



AAK ANNUAL CONVENTION 2022 RAPPOREURS' REPORT

6th – 8th July 2022

Sarova Whitesands Hotel, Mombasa

Rapporteur General: Brenda Nyawara

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SESSION 1: OPENING SESSION

Rapporteur: Isabel Muthoni Njoroge

Wednesday 6th July 2022

Remarks by Ambrose Ofafa, *Convenor; Assistant Honorary Secretary, AAK*

- Professionals have come together to offer creative solutions
- This convention is different and it has come to offer more networking opportunities
- Professionals to ensure they don't lose opportunities to network
- This year's convention cuts across all aspects of human life ; it is a world theme
- The solutions we shall have will come to reduce conflict between all living species

Remarks by Florence Nyole, *Vice President, AAK*

- Urban areas are currently operation under a devolved government
- Urban Areas and cities act formulated in 2011 has played a role in how urban areas are governed.
- Which lessons will we have learnt in the 10 years of having a devolved system of running urban areas?
- How do we get a sustainable Kenya in relation to urban governance?

Remarks by Wilson Mugambi, *President, AAK*

- Urban governance affects us all
- This year's theme will cater to planning, governance and financing of Urban areas
- Your network is your network, get to know more.
- Professionals are implored to be part of excellence.
- Professionals to embrace continuous growth and willingness to learn

Remarks by Chief Guest: Prof. Kivutha Kibwana, *Governor Makeni County*

- Mushrooming of urban centres has occurred due to the pressure for urban spaces and infrastructure.
- There is need for planning, design and proper governance of urban areas
- Professionals should think 'sustainability' when planning for urban areas

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- There is need for enforcement of the law concerning matters affecting development control.
- Sustainability of urban areas should be a shared dream across all stakeholders
- Kenya should provide safe and secure environments for investors to do business.
- Urban areas to be fitted with improved public and social infrastructure

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SESSION 2: E-GOVERNANCE AND DIGITAL ECO-SYSTEMS IN URBAN MANAGEMENT

Rapporteur: Njeri Mugo
Wednesday 6th July 2022

PRESENTATION

Speaker: Pln. David Gatimu, Planner; Urban Development Practitioner

Two main themes involved in E-Governance and Urban Management;

- Information Revolution (the transition from analogue ways of communication to the digital era)
- Urbanization (urban population in 2009 was 10M, in 2019 was 15M, in 2030 is projected to be 35M)

Four fundamentals of E-Governance Values;

- ICT Infrastructure.
- ICT Awareness.
- Responsive and Citizen Centric.
- Appropriate planning, design and delivery (Contextualized and customized services).

Only 6 counties in Kenya have County Spatial Planners; Vacuum left as to how to determine quality of urban life.

Addressing housing in the digital bubble;

- From Government to Government (Streamlined services, automated compliance check, tracking socio-economic development trends).
- From Business to Government (Work through agencies that offer lobbying, advocacy services like AAK)
- From Government to Citizens (Faster service delivery, connection to professionals, online tracking of progress and inspections).

Action points for AAK and other regulatory bodies.

- Continue and strengthen the lobbying and advocacy works already being done.

PANEL DISCUSSION

Moderator: Pln. Cyrus Mbisi, Chair, Town Planners Chapter

Panelists:

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1. **Pln. David Gatimu**, *Planner, Urban Development Practitioner*
2. **Steve Gome**, *Architect, Director of Urban Development, County Government of Kisumu*
3. **Patrick Analo**, *Urban Planner, City Planning Department, Nairobi City County*
4. **Githinji Mbugua**, *Architect; Urban and Environmental Regeneration Enthusiast*
5. **Florence Kimata**, *Senior Consultant, World Bank Group; SME Advisor at the Ministry of Industry, Trade and Cooperatives*

DAVID GATIMU

Q; How to deal with the challenge of construction pricing (professional fees, e-governance) especially for single dwellers.

A; Provisions of County Government Act – Pricing of County services should be done in a rational manner, thereby increasing rate of construction compliance.

Architects upload pre-approved plans that earn royalties whenever purchased instead of selling individual plans to single buyers.

PATRICK ANALO

Q; Main causes of the down-time experienced with Nairobi's e-permit platform; What is the long term solution to having uninterrupted e-permit services?

A; Nairobi Metropolitan Service (NMS) took up the Planning Functions of the e-permit platform and due to inefficiency in revenue collection as well as need to host platform in government servers, there was a 3 month down-time period.

They have since upgraded the services offered through introduction of Nairobi Revenue System which is more efficient in revenue collection.

FLORENCE KIMATA

Remarks;

The government is dedicated to continue working on the building reforms which will lead to an increase in investment in the building industry as well as efficiency in the e-permit platforms through by-laws.

