

THE FIRST SESSION OF THE KENYA URBAN FORUM

The Future is Urban: Strategic pathways to sustainable and inclusive urbanization in Kenya

EXECUTIVE REPORT

AUGUST 2023



Republic of Kenya

Ministry of Lands, Public Works, Housing and Urban Development
State Department for Housing and Urban Development
Directorate of Urban and Metropolitan Development

Acknowledgements

The success in the preparation and conduct of the Kenya Urban Forum (KUF) Conference can be accredited to key stakeholders, namely; National and County Governments, the council of Governors, development partners including the World Bank and UN-HABITAT, Kenya Institute of planners among others. First and foremost, we are grateful to the Presidency as the Conference was privileged to be graced by the President of the Republic of Kenya during the official opening and the Deputy President for the official closing. This was a clear demonstration of the commitment of the top – level leadership of the Country to the urban development agenda.

Additionally, we greatly appreciate the magnanimous support of the top leadership of the Ministry of Lands, Public Works, Housing & Urban Development led by the Cabinet Secretary and the Principal Secretary State Department for Housing & Urban Development. The Council of Governors (CoG) as well as the County Government of Nakuru played a pivotal role in organizing and running the Conference, which led to the resounding success of the Conference. We highly take recognition of your efforts and are grateful for the support.

We highly appreciate the constructive engagement of the World Bank and UN-HABITAT. The invaluable participation of the County Governments, other State Departments and Agencies, the private sector, professional associations all contributed immensely to the success of the Conference.

The success of the Conference would not have been achieved without the commitment and excellent work of the Secretariat, Resource Persons and the Discussants. Your dedication, the well thought out papers and the focused discussions all contributed to the realization of the objectives of the event.

We are grateful to the management and staff of Lake Naivasha Resort for their high level of hospitality and unmatched service, as well as the appropriate conference facilities. Finally, we salute all the Conference delegates for their attendance and invaluable contributions. Receive our utmost gratitude as we pool together to achieve inclusive and sustainable urban areas and cities.



Executive Summary

Kenya hosted its 1st Kenya Urban Forum from June 14th to 16th, 2023 in Naivasha Municipality. This was an important event coming at a time when the country continues to register rapid rate of urbanization. Some of the major challenges facing urban development sector include weak governance and management, weak planning & development control, inadequate infrastructure and services, inadequate financing, increasing unemployment, increasing incidence of poverty, inequality, environmental degradation, disasters, climate change threats, etc.

The theme of the Conference was: 'The Future is Urban: Strategic pathways to sustainable and inclusive urbanization in Kenya'. The key areas of focus were: urban housing; urban finance; urban economy and poverty; urban governance and management; urban planning and management; urban infrastructure and services; urban resilience, climate change and environment; and the land question.

At the end of the Conference, key resolutions were agreed on to spur sustainable and inclusive urbanization in the country. It is worth noting that KUF resolutions are weighty requiring long – term commitment by all the key stakeholders for effectively implementation. However, full implementation of the resolutions offers real opportunity to put the Country on the path to sustainable and inclusive urbanization. Some of the major resolutions of the Conference include: policy and legislative reforms, strengthening of urban institutions, harnessing financing potential of the urban areas and cities better strategies for enhancing own source revenues by counties, deliberate financing of the urban areas and cities through establishment of the National Urban Development Fund, and adopting innovative policies for land management/financing such as the Land Value Capture.

The high-level participation in the conference led by the President of the Republic of Kenya is a clear demonstration of the country's commitment to the urban development agenda. There is therefore need to harness the goodwill of the National & County Governments as well as development partners to put the country on sustainable and inclusive urbanization trajectory.

There is need for a structured and systematic approach to the implementation of the Conference resolutions. This can be achieved by setting up a multi – agency technical committee to develop and roll – out an action plan for the implementation of the Conference Resolutions.



The Conference Resolutions

The First Edition of the Kenya Urban Forum 2023 convened by the Ministry of Lands, Public Works, Housing and Urban Development in collaboration with the Council of Governors, the World Bank, UN-Habitat, Kenya Institute of Planners, National Land Commission, and other partners, was held from 14th to 16th June, 2023 at Lake Naivasha Resort, Naivasha Municipality.

The conference took note of the urban sector enabling Legislations, Policies, and Global urbanization frameworks including the Resolutions of the 2nd United Nations Habitat Assembly, the New Urban Agenda, and the SDG11 Indicators to anchor the urbanization discourse.

