programme through the Participatory Slum Upgrading Programme (PSUP) which seeks to improve the living conditions of Mtwapa residents.
5. Mandera County – the County has sought assistance from UN Habitat in their programme of provision of adequate and safe drinking water and improved sanitation services in the County.
6. Tana and Athi Rivers Development Authority (TARDA): UN-Habitat and Tana and Athi Rivers Development Authority (TARDA) have entered into an agreement to facilitate collaboration in areas of sustainable urban development in Kenya.

¹⁰ Ruf Tuts is an Expert on urban development matters at the UN-Habitat

The above interventions in more than 15 counties in Kenya demonstrate the UN Habitat's commitment to assist the counties in urban development. He further added that the agency can and will do much more in this aspect and reiterated the Executive Director's undertaking to assist the counties with the urban development agenda in the counties, as well as in the National Government. UN Habitat is interested in how the National Urban Development Policy will be implemented, as this is the gateway to the achievement of Goal 11 of the MDGs.

Comments from Governors / CEC & General Q&A

Tom Odongo, CEC Nairobi County

The unit of planning is the county, which is a social, economic as well as a physical system. To integrate these three aspects, the counties need to use spatial planning, since it allows the integration of the three aspects. County Integrated Development Plan (CIDP) influences the way counties develop. The CIDP is a vehicle for implementing long-term plans. What the County needs develop first is to an integrated development plans for the County which is 10-15 years. Once it is developed the CIDP is used to finance the implementation of the plan.



Property taxes are a major revenue source for the counties. National Spatial Data Infrastructure that will be able to generate data for all the counties to enable them make formulate their respective spatial plans. He emphasized the need for County governments to pressure the National Government to release data that will allow the counties to develop their own County Spatial Data Infrastructure

Eunice Kumunga, CEC, Land Housing & Physical Planning, Kiambu County

She suggested the need for a paradigm shift in the way counties prepare their urban plans. She suggested the inclusion of the capital investment plans in the urban plan. The traditional planning process would go beyond implementation and look at how the capital would be invested. The plans should be self-sustaining.

Edwin (CEC, Baringo County)

Spatial Planning: the counties are spending a lot of money to engage consultants in spatial planning. He requested the National Government to give guidance on how they determine the rates for spatial planning. Access to the information from the Ministry by the counties has been a challenge.

Patricia Lasoi (Bomet County)

Sought support from the Government through technical backstopping. She cited the case of physical planning. The maps inherited from the National Government for urban planning and the ones in the Survey of Kenya are different. She also raised concern that the National Government was charging for services rendered to the County governments.

Dr. Musoga, National Land Commission

He had the following: at the National Land Commission, there is a program on National Land Information System that is intended to support the counties so they can have information on the properties within the counties.

Solomon Ambwere (Urban and Metropolitan Directorate, Ministry of Land, Housing and Urban Development).

On his part, the Ministry has generated spatial data including digital maps that are used for programmes and maintenance of roads, designs etc. The Ministry is also in the process of mainstreaming planning in the spatial planning process as there has been a gap in terms of participation in counties.

There is also the challenge of data storage but the Urban and Metropolitan Directorate has created a unit called Urban Observatory, which is working with the counties to see how we can manage and use the available resources. He also elaborated on the issue of structure plan as an output, where there is a capital investment plan. This has been done in nine towns viz; Mombasa, Thika, Nyeri, Embu, Nakuru, Naivasha etc. He encouraged the counties to work with the National Government, since the National Government has the capacity that can be exploited by the counties.

Kinuthia Wamwangi,Chairman, Transition Authority

He proposed the establishment of National Rapid Response Unit or Rapid Access Force that responds to the needs of the County governments, in terms of capacity building. The Authority in partnership with stakeholders at the County level is in the process of formulating clear budgeting guidelines. He urged the Governors to allow their respective CECs to participate in this process in order to enable them address the emerging issues.

On the issue of the National Government charging the County Government for services rendered, the Chairman explained that this was in situations where the National Government had to meet the basic expenses, especially if these have not been budgeted for. He added that to be able to support all the obligations of the counties, the National government would require a lot of funding. Also, it is difficult to predict the kind of support they are likely to give but hoped that this situation will improve.

Session 3: Urban Revenue and Finance:

Session Chairs: and HE Gov. Amason Kingi, Governor, Kilifi County

Optimizing urban revenues in counties

HE Wycliffe Oparanya¹¹

Governor Oparanya began by excusing himself as he would not be able to chair a session as had been scheduled. There are two major sources of revenue:

1. Own revenue (County) – property taxes, user fees and licences
2. Revenue through equitable share from the government.

To be able to maximize urban revenue, counties must have the following requisites:

1. Appropriate legislation by the County Assembly. The constitution also allows provision for enactment of laws by the national government to enable counties collect revenue. At the moment, no legislation has been enacted at the national level.
2. Appropriate structures to enable the county taxes, e.g. establishing special agencies for this purpose or using the existing structures like the Kenya Revenue Authority (KRA).
3. Outsourcing – this is currently the most effective way to collect revenue. The County engages a semi-autonomous agency to collect revenues on its behalf, on a commission basis.
4. Use of Information Communication Technologies (ICT) – develop ICT platforms to enable users to make payment more easily and in timely manner. ICT also helps the County manage the revenue more effectively and efficiently to avoid wastage and corruption.
5. Simple revenue collection structure – the County should establish a simple, understandable and user-friendly structure that makes it easy for the payer to submit payments.
6. Skilled manpower – to be able to maximize revenue collection, the County Government needs to engage skilled labour.
7. Using cost-effective methods of revenue collection.
8. Economic diversification – the counties need to diversify from the traditional economies (tea, coffee, sugar, fishery etc) to other economies like tourism to expand revenue base.
9. Review of valuation roles –this will enable the counties review the rates and thereby maximize the revenue. There is also need for mapping of all the county's assets to expand the revenue base. This can be done using the Geographical Information System (GIS)

¹¹ HE Wycliffe Oparanya is the Governor Kakamega County and the Chairman Finance Committee

In conclusion, he urged counties to plan the urban areas well and mobilize resources at the local level to enable counties to become self-sustaining.

Optimizing economic opportunities through rural urban linkages and planning of border towns

HE John Mruttu¹²

Every urban area has a link to the rural area. Rural areas supply raw materials to the urban areas. The peri-urban areas give opportunities for growth for the existing urban areas. Investing in the linkages between the rural, peri-urban and urban areas is therefore critical for the future. Border towns are in two categories; those between counties and those that sit between countries.

For those sitting between counties there is a lot of synergy that can be created in terms of urban planning through joint ventures, since it is impossible to separate infrastructure. He emphasized the creation of a framework that will enable the towns located at the border between counties, to be development jointly as far as infrastructure is concerned.

Planning for towns between countries creates interplay since population to be served is a key consideration in the process. He cited the example of Taveta that sits at the border between Kenya and Tanzania. Planning for this kind of town has an effect on the people one is planning for, for example if the tax regimes are different, you may have the same products with different pricing. This will cause migration of people as they cross the border to seek the cheaper option thus increasing the population in that part of town. This has bearing on the general planning of the town.

The differences between local currency and foreign currency, US dollars, for example, may cause a price differential and encourage people to cross the border to get a better price. It is easy to plan for the towns sitting between counties. For those that are between countries, the National Government has a role to play in developing a framework for joint planning of these towns.

¹² HE John Mruttu, Governor Taita Taveta County

Challenges for funding urban development, the case of Migori County

HE Okoth Obado¹³

The Governor started by giving a little background information about urbanization trends in Migori. Migori County has an urban population of 137,112, which represent 14.9 per cent of the total County's population. This puts a huge demand for the provision of services and infrastructure for the urban centres to be habitable. The provision of these services has financial implications and the County government which is charged with the responsibility of providing them must source for funding to ensure their adequate provision.

The funds are scarce and difficult to access. In 2014, the Government of Migori set up an Adhoc committee on delineation of urban boundaries in the County. The process was very costly and prone to a lot of political emotions. There is rapid increase in urban population which is attributed to factors such as:

- Migration from rural areas and other urban areas
- Natural population increase among urban residents especially when economic opportunities expand e.g. fishing industry development in Sori and Mihuru Bay, and mining of Gold in Macalder – when the population perceive job opportunities in urban areas
- Reclassification of previously rural areas as urban, thus becoming built up areas and therefore changing their character
- This has a bearing on the development and management of the urban centres. Migori has moved quickly to plan for growth and provide the basic services, infrastructure, and affordable housing for the ever expanding populations needs

He also highlighted the challenges for funding urban development as:

- High cost of planning: due the high cost of planning, it has become increasingly difficult to fund spatial planning and bridging supply and demand gap on infrastructure services.
- Competing needs and priorities: costs associated with coordination of all sectors to achieve a master plan on cross cutting issues
- Cost of managing urban growth
- Effects of increased taxation, new laws and its unpopularity

¹³HE Okoth Obado, Governor Migori County

- Inaccessibility of funds
- Stringent conditions for PPP-donor funding
- Limited access to Conditional Grants
- Limited access to credit facilities.
- Limited Land for Urban Development
- Lack of personnel/expertise

Session 4: Urban Policy and Legislation

Session Chair: HE Amason Kingi, Governor Kilifi

The challenge of insecurity in urban development

Mr. Jire Sayat Mohammed¹⁴

Mr. Jire Sayat Mohammed made the presentation on behalf of HE Hussein Dado, Governor Tana River. He started by citing Article 28 of the constitution of Kenya which acknowledges the right to freedom of security. He also noted that vision 2030 views security as a very vital foundation to our achievement as a country. He highlighted some problems of insecurity in Kenya

- Terrorism. Since the inception of Operation Linda Nchi in 2011 there have been 135 cases of terrorism to-date. Some major and other minor from Al-Shabaab and Al-Qaeda
- Local insecurity. For example cattle rustling and vigilante groups like MRC and Mungiki

In relation to urban development these problems will bring about

- Loss of life and poverty
- Decline in number of tourists in the tourism sector causing an economic downfall in our country
- Serious micro-economic situations. For example decline in the foreign exchange reserves
- Loss of jobs especially in the tourism sector where hotels have become vacant
- Unsafe environment for business leading to low investment in general

He highlighted some ways of curbing the problems

- There is need for coherent local and international debate on the issue of insecurity. This will help us understand why we are insecure and how we can handle the issue
- Equal distribution of resources

¹⁴ Mr. Jire Sayat Mohammed, Deputy Governor Tana River County

- Instilling public confidence in our security forces. For example how we respond to matters of insecurity is important as it can either encourage or discourage us
- Inclusion of county government in matters of security even though it is not a constitution mandate as counties is also involved in providing security
- Youth unemployment
- Land disputes

He concluded by urging everyone to work together as a team so as to curb these problems of insecurity in order to improve the security of urban areas.

Uasin Gishu legislative agenda for urban development

Mr. Daniel Kiprono¹⁵

Mr. Kiprono was in the Conference to represent HE Gov. Jackson Madago, Governor, and Uasin Gishu County. He started by highlighting that Uasin Gishu County has experienced rapid growth in the last two decades. These has been brought about by the proximity of the County to the Great North road, and the expansion of education opportunities, e.g. in Eldoret, there are 17 university campuses, accommodating 40,000 students.