STEVE GOME

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Q; Challenges emerging on E-Permit System and how has Kisumu fared, and how to better it?

A; The service was e-permit and exclusively offered in the urban areas of Kisumu.

After 2017 elections, reverted back to the One Central System which is mostly manual.

Hopeful on re-introduction of e-permits in the new government to allow better revenue collection.

GITHINJI MBUGUA

Q; Where is the nexus between E-Permits and Urban Governance.

A; Lack of adequate resource allocation on planning services like a planning code or planning authority in the country.

DAVID GATIMU

Q; How idea behind marketing of pre-approved plans can be made tanky.

A; Efficiency in certifying compliance during construction eg: through text, photos of site.

Ensure no access to service utilities unless plans have been pre-approved.

Have post construction inspections and post occupation inspections.

Q; How to contextualize the solution given only six counties have Spatial Planners

A; Ensure uniformity of platform across all counties that is acceptable to allow instant approval.

GITHINJI MBUGUA

Q; What professionals can do to ensure good governance in our urban areas

A; Have a planning authority that compromises of all construction related professionals that is not elective to dissuade corruption.

STEVE GOME

Q; What is the future of E-Governance in the built environment?

A; Uniformity of platforms across all counties – Have a platform created nationally and used in County level.

PATRICK ANALO

Q; How to deal with quality incoherence in the digital platforms

A; Upgrade our skills in terms of software technology, urban research, site analysis, to contextualize our output to local needs. Reducing fees of compliance certificates.

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Incentivize sustainable designs, designs that solve national problems like flooding.
Government departments to work together.

DAVID GATIMU

Q; How to ensure the e-platforms are inclusive of informal structures within Counties
A; Have Intergrated Development Plans within municipalities governed by policies in each County.
Appropriate funding to counties to enforce the policies created.
Empowering neighborhood associations – they observe and regulate what happens within their spaces.

CLOSING REMARKS

GM; Digitize access of plots by government together with regulations for land buyers and developers.

SG: Many opportunities available in the county level to help make change.

Q & A Session

This session did not have any q & a due to time constraints.

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SESSION 3: URBAN MOBILITY AND SUSTAINABILITY IN THE URBAN SYSTEMS

Rapporteur: Muguru Wairimu
Thursday 7th July 2022

Moderator: Eng. Justus Otwani, *Chair, Engineers Chapter*

Presentation by Chris Kost, *Africa Programme Director, Institute for Transport and Development Policy*

Panelists:

1. **Brenda Kamande**, *Landscape Architect & Urban Planner, Kiambu County Government*
2. **Carolyn Wanza**, *Landscape Architect & Urban Designer*
3. **Dennis Wakaba**, *Urban Planner, E-mobility Expert, Roam Electric*
4. **Howard M'Mayi**, *Deputy Regional Director, Coast Region- Kenya National Highways Authority*
5. **Taufiq Balala**, *County Executive Committee Member for Transport, Infrastructure & Public Works, Mombasa County*

Transit Oriented Development in Sustainable Cities

- Based on the modal share in all cities in our country, most people walk, yet our infrastructure is designed to move more vehicles with little consideration to other modes of transport. We thus have an apartheid mobility system that largely discriminates against those who are not endowed financially.
- It's essential to link the land use policies to transportation.
- The transport system and built form of our cities influence the transport mode choices, and if we design our cities for sustainable mobility, more people will walk and cycle.

TOD Standards

Bus rapid transit/High-quality mass rapid transit system

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BRT systems combine lovely walkways and cycle tracks, and the median lanes are used exclusively by public transport.

They ferry a large number of passengers per day and reduce travel time. The DART phase 1 ferries 200,000 passengers/day.

BRT designs made and implemented should be convenient and efficient

- Passing lanes in a BRT system increase their efficiency with regards to reduced congestion at stations
- BRT systems should be implemented such that they can cater to all transport users, and thus the last mile connectivity should be well thought out to encourage more users
- There should be dedicated lanes even in downtown areas where many people use public means for transit.

Ideally, areas within walking distance from BRT lanes should get more development, which the government can incentivise. It encourages compact development along transit lines.

The highest intensity zoning needs to be along proposed mass transit lines, and there should be a reduction in the lack of correlation between mass transit networks and land use.