The Forum deliberated and made the following resolutions in line with the conference theme, *“The Future is Urban – Strategic Pathways to Inclusive and Sustainable Urbanization in Kenya,”*

1

The National and County Governments in partnership with urban sector stakeholders shall review and harmonize the urban sector Legislations including; County Government Act 2012, Physical and Land Use Planning Act 2019, Urban Areas and Cities Act 2011 (amended in 2019) to guide urban planning and development.

2

The National Government in collaboration with the County Governments, and other urban sector stakeholders shall review the Sessional Paper No. 1 of 2016 on the National Urban Development Policy to align to existing urbanization dynamics and realities.

3

The National Government in collaboration with the Council of Governors shall create a framework to establish, and operationalize the National Urban Development Fund as provided for in the National Urban Development Policy

4

The County Governments with the support of National Government and urban sector stakeholders shall establish mechanisms to leverage own-source revenue potentials as identified in the study by the Commission on Revenue Allocation including adoption of innovative funding mechanisms such as the Land Value Capture.

5

The National and County governments shall strengthen and expand cooperation and multilevel climate action in order to enhance inclusion of local-level contributions in new and updated nationally determined contributions and support the implementation of nationally determined contributions at the local level.

6

The National Government shall establish an Urban Sector Working Group, comprising of urban sector stakeholders, and convened by the State Department for Housing and Urban Development (Urban Development Department) to support the process of attaining Inclusive and Sustainable Urbanization in Kenya.

7

The National and County Governments shall collaborate in the provision of adequate housing for all including by integrating urban social rental housing into the Affordable Housing Program (AHP).

8

County Governments shall develop county legislations envisaged in section 173 of the Public Finance Management Act, 2012 to guide allocation of funds to cities and urban areas.

9

The County Governments shall prepare Integrated Urban Development Plans for all the cities and urban areas as a basis for allocating budget and guiding implementation of the County Integrated Development Plan.

10

County Governments shall establish urban institutions including city and municipality boards, town and market centre committees that are well resourced with requisite human and financial capacities to effectively perform their mandate in line with the Urban Areas and Cities Act 2011 (amended in 2019) and their respective charters.

11

County Governments shall prepare the necessary development control tools and ensure strict compliance and enforcement to the same to achieve planned urbanization.

12

There shall be a harmonized approach to urban land management with more emphasis on accessibility to land as opposed to land ownership. All public land shall be inventorized, planned, surveyed, and titled for land banking to support public purpose developments and investments.

13

National and County Governments together with urban sector stakeholders shall develop a roadmap towards Kenya's participation in the 12th World Urban Forum in Egypt.



H.E. the Host Governor, and the Cabinet Secretary in charge of Urban Development jointly signs the Conference Resolutions as H.E. The Deputy President of the Republic of Kenya looks on © SDHUD