This has changed the population rate of the town to 38%, which is slightly higher than the national average of 32%. The County has developed legislation in terms of planning which it is implementing especially as regards construction. They have also developed mapping which is generating income for the County by expanding the revenue regime. The County is also having spatial planning for urban centres to enable it to control development.

He cited land grabbing, include roads as a challenge the County was facing. However the County was relying on the National Lands Commission to mitigate against this challenge.

On social development, the County has put up Early Childhood Development (ECD) centres to support the population growth in urban and rural areas.

On physical infrastructure, the County has worked with the National Government through the Kenya Informal Settlements Improvement Project (KISIP) and Kenya National Highways Authority (KENHA) to develop a non-motorized walk-ways for the people

¹⁵ Mr. Daniel Kiprono, Deputy Governor Uasin Gishu County

On solid waste management, the County is working with stakeholders and is hoping to start power generation.

On housing, the County had signed deals with the National Social Security Fund and National Housing Corporation for the refurbishment of old county houses and construction of new and modern estates. The County is also willing to partner with other institutions who can offer affordable housing to the citizens.

On safety and risk management, the County has fire-fighting equipment that has also supported four other counties in term of disaster. They have also engaged the youth in this process. The County has entered into a partnership with the City of Minneapolis in the USA for the training of manpower.

National legislative agenda for urban development

Mr. Kinuthia Wamwangi¹⁶

He started by the defining urban areas as any area with over 2000 inhabitants. Article 184 of the Constitution 2010 has recognized the critical role of urban areas and cities and calls for legislation for criteria for classifying areas as urban areas and cities. It also calls for the establishment of principles of governance of urban areas and cities that affect them. In this regard, Parliament enacted the Urban Areas and Cities Act, 2011. This Act was to give effect to the Article 184.

However the Act was enacted before a policy had been developed on Urban Development. He urged the National Government to finalize the formulation of the National Urban Development Policy. The objective of the National Urban Development Policy is to reinforce development planning, urban governance and management, urban investment and delivery of social and physical structures in urban areas throughout the country.

On Urban Areas and Cities Act, 2011 which declared Nairobi, Mombasa and Kisumu as cities, all other urban areas have been classified in accordance with the criteria laid down in the Act. According to him, if all the cities have to be classified according to the criteria, none of the urban

¹⁶ Mr. Kinuthia Wamwangi is the Chairman, Transition Authority

areas would be classified as cities, towns or municipalities since most of these areas meet the population criteria and not meet all the other criteria. The population threshold does not take into consideration the affirmative action of population density in respect to areas where population density is low e.g. the North-Eastern Kenya.

Amendments: the constitution resulted in downgrading of municipalities into township. The Government is working tirelessly to ensure that the amended Act comes into effect to enable proper classification of cities, towns and management. Transition Authority has proposed the following:

1. That the resident population threshold is reduced.
2. Provide more realistic service in the First Schedule.
3. Taking into account further decentralization of urban units in order to give hierarchical chain of urban development in the future.

This ensures that urban development is planned and the growth of the informal settlement is under control. The amendment of the Act provides for classification up to market centres.

The following are the changes proposed by the amendment:

Table 1: Proposed Changes to the Urban Areas and Cities Act, 2011

	Current Urban and Cities Act, 2011	Proposed Amendment
City	560,000	250000
Municipal	250,000 -499,999	50,0000-249,999
Town	10,000-249,999	10,000 – 49,999
Market Centre	Non-existent	2,000 – 9,999

Transition Authority recognizes the challenges of urban management such as:

- Location of urban areas between two counties
- Metropolitan development
- Delay in appointment of a City Management Board for Kisumu City that has affected

effective management of the city

- Lack of independent budgets in the urban areas from the rest of the County, thus affecting service delivery.

Perspectives of the National Urban Development Policy to the key themes of the Habitat III

Solomon Ambwere¹⁷

Mr. Ambwere informed the meeting that the Ministry of Lands, Housing and Urban Development is the focal point of urbanization in the country. The role of the Urban Development Directorate is to make towns functional. He cited the case of Mombasa where the Directorate has worked with Mombasa on the motto of “*Mombasa kwanza*”

Human settlement and urban development is a shared mandate between the County and National governments. The role of the National government is to come up with supportive policies, standards, monitoring and evaluation, supportive legislation as well as capacity building. The ministry also plans to establish an urban development fund, to support high capital expenditure project, e.g. in Mombasa where they have a storm water project worth over ksh. 2 billion.

There is need for both governments to come up with a framework for sustainable urban development in Kenya for the benefit of all, create mechanisms for vibrant economic growth and development of urban areas and cities as well as developing policies that build efficient financial management systems. Only 6% of the total County budget goes to urban development, while most of the revenue for the counties comes from the urban areas.

The ministry is developing policies that support effective governance structures for sustainable urbanization in the country. The ministry is also coming up with reforms in urban planning to drive sustainable urban development and ensure access to the right quality of land for urban development (land banking). He cited the case of Bomet County, where a university was to be established but due to lack of land, the plan was shelved.

There are plans to come up with policies and standards that promote city-wide environmental

¹⁷ Mr. Ambwere works with the Directorate of Urban Develop

planning as provided by the Bill of Rights on environment and rights to housing. The Ministry also promotes the development of requisite infrastructure and access in urban areas and cities, affordable housing of acceptable quality standards as well as mainstreaming urban safety and disaster/risk management in urban planning and development.

The Ministry is carrying out these mandates at three levels:

1. Urban management – where the issues of urban governance, management of common affairs of urban areas and cities, as well as having the requisite legislation in place. There is also the issue of urban finance, which most of the counties are grappling with. The urban economics also is under this level, i.e. generating employment, marginalization, urban poverty, marginalized. This involves improvement of economic development to ensure a vibrant city to support the County, improve the production, agriculture as well as other sectors.
2. Urban core: this involves issues of urban planning, land and environment, data and protective interventions, data banking to aid planning. Urban infrastructure is also core. The counties should also be able to address the issue of informal settlements by having the right systems and structures in place. Urban core is deals with the issue of housing. The counties need to come up with proactive policies to support housing for all levels of citizens. There is also the issue of urban disaster and risk management.
3. Urban advisory services: this involves social issues like education, health facilities, sports, open spaces, and ensuring land provision for all. The other issue on this level is poverty, marginalized groups, youth, the elderly, the disabled, gender, street families etc. Another area is supporting implementation frameworks through budgets. This will be done through spatial plans that involve county integrated development plans, budgeting and efficient land management systems in the urban areas.

Mr. Ambwere expressed confidence that once a framework for urban development is provided, the Sustainable Development Goal 11 will be well implemented. This Goal 11 states thus; make cities inclusive, safe, resilient and sustainable.

Mechanisms for optimizing urban revenues, experiences from the African region

Claudio Acioly, UN-Habitat¹⁸

Mr. Acioly gave a world overview of mechanisms governments are using to optimize revenue collection. These mechanisms are the more traditional instruments like improving tax collection, increasing property tax, land rent, services etc.

He cited the case of Singapore that using legislation created a compulsory contribution for all the employees and employers and creating a provident fund that enabled the country to transform to what it is today. He expressed his optimism that there are lessons to learn from the country's experience for Kenya e.g. what was the political economy, leadership, legislation, strong institutions etc that allow such kind of transformation. He also added the cases of Brazil, Mexico, China, Philippines, and Sri Lanka that had used the same model successfully.

He expounded on property tax. This involves setting up the revenue generation. This can be achieved through registration of land to enable the County tax all the land that is taxable. Canada and the USA have used this method successfully; where the property tax helps finance social services like education. counties can implement this model by implementing the three strategies to urbanization, i.e. rules and regulations, urban design and urban financing.

While there are similarities on how counties and National governments manage the issue of revenue collection, there exist differences on the same. These are:

1. Capacity – institutional and human resources to enforce laws, collect revenue.
2. Means – the legal and institutional means of optimizing revenue collection.
3. Creativity and transformational leadership – he cited the example of Antanas Mockus, a former Mayor of Bogota, Colombia. He transformed the lives of over six million people in Columbia's capital. In his 10-year tenure, Mayor Mockus focused on changing hearts and minds through artistically creative strategies that employed the power of individual. He also spoke openly of his own failings, not suggesting that he was more moral than anyone else.

¹⁸ Claudio Acioly Head of Capacity Building Unit UN-Habitat

Comments from Governors / CEC & General Q&A

1. HE Kinuthia Mbugua's comments, Governor, Nakuru County made the following contributions:

- i. Security and urban planning: there is a positive aspect of security if the urban areas are designed.
- ii. Classification of municipalities: there is need to clarify on the issue of population as criteria for classification, particularly on the issue of timing – is it during the day or at night.
- iii. Urban development: welcomed the move to establishment of a fund for urban areas and urged UN Habitat to involve the County governments for their input.

2. HE Amason Kingi, Governor, Kilifi County: wanted to know how counties can allocate budgets to towns, since the current law makes it difficult to classify the towns and cities.

3. Kinuthia Wamwangi

1. The issue of budget in towns and cities is currently being discussed by the Chairmen of budgeting in Assembly, the Speakers, Clerks and CECs of Finance. Since this is a participatory process, those concerned are in discussion if this issue can be tied with the passing of the Urban Areas and Cities Act or tentatively agree to recognize that some parts can as deserving to get the budget, especially in areas that there is no dispute.
2. The classification will be implemented when the Act is passed. He urged those present to work together to sensitize those responsible for passing the Act.
3. On the issue of population, the census is normally carried out at night, which will definitely affect the population of the towns, since most of the people are not in towns at night. This is likely to affect towns if any benefits are tied to the population.

4. Doris Ombara (City Manager, Kisumu)

She expressed her concern about the disparity between the revenue generated by the urban areas and the budget allocated to the same areas. The budget allocated is

insufficient to offer services. There is a disharmony between the Directors of various services and the role of Ward Administrators and City Sub-county Administrators.

Session 5: Draft Statement from counties to Habitat III

Session Chair: Arch. Prof. Alfred Omenya, Convener Urban Sector Reference Group

Developing the 2030 agenda for sustainable development: agenda for the world

HE Amb. Macharia Kamau¹⁹

HE Amb. Macharia Kamau was another surprise guest at the conference. Though he was not on the program for the day, the organizers and participants were thrilled to have his contributions. In his introductory remarks, he expressed his great pleasure at addressing the Governors, citing the event as his first time to address them. He had the special honour of being elected to be the lead in the Open Working Group on Sustainable Development. Out of the success of the process, he was elected as a co-chair of the process of developing the 2030 agenda for sustainable development.

A new development agenda for the world is now in place and Kenya should be proud that one of their own was instrumental in the process. The most unique and special aspect of this agenda is that it is a universal agenda. For the first time, the team working on this process put together an agenda for all countries, whether developed or developing. This is important because it signals that it is impossible for one part of the world to develop despite the development of another part of the world.

This is the same in Kenya, where one part of the country cannot develop at the expense of another part. For the country to enjoy development, peace, success and prosperity, all must contribute to the development of the whole country. That concept is the fundamental principle behind the idea of Sustainable Development Goals. He presented the following chart showing the 17 SDGs.

These goals will be used to monitor and review development in the world, for all countries. This is changing the paradigm of categorizing countries into developed and developing countries. All

¹⁹ Macharia Kamau is the Ambassador and Permanent Representative of Kenya to the UN, co-chair of the UN General Assembly Open Working Group (OWG) on Sustainable Development Goals.

countries are under-developed when it comes to some aspects.