Pedestrian-friendly/ pedestrian-oriented network design

- Prioritise pedestrian connectivity with blocks being less than 100m. Pedestrianised streets should also be encouraged for NMT access only where possible.
- Most gated developments increase walking distances for pedestrians.
- We need to encourage developments where NMT access is the fastest access. Car access is still there in such developments, but it may not necessarily be the fastest.
- County governments can create incentives for developers who include mid-block passages
- We need to plan highways and arterials that also connect to a well-connected pedestrian network

High-quality walking and cycle tracks

- Footpaths should have a zone system: the frontage, pedestrian, and furniture zones.
- Streets need to be designed as public spaces as opposed to traffic spaces

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- Developments need to be constructed incorporating an active frontage to ensure buildings have a relationship with the street. Buildings with an active street front integrate better with the street, which is a public space. A good example is buildings built to line with pedestrian edges.
- High-quality cycle tracks should be at least 2m wide, be made of good and smooth material and not paving blocks, well buffered and physically protected from motorised traffic.
- Well done cycle tracks encourage cycling to all ages.

Parking Management

Excessive parking provision in new projects does not encourage sustainable mobility in cities and urban centres.

Parking supply is cyclic, more parking supply leads to more vehicles which leads to increased demand for parking after a while, and the cycle is repeated.

There is an opportunity cost incurred whenever we provide parking.

Parking issues can be sorted by:

- Increase fees in areas with high demand
- Design buildings that encourage transit use

TOD planning requires a physical design process and not just regulations.

Sustainable cities incorporate sound transit systems, reduce parking and encourage transit use, and incorporate NMT infrastructure that encourages walking and cycling and thus have a better quality of life.

Q&A

1. BRT is more appropriate when there are wide roads and longer routes. Longer routes encourage more people to live further away from urban areas. For us, the Nairobi Metropolitan is about 25kms from the city centre, and thus we cover very short distances.

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2. The BRT lanes being the inner lanes means passengers alighting need to cross the road, which encourages the provision of footbridges

The provision of passing lanes means that the express BRT buses can pass while the rest can stop as much as the minibuses stop for passengers to alight and thus can work for short and longer transits.

At grade crossings need to be provided more, and we need to change our culture by recognizing pedestrians as equal road users, and vehicles need to allow them to cross at the crossings provided. This will reduce the need for footbridges.

3. Due to security, many clients do not want their buildings to relate to the streets. How should professionals handle that?

Buildings with an active frontage are more secure than those without. An active frontage means many people and reduced blind spots, reducing the insecurity on streets with such buildings. Professionals need to design buildings such that, despite the active frontage, there is limited or no access to other parts of the building by outsiders.

4. To what extent does the existing transport system satisfy demand, and what is the impact on users
 - Traffic congestion
 - Accidents
 - An angry and depressed society
 - A lot of time is spent on the commute
5. Suggested solutions to this
 - A shift in attitude, public transport and cycling, which were popular in the 60s started being frowned upon and despised. They should be encouraged and more investment made to ensure that cycling infrastructure is provided and public transport is prioritised.
 - Encourage the use of Personal Rapid Transit Systems that are already in use in some European countries, especially due to the last mile connectivity.
 - Provide well-designed and regulated infrastructure to encourage cycling and walking.

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- Designers should seek stakeholder engagement which is thoroughly done and not just to tick the box to ensure what they construct caters to the users. Stakeholder engagement, when well done, leads to great results being achieved.
- Professionals need to work together as they complement each other, which helps to incorporate our different specialities and ensure that the resulting infrastructure comes from integrated design work. Moreover, professionals need to consider themselves as users when designing and constructing infrastructure, as opposed to the current approach where most develop infrastructure when removed from the process.
- Planning is integral and should be respected when developing buildings and transportation infrastructure.

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SESSION 4: INNOVATIVE MUNICIPAL FINANCING MODELS / MECHANISMS FOR INFRASTRUCTURAL DEVELOPMENT

Rapporteur: Lucy Nzioki / Heena Khan
Thursday 7th July 2022

Presentation by Mary Chege; *Advocate, EMSI & Associates; Certified Public-Private Partnerships Practitioner*

The presentation was anchored on the tools available for financing urban infrastructure projects. An emerging theme was the fact that Infrastructure required is not only economic (communications, transport) but there is a need for social (health, Education) infrastructure as well.

Financing options discussed include:

- Fiscal Transfer from national government. The share of revenue between county government and national government as regulated by DORA and CARA
- County borrowing and lending
- Revenue collection
- Muni bonds
- Specialized funds
- Muni banks
- IFIS Banks- World bank
- Taxes Fees and Charges
- PPPs and Housing PPPs modeled for the housing at county level

Currently, the devolved governments have not utilized its potential for raising funds for infrastructure projects, most especially on revenue collection.

Why urban areas matter? By 2050 we will have a population of 9.8 billion people of which 68% will be in urban areas, for secondary cities like Mombasa, Kisumu, Nakuru about 46% will be in urban areas. 50% of urban areas will comprise of female population. The question then comes how are we designing our urban infrastructure and who are we consulting.