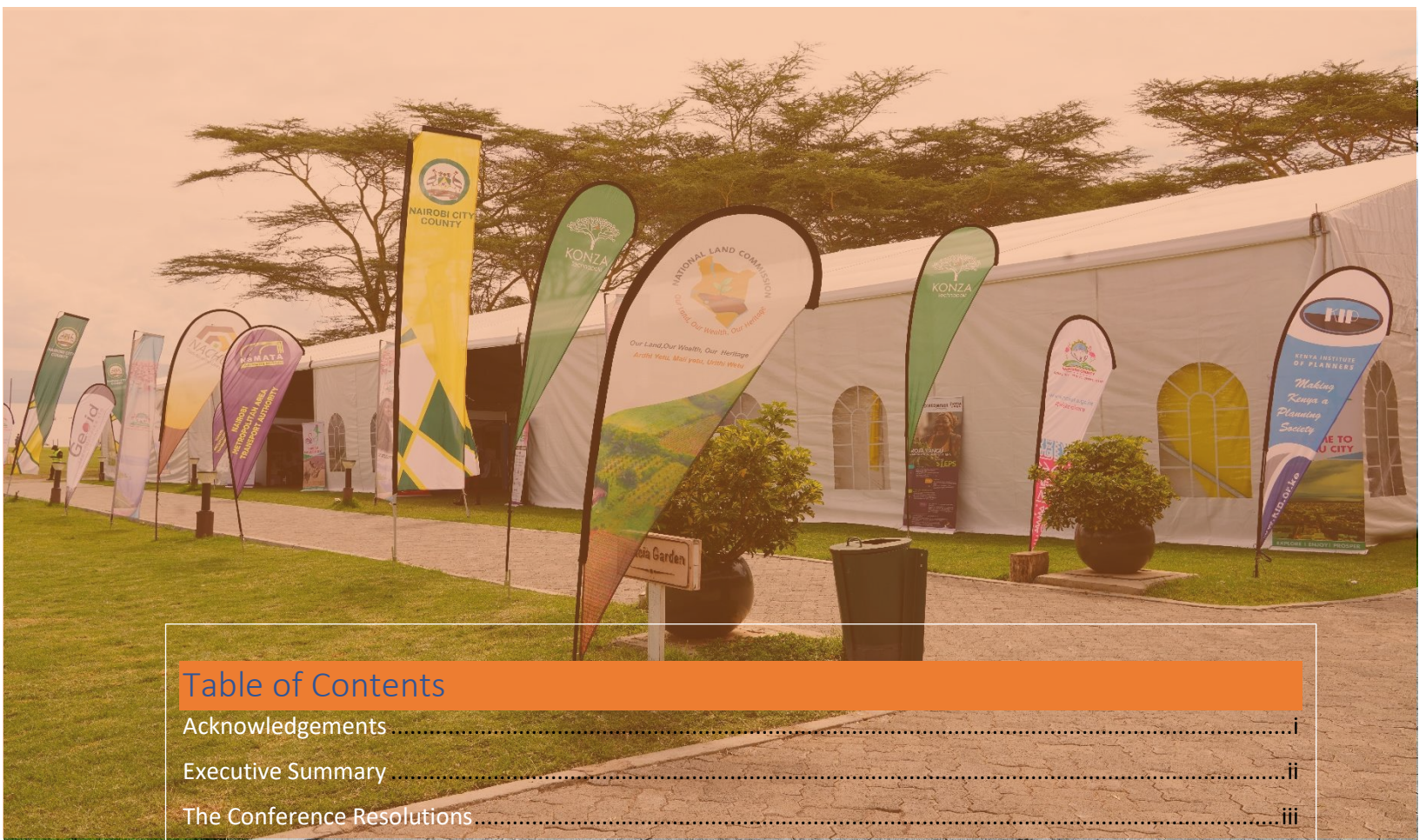


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Introduction

Kenya hosted its 1st Kenya Urban Forum from June 14th to 16th, 2023, at Naivasha Municipality. This was an important Conference in the history of this Country attracting top – level leadership in the country as well as development partners. The Conference was graced by the President of the Republic of Kenya, H.E. Dr William Ruto, representatives from the World Bank and the Executive Secretary of UN-HABITAT. The Conference was convened to fully appreciate the state of affairs in the urban development sector and propose strategic pathways to sustainable and inclusive urbanization in the country. The conference theme was structured in the context of the following key areas of focus: urban housing; urban finance; urban economy and poverty. Other subthemes were: urban governance and management; urban planning and management; infrastructure and services; urban resilience, climate change and environment; and the land question.

At independence in 1963, the Country was largely rural with a population of 8.93 million people. The share of the urban population then was just 8 percent. Due to rapid rate of urbanization in independent Kenya, in just about 6 decades, the urban population has risen to about 57 million people. With urbanization rate estimated at about 5 percent since independence, the current urban population account for about 34 percent. This trend shows that the country is increasingly becoming urban putting pressure on the urban and rural areas in relation to resource flows and services.

Due to the increased urbanization, the urban authorities are increasingly facing challenges in the provision of infrastructure and services, housing and employment opportunities among others. Although 34 percent of the population lives in the urban areas, over 50 percent of them live in informal settlement painting a negative picture on the country's commitment to sustainable development. Furthermore, urbanization projections indicate that by the year 2030 about 50 percent of the population will be living in the urban areas.

Urbanization in the country is greatly influenced by devolution of governance and management created by the Constitution of Kenya 2010 (Article 176), which created County Governments with attendant functions stated in the Fourth Schedule. Devolution has not only devolved the functions and responsibilities, but also the resources. These have created County Headquarters as foci of rapid urbanization. While the City of Nairobi will retain its metropolitan status in the foreseeable future, the other major urban centres (Mombasa, Kisumu, Nakuru, Eldoret) and the County Headquarters will continue to catalyze urbanization in the country calling for concerted efforts to harness benefits of urbanization while effectively managing their side effects.

The importance of urbanization in socio – economic development of the country is not in doubt. Urban areas are important economic nodes making significant contribution to the GDP, for example Nairobi City contributes about 21 percent to the GDP. However, urban areas are great consumers of resources and drivers of environmental degradation and climate change. To optimize the contribution of urban areas to socio – economic development while at the same time mitigating negative environmental and climate change impacts, will require concerted efforts by both National and County Governments at different scales. At the same time, County Governments should work together to address common urban development challenges affecting them including shared resources, shared infrastructure and services, cross-boundary issues such as border towns/municipalities.