He urged the Governors to look at the goals keenly, since they run across, social, political, political, environment, as well as industrialization and infrastructure. These goals are what each County should aspire to have. He thus urged the Governors to adopt these goals in their counties. They provide a framework that can transform the economy and society and the environment in the counties.

He expressed his confidence that devolution will be one of the most powerful transformative engines for our society and economy. Devolution has been transformative in other parts of the world. He urged all to ensure that this is done in Kenya and not to allow politics to undermine the ability to understand and realize the true value of devolution.

On income generation within the counties, Ambassador Kamau asserted that the issue of devolving resources becomes a big political and social issue. However, it is those counties that focus on building their own capacity to develop their own domestic resources through investing heavily in their people (training, capacity building etc), that will reap the biggest benefits from devolution in future. These counties will become great innovators. He cited the examples of United States of America where the great economies are counties (California and Texas States). These states do not depend on the Federal Government for budget.

He thus urged the counties to consider the National Government as a transition channel to enable them come up with innovative ways to build self-sustaining economies in the counties through resource mobilization. He urged the counties to take advantage of availability of advisory bodies like the Mission he heads, UN Habitat etc to seek advice on how to develop sustainable economies.

Presentation of Key Elements for the Council of Governors Unified Statement Towards Habitat III Agenda

HE Dr. Julius Malombe²⁰

The Governor presented the statement to be presented by the Governors in the Habitat III. The

²⁰ Dr. Julius Malombe is the Chairman Urban Development Committee, COG, and Governor, Kitui County

statements have the following areas:

- Kenya counties Contribution to Habitat III Agenda
- National Report on Human Settlements and the New Urban Agenda
- Urban Development in Devolution
- The Habitat III Preparatory Process

Comments from Governors / CEC & General Q&A

Prof. Sam Onger's Comments.

- He suggested that the language used in the document should be considered to suit the UN language as he believes that the same document will be used in the Habitat III conference South America.
- The facts should be paraphrased and the statement should not be seen as challenging. The acceptance or non-acceptance of the constitutional provisions in Kenya.
- The phraseology of the language should be changed so that we bring on board the things which are recognizable and we already know there are no disputes about it. Then state the agenda of the Habitat itself which is the SDG 11 as it is the main focus of the Habitat III agenda and finally we can be able to express our agenda the way we would like it to appear.
- He concluded by expressing that we can package that is both bankable in terms of what we want to achieve in the future.

HE Gov. John Mruttu comments

He had two points to include from few remarks he made during his presentation

- The joint planning of inter-county and inter-country border towns.
- The provisions for non-motorized transport infrastructure in urban areas.

TA Kinuthia Wamwangi's comments

- He suggested that it was important that the document to be presented as one integrated statement. There is also need to be careful so as not to present two separate opinions.
- He also suggested that a drafting committee of different disciplines should be put in place for example Lawyers, economists, sociologists and politicians to come together and fair it for 7th December, 2015.

Prof. Alfred Omenya's comments

He highlighted that the statement does recognize Kenya's Habitat III position and the way the Kenya's delegation is done. The statement itself clarifies it is the National Government that offers the leadership in multi-national systems.

Solomon Ambwere's comments

He suggested that some policies should be added in number 12. Apart from National Housing policy and National public works, the National urban development policy and the metropolitan policy should be added in the statement. Comments about language/statement/tense used in the statement/input from other sectors

Way forward (by Prof. Omenya)

He insisted on the actual role of the statement which is the counties are adding their voice and emphasizing on issues that are already in statement. Section three is very clearly on that.

- In terms of the process the draft statement has been emphasized to good degree.
- The advisory group which has been created by the council itself to advise on the issues.
- He confirmed that there is support from the UN hence the language of the UN is being considered and the UN will help out in identifying issues that are too local so as to start highlighting in the international forum.
- This is a process that will have formalized input from the CEC's through the office of the chair, the advisory is already going on through the urban sector reference group and Gov. Malombe's committee which is the one that deals with it within council will eventually have the final say before its final presentation.

Dr. Malombe's comments

- He cited that we needed to appreciate paragraph 13 as it states that we are working as a team.
- He seconded Kinuthia Wamwangi's suggestion on having a special team to be mandated to work further on the draft statement. For example the Urban Sector Reference Group

Session 6: Closing

Session Chair: Shannon Lövgren, ICLD

Shannon Lovgren's closing remarks

She started by thanking everyone for their participation and contribution. She encouraged everyone to take the nuggets of information that were shared during the conference forward and to continue thinking about planning and the Habitat III process and what all can contribute to this process to help the Governors, the Deputy Governors and the CEC's. At this juncture, she declared the conference closed and invited the participants to a reception, networking and informal interaction.



APPENDICES

Appendix 1: Programme



COUNCIL OF GOVERNORS Urban Development Committee

Executive Conference for Governors of Kenya “Harnessing county Governments input into Habitat III” Monday, 2nd November 2015, Programme

Time	Topic	Brief Content
8.00	Arrival and Registration of participants and support crew	
9.00	Opening Ceremony Session Chair: HE Isaac Rutto, Immediate Former Chairman CoG, Gov. Bomet	
	Prof. Sam Onger, Kenya's Permanent Secretary to the UN-Habitat	Highlights of Kenya Country Statement into Habitat III
	Dr. Aisa Kirabo Kacyira, Deputy Executive Director UN-Habitat	Official Opening of “Creating A Unified Statement”
	HE Dr. Julius Malombe, Chairman Urban Development Committee, COG, & Gov. Kitui County	The Council of Governors Urban Development Committee in guiding urban development in counties.
	Official Opening by H.E. Gov. Peter Munya, COG Chairman, Governor Meru County	Role of national and county government in urban development in Kenya.
10.00	Group Photo and Coffee/Tea break	
10.30 11.30 am	SESSION 2: URBAN PLANNING AND DESIGN: Session Chair: HE Dr. David Nkedianye, Gov. Kajiado County and Vice Chair Urban Development Committee of COG	
	HE Jack Ranguma, Governor Kisumu County	Experiences of urban planning and management from Kisumu County
	HE Samuel Ragwa, Governor Tharaka Nithi-	Planning as a means of integration of rural urban development
	HE Godana Doyo, Governor Isiolo County	Planning opportunities and challenges in the LAPSETT Corridor
	HE Kinuthia Mbugua Governor, Nakuru County	County challenges of urban development, the case of Nakuru County
	Dr. Herbert Musoga, National land Commission	Framework for planning in Kenya
	HE Godana Doyo, Governor Isiolo County	Planning opportunities and challenges in the LAPSETT Corridor
	Raf Tuts, UN-Habitat	Urban planning and design experiences in Kenya
	Comments from Governors / CEC & General QA	
11.30	SESSION 3: URBAN REVENUE AND FINANCE Session Chair: HE Wycliffe Oparanya, Gov. Kakamega & Chairman Finance Committee	
	Panelists:	Current framework for funding urban development

	HE Joseph Ndathi, Governor. Kirinyaga -	
	HE Abdullahi Ali, Governor. Wajir County	Optimizing urban revenues
	HE John Mruttu, Governor. Taita Taveta County	Optimizing economic opportunities through rural urban linkages and planning of border towns
	HE Okoth Obado, Governor ,Migori County	Challenges for funding urban development, the case of Migori County
	UN-Habitat Expert	Mechanisms for optimizing urban revenues, experiences from the African region
	Comments from Governors / CEC & General QA	
12.30	Lunch Break [Meeting of the Joint Statement Drafting Team]	
2.00 – 3.00	SESSION 4: URBAN POLICY AND LEGISLATION Session Chair: HE Amason Kingi, Governor Kilifi	
	Panelist: Prof. Kivutha Kibwana Governor ,Makueni County	What urban legislations are counties passing? What urban legislation should counties be prioritizing?
	HE Amb. Ukur Yatani, Governor Marsabit County	The challenges of service provision in the absence of policy and legislation
	HE Hussein Dado, Governor. Tana River County	The challenge of insecurity in urban development
	HE Jackson Mandago, Governor Uasin Gishu County	Uasin Gishu legislative agenda for urban development
	Mr Kinuthia Wamwangi, Chair Transition Authority	National legislative agenda for urban development
	Enosh Onyango, Director Urban Development, MoLHUD	Perspectives of the National Urban Development Policy to the key themes of the Habitat III
	Robert Lewis-Lettington UN Habitat Expert	Priority areas for urban policy and legislation towards Habitat III
	Comments from Governors / CEC & General QA	
3.00	SESSION 5: DRAFT STATEMENT FROM COUNTIES TO HABITAT III Session Chair: Arch. Prof. Alfred Omenya, Convener Urban Sector Reference Group	
	Presenter: HE Dr. Julius Malombe, Chairman Urban Development Committee, COG, & Gov. Kitui County	<ul style="list-style-type: none"> • Presentation of Key Elements for the Council of Governors Unified Statement Towards Habitat III Agenda • Highlights • Reflection by Governors • Adoption
3.30	SESSION 6: CLOSING Session Chair: Shannon Lovgren, ICLD, Evaluation: Kristin Eisele / Jeremiah Ougo - UN-Habitat	
	Shannon Lövgren, ICLD	Next steps for the work on creating an Unified Urban National Statement from the county-level
	Kristina Eisele and Jeremiah Ougo, UN-Habitat	Interactive workshop evaluation and closure
4.30	Official Reception	Reception, networking and informal interaction

Appendix 2: Speech By Dr Aisha Kirabo Kyacira , Deputy Executive Director, Un Habitat

**During the Executive Urban Leadership Conference for Governor-s and County Executive members In charge of Urban Development on November 2, 2015,
United Nations Office, Nairobi, Kenya**

*(Read on her behalf by Mr. Nason Mutizwa Mangiza , Director for Policy and programme Planning ,
Office of the Executive Director, UN Habitat*

I feel deeply honoured to participate in this opening ceremony of the executive leadership conference for Governors of Kenya titles harnessing county government inputs into habitat iii. On behalf of UN habitat I would like to congratulate the Council of Governors and Swedish International Centre Local Democracy and for reaching this significant milestone in your collaborative efforts together with UN habitat to ensure effective contribution of Kenya's county Governors to United nations conference on Housing and sustainable urban development, Habitat iii to be held in Quito, Ecuador in October 2016.

Mr. Chairman, Your Excellencies I would like to say a few words on urbanization and sustainable development as the backdrop to your efforts towards habitat III conference. My hope is that you will consider some of the matters that I would like to raise this morning. With more than half of humanities now living in urban areas, there is a resurgence on interest in urbanization as demonstrated by the inclusion of stand-alone goal on cities and human settlement in the 2030 agenda for sustainable goals recently adopted by the worlds head of states and heads of Government, that is goal 11 makes cities and human settlement inclusive, safe, resilient and sustainable.