Urban infrastructure is beyond the physical aspects like roads, storm water drainage amongst others and forget the economic infrastructure, the hard infrastructure that brings in money which

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facilitates business in urban areas and social infrastructure like health, education amongst other that allows you to be part of these urban areas.

Infrastructural needs can be determined using the spatial plans, infrastructural plans and service master plans this helps you determine your infrastructural investment plan.

National government collects taxes and determines how this kitty is shared; National revenue, equitable share under article 202, County revenue, Article 209 (property tax, entertainment tax etc.). DORA (Division of Revenue Act) tracks revenue sharing annually, splits it between National Government and County Government. Then that helps CARA (County Allocation of Revenue) to determine what need to be splits horizontally amongst the counties.

Exploring financing options for our counties we can look into Municipal bonds, specialized funds, municipal banks, IFIs bonds and Taxes, fees & charges. All these have been and are being used globally by different countries already.

PANEL DISCUSSION

Moderator: Mary Theresa Odhiambo, *Chair, Quantity Surveyors Chapter*

Panelists:

1. **Dr. Nyangasi Oduwo**, *Infrastructure & Financial Advisory Economic Advisor at County of Mombasa; Chair, Kenya Cities Forum*
2. **Zoravar Singh**, *Board Director, Kenya Property Developers Association*
3. **Mary Chege**, *Advocate, EMSI & Associates; Certified Public-Private Partnerships Practitioner*

Qs 1; To what degree should public and private sector be involved in financing of infrastructure?

Mary Chege- there is scope for private sector to be involved in the financing of public infrastructure as illustrated in her presentation by models like PPPs, municipal bonds and crowd funding as used in Denver. Public sector cannot do this on their own, Public and private sector need to work together.

Zoravary Singh- affordable housing is usually driven by private sector, it's the social housing where the government/public sector is seen. Enabling environment need to be there for the 2 to work together, like transparency, proper financing, titling processes need to be streamlined. All these factors impact the return on the investment on the housing. In affordable housing the project need to make financial/economic sense for developer to make investment.

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Qs. 2; Contract entered under previous governance will hold after the general election and change in governance?

Zoravary Singh- Yes they will and the big question is will housing remain the big agenda item? It will because of the societal need of high quality and volume of housing units.

Qs 3; How do professionals get to rooms/ tables in government and county level to participate on infrastructure financing?

Dr. Nyangasi- from the perspective on the demand side, there is really shortage in infrastructure finance professionals. Legal firms deal with PPP deals, infrastructural deals where you find there is a very small pool of people that can do these deals. Getting them in the room may not be the challenge but getting the professionals be the 1st should be the goal.

Qs 4; Financing is being put towards climate change, green infrastructure, green bonds etc., should this be what Africa should focus on or should we focus on issues like food security?

Mary Chege- African countries need to set their priorities and their agenda. They should not be at the mercy of other countries priorities like Kenya contributes 0.1% to climate change but we are held to the same standards of reduction as other countries that contribute very high percentages.

Dr. Nyangasi- as we transition from hydrocarbon era there is a lot of opportunity in climate finance that supposed to be spent on transition in the coming few years.

Qs 5; How does private sector access financing?

Dr. Nyangasi- finance can be accessed by advance market, pension funds, insurance provide/ cater for asset allocation for things like sewer. Sector approaches and pulled finances can also be other venues to access finance.

Zoravar Singh- there is a gap between paperwork and actual implementation, meanwhile taxes are being paid and salaries being issued. There is need of internal transformation, change of mindsets and attitudes.

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Mary Chege- we have laws that focuses on issues of corruption, we have the public procurement act all these should be able to ensure transparency in finance. The life cycle of a PPP project is so long that people give up due to lack of infrastructure and financial support.

Q&A SESSION;

Mutama Laurence (Chief Architect, Public Works) - the government is listening, ready and available for subsequent engagements. We can develop engagement framework where policy makers and professionals can work together. Where policy makers can with time took into the comments and complains put forward in a structured manner and see how these issues can be resolved.

Qs.1 To what extend have you looked into provision for funds/ finance for open spaces?

Mary Chege- we should look for ways to make money/ monetize green spaces for example a development of 100acres must have green areas and these green areas can be monetized by putting up bill boards, vendor paying fees to operate in the parks, host cultural festival in these green spaces as income generators.

Architect Robison Muguru;

Qs 2; involvement of built professional in PPT projects in the last stage, how can you ensure professionals are involved from the very beginning?

Zoravary Singh- normally financial program should run parallel with the design program.