It is important to note that as per the Constitution of Kenya 2010, the country is committed to sustainable development goals including sustainable urban development. Further, the urban governance and management

is anchored in the supreme law as per Article 184. Further to Article 184 of the Constitution, the Country passed into law Urban Areas and Cities Act in 2011 creating framework for governance and management of the urban areas in the country. In compliance with this Act and other enabling legislations, the Government is committed towards the realization of the constitutional obligation on sustainable urban development. This Article 184 is further elaborated in Sessional Paper No. 6 of 2016 on the “National Urban Development Policy”. The implementation of the Policy and the legislations are at different stages. The Government is fully committed to the full implementation of the Policy.

Urban Development sector has attracted the support of development partners, notably the World Bank, French Development Agency (AFD), Swedish International Development Agency (SIDA), and UN-HABITAT. The just ending Kenya Urban Support Programme (KUSP 2017/2023) funded by the World Bank has played an important role in establishing and strengthening urban institutions in the country resulting to creation of 59 cities/municipalities. While other urban institutions are being established by the County Governments, all these cities and municipalities are nascent requiring concerted and long – term support to be fully functional and sustainable. The continued support by the development partners will assist the country establish functional and sustainable urban institutions.

To achieve sustainable urban development in the country will require long – term commitment by the lead agencies (National & County Governments) and various stakeholders. This will make it possible to address the urban development challenges in the face of dwindling resources and emerging threats such as climate change and urban resilience. The urban areas continue to face challenges of rapid population growth, inadequate infrastructure and services, increasing unemployment, increasing incidence of poverty, inequality, environmental degradation, disasters, climate change threats, etc.



Key Issues and Recommendations

Urban Housing

Context:

Kenya has made great strides in anchoring the right to housing in the Constitution of Kenya. Article 43(1)(b) of the Constitution states that “every person has a right to accessible and adequate housing and to reasonable standards of sanitation”. Further, the Housing Policy and Housing Act provide framework for the delivery of housing in the Country. The challenge lies in ensuring delivery of housing of acceptable quality and at competitive prices to Kenyans. The New Urban Agenda also emphasizes the need for sustainable cities and human settlement in line with goal 11 of the sustainable development of cities and human settlement. Since the 2nd Jubilee Administration in 2017/2022 under Agenda Four where housing one of the key areas of focus, housing has remained a major priority of Government. The current Kenya Kwanza administration has also prioritized affordable housing as one of its key pillars.

Demand for AHP is outweighed by demand for social housing with 2% of housing stock focusing on social housing. Nairobi City County Government (NCCG) has done a review of the county AHP and documented achievements, gaps and lessons. However, AHP is not clear on social rentals housing provision. AHP promotes home ownership as well as access to decent and affordable housing. The recently created housing fund needs to be prudently managed, ensuring security of tenure for the affordable houses, developing capacity of private developers to produce mass housing by de-risking them through guaranteed off-take thus lowering the prices of mortgages to ensure affordability.

Recommendations



During the session on Housing, participants made the following recommendations:

- i) Social rental housing should be part of the Affordable Housing Program (AHP);
- ii) Policy and legislative measures should be taken to strengthen prudent management of Housing Fund;
- iii) There is need for collaboration between the National and County Governments in the delivery of affordable housing as part of implementing the New Urban Agenda; and
- iv) Proper planning is required in the areas where AHP is being proposed to optimize the use of land and integrate housing with the overall municipal/city development.

Urban Finance

Context:

Constitution of Kenya 2010 created two levels of Government (National & County). Article 201 – 231 provide constitutional framework for public finance management in the country. In particular, Article 201 provides robust principles of public finance providing a firm foundation for proper management. Section 173 of Public Finance Management Act clearly states that urban areas and cities should receive financial allocation from County Governments. However, this provision of the Act has not been fully operationalized by the County Governments in accordance with the functions of City/Municipal Boards. In addition to the support from the National & county Governments, urban areas and cities have benefited from the support of development partners including the World Bank, French Development Corporations, African Development Bank among others.

There is an apparent financing gap of urban areas and cities. This is explained in part, by limited financial resources from the exchequer, failure to fully harness own – source revenues and slow implementation of the existing policies and laws. For instance, section 3.7 of the National Urban Development Policy of 2016 provides for the creation of the National Urban Development Fund, which is yet to be operationalized. The Fund is meant to provide for additional resources to urban areas and cities for foundation infrastructure and services to catalyze urban development. It is expected that with the proposed legislative reforms, the National Urban Development Fund will be legislated leading to its implementation. Counties should also optimize local revenue collection including land-based revenue sources. One important strategy through which urban areas and cities can enhance their revenue is through harnessing Land Value Capture, i.e. gaining from land transactions and investments in urban areas and cities.