This is in response to the realizations that well planned and managed urbanization can contribute significantly to sustainable national development, as well as to the realities that many countries in Africa are failing to respond to the 21st century challenges of urbanization. For Africa, Africa UN habitat recent studies have identified a number of key challenges including the following

- Rapid urbanization and increasing demand for jobs , infrastructure and services

- Urban informality in terms of land and housing transport and livelihood and unplanned and often chaotic peri-urbanization
- Urbanization poverty and increasing inequality
- Expanding youth population and the arising needs
- Inadequate delivery of urban land , its scale in order to meet increased demand for housing , infrastructure and services
- Climate change and cities excessive dependence on fossil fuel
- Inadequate urban governance systems and shortage of urban planning and management skills in a number of countries

Africa is one of the least urbanized and most rapidly urbanizing regions of the world. More than Africa's populations still lives rural but moving very fast towards urban centre or experiencing transformation of their rural homes into urban. More than two thirds African projected population of 2.5 billion people will be living in urban centres by 2063. It's for this reason that Africa has for the last two years forged an urban agenda as part of agenda 2063 of the African Union and that Agenda recognizes inequality and opportunities of urbanization. At the same time Africans and Kenya's urban agenda must carry all the population whether rural or urban and must address all the three pillars of sustainable development.

UN habitat strongly believes in a need for new and more perspective on urbanization; a perspective that places higher emphasis on the contribution of urbanization to the economic, social and environmental dimensions of sustainable national development. In paragraph 1-3-4 of the Rio+ outcome document, the future we want, Government stated that if there are well planned and developed including through integrated planning and management approaches cities can promote economically socially and environmentally sustainable societies.

It's on the basis of this that head of State and Government recently included goal 11 of the new sustainable development goals. Urban settlement makes immense economic contributions to sustainable development towns and cities account for 70% of the world's Gross domestic product (GDP) on average that is 55 % in low income countries, 73% in middle income countries and 85% in high income economies , the positive correlation between national economic and urbanization is well established and understood. Throughout history, towns and cities have driven economic advancement and civilization and creativity. There is therefore no doubt that town and cities can be and must be purposefully used as effective instrument and drivers of national economic

development

Cities also contribute in fundamental ways to social sustainability. It is clear that poverty cannot be tackled without addressing the basic need of the billion urban of the poor dweller such as access to adequate housing, clean drinking water, sanitation, domestic energy and transport. We also know that inequality is also rising in both developing and developed countries. In developing countries slums which currently accommodate close to 1 billion people are the physical manifestation of urban poverty and inequality. About 2.5 billion and 1.2 billion people worldwide still lack access to safe sanitation and clean water respectively.

This is part of the unfinished business of the millennium development goals, therefore follows that achieving sustainable development will require serious action to reduce urban poverty, especially among the slum dweller who continue to live under life threatening conditions. With regard to environmental sustainability it is now known that cities mostly in the developed world contribute up to 70% of the world total greenhouse emissions. Urban planning and design in both developed and developing countries has tended to follow post second world war model which resulted in sprawling urban settlement many in forms of mega cities, hyper cities and large metropolitan regions and urban corridors that are energy inefficient , environmentally unsustainable.

In Africa including Kenya and other developing countries, rapid urbanization has resulted in uncontrolled peri urbanization much of it informal. It's therefore evident that environmental sustainability cannot be achieved without serious and concerted efforts at the local level. Having said this, I would like to emphasise that Africa's and Kenya's urban agenda must address the needs of urban and rural population, given the continents stage in urbanization process. In this context settlement should be seen as continuous, from the smallest rural settlements through rural service centres, small and medium sized towns to the largest megacities. All of them are affected by urbanization in different ways.

From the planning and management perspective all of these different sized settlements are fundamentally similar in what needs to be done. they all need effectively legal and governance frameworks, they all need to be planned and designed need adequate financing especially at the local level, they all adequate and reliable services such as water, sanitation, energy and public transport, and they also need affordable housing .These are also the areas currently prioritized by UN HABITAT in its efforts to assist member states in local governance.

As Governors you are leaders most directly responsible for addressing these needs. It's therefore extremely important that your strong voice be heard at the UN conference on housing and sustainable urban development. Without you it will not be possible to implement the new urban agenda the document that we expect to come out with at the habitat iii conference. This is way UN habitat is encouraged and pleased by your efforts to make a contribution towards Habitat III.

I wish to conclude by emphasizing that national sustainable development cannot be achieved without sustainable urbanization. The new urban agenda must promote the economic roles of cities in sustainable national development and recognize economic opportunities that cities offer. That agenda must also address in a more holistic and systematic way the basic needs of the millions of poor people in the cities of developing countries.

Finally the new urban agenda must recognize role s of sustainable urbanization in addressing global environmental problems especially y climate change. It's my hope you will consider some of these issues in your deliberations today and in your final statement, UN habitat encourages you to take part in current global negotiations on these issues including at the Afri-cities Summit to take place in Johannesburg, South Africa from the 29th November to 3rd December. UN habitat also encourages you to take part in habitat iii conference to which you are all welcome. I wish you successful deliberations and look forward to seeing the outcome of your discussions.

Thank you very much for your attention

Appendix 3: Address by H.E Governor Peter Munya, Chairman Council Of Governors, And Governor Of Meru County



Council of Governors

Address by H.E Governor Peter Munya, Chairman Council of Governors, and Governor of Meru County

Executive Leadership Conference, Gigiri, 2nd November 2015

Excellency governors present,
County Executive members present,
UN Habitat guests present,
Invited guests from the National government,
Ladies and Gentlemen,
Good Morning

I thank you for finding time within your busy schedules to attend this educative meeting.

Ladies and Gentlemen,

It is almost three years now since the County Governments were inaugurated. It has been a busy period for the entire country with a lot of activities going on in all parts of the country. As a result we have witnessed significant growth of our urban areas and towns in terms of population and economic activities. We are all aware that urban areas are the key drivers of the economies of the County Governments and the Country as a whole, they require special attention.

Ladies and Gentlemen,

The Constitution of Kenya 2010 sets the stage for the current urban governance through the Articles 174, 176 and 184, by enshrining the principle of devolution to the County level and allowing further decentralization to the lowest level possible for effective delivery of services. Correspondingly, various Acts of Parliament such as the Transition to Devolved Government Act (2012), County Government Act (2012) and the Urban Areas and Cities Act (2011) set criteria for the transfer of functions to the County and Urban levels.

The Constitution and various acts of parliament confer to the National Government the following mandates in regards to urban areas:

- Development and oversight in implementation of policies
- Development of regulations and standards for national urban development
- Capacity building for counties on urban issues
- Allocation of grants and external borrowing.

Ladies and Gentlemen,

As you may be all aware, the Urban Areas and Cities Act, give the counties a direct role in management of urban areas. These include:

Conferment of Municipality and town status on urban areas within the County

Establishment of Urban Boards, appointment of Urban Managers and establishment of Citizens forums as provided for in Part 3 of Urban Areas and Cities Act

Oversight for Service Delivery by Boards, including establishment of joint ventures and public Private partnerships

- Approval for the urban integrated development plans; and
- Allocation of funds to the urban areas.

Ladies and Gentlemen,

Your presence here is a testimony of the commitment you have towards shaping our urban agenda to realize the promise it holds in making our devolved states highly competitive regions. I thank you all for choosing to participate in this meeting with the aim of consolidating our input as county governments to the Habitat III process and to chart a way of accelerating urbanization and development processes within our counties.

Ladies and Gentlemen,

We are fully aware of the magnitude of the urban challenges and recognize the importance of strategic partnerships with competent agencies and authorities which are currently operating in the urban sphere. COG seeks to pursue complementarily with these initiatives and envisages deployment of mechanisms that will ensure maximum benefit accrue from an expanded cooperation framework. It suffices to mention that we have already embarked on an agenda aimed at leveraging the urban development matters to occupy prominent space in the devolution discourse. We have ambitious plans to develop our regions by funding improvements and additions to existing urban infrastructure by considering PPP model for development across the counties.

Ladies and Gentlemen,

We welcome you to join us in dreaming big and planning wisely to achieve our vision. We know that to succeed, Devolution needs strong and true friends.

I wish you well even as we make the best of this conference. God bless you all.

Thank you.

Appendix 4: Address by H.E Gov. Dr. Julius Malombe, Chairman of the Urban Development Committee of the Council of Governors, and Governor of Kitui County



Council Of Governors

**Address by H.E Gov. Dr. Julius Malombe, Chairman of the Urban Development Committee of
The Council of Governors, and Governor of Kitui County**

Executive Leadership Conference, Gigiri, 2nd November 2015

Distinguished participants, all protocols observed, Ladies and Gentlemen, Good Morning,

It gives me great pleasure On behalf of the Urban Development Committee of the Council of Governors. I thank you all for sparing time to participate in this crucial urban discourse.

Ladies and gentlemen,

As I alluded to in my speech during the county executive committee members' conference at Safari park Hotel on 30th September 2015, County Governments and the council of Governors take matters of human settlement, urban development, urban planning and urban management very seriously. It is for this reason that the Council established the Urban Development Committee whose mandate includes:

- Development of a framework to guide and assist County Governments in the establishment of institutional structures for the management of urban areas, as envisaged in Urban Areas and Cities Act.
- Creating forums for sharing of emerging issues and best practices including modalities for prioritization and promotion of Urban Areas as engines of socio economic growth.

- Providing a platform for review and mainstreaming of ongoing urban development programmes within respective county integrated development plans.
- Providing a framework for the review and mainstreaming development partners' engagement and support to county Governments on Urban Development and management issues.

Ladies and gentlemen,

To reiterate the commitment of the committee I wish to let you know that all the all commitments that the committee made during the executive urban leadership conference at safari park hotel on 28th and 30th September 2015 have already been acted on including:

- Writing to the cabinet secretary in charge of land, housing and urban development requiring the country to participate and be included into the UN Habitat City Prosperity Initiative (CPI).
- Writing to the cabinet secretary in charge of land, housing and urban development requiring the ministry to ensure that a critical mass of the Kenyan delegation to the Habitat III conference constitutes county representatives.

Ladies and Gentlemen,

The Urban Development Committee has initiated programmes which will go a long way in guiding urban development in the counties. These include, the multi-stakeholder, multi agency, Urban Sector Reference Group, which meets regularly to advise the committee on pertinent urban issues. We have also established the Intergovernmental Committee of County Executive Committee Members in charge of Land, Housing, Physical Planning and Urban Development to harmonise county approaches to urban development. In cooperation with the Government of Sweden, the committee has launched the Symbiocity Kenya programme whose objective is to develop sustainable urban development approaches for counties. This programme has already set up its technical team at the Council of Governors secretariat and is working closely with the Urban Development Committee of the Council of Governors.

Ladies and Gentlemen,

The committee in partnership with development partners and the National Land Commission is currently working on a programme that will help develop a framework to guide Spatial Planning in the counties. So far the concept has been developed; this framework will further guide development partners in prioritizing spatial planning and ensure coordinated support to the counties.

Ladies and Gentlemen,

One critical mandate of the Urban Development Committee is to ensure that County Governments speak in one voice on all matters of urban development in relation to Kenya since this is a fully devolved function. The Committee also coordinates the participation of County Governments in local, regional and international conferences on urban development and management. The Committee provides the County Governments the opportunity to develop a joint position (one voice) that is shared with National government to present a Kenyan position at such forums. For example, we are keen to ensure that the Kenyan position that will be presented at the Habitat III Conference that will be held in Ecuador in October 2016 indeed reflect the position of County Governments.