Dr. Nyangasi- there is a general push to involve professional, people living with disability, gender equality and climate issues in projects from the get go. These are a few of the problems faced by PPP projects where they have to go back because they forgot to incorporate the earlier mentioned factors.

Architect Githinji Mbugua

Qs 3. What is the innovative part in financial models for infrastructure developments?

Mary Chege- Development charges is a new fee in section 63 of PLUPA address paying for costs of infrastructure that you are not consuming or has nothing to do with you. User associated with a particular infrastructure development is the one responsible for its repayment.

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SESSION 5: LEGAL AND POLICY FRAMEWORK FOR EFFECTIVE URBAN MANAGEMENT

Rapporteur: Rhema Njuguna
Friday 8th July 2022

KEYNOTE SPEECH: Arch. Louis Cortes, President, *International Union of Architects*

Challenges to Urban Governance:

1. **Administration of a city in an intelligent way** - Using human, financial and economic resources and investing in them properly
2. **Investing in currency** - Pushing our leaders to pay attention to our own currency to be invested properly
3. **Rural- Urban migration** - Planning our cities to accommodate the masses of people migrating from rural areas to urban areas and giving people minimum standards of construction.

Being aware of these challenges enables us to plan for our cities by making them more:

1. **Sustainable** - Sustainability means making cities more efficient in managing water, sewerage, energy; controlling expansion of cities by defining the best areas for urban growth; analyzing how to maintain cities and utilizing natural and human resources available.
2. **Healthy** - The standard of health in cities can be raised by having a preventative plan. This means laying emphasis on avoiding more people from being sick.
3. **Inclusive** - Teach people how to love the city, its importance and how it works and encourage them to participate in activities that improve life in the city.
4. **Equitable** - Designing cities to enable everyone to have access to all the services.
5. **Resilient** - Cities should be designed to withstand all circumstances and pandemics eg Covid 19
6. **Safe** - This incorporates the design of streets and parks, as well as implementing lighting to improve safety and security around cities. It is directly related to the part played by the community or every citizen.

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Built environment professionals are related to spaces, there is need to incorporate beauty in planning. Cities can be made beautiful by balancing between the built-up environment and the natural environment; there is need to take care of nature and not to destroy it in the course of construction activities.

Q&A SESSION

QUESTION by Chris Kost

Are there reforms of approach or change of policy in Government- supported housing projects located far from cities which are costly for people to commute to their job centres thus little uptake of the projects as seen in Mexico?

RESPONSE

There are different factors that ought to be considered when providing affordable housing namely:

- Concept of housing – Understanding the need that housing ought to fulfil i.e. the number of people in a household and respond to different housing set ups
- Rules and regulations in each city- Need to define rules and minimize strict regulations in order to make them achievable to the people
- Access to finances – Make it possible for more people to access financing since construction can be expensive
- Materials used - Materials sold in the market can be costly and not of good quality
- Care should be taken not import solutions but to create own solutions according to the climatic conditions of the region
- Urban context – Proximity to services; Integrate housing to city
- Building houses close to services and not in the periphery of the city.

PRESENTATION

Speaker: Pln. Richard Mareri. *Physical Planner, State Department of Housing and Urban Development*

Elements in Urban governance

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- Structure of urban governance agencies, division of tasks between them, staffing and resources babes, internal organization and management of resources, relation with national government and interaction with private and community organization.
- It involves making the system work.

Need for Legal and Policy framework in Urban management

- For control of people and create boundaries. Laws are enacted to improve the living environment of residents and promoting a planned and balanced development in the city.

Challenges in implementation of legal and policy application

- Many cities are burdened by laws that do not match the prevailing urban reality
- The capacity to enforce the laws and regulations that are already in place are often lacking
- Municipal or urban authorities often have limited access to specialist legislative expertise
- Rigidity of laws and regulations compel citizens to pursue informal routes
- Inheritance of some colonial or redundant laws that are outdated with the present reality
- Some laws and policies are very technical to comprehend and implement
- Inadequate funding makes it difficult for some urban authorities to implement some laws and policies
- Lack of political goodwill required in some legal provision sees them discarded
- Political interference during implementation stage.

Policies guiding urban management

Some policies that guide urban management include:

- National urban development policy; Kenya Urban Support Program invests in infrastructural facilities within municipalities
- National land policy; guides how to manage land nationally
- National spatial plan; Guides on how to use space nationally and where urban areas will grow

The legal systems are among the major impediments preventing innovation by urban managers, creating reforms and overcoming the pressing challenges of their cities and urban systems.

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Laws must be enforceable and enforced.

Outdated or inadequate urban laws generate inequality and deny equal opportunities and protection to some people.