Recommendations



- i) Fully implement Section 173 of the PFM Act on financing of urban areas and cities, which clearly states that financial allocation by County Governments should be guided by services demand and responsibilities of the respective urban areas and cities.
- ii) Urban Development Fund is provided for in Section 3.7 of the National Urban Development Policy of 2016, but there is no legislative framework for its implementation. So, there is need for legislative reforms to operationalize National Urban Development Fund.
- iii) Land Value Capture is one of the instruments that can be tapped to improve financing of urban areas and cities. There is need for legislative reforms of municipal financing to create mechanisms to tap into the opportunities created by land value capture to finance urban development. This will include harnessing own – source revenue as provided in the Fourth Schedule of the Constitution.
- iv) Counties to explore innovative financing mechanisms to complement their allocations from the national government such as municipal bonds among others.

Urban Economy & Poverty

Context:

Urban areas and cities are known to be engines of economic growth and development. In Kenya urban areas and cities contribute about 22% to the GDP, while urban poverty level is estimated at 33% in the country. Urban areas and cities are economic nodes of their regions creating employment opportunities, markets for goods and services, point of distribution of goods and services, etc. Urban areas and cities are also known as centres of innovation and technology. Despite the important role the urban areas and cities play in national development, they are not given corresponding attention in development interventions, i.e. allocation of tax revenue for infrastructure and services development. Therefore, urban areas and cities should not be seen just as sources of tax revenue, economic and social places only. The urban economy does not receive the much-needed incentives to attract investment and create jobs.

Therefore, urban areas and cities are characterized with informal economy, informal settlements housing over 60% of the urban population, traffic congestion, lack of water supply and proper sanitation. Taxes and other levies are not attractive to investors, not to mention the high cost of power and services. The opening up of the economy to unfavourable competition has led to serious decline in key sectors such as manufacturing. The economic growth particularly strategic sectors such as manufacturing, technology, ICT, have been sluggish leading to high rates of unemployment.

To spur rapid economic growth in the urban areas and cities, calls for major structural reforms that can attract investment and employment creation. This calls for active engagement by the National and County Governments as well as the private sector. The reforms should focus on tax reforms and other levies, investment in infrastructure and services, including creating a conducive business environment to increase Foreign Direct Investments.

Recommendations



- i) There is need for review of taxation regimes to attract investment and create employment. Counties should review their levies to attract and retain investment.
- ii) County Governments should lobby for more funds targeting development of infrastructure and services, i.e. operationalize the National Urban Development Fund to bridge the funding gap of the urban areas and cities.
- iii) Urban management institutions should effectively promote urban economic development.
- iv) National & County Governments should identify and promote economic development niches through a well packaged development approach. This should be a very deliberate development intervention.
- v) Skills improvement, awareness raising and training should be prioritized in strategic sectors
- vi) Counties to leverage their county specific opportunities and resources to grow their local economies.
- vii) National Government to focus on creating special cities such as education cities, medical/health cities, agricultural cities, technology cities, special economic cities, cultural cities among others.
- viii) Planning of urban areas to determine the best use of land and optimize land use as well identify specific potentials for exploitation.



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Governors James Orenge and Susan Kihika

Dignitaries giving speeches during the Forum ©SDHUD

Urban Governance & Management

Context:

Prior to the promulgation of the Constitution of Kenya 2010, there were two governance levels, i.e. Local authorities and National Government. Local Governments comprised of county councils, cities, municipalities and towns, which had a relatively distinct autonomy. The Constitution of Kenya 2010 created two levels of Government, i.e. National and County. Urban areas and cities fall under the Governors, who with the exception of Nairobi and Mombasa cover also extensive rural areas. The level of autonomy of non – city County Counties has not been clearly defined, therefore their autonomy depends on the individual Governor. However, urban areas and services by the very nature of the specialized functions they perform require reasonable level of autonomy.

Article 184 of the Constitution read together with the Fourth Schedule, the National Urban Development Policy, the Urban Areas & Cities Act, County Government Act and other enabling legislations create framework for governance and management of urban areas and cities. UACA provides for Municipal Boards to manage non – city urban areas. However, despite the constitutional, policy and legislative provisions, urban institutions remain weak and are unable to discharge their functions. Since City/Municipal Boards exercise delegated functions, the functions are either not fully delegated, and even where the functions are delegated, commensurate resources have not been allocated by the County Governments. To promote functioning urban institutions, there is need for serious discourse on how best urban institutions can function in the context of the constitutional order. Otherwise, the country will miss the opportunity to promote sustainable urbanization given weak urban governance and management.