Ladies and Gentlemen,

We are therefore requesting that UNHABITAT considers supporting this delegation. Further, we would also like to implore the UNHABITAT to deliberately introduce discussions around Sub-National Governments to fully embrace the developments and structures that exist in Kenya, which are now County Governments as opposed to Local Authorities. We urge UNHABITAT to work with the County Governments and National Governments as separate entities in order to realize the nature and unique needs of these two levels of government.

Ladies and Gentlemen,

This Urban Development committee has been instrumental in the review of current National Policy and Legislation with a bid to align these to the constitution and devolved functions for each level of Government. Through the Committee, counties have input into the Draft National Urban Development Policy. The Committee has further facilitated inputs into the proposed revisions of the Urban Areas and cities Act, particularly on the matter of classification and management of urban areas. I however note with concern that despite regular consultations from the Council, the Ministry of Lands, and Housing and Urban Development has been slow in working on the National Urban Development Policy and the Urban Areas and Cities Act Amendment Bill.

Ladies and Gentlemen,

I would like to encourage all of us in this session, to come up with solid deliberations and a unified statement reflective of the Kenyan position on this important International policy space, the Habitat III process. Thank you.

Appendix 5: Presentation Slides by the Session Chairs

SESSION 1: URBAN PLANNING AND DESIGN

<p style="text-align: center;">Session 2</p> <p style="text-align: center;">URBAN PLANNING AND DESIGN</p> <p>Session Chair HE Dr. David Nkedianye, Governor Kajiado County</p>	<p>The following legislation provide the basis for the principles of urban planning and cooperative governance for urban planning in Kenya:</p> <ul style="list-style-type: none"> • The Constitution of Kenya (CoK) 2010; • The County Government Act 2012; • Intergovernmental relations Act, 2012 • Urban Areas and Cities Act 2011 • Various land acts, environmental acts, the the old Physical Planning Act
<p>Integrated Urban Development Plans</p> <ul style="list-style-type: none"> • Integrated Urban Development Plans are provided for in the Urban Areas and Cities Act • 10 Year Plans, reviewed every 5 years • Should be part of the County Integrated Plans [CIDP] • CIDPs are then linked to budgets and expenditures 	<p>This Session will explore aspects of Integrated Urban Development Plan</p> <ul style="list-style-type: none"> • Experiences of urban planning and management from Kisumu County • Planning as a means of integration of rural urban development • County challenges of urban development, the case of Nakuru County • Framework for planning in Kenya • Urban planning and design experiences in Kenya
<p style="text-align: center;">Panelists</p> <ul style="list-style-type: none"> • HE Jack Ranguma, Kisumu County <ul style="list-style-type: none"> • Experiences of urban planning and management from Kisumu County • HE Samuel Ragwa, Governor Tharaka Nithi County <ul style="list-style-type: none"> • Planning as a means of integration of rural urban development • HE Kinuthia Mbugua, Governor Nakuru County <ul style="list-style-type: none"> • County challenges of urban development, the case of Nakuru County • HE Godana Doyo, Isiolo – County <ul style="list-style-type: none"> • Planning opportunities and challenges in the LAPSETT Corridor • Dr. Herbert Musoga, National land Commission <ul style="list-style-type: none"> • Framework for planning in Kenya • Raf Tuts , UN-Habitat <ul style="list-style-type: none"> • Urbanization in Kenya and the importance of urban planning 	

Session 2 Urban Revenue and Finance




<p>SESSION 3:</p> <p>Urban Revenue and Finance</p> <p>Session Chair: HE Wycliffe Oparanya,</p> <p>Governor Kakamega County & Chairman Finance Committee, CoG</p>	<p>Funding Urban Development</p> <p>Urban Areas and Cities Act provides that funds of a board shall consist of:</p> <ul style="list-style-type: none"> • Monies allocated by a county assembly for the purposes of the management and service delivery; • Monies or assets that may accrue to the board in the course of the exercise of its powers or the performance of its functions; • Monies or grants from any other legitimate source provided or donated to the board; and • Monies allocated for the joint venture.
<p>Funding Urban Development</p> <p>Urban Areas and Cities Act provides for the funding process as follows:</p> <ul style="list-style-type: none"> • Three months before the commencement of each financial year; a board or town committee shall prepare estimates of the revenue and expenditure for that year. • The annual estimates shall make provision for all the estimated revenue and expenditure for the financial year. • The annual estimates, once approved by the Board shall be submitted to the county governor for submission to the county assembly for its approval. 	<p>Need for Urban Revenue and Finance Planning</p> <ul style="list-style-type: none"> • Improves Efficiency; • Links levels of services to the local citizens demands • Improves political and financial accountability • Improves revenue collection effectiveness; • Mobilizes Citizen Participation • Rationalization of existing sources of local revenues. Exploring new sources of revenue
<p>Panelists</p> <p>HE Joseph Ndathi, Governor Kirinyaga County Current framework for funding urban development</p> <hr/> <p>HE Okoth Obado-Governor, Migori County Challenges for funding urban development, the case of Migori County</p> <hr/> <p>HE Abdullahi Ali, Governor Wajir County Optimizing urban revenues</p> <hr/> <p>HE John Mruttu, Governor. Taita Taveta County Optimizing economic opportunities through rural urban linkages and planning of border towns</p> <hr/> <p>Claudio Acioly UN-Habitat Expert Mechanisms of optimizing urban revenues, experiences from the African region</p>	

Session 3: Urban Policy and Legislation

<div data-bbox="380 247 630 294" data-label="Section-Header"> <h3>SESSION 4</h3> </div> <div data-bbox="266 369 758 401" data-label="Section-Header"> <h4>URBAN POLICY AND LEGISLATION</h4> </div> <div data-bbox="280 449 677 537" data-label="Text"> <p>SESSION CHAIR: HE AMASON KINGI, GOVERNOR KILIFI COUNTY</p> </div>	<div data-bbox="896 260 1409 289" data-label="Section-Header"> <h4>1. Policies and legislation on urban development</h4> </div> <ul style="list-style-type: none"> • National Urban Development Policy [Draft] • Urban Areas and Cities Act [Awaiting enactment] • County Government Act • Physical Planning Bill / Land use Planning Bill • Old physical planning act, environmental and public health legislation. • Laws governing the sector are not dealt with expeditiously. • The sector is in legal limbo.
<div data-bbox="289 703 732 735" data-label="Section-Header"> <h4>2. LEGISLATION AT COUNTY LEVEL</h4> </div> <ul style="list-style-type: none"> • Counties are enacting a number of useful legislation to regulate and develop urban areas. This include: <ul style="list-style-type: none"> • Spatial planning; • Survey and mapping; • Valuation and rating; • Way leaves; • Project management and implementation; sanitation; • Waste management; urban transport; etc. 	<div data-bbox="985 703 1328 735" data-label="Section-Header"> <h4>3. ISSUES FOR DISCUSSION</h4> </div> <ul style="list-style-type: none"> • Counties are passing a number of legislation that can support urban development; is the legislative agenda of our county assemblies appropriate? • National government has the role of policy and development of standards and for capacity building; is this role being effectively executed? • Public participation is meant to inform the depth and breadth of legislation; is it adequate? Appropriate?
<div data-bbox="461 1129 594 1159" data-label="Section-Header"> <h4>PANELISTS</h4> </div> <ul style="list-style-type: none"> • Prof. Kivutha Kibwana, Governor, Makueni County <ul style="list-style-type: none"> • What urban legislations are counties passing? What urban legislation should counties be prioritizing? • HE Amb. Ukur Yatani, Gov. Marsabit– <ul style="list-style-type: none"> • The challenges of service provision in the absence of policy and legislation • HE Hussein Dado, Gov. Tana River – <ul style="list-style-type: none"> • The challenge of insecurity in urban development • HE Jackson Mandago, Uasin Gishu County Governor <ul style="list-style-type: none"> • Uasin Gishu legislative agenda for urban development • Enosh Onyango, Director Urban Development, MoLHUD <ul style="list-style-type: none"> • Perspectives of the National Urban Development Policy to the key themes of the Habitat III • Mr Kinuthia Wamwangi, TA <ul style="list-style-type: none"> • National legislative agenda for urban development. • Robert Lewis- Lettington UN Habitat <ul style="list-style-type: none"> • Priority areas for urban policy and legislation towards Habitat III 	

Appendix 6: Panellists' Presentations

Presentation by Governor, Kinuthia Mbugua, Nakuru County

<p style="text-align: center;">CHALLENGES OF URBANIZATION</p> <p style="text-align: center;">A CASE STUDY OF NAKURU COUNTY Presented By HE Kinuthia Mbugua Governor, Nakuru County</p>	<table border="1"> <thead> <tr> <th>CHALLENGE</th><th>MITIGATION MEASURE</th></tr> </thead> <tbody> <tr> <td>1. Inadequate Urban Municipal Infrastructure e.g water and Sewer, Street Lighting, drainage, access roads</td><td> <ul style="list-style-type: none"> Water companies are investing in sewer and water reticulation. Through World Bank program of Kenya Informal Settlement Improvement Program (KISIP) and Kenya Municipal Program (KMP) we are providing water, sewerage, street lighting, drainage and urban roads </td></tr> <tr> <td>2. Urban Sprawl</td><td> <ul style="list-style-type: none"> Currently we are preparing the Urban Physical Development Plan for Nakuru and Naivasha Towns. The County Spatial Plan is also underway. </td></tr> <tr> <td>3. Housing Deficit</td><td> <ul style="list-style-type: none"> Redevelopment to densify Municipal Housing Estates in Nakuru and Naivasha. Investment in Low-cost housing in Nakuru and Naivasha is being fast tracked through Public Private Partnerships (PPP). </td></tr> </tbody> </table>	CHALLENGE	MITIGATION MEASURE	1. Inadequate Urban Municipal Infrastructure e.g water and Sewer, Street Lighting, drainage, access roads	<ul style="list-style-type: none"> Water companies are investing in sewer and water reticulation. Through World Bank program of Kenya Informal Settlement Improvement Program (KISIP) and Kenya Municipal Program (KMP) we are providing water, sewerage, street lighting, drainage and urban roads 	2. Urban Sprawl	<ul style="list-style-type: none"> Currently we are preparing the Urban Physical Development Plan for Nakuru and Naivasha Towns. The County Spatial Plan is also underway. 	3. Housing Deficit	<ul style="list-style-type: none"> Redevelopment to densify Municipal Housing Estates in Nakuru and Naivasha. Investment in Low-cost housing in Nakuru and Naivasha is being fast tracked through Public Private Partnerships (PPP). 						
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<p style="text-align: center;">Urban Structure eroded by Flooding</p> 	<p style="text-align: center;">Modern Stalls to Settle informal traders</p> 														
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HE John Mruttu, Gov. Taita Taveta

Optimizing Economic Opportunities Through Rural Urban Linkages and Planning of Border Towns

Key considerations for planning for rural-urban linkages?

- This is of interest; because livelihoods for residents tend to be either rural or urban; so is the revenue regimes by counties
- Peri urban areas therefore provide challenges as to the most optimal livelihood options and also most optimal revenue generation regimes
- There is need to develop this continuum between rural and urban. Peri-urban areas offer housing for urban residents; and we know of rural areas that are providing tourist facilities
- understanding rural-urban linkages matters because it provides the basis for measures that can improve both urban and rural livelihoods and environments.
- There are urban initiatives that can reduce ecological damage to rural areas, and help support regional development.
- A narrow urban-centric approach is not adequate.