Implementation Improvements

- Need for monitoring and evaluation of enacted laws to understand if they are really meeting the needs of society.
- Provision of enough financial resources for legal implementation
- Urban laws need to be practical, responsive and scalable while protecting the right of all citizens to live and work in the city.
- Engage discussions with both the parties that will be affected by a new law and the politicians who will implement it.
- Law making process needs to be protected from abuse or exploitation by any single group.
- Cities need to find legal solutions that take some western style and some locally emerging ones knit together aspect
- Review restrictive, exclusionary and costly legal and regulatory processes, planning systems, and standard and development regulations.
- Adopt an enabling legal and regulatory framework on enhanced knowledge, understanding and acceptance of existing practices and land delivery mechanisms to stimulate partnership with private and community sectors.
- Deploy institutional and legal frameworks for inclusive participation in decision making regarding human settlement strategies, policies and programs.
- Provide adequate personnel for both legal and policy implementations.

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PANEL DISCUSSION

Moderator: Pln. Christine Muchiri

Panelists:

1. **Martin Tairo**, *Architect; Past Chair, Municipality of Mwatate*
2. **Dennis Abuya**, *Principal Physical Planner, County Government of Kiambu*
3. **Rehema Kabare**, *Project Manager Trainee at the GoDown Arts Centre - Urban Division*
4. **Richard Mareri**, *Physical Planner, State Department of Housing and Urban Development*

Q1 to Martin Tairo

Based on your experience as the chair of the Municipality of Mwatate in Taita Taveta County, give information on the Urban Areas and Cities Act, one of the important pieces of legislation governing our urban areas today, and how it has improved how the management of cities and urban areas was with the local government previously.

Response;

Municipalities were created under the urban areas and cities act of 2011 which is anchored in the constitution article 184 of the Constitution of Kenya 2010. This gives it the weight it deserves. Previously, it was under the Local Government's Act which was not privy to details of how the act was legislated but the constitution of Kenya 2010 has provided for urban areas and ensured the Parliament institutes laws that will guide management of urban areas.

The Urban Areas and Cities Act has provided for appointment of boards managing urban areas and is different from what was in the local government. Previously, the Ministry of Local Government had sweeping powers in terms of who would manage the urban areas but the Urban Areas and Cities Act has given very clear guidelines or criteria of nominating and appointing urban managers which starts with the board that guides a city or municipality and also how the board operates its affairs in terms of appointing its managers.

The Urban areas and cities act is important because it effectively lays the basis for the third layer of governance in Kenya today and is a form of devolution from the county government.

Q2; Dennis Abuya

With your vast experience in county government, what are the hitches that are affecting the implementation of law and how can the technical capacity be enabled in the county government?

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Response;

Hitches

In view of the legal and policy framework in the urban context, one of the key policies which have inspired many countries is the LAPCEC charter which was administered by the EU ministers in charge of urban managers. One of the advisory or policies issued from the Policy document titled "The transformative power of cities for the common good" was the Just city which looks at ways of integrating every person in society leaving no one behind. Policies in county governments are not integrated thus many people are left behind.

There are also a lot of shortcomings in planning law. First, law is seen as a way of harassing people instead of being a redress mechanism to issues which they ought to address. Secondly, law is complex; the complexity of law has a lot of divergence from the law in books and law in action. For instance, constitutional laws vary from administrative laws; they are created by politicians but left to be implemented by civil servants.

Enabling technical capacity

The human resource development employs personnel that are untrained and unqualified. They should employ trained and qualified staff.

Institutional capacity- Institutions do not have laws in place

Most counties do not have laws and policies where policies are wise and just solutions while law is the transformation of policies to guide development in cities.

Collaboration and coordination framework – There is no synergy and collaboration for various arms of government and stakeholders.

Q3; Martin Tairo

From your vast experience as chair of Mwatate, what are the opportunities you identified and the key challenges that you faced in carrying out your duties?

Response;

Challenges

From interaction with the council of governors based on their attitudes and knowledge on these issues, different governors treated their municipalities very differently.

There is a general lack of support based on the fact that the urban managers took away powers from the previously existing executive team.

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Boundary to which municipalities extend; politicians such as MCAs wanted the municipality boundary to extend to rural areas that lie in their wards and bring in resources for development yet they only cover the urban areas.

Implementation; Municipalities and cities act was enacted in 2011 but the first effective urban board started working in 2018.

Opportunities

Municipalities are giving counties an opportunity to further engage. It being a separate legal entity increases its ability and capability to engage directly with projects and donors.

Criteria for appointing boards gives an opportunity to bring in the right technical capacity by nominating members to the board from agencies such as AAK, neighbourhood associations

Q4; Richard Mareri

What are the financial implications of the laws that have been enacted because it appears that finances are either an Impediment or a motivation for the laws to be implemented?