The municipal boards face several management and operational issues that should be addressed e.g. limited freedom to exercise their powers, insufficient training of county staff and board members, lack of adequate oversight tools, low commitment where some municipal boards go for up to a year without sitting sessions, board transition arrangements are not in place, insufficient performance management instruments, lack of funding and the stark possibility that when the donor funding ceases, these municipalities will not be self-sustaining

Recommendations



- i) Review policy and legislative frameworks to strengthen urban governance and management;
- ii) Support counties to establish functioning urban institutions city/ municipal boards, town/market committees;
- iii) Promote capacity building of urban institutions including benchmarking with successful jurisdictions; and
- iv) Need to establish standard staffing requirements for the urban areas and cities

Urban Planning & Management

Context:

Sustainable urban development has been prioritized as an integral part of sustainable development in Kenya in conformity with Sustainable Development Goals set by the United Nations. Urban planning in Kenya is properly anchored in the Constitution of Kenya 2010, Physical and Land Use Planning Act, Urban Areas & Cities Act and the National Urban Development Policy. Article 184 of the Constitution read together with the fourth schedule as well as National Urban Development Policy, Urban Areas & Cities Act, County Government Act and Physical & Land Use Planning Act create framework for urban planning and management in the country.

The Fourth Schedule of the Constitution clearly assigns urban planning and development control function to the devolved units (County Governments). UACA which seeks to operationalize Article 184 of the Constitution assigns management of cities and municipalities to the Boards. One of the key functions of City/Municipal Boards is integrated urban development planning as stated in sections 20, 40 and third schedule of the Act. Despite the Constitutional, legislative and policy provisions, little progress has been in institutionalizing and operationalizing urban planning and management compromising sustainable urbanization in the country.

The **challenges facing urban planning and development control** in the country include the following:

- Weak governance and management of urban areas and cities;
- Complex land tenure systems;
- Inadequate funding of the cities and municipalities;
- Failure by counties to appreciate and prioritize urban planning leading to uncoordinated and haphazard developments.
- Lack of political goodwill for planning;
- Weak planning and development control;
- Disconnect between Prepared Plans and Implementation;
- Country's Budget neglecting Urban Areas even though they generate 80% of the revenue;
- Lack of updated plans has seen physical development proceeding unabated and without oversight;
- Urban Areas and Cities Act should be implemented with a focus to securing the complete transfer of urban functions to urban boards, and give these organs the degree of autonomy necessary for them to effectively discharge their management functions;
- Leadership in boards not elected and devolved beyond the county;
- Poor infrastructure and services;
- Inadequate personnel and facilities; and
- Increasing incidence of poverty, unemployment, high rates of inequality & informality

Recommendations



- i) Policy and legislative reforms to ease planning and development control as well as mainstream emerging planning paradigms such as resilient and inclusive urban planning and management. Legislative reforms should address conflicts and overlaps in the planning legislations to create functional planning systems and approaches.
- ii) There is need for the Counties to fully institutionalize urban planning and management in the cities, municipalities and towns. This includes establishing urban planning and management institutions, requisite staffing, and other facilities.
- iii) There is need for enhanced budgetary allocation for planning and development control; and
- iv) There is need for retooling of the personnel with requisite skills including capabilities for emerging issues such as resilience and disaster risk management.



Delegates from Different Urban Sectors Attended the Conference © SDHUD

Urban Infrastructure & Services

Context:

The functionality of the urban system depends on the quality of infrastructure and services. Competitive urban areas and cities require a bundle of well designed, developed and managed infrastructure and services. Urban areas well supplied with infrastructure promote high quality of life, are attractive for investment and present a competitive advantage to work and live. The range of infrastructure and services are: roads, transport, energy, water supply, sewerage system, drainage and storm water management, solid waste management, network of green and recreational spaces, among others. Due to rapid rate of urbanization against a slow rate of investment in infrastructure and services, most urban areas lack the requisite infrastructure & services. As a result, urban areas are characterized with endemic traffic jams, power blackouts, water supply shortages, uncollected garbage, sewer bursts, lack of recreational spaces, congestion and general deterioration of the urban environmental quality.

Provision of most of the urban level infrastructure and services are devolved functions. The Counties are yet to build requisite capacity to design, develop and maintain infrastructure of the required quantity and quality. Therefore, to drive sustainable development of urban areas and cities will require serious commitment of counties with the support National Government, private sector, Civil Society Organizations and development partners. This will enable the county achieve the sustainable development goal number 11 which requires safe

Recommendations



- i) There is need to synchronize urban planning, infrastructure planning, design, development and management. This calls for synergy between infrastructure development with budgeting to match the rate of urbanization
- ii) Urban areas and cities should develop infrastructure and services development master plans, which should in turn be aligned to County Integrated Development Plans (CIDP) and County Spatial Plans (CSP). This will guarantee integration of development endeavors and mitigate waste of resources.
- iii) Management and governance should be improved for increased efficiency in provision of urban infrastructure and services, strengthen governance and regulation.
- iv) Infrastructure and services development should be ICT – led.
- v) Sustainable mobility should not just integrate road transport alone but also include air, water and rail transport as well as non-motorized transport.
- vi) Enhance Stakeholder Collaboration and partnerships as well as explore Public Private Partnerships (PPPs) in infrastructure provision.