Key considerations for planning for rural-urban linkages?

- Definition of urban and rural boundaries is important
- Recognising urban and rural continuums is also important
- In peri-urban areas people live in areas that are neither formally urban; nor rural in terms of land use
- This brings challenges to management of urban and rural areas
- It also brings challenges in optimal use of rural land, as most of these get converted from agriculture to human settlements
- Because of regulation lacuna; these areas become spaces for informal settlements, without urban services
- They also become inefficient areas for agricultural production
- Typically these areas are not dealt with through the Integrated Urban Development Plans; hence the need for county land use and spatial plans

Challenges for planning of border towns?



- The economic and demographic patterns in Kenya - Tanzania border exhibit a continuum, but also has impacts on the natural, social, and built environments.
- These activities is the lifeline of the people's living next to the borders, including my constituents.
- Cross-border planning is generally absent in East Africa, with each country following its own planning regime
- Human settlements and its interaction with the other environments (social, natural, economic, etc.) should be the unit of focus, even as we encourage the two countries work together on cross border issues
- The political border does not limit the complex social and economic formations embedded in border settlement which need to be optimised for the sake of the citizenry.
- Cross border planning will facilitate collective action with regards to the shared natural, built, and human environments overcoming the constraints of territorial politics.

Presentation by Governor Jack Ranguma, Kisumu County

<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>EXECUTIVE CONFERENCE FOR GOVERNORS OF KENYA SESSION 2: URBAN PLANNING AND DESIGN</p> <p>EXPERIENCES OF URBAN PLANNING & MANAGEMENT FROM KISUMU COUNTY</p> <p>Presented by: H.E Jacktone Ranguma, Governor Kisumu County</p>	<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>MAJOR FEATURES STRUCTURING KISUMU COUNTY'S SPACE</p> <p>The features highlighted below have influenced Spatial Planning in one way or the other:</p> <ul style="list-style-type: none"> • Lake Victoria • Kisumu City • Kisian, Riat and Kajulu hills • Wetlands and Flood Plains • Nandi Escarpment • Nyabondo Plateau • Major Roads – Nairobi- Kisumu, Kisumu-Kakamega, Kisumu-Busia, Kisumu- Homa Bay, Kisumu-Kisii roads
<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>MAJOR URBAN CENTRES IN KISUMU COUNTY</p> <ul style="list-style-type: none"> • Kisumu City – Designated City – Integrated Strategic Urban Devpt. Plan, approved • Ahero – Designated Urban Centre • Maseno – Outdated Plan • Muhoroni – Outdated Plan • Katito – Unplanned • Pap Onditi – Unplanned • Holo – Plan up to date • Kombewa - Unplanned 	<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>KISUMU CITY'S STRUCTURING ELEMENTS</p> <p>If observed from space one will see major design features including;</p> <ul style="list-style-type: none"> • Jomo Kenyatta Sports Ground • Major arteries like Kisumu –Nairobi Class A road Kisumu-Kakamega Class A road Kisumu-Busia Class B road • Central Business District • The Airport
<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>Cont'd</p> <ul style="list-style-type: none"> • Peri-urban fringe of Kibos, Chiga, Korando, Kogony etc. • Wetland and flood plains • Residential areas of Milimani, Manyatta, Nyalenda and others • The hilly/slopy areas of Riat, Kajulu and Kisian • Water front of Lake Victoria 	<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>Cont'd</p> <ul style="list-style-type: none"> • Peri-urban fringe of Kibos, Chiga, Korando, Kogony etc. • Wetland and flood plains • Residential areas of Milimani, Manyatta, Nyalenda and others • The hilly/slopy areas of Riat, Kajulu and Kisian • Water front of Lake Victoria
<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>Challenges Facing Urban Planning & Management in Kisumu</p> <ul style="list-style-type: none"> • Urban Primacy – The status of Kisumu and the level of Servicing has eroded the growth potential of other centres. • Population growth and the related proliferation of slums esp. in Manyatta, Nyalenda, Obunga and Bandani • Scarcity of Land for expansion of Urban Centres and for establishment of Industries 	<p>REPUBLIC OF KENYA COUNTY GOVERNMENT OF KISUMU</p> <p>Cont'd</p> <ul style="list-style-type: none"> • Urban Decay – The old Kenya Railway housing and old municipal estates of Makasembo, Lumumba, Ondiek, Kaloleni etc • Unco-ordinated traffic mngt system – influx of boda boda and tuk tuk within CBD • Dilapidated Port of Kisumu • Environmental Degradation – encroachment on wetlands and pollution of Lake waters

Cont'd

- Inadequate Resources – Finances, equipment and Skilled Personnel
- Natural Features that limit spatial expansion – e.g. Wetlands, Flood prone areas and the rocky and steep hills of Kisumu, and Kaduha
- Existing Institutional barriers that limit consensus building – e.g in relation to KRA housing and Lake front project





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The Urban Sprawl Phenomenon

Lack of defined land use regulations has seen the above phenomenon happen in the County. This is where development spill over the hypothetical city boundary to the outskirts without co-ordination. As one will observe;

- Ribbon development along highways
- Leap frog development within agricultural dominant zones.
- Disorderly development on peri-urban fringes e.g in Kibos, Korando etc



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Opportunities in Urban Planning & Management - Kisumu

- Geographic location that makes Kisumu a regional hub for western Kenya & E. Africa
- Lake Victoria – A source of various resources
- Conducive climate for doing business in relation to terror threats – Tourism Conferencing
- Hospitality of the People
- Tourism potential – kit mikayi, tors
- Availability of Land (there is potential for urban renewal in old estates)

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- Availability of man power – Skilled, Semi-skilled and Unskilled
- Existing Infrastructure for service provision - Hospitals, Airport, railway, roads, schools, energy etc
- Natural endowments such as fresh water bodies
- Functional formal institutions - Governmental and Non-governmental

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Coping With Challenges

The County has made tremendous strides towards coping with the challenges related to Urban Planning & management. This is seen in form of initiated projects such as;


- Expansion of the 3 Highways to ease traffic – Ksm-Kkg, Ksm-Busia, Ksm-Nbi
- Kisumu Urban Project (KUP) – Comprises many projects & programmes that address the challenges
- Construction of By-passes to ease traffic within town
- Kisumu Integrated Strategic Urb. Devpt. Plan is approved Implementation in progress
- Shauri Moyo housing project – Part of Urban renewal of old estates

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- We are preparing County Spatial Plan to direct investments & development
- Major Urban centres are being planned to promote service delivery which will ease pressure on the city
- Partnering with other agencies and private sector in service provision esp. in health, education and housing sector
- In talks with Railways to allow for Lake-front project
- Promotion of Rural Sector esp. in agricultural intensification & diversification



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Conclusion

Like many other 3rd world cities in the globe, Kisumu County has a myriad of Challenges. The County and National Governments have put in place various strategies and approaches to address them. With Continued engagements with professionals and stakeholders, we are optimistic of meeting the goals related to Urbanization Challenge.

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Thank you



Urban Planning Frameworks in Kenya: opportunities and Challenges

BY

DR. MUSOGA, DIRECTOR LAND USE PLANNING, NLC.

Planning is a concurrent function

National Government

- General Principles of land planning
- Coordination of planning by counties (Schedule Part 1/21)
- To monitor and have oversight responsibilities over land use planning throughout the country (Article 67(2)(h)).

County Governments

- County planning and Development
- Plan preparation, approval, implementation (including Development Control) and review

Requisite Instruments in Realizing effective Planning

Sectoral Policies

Legislation

Practice guidelines/manuals

Types of plans envisaged under the County Governments Act 2012 and Urban Areas and Cities Act 201

- National Land Use Plan
- Inter-county Plans
- County Plans
 - County Spatial Plans
 - County Integrated Development Plans
 - Sectoral Plans
 - Integrated urban Development Plans

Principles of Planning

104. (1) A county government shall plan for the county **and no public funds shall be appropriated outside a planning framework** developed by the county executive committee and approved by the county assembly.

(2) The county planning framework shall **integrate economic, physical, social, environmental and spatial planning.**

4.0 Approach

4.1.1 Integrated

- take into consideration the physical, economic and social dimensions of developments
- horizontal integration, among the various sectors of public action;
- policies, projects and proposals are considered in relation to one another;
- multi-sectoral & multi-disciplinary.

b). Sustainable Human Settlement

- ❖ Natural resource management (Land, Minerals, Water, Forest, Wildlife)
- ❖ Investment Location
- ❖ Infrastructure and Services provision
- ❖ Urbanization and Rural development
 - Creation of Competitive Urban Places
 - Attracting Investments
 - Promotion of sustainable livable places
 - Creation of productive rural places

c) Making Decisions between Urban Development and wildlife Conservation



4.2 Out puts of the planning Process

- ❖ The vision of the long-term development of the municipality/county, emphasizing its most critical development and transformation needs.
- ❖ An assessment of the existing level of development in the municipality/county.
- ❖ The urban/county area's development priorities and objectives.

4.3 Out Come

a). Sectoral Integration

Coordination and Integration of Sectoral Plans/Programs

- Transport
- Agriculture
- Health
- Social Services and Recreation
- Commerce and Industry
- Environment
- Housing

b). Sustainable Human Settlement

- ❖ Natural resource management (Land, Minerals, Water, Forest, Wildlife)
- ❖ Investment Location
- ❖ Infrastructure and Services provision
- ❖ Urbanization and Rural development
 - ❑ Creation of Competitive Urban Places
 - ❑ Attracting Investments
 - ❑ Promotion of sustainable livable places
 - ❑ Creation of productive rural places

c) Making Decisions between Urban Development and wildlife Conservation



f) Planning to support land survey and titling, create basic order



6.0 Challenges

- ❖ Capacities to plan, implement and control development
- ❖ Planning and managing of metropolitan areas which transcend county boundaries
- ❖ Developing a hierarchy of urban places and assigning roles to achieve functional specialization
- ❖ Undertaking capital investments to create competitive urban areas
- ❖ Developing efficient land delivery mechanisms to attract investors and foster PPPs.
- ❖ Balancing short term political interest and strategic long term planning perspectives.