Response;

Laws once enacted require funding to enforce it. Funding is required in areas such as employment of personnel such as the municipality boards, research, purchase of equipment, training of staff and in public participation when sensitizing people.

Q5; Rehema Kabare

What is the model like, describe the methodology and approach used in public participation.

Response;

Her City is a project that was started by UN Habitat and a Swedish company to improve participation of women and girls in urban development in urban spaces. Her City Her Streets is a project that the GoDown Arts Centre is rebuilding in the entire cultural complex.

Why Her city is very unique is because its very involving and had a diverse stakeholder participation. It involves stakeholders from both government and private level; in each group the creative industry as well as professionals were represented. Incorporating the government was very difficult because they are quite unresponsive when called upon.

Public participation plays a huge role in how our cities will be developed

Q6; Rehema Kabare

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How can we increase and improve on effective public participation in formation of our laws and policies?

Engage the community; it is a vast and rich resource. We can't avoid the part played by the community by assuming it can be done by a few designers or just the technical people. It is of great importance to partner and collaborate with them.

Q7 and closing remarks ; Martin Tairo

Does our legislation and policy framework integrate well with international treaties and agreement? With the new urban agenda are we aligned with these provisions?

Response:

Urban and cities act is the prime framework that is guiding urban development in Kenya today. It aligns with the global urban agenda that has taken cognizance of the fact that by 2050 a huge percentage of the global population would be living in urban areas.

Some of the things it has done are: The law has set up a criteria for determining what an urban area is and one of the greatest parameters considered is population. This is a deliberate move for realizing that as a government, they need to provide efficient services for the people at the least cost possible in order to align with the urban agenda.

Challenges and possible solutions

There is little commitment from the county government and local leaders because formation of boards has to be triggered by governors through county assemblies.

The need for great commitment from county governments to take that move with the hope that the State department of Housing and urban development will come up with more measures to push the county governments to implement the law as intended.

Proper audits need to be done to ensure funds are directed to the project and not diverted.

Q8; Martin Tairo

How can we safeguard our urban areas from being misaligned and from retrogressive political influence?

Response

The national government needs to be involved.

Need to spread awareness to people so that they look out for leaders who align to these urban goals.

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Proper planning and management of upcoming urban areas to handle the growing population

Closing Remarks by Dennis Abuya

County governments should never apologize for poverty, they ought to apologize for not implementing policies and regulations that guide management of urban areas, prosperity throughout development of these areas to create opportunities, educate the public and to ensure urban growth.

Closing Remarks by Rehema Kabare

Collaborating with the community in forms of government and getting in touch with them as well as resident associations and experts will go a long way in implementing and having proper and sustainable urban development.

This can only happen if there are laws that bind such partnerships and collaborations.

Closing Remarks by Mareri

50-60% of legal and policy framework are being implemented while 40% need to plan fully the legislative agenda.

Laws are usually enacted by CECMs thus they ought to be focused and visionary.

There is need for citizens to participate in petitioning county assemblies and the national government in certain levels of legislation and by electing people who are enlightened and have a vision on urban planning and growth.

Q&A SESSION

Q1 by Cyrus Mbisi

Has the government made up its mind on whether we need to build technical capacities in these spaces to effectively manage urban growth?

Q2 by Chris Kost

Public participation happens too late or it is done to inform people on what is going on and not to get input from them and no information about the projects is shared publicly as well. What can be done legally and in practice to tackle this issue?

Q3 by George Arabbu

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There is a general lack of political goodwill and energy to push for the right thing to be done. Is there any legal redress to allow public participation on mistakes already done and can they encourage people to sue them?

RESPONSES

Richard Mareri

Challenges facing urban management

1. Impatience of county governments to issues of functions and feeling the need to do things immediately. In 2013 when county governments were introduced, the capacity of county governments was still small and wanting.
2. Not looking at the technical staff. Functions should be well done and by trained personnel.
3. Financial allocations, budgeting for tangible and physical projects. Not funding for urban and spatial projects.

Dennis Abuya

Development requiring change of use are prone to use of other means to circumnavigate the law and these practices have been challenged in court.

Accessibility of new applications: New law provides for projects to be registered.

Rehema Kabare

Use of mainstream media for adverts and enhance public participation.

Also allow enough time for people to learn about the projects in order to involve themselves in the projects.

Martin Tairo

There is need to follow up and be intentional about involvement especially from the government

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SESSION 6: ROLE OF NEIGHBOURHOOD ASSOCIATIONS & CIVIL SOCIETY GROUPS IN URBAN MANAGEMENT

Rapporteur: Heena Khan
Friday 8th July 2022

Presentation by Irungu Houghton, Chair, Kilimani Project Foundation

Kavirondo Taxpayers Associations- they focused on hygiene, education of their people and reduced taxes, 100years ago we still trying to reduce taxes. This was the residence association 100years ago. Article one of the constitution states that everyone has the responsibility to protect, promote and to realize the constitutional freedoms.