Urban Resilience, Climate Change and Environment

Context:

The threat of climate change is real and as a result, there is a need for resilient infrastructure, plans, people, and positions that can effectively manage urban landscape to ensure future sustainability while creating strategies that respond to climate change due to the rapid urbanization that is currently being witnessed. Kenya is committed to sustainable development, which calls for among other things, due consideration for urban resilience, climate change and environmental management. Environmental management is anchored in the Constitution Article 42, 69 – 72 as well as in National Environmental Policy of 2013 and Environmental Management & Coordination Act of 1999.

Climate change is also provided for in legislations (Climate Change Act of 2016) and policies (Sessional Paper No. 3 of 2016 on National Climate Change Framework Policy and action plans. Effective implementation of these constitutional and legislative provisions on climate change and environmental management are critical in realization of sustainable development in the country. While urban resilience principles are implicitly provided for in the planning and development process of the country, it has not been explicitly provided for in policy and legislative framework. However, with ongoing changes including climate change (floods, drought, sea/lake level rises) and other disasters (fire, earthquake,), it is important that urban resilience is mainstreamed in policy, legislations and plans to assure sustainable development process. Further, while environmental management and climate change issues are provided for in the policy and legal instruments, their effective implementation requires concerted efforts to better manage the environmental and climate change concerns in the country including in the urban areas and cities.

Recommendations



- i) There is need to prioritize effective planning and development control to create frameworks for sustainable urban development in the country
- ii) Counties are called upon to institutionalize climate change issues including climate change adaptation and mitigation in their development process, including in the urban areas
- iii) Counties are called upon to strengthen environmental management initiatives especially environmental risks assessment and responses.
- iv) Solid waste management as well waste water management remains major challenges to urban areas and cities. Counties should take necessary measures to address waste management to reduce risks of environmental degradation. Innovative approaches to waste management should be considered including integrated solid waste management as well as adoption of the circular economy.
- v) There is need to institutionalize urban resilience in the country. This may be achieved through review of the National Urban Development Policy as well review of Urban Areas & Cities Act and other enabling legislations.

The Land Question

Context:

Throughout human history, land has played a significant role in society. Land has been the focus of productive activities and a source of political power in society. All nations in the world are land based units, whose boundaries reflect social, cultural and political identity. From a human settlements point of view, land is a principle instrument in fostering social justice, development, provision of decent dwellings and health conditions; and therefore, its use should reflect the interest of the society as a whole.

In Kenya, key challenges face the optimal and sustainable use of land. The judicious management of land is based on the premise that an equitable and sustainable relationship between human and land use is fundamental and essential for stability and progress of the land sector in a nation's development.

The Forum examined the current challenges facing urban land management in Kenya, land administration and access to land in the context of the constitution, policy and legislations, among others. It is noted that land management is anchored in the Constitution of Kenya 2010 (Article 60 - 68). National Land Policy, Land Act and the National Land Commission Act create framework for land management in the Country. It was proposed that there is need to establish the national spatial data infrastructure to support effective land management. Therefore, integrated land information management system should be the basis for the generation of topographic base maps.

Further, urban land taxation should be updated and efficiently managed to enhance revenue for urban development. Land grabbing and encroachment into public land is a serious threat to sustainable urban development. Public officers have a sacred duty to protect public land and spaces such as streets, recreation areas and road reserves. There should also be a vigorous exercise to repossess all encroached land to avoid the challenge of inadequate public purposes in urban areas. Conflicts and distortions in the planning laws hinder effective and efficient planning and development control.

Recommendations



- i) There is a need for second generation urban plans that focuses on geospatial planning. As such, there should be a national spatial data infrastructure that should include a proper integrated land management system. Moreover, all land information systems should be digitized with all the relevant information.
- ii) There should be a paradigm shift in the approach to urban land with more emphasis on accessibility to land as opposed to land ownership i.e. all urban land should be held on leasehold tenure. In case of compulsory acquisition, it should be done through proper public engagement via the framework of public participation, followed by declaration and lastly acquisition.
- iii) Land in Kenya is only administered but not managed. Land management has not been approached with the seriousness it deserves. Henceforth, land management and governance should be embraced in Kenya through training expert land administrators and land managers as well as hiring these professionals and equipping them with adequate technical and financial support. New disciplines such as land administration should be introduced in the curriculum of many universities.