Presentation by Governor Zachary Okoth K'obado, Migori County

<p>COUNTY GOVERNORS AND URBAN DEVELOPMENT EXECUTIVE LEADERSHIP CONFERENCE AT UN-HABITAT HEADQUARTERS GIGIRI</p> <p>2ND NOVEMBER 2015</p>	<p>CHALLENGES FOR FUNDING OF URBAN DEVELOPMENT THE CASE OF MIGORI COUNTY.</p> <p>PRESENTED BY H.E. ZACHARY OKOTH OBADO GOVERNOR MIGORI COUNTY</p>
<p>1.0 INTRODUCTION</p> <ul style="list-style-type: none"> Urban development is the social, cultural, economic and physical development of Towns/cities, as well as the underlying causes of these processes 	<ul style="list-style-type: none"> Philosopher George Santayana originated the phrase "Those who cannot remember history are condemned to repeat it." Even though we currently live in a time of rapid change, the past can still greatly influence decisions and actions for the future. Through history both good and bad examples of decision-making are given. History offers the opportunity to learn from past examples of others, to see how society has changed over the centuries, and makes us better understand people and culture
<p>1.1 SUSTAINING URBAN AREAS AS ENGINES OF GROWTH</p> <ul style="list-style-type: none"> Urban areas are focal points for economic activities, and engines of economic growth. They are centers of excellence for education, health care, culture, technological innovation, entrepreneurship, social services, government administration, and communications with the world. They create opportunities for jobs, employment and livelihood. They are as well focal points for rural hinterlands to alleviate rural poverty Urban development should be guided by a sustainable planning and management vision that promotes interconnected green space, a multi-modal transportation system, and mixed-use development. 	<p>.....SUSTAINING URBAN AREAS AS ENGINES OF GROWTH</p> <ul style="list-style-type: none"> Diverse public and private partnerships should be used to create sustainable and livable communities that protect historic, cultural, and environmental resources. In addition, policymakers, regulators and developers should support sustainable site planning and construction techniques that reduce pollution and create a balance between built and natural systems. New urban developments or re-developments should provide a variety of commercial, institutional, educational uses as well as housing styles, sizes and prices. The provision of sidewalks, trails, and private streets, connected to transit stops and an interconnected street network within these mixed-use developments provides mobility options and helps reduce pollution by reducing vehicle trips. Walking, bicycling, and other mobility options should be encouraged throughout the urban mixed-use core and mixed-use neighborhoods with easily accessed and well-defined centers and edges.
<p>1.2 URBANIZATION TRENDS IN MIGORI</p> <ul style="list-style-type: none"> There is Rapid increase in urban population which is attributed to factors such as: Migration from rural areas and other urban areas, Natural population increase among urban residents especially when economic opportunities expand e.g. 1. fishing industry development in Sori and Mihuru bay. And mining of Gold in Macalder Reclassification of previously rural areas as urban, thus becoming built up areas and therefore changing their character. This has a bearing on the development and management of the urban centers. Migori has moved quickly to plan for growth and provide the basic services, infrastructure, and affordable housing for the ever expanding populations needs. 	<p>.....URBANIZATION TRENDS IN MIGORI</p> <ul style="list-style-type: none"> Migori County has an urban population of 137,112 thousand which represent 14.9 per cent of the total county's population. This puts a huge demand for the provision of services and infrastructure for the urban centers to be habitable. The provision of these services has financial implications and the County government which is charged with the responsibility of providing them must source for funding to ensure their adequate provision. The funds are scarce and difficult to access. In 2014, the Government of Migori set up an Adhoc committee on delineation of urban boundaries in the County. The process was very costly and prone to a lot of political emotions.

<p>2.0 CHALLENGES FOR FUNDING URBAN DEVELOPMENT, THE CASE OF MIGORI COUNTY.</p> <ul style="list-style-type: none"> 2.01. High Cost of Planning: Due the High Cost of planning, it has become increasingly difficult to fund spatial planning and bridging supply and demand gap on infrastructure services. There exists an enormous gap between demand for infrastructure services and capacity to finance urban development. In 2014/2015, the Government of Migori Committed 100 Million kshs as a start up to plan the towns of Migori, Awendo, Isebania, Rongo and Sori towns. This project will cost in excess of 250 Million and will be spread in three financial years. Costly Infrastructure investments would be needed to support urban growth over the next 25 years 	<p>2.02 COMPETING NEEDS AND PRIORITIES:</p> <ul style="list-style-type: none"> For sustainable development to be realized in the County there must be balance between rural and urban development. This calls for equitable share of the available funds to finance development projects in both divides, thereby creating a short fall when funding for urban development as there arises competing needs between the two regions and difficulties in prioritization of development projects against the backdrop of limited funds. Due to low level of funding available, urban planning is under increased pressure in competing for the inadequate funds. Most competition is from, other vital sectors such as agriculture sector, Health sector, roads and others. Nationally competing programs such as slum upgrading, consume more funds in competition to more viable affordable housing projects, and town rejuvenation Programs. A majority of the population lives in Rural hinterlands and the areas need investments to alleviate rural poverty. The urgency of the need of the rural population to obtain basic needs such as water, schools, and health services greatly contributes to uncoordinated approaches to development.
<p>2.03 COSTS ASSOCIATED WITH COORDINATION OF ALL SECTORS TO ACHIEVE A MASTER PLAN ON CROSS CUTTING ISSUES</p> <ul style="list-style-type: none"> High Costs are associated with the development of coordinated approach to urban development planning. Many Towns are in their infancy o development and cannot adequately provide urban basic services to the increasing number of urban residents. A number of towns do not have efficient systems of solid waste collection, sewerage system connections, and sanitary landfill facilities. Without a master plan and a Spatial plan, all efforts by various ministries remain uncoordinated and with different approaches leading to uncontrolled development, hence a vicious cycle. Environmental degradation With an increasing population density, especially in slums areas, environmental and health problems are rising. In addition to mitigating air and noise pollution and controlling wastes, managing the consumption of non-renewable resources have become more serious concerns 	<p>2.04 COST OF MANAGING URBAN GROWTH</p> <ul style="list-style-type: none"> The rapid rate of urbanization in Migori needs to be effectively managed to ensure that the potential economic and social development arising from urbanization are optimized to reduce poverty, improve the quality of life and protect the environment. The already built up areas, were not planned thereby creating a nightmare in trying to organize the towns. In order to create new standards of construction and building codes, create new service roads and lanes, implies that there is an increased need to demolish old buildings, move informal kiosks and structures, repossess undeveloped lands. These actions are accompanied by high costs in terms of relocations, compensations and acquisition of new lands. The Political cost is also High as resistance from the settled populations might be too high a cost for County Governments.
<p>2.05 MODALITY OF FUNDING BY THE NATIONAL GOVERNMENT</p> <ul style="list-style-type: none"> Funding from the National Government is monthly and often intermittently. This implies that County Governments cannot meet its contractual obligations in a timely manner. The Town planning projects therefore lag behind schedule and attracts more penalties thus increased costs to the County Government. 	<p>2.06 PLANNING-INTANGIBLE OUTPUTS.</p> <ul style="list-style-type: none"> Planning is a service that is intangible and its effect however long lasting are only felt after a reasonable amount of time. In the public view and in the view of budget priorities it is not attractive to undertake planning. This implies that planning is done as a last result instead of being a core prerequisite to any development.
<p>2.07 EFFECTS OF INCREASED TAXATION, NEW LAWS AND ITS UNPOPULARITY</p> <ul style="list-style-type: none"> Planning inevitably comes with new policies, and new taxation regime. This can lead to unpopularity of introducing new urban development projects. By example; introduction of new building codes and its enforcement will require the use of expensive materials in construction and the banning of the use of small spaces for construction. If someone can build a cheap house for a few hundred thousands, new laws may require that the house costs millions. 	<p>2.08 INACCESSIBILITY OF FUNDS</p> <ul style="list-style-type: none"> Stringent conditions for PPP-donor funding, The Public Private Partnership funding program is greatly inhibitive in its execution; in order to get funds for financing development activities the County Governments have to meet many difficult conditions. The funding of urban development projects like housing provision and other infrastructural services is expensive and the county Government's cannot achieve it alone but in partnerships through PPP. Urban centers MUST have in place a blue print to guide development before such projects can be donor funded. Migori County is facing a challenge of having a progressive urban spatial framework as its major urban Centers lack integrated spatial urban development plans due to costs and level of expertise required to negotiate such PPP contracts. The donor funding has several bureaucracies placed by the National Government. The demand that the money is sent to the counties through the national government and in various forms of conditional grants since they are unwilling to break the pre-devolution agreements made with the national government regarding the appropriation of the funds.

2.08 LIMITED ACCESS TO CONDITIONAL GRANTS

- Article 202 (2) provides for additional allocations to the county governments from the national government's equitable share of revenue, either conditionally or unconditionally known as grants. In case of conditional grants, they are supposed to be spent on specific items and cannot be diverted to finance the implementation of other projects related to urban development.
- It is also important to note that not all counties receive some conditional grants. For example, the grant for level five hospitals is only granted to those counties that accommodate these hospitals. The Equalization Fund is also only granted to 14 counties that are regarded as marginalized based on propositions by CRA.
- Migori County has been missing from the list of those marginalized Counties that benefit from this grant. This has made it a challenge for my government to avail sufficient funds to implement the projects in urban areas that are vital for proper urban development.

2.09 LIMITED ACCESS TO CREDIT FACILITIES.

- The county governments can, in accordance with Article 212, borrow or access loans from external sources or private lenders. This money should be repaid with interest. However, the counties must meet two conditions in order to access the loans. First, they can only access a loan if the national government guarantees the loan, that is, the national government should be willing to repay the loan in the instance where the county government is unable to repay. Second, the county assembly must approve any loan that the county executive intends to borrow. This is a major hindrance to access the credit facilities thereby limiting the capacity of the county government to finance the development projects required for effective urban development and growth.

2.09 LIMITED LAND FOR URBAN DEVELOPMENT

- Urban development activities take place on land. While population grows at a geometric progression, land remains constant. This increase in population exerts more pressure on the available urban facilities hence calling for the need to acquire additional land for adequate provision of such essential facilities. Moreover land values in urban areas have increased remarkably making acquisition to be expensive.

2.9 LACK OF PERSONNEL/EXPERTISE :STRENGTHENING URBAN MANAGEMENT CAPACITY

- Capacity of cities to manage urban growth and development, including preparedness to respond to disasters, needs to be strengthened. The engagement of the needed expertise remains a big challenge and an expensive undertaking. Project-based approaches with short time horizon adopted in some cities are unsustainable and did not effectively address long-term goals.

2.10 DECENTRALIZING URBAN ADMINISTRATION

- The Constitution envisages devolution of town managements to Town committees. This gives local governments more strategic role in planning and decision-making in urban development. However, funding may not have always matched with devolved functions.
- Actualizing this provision is untenable due to associated costs and devolved **Bureaucracy**
- Decentralization also requires collaboration between the central and local governments.

....CONCLUSION

- Urban Planning and development is an essential component in ensuring sustainable and futuristic growth.
- Its achievement is hampered by lack of sufficient funding.
- There is a great need for development partners to work directly and purposely with the County Governments to realize desired urban planning and development. Without which our towns will continue to be undesired settlement centers.
- As we continue to procrastinate on urban planning, Eventually towns will be forced to plan, but the costs will be too high a price to pay

Appendix 7: Statement of the Council of Governors of Kenya to the Habitat III Process



COUNCIL OF GOVERNORS

Statement of the Council of Governors of Kenya to the Habitat III Process

Delivered by HE Peter Munya, Chairman of the Council of Governors and Governor, Meru
County
7 December 2015
Nairobi, Kenya

Preamble

1. We the Council of Governors of Kenya
2. COGNISANT of the urban opportunities and challenges facing counties of Kenya
3. TAKING NOTE of the integral role of citizens in shaping the urban future, especially, in promoting social justice and equality in urban development in counties of Kenya
4. REAFFIRMING that in 2014, the National and County Governments made contributions towards sustainable urban development, as outlined in the *“Republic of Kenya, National Report on Human Settlements and the New Urban Agenda”*
5. ACKNOWLEDGING UN-Habitat’s formal convening role of bringing together member states to agree on universal policy frameworks to guide human settlements development globally
6. TAKING NOTE that Habitat III will be the first implementing global conference of the post 2015 development agenda, specifically focusing on implementation of Sustainable Development Goal 11 that aims to *“Make cities inclusive, safe, resilient and sustainable”*
7. TAKING NOTE that the Ministry of Land, Housing and Urban Development is the National Focal Point on Human Settlements issues in Kenya, including preparation of Kenya’s National Position towards Habitat III
8. NOW THEREFORE, declare support for the 3rd United Nations Conference on Sustainable Urban Development as the ultimate political space for renewed commitments and shared vision on human settlements.