The price of dignity, safety and freedom has to be based on the concept of internal vigilance. Public participation is important as to ensure public power is not misused by anyone especially by the government. The major manifestos i.e. Azimio and Kenya Kwanza there is no single reference to residence or residence association.

Professionals who understand policy and the work and public members need to come together in order to defeat the problems faced by residence.

PANEL DISCUSSION

Moderator: Pln. Christine Muchiri

Panelists:

1. **Wanjiru Kanyiha**, Executive Director, Kilimani Project Foundation
2. **Karanja Geche**, Engineer; Chair, Alliance of Kiambu Residents and Neighbourhood Association (AKiRNA)
3. **Titus Kaloki**, Programme Coordinator - Just City, Friedrich-Ebert-Stiftung Kenya
4. **Annabel Nyole**, Urban Planner, Program Coordinator, Public Space Network

QS 1. How do civil society organizations enhance the constitution right of citizen participation in urban management processes?

Wanjiru Kanyiha - Kilimani project foundation is both a community and residence association, they represent people who live, work and play at Kilimani over the last 10 years. As a foundation the Kilimani project has been able to create a platform where residence can engage directly with

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members of the state department and other stakeholder groups like Kenya water, KPA, Kilimani Police, NMS etc. Kilimani project has also played role of civic and education for its association.

QS 2. Can technology improve how our urban areas are managed and how we can conserve the environment?

Annabel Nyole - everyone these days uses electronic gadgets/devices, there is need to bring urban management into the tech space, where we can take action from where you are. An interesting technological solution that has been provided by the Kenya Alliance of Residence Association (KARA), have created a platform where citizens can come and engage and report issues that they are facing.

There is research on creating a platform for public space network that determines the economic value (based on air quality and carbon secretion) of a these spaces.

QS 3. With your experience in AKIRNA & Residence Associations how is the scenario of built professionals and members of the society involvement?

Karanja Geche - AKIRNA (Alliance of Kiambu Residence and Neighborhood Association) works with KARA to cater for the residence and tries to bridge national government and county with the residences. Residence do not participate unless they face the problem themselves. No urban management/ government is effective or resilient unless it starts at neighborhood level or resident level.

QS 4. How can residence association and municipalities work together to shape urbanization?

Titus Kaloki - Residence Association should make themselves as the legal/political entity. Lack of service to you is money to someone else. Churches make noise yet nothing can be done because churches are well organized and have political value. Residence Associations need to get organized, formalize and claim what they have in law and become a political power.

QS 5. How are Residence Associations in informal setup/ settlement?

Annabel Nyole - in urban areas, middle class and high class people don't really know their neighbors or people in the same court like people in informal setup. Informal setups have better Residence Associations than Urban areas like the Nyumba Kumi, Community based organizations and self-help groups.

QS 6. What are the efficient collaborations and examples of successful ones?

Wanjiru Kanyiha - KARA mobilizes with various Residence Associations. Barraza's bring citizens, state agencies and have put stop to developments that are questionable. There is power is

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collaboration with other Residence Associations, professionals, global organizations and other stakeholders

Q&A SESSION;

Caroline Wanza

QS 1. What parameter are you looking at and the standards when measuring the economic value of the urban spaces?

Annabel Nyole- the systems being developed is current under research, the parameters looked into are economic (land value, kind of trees and carbon trading), environmental (air quality and carbon secretion) and social.

Hozwel Kinuthia

QS 2. Neighborhood associations are creating an exclusivity rather than an inclusivity environment, how do you deal with this?

Wanjiru Kanyihia- the value of these residence association is inclusivity and should be inclusivity. The Residence associations should be community based, open and accessible without creating exclusivity.

Mutinda Charlie

QS 3. How do you deal with cases where your neighbor does a structure which is not pleasant to the community?

Irungu Houghton- reach out to the developer or the neighbor and spell out your concern, if that fails go the authority, if that fails go to court and sue.

Richard Mareri

QS 4. What are you doing as Neighborhood Associations to activate smaller towns so that they feel the impact of planning?

Karanja Geche- this is one of the need they saw with KARA hence AKIRNA was formed, this now covers all municipalities within Kiambu area. We are encouraging all areas to do the same and throws the challenge to the residents to get involved.

Titus Kaloki- partner with city boards like monthly meetings, do schedules meetings so that the experts can plan and come to contribute. It is also time to look for partners, non-state actors to help generate revenue.

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