The Habitat III Preparatory Process

9. Kenya participated at the Second Conference on Human Settlements held in Istanbul, Turkey in 1996 and endorsed the Habitat Agenda and Istanbul Declaration, agreeing to implement its recommendations through the National Plan of Action.
10. Post Istanbul, the urban landscape in Kenya has evolved and acquired renewed focus and attention as majority of Kenyans take residence in the urban areas.

Urban Development in Devolution

11. According to the Constitution of Kenya 2010, human settlements and urban development is a shared mandate between County and National governments.

12. The key role of National Government is in policy and legislation. As per Schedule Four (Part 1) of the constitution, National Government is expected to develop the National Housing Policy and national public works; alongside capacity building and technical assistance to counties.
13. Urban governance, management, service provision and planning are roles of county governments. The Constitution, further allocates the roles of transport, survey, mapping, county public works and services, including water supply, storm water management, sanitation, etc. to counties.
14. Centrality of citizens participation at national and county levels is a core constitutional epithet that is mirrored through a combination of urban legislation.
15. Legislation such as County Government Act No.17 of 2012, Urban Areas and Cities Act No.13 of 2011, Inter-Governmental Relations Act No.2 of 2012, give effect to these constitutional provisions.
16. New urban policy regimes such as the National Urban Development Policy and National Slum Upgrading and Prevention Policy (NSUPP) further entrench the constitutional principles.
17. Therefore, this “Statement by the Council of Governors of Kenya to Habitat III”, complements, emphasizes and gives life to Kenya’s input to the Habitat III process as elaborated through *“the Republic of Kenya, National Report on Human Settlements and the New Urban Agenda”*.

National Report on Human Settlements and the New Urban Agenda

18. The Council of Governors takes note of the country’s achievements, challenges and priorities for human settlements and sustainable urban development highlighted in Kenya’s National Report to Habitat III.
19. On “Urban Demography”, the Council reiterates the need for the international community to join hands with Kenya in mitigating continued insecurity and terrorism activities, especially in urban areas while harnessing the social capital inherent in the urban citizenry.
20. On “Land and Urban Planning” we reinforce Kenya’s position that there is need to support capacity enhancement of County Governments in land and urban planning, including addressing the challenges of urban agriculture and urban sprawl.
21. On “Environment and Urbanisation”, we support:
 - The creation, protection and management of additional green and public spaces in urban areas
 - Development of strategies for provision of infrastructural services in small and upcoming urban areas; and
 - Capacity building and training on disaster management, response and prediction.
22. On “Urban Governance and Legislation” the counties reiterate that there is need for improved technical and civic capacity building and financial support for implementation and strengthening of devolution.
23. On “Urban Finance” we concur that all effort must be made to ensure decent and dignified livelihoods for all urban residents through creation of sustainable economic opportunities.
24. On “Housing and Basic Services” we reiterate Kenya’s position to promote social justice and equality through increased funding to address planning, urbanisation, slum upgrading, low-income housing and provision of basic infrastructure and services.

Kenya counties Contribution to Habitat III Agenda

25. The county Governments are unanimous that Kenya is putting together a foundation that will help realise Sustainable Development Goal 11 and already has insights that can be shared with peers. Elements of this foundation that establish precedence for inclusivity, safety, resilience and sustainability are highlighted below.

- i. The Constitution of Kenya 2010 (Article 184) makes provision for classification and governance of urban areas.
- ii. The Constitution (Article 43) entrenches socio-economic rights to: housing, water, sanitation, clean environment, education, health, etc.
- iii. The Constitution of Kenya, 2010 promises to reverse inequalities, promote equitable access to basic services and renew relationships between citizens and their government by embedding public participation as a fundamental governance principle.
- iv. Devolution and decentralisation legislation, including the County Government Act 2012 and the Urban Areas and Cities Act 2011, provides for details for management and service provision in urban areas.
- v. The Constitution makes planning mandatory in Kenya. All the 47 counties have Integrated County Development Plans and several counties have completed Integrated Urban Development Plans. Spatial Planning is also commencing in a number of counties.
- vi. Between 2012 and 2015, County Governments have passed several legislation to guide urban development, including legislation on: urban planning and land use; valuation and rating; urban revenue; waste management; urban transport; water and sanitation, among several others;
- vii. Kenyan counties are developing innovative service oriented governance tools and systems, including: County Budget and Economic Forums; Electronic Revenue and Tax Collection Systems; Online Governance Monitoring Tools; Public Participation Forums; Investment Trading and Licensing Systems; Public Private Partnership Models for service provision, among several others.

22. The County governments further take cognisance of the fact that they inherited an urban system with challenges expounded in the Kenya National Report to Habitat III. To this end, the National and County Governments must collaborate to:

- i. Complete national and county urban policies and legislation;
- ii. Establish urban governance and management structures as envisaged in Urban Areas and Cities Act (UACA)
- iii. Comply with the legal provisions for development of integrated urban development plans and county spatial plans;
- iv. Address social justice and equality with emphasis on the growing informal areas in many counties; especially those with poor infrastructure and services
- v. Facilitate an environment that supports civic engagement in the urban governance and management affairs of the county governments;
- vi. Address weak urban economies and increasing urban poverty;
- vii. Develop and implement a funding mechanism for urban development; and
- viii. Optimise urban revenue collections and strengthen accountability.

26. In respect whereof, we the Council of Governors reaffirm that we share Habitat III's vision of sustainable urban development premised on making our urban areas more inclusive, safe and resilient for the benefit of current and future generations. We therefore commit to achieve this vision in all the 47 counties by:

- i. Entrenching democratic and participatory governance and management of cities and towns through institutionalization of all relevant structural and legislative instruments
- ii. Embracing and upholding competitive standards in the development and implementation of integrated urban development plans and attendant plans as prescribed in law
- iii. Improving resilience through institutional mechanisms that guarantee adequate and equitable investment in infrastructure and services for all; and
- iv. Optimising on revenues generation, which shall be reinvested towards environmental, social-cultural, economic and institutional aspects of sustainable urban development.

Appendix 8: Attendance List

Council of Governors UN HABITAT Executive Leadership Conference at Gigiri 2nd November 2015

NO.	NAME	COUNTY/INSTITUTION
1.	H.E Amason Kingi	Governor, Kilifi County
2.	H.E John Mruttu	Governor, Taita Taveta County
3.	H.E Wycliff Oparanya	Governor , Kakamega County
4.	H.E. Josphat Nanok	Governor, Turkana County
5.	H.E. Dr David Nkandianye	Governor , Kajiado County
6.	H.E. Dr Julius Malombe	Governor, Kitui County
7.	H.E. Kinuthia Mbuthia	Governor, Nakuru County
8.	H.E. Zachary Okoth K'obado	Governor , Migori County
9.	Joan Claus	Executive Director, UN Habitat
10.	Amb Prof Sam Onger	Permanent Representative , UN Habitat
11.	Amb Kamau Macharia	Permanent Representative , UN Habitat
12.	Shannon Lovgren	ICLD
13.	Daniel Kiprotich	Deputy Governor, Uasin Gishu
14.	Nason Mutizwa Mangiza,	Director, UN-Habitat
15.	Mr. Jire Sayat Mohammed	Deputy Governor Tana River County
16.	Kristina Eisela	UN – Habitat
17.	Claudio Acioly	UN – Habitat
18.	Grace Luubale	UN Habitat
19.	Abdullahi Hussein	Nairobi County
20.	Alfred Matiangi	CEC Kakamega County
21.	Ali Letura	CEC Kajiado County
22.	Amina Rashid	CEC, Lamu County
23.	Angelina Wama	CEC Tana River County
24.	Anna Backmann	Symbio-City
25.	Beatrice ogolla	Homabay County
26.	Daniel Parsimoi	CEC Narok County
27.	Doris C. Ombara	CEC Kisumu County
28.	Dr. Herbert Musoga	Director, Land Use , NLC
29.	Elizabeth Alila Ochoye	CEC Migori County
30.	Elizabeth Nyongesa	CEC Trans Nzoia County
31.	Eric Randu	CEC, Lamu County
32.	Euniece kamunga	CEC, Kiambu County
33.	Evelyn otieno	Symbio-City
34.	Ezekiel Abang	CEC Siaya County
35.	George Ilebaso	Nairobi County
36.	George Wesonga	CSUDP
37.	Gitau Thabanja	CEC Nyandarua County
38.	Harry Mugo	CEC, Kirinyaga County
39.	Hezekiah Karanja	IGS
40.	Irene Senei	CEC Samburu County

41.	Jackeline Mogeni	Ag Ceo , COG
42.	Jeremiah Ougo	UN – Habitat
43.	John Gichuru	Rapporteur
44.	John Gitonga	IGS
45.	John K Barreh	Nairobi County
46.	John Ndiritu	Swedish Embassy
47.	Judith Mbindyo Kalenga	CEC Makueni County
48.	Judy Oduma	COG
49.	Julius Koredo	Symbio-City
50.	Kinuthia Wamwangi	Transition Authority
51.	Klas Grotta	UN – Habitat
52.	Koech Gilbert	Nairobi County
53.	Lawrence Moraa	Nairobi County
54.	Martin S. Kafwa	CEC, Busia County
55.	Matrid Nyagah	Rapporteur
56.	Maxammad Ashriir	Guest
57.	Mayaka Nyaroro	Nakuru County
58.	Nicondemus Mbwika	Symbio-city
59.	Nkatha Nkoronya	COG
60.	Odongo Ojiem	Homabay County
61.	Odongo Tom	CEC, Nairobi County
62.	Patricia Lasoi	CEC Bomet County
63.	Patrick Vidiya	Nairobi County
64.	Rachael Maina	CEC, Nakuru County
65.	Riamangura M. Edwin	Baringo County
66.	Robert Ngugi	Nairobi County
67.	Rose Muema	Nairobi County
68.	Samuel Mwaura	PA Governor, Nakuru County
69.	Solomon Ambwere	Urban and Metropolitan Directorate
70.	Solomon K. Mwongo	CEC, Kisumu County
71.	Tabitha Oyinge	Deer Leap Comm.
72.	Victor Ogutu	Urban and Metropolitan Directorate
73.	Virginia W. Ndiritu	CEC Laikipia County
74.	Yuka Terada	UN – Habitat

About the Rapporteur

The Rapporteur, Mr. John Gichuru is a highly accomplished information and communication specialist and a seasoned trainer in communication and information management with with over 17 years of quality professional experience acquired in challenging local and international environment with the ability and passion to deliver innovative and comprehensive training programmes and comprehensive reports.

He is a well trained professional with a Bachelor of Education degree (English Literature and French Majors), a Masters of Information Science as well as Masters of Business Administration (MBA) degrees. He is a Lead Consultant at Inforec Services Ltd as a consultant in Information and Communication services.

He is competent in both English and French languages. He has carried out a wide range of Rapporteur assignments with both local and international organizations. These assignments have been in both English and French.

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