- iv) The land question is a continental issue and not just a national issue. The national land policy of 2009 should be reviewed to align to the Constitution and fully implemented. Moreover, there should be a paradigm shift in land towards social management of land i.e. citizens should fully understand the benefits they are getting from land.
- v) The Urban areas and Cities Act 2011 (Amended 2019) should be reviewed to address concerns by local communities who are the actual beneficiaries besides the technical experts.
- vi) There need to enhance land banking to ensure that land is available for purpose purposes, infrastructure and services as well as investment. Land acquisition for public projects has been known to consume the greater proportion of budget making these investments very expensive,
- vii) Urban land is to be classified as a property to facilitate ownership through leasehold. This will promote funding for development by donors. In this move, when an urban land is owned under leasehold, control by urban authorities will be easily achieved and, in this manner, where the developer fails to comply with the development lease, termination of lease can be easily done.
- viii) County Spatial Plan should be adhered to by counties as it indicates the direction of growth of urban areas which could be utilized to address informality.
- ix) There should be integration and interoperability of land management and administration structure with respect to institutions, policies and legal frameworks. This will assist in addressing land administration and managing fragmentation.
- x) Addressing challenges on land management should follow legal processes by utilizing institutions like parliament, NLC, Ministry of lands, county governments and the judiciary.
- xi) Boundary delineation should involve the right players with proper public participation and the boundaries should be clearly defined with features that are visible and identifiable to mitigate loss of rich agricultural land through urban sprawl.



Cities Experiences

The session on cities experience attracted the participation of Nairobi, Mombasa, Kisumu, Nakuru and Eldoret. The challenges facing cities are at one scale context specific but at another level, similar. As per the Constitution of Kenya 2010, City counties i.e. Nairobi & Mombasa have opportunities to focus on the management of cities, while for cities within counties they have to contend with the governance and management constraints of placing them under the County Government, when the services they render require some level of autonomy.

This segment was to provide opportunity to counties to share experiences with the older cities of Nairobi and Mombasa expected to share their development trajectory with the cities of Kisumu, Nakuru and Eldoret which is expected to become a city once the process of charter has been completed. It is hoped that the fairly new cities will be able to avoid the pitfalls and mistakes that the older cities have made leading to myriads of challenges some of which may take a long time and massive resources to resolve.

Challenges facing cities: A case of Nakuru City

Challenges	Recommendations
<p>City Mobility Challenges</p> <ul style="list-style-type: none"> Traffic congestion due to geological and topographical conditions that constrains development of by-passes (Menengai crater being on the upper side and Lake Nakuru on the lower side of the city). Inadequate development of NMT to urban spaces 	<ul style="list-style-type: none"> Development of overpasses on the existing road infrastructure to ease traffic congestion Adoption of Just City concept (Opening up of more urban spaces to NMT users comprising 70% of the urban residents compared to motorized users comprising 30%.
<p>Climate Change and Environment</p> <ul style="list-style-type: none"> Poor solid waste management Flooding Sections of the City sitting on geological fault line 	<ul style="list-style-type: none"> Promote integrated solid waste management in the city Circular economy through reuse, reduce and recycle Greening and beautification NMT Project through encouraging cycling and walking
<p>Water and Sanitation</p> <ul style="list-style-type: none"> Water Supply Challenges Poor Effluent management 	<ul style="list-style-type: none"> Maximizing on rainwater harvesting mechanisms Encouraging city residents to adopt reuse and recycle measures.
<p>Green Spaces</p> <ul style="list-style-type: none"> Loss of open and urban green spaces to development 	<ul style="list-style-type: none"> Mapping out open spaces within the City in order to improve, protect, maintain and have a GIS database. Landscaping and planting of trees in open spaces

Urban Housing

- Inadequate affordable and decent urban housing



- Promote Affordable Housing Program in collaboration with the National Government
- Adoption of alternative Building Block Technology (ABBT) initiative.

Recommendations



- The County Governments and City/Municipal Boards should prepare Integrated Urban Development Plans and Local Physical & Land Use Development Plans as well as development control instruments. Such plans and development control instruments should be enforced to create necessary conditions for sustainable urban development.
- There is need to embrace locally-led solutions to urban development challenges by adopting circular economy concept on reuse, reduce and recycle in dealing with solid waste management problems in the urban centers. Collaboration with the private sector and development partners like UN-HABITAT and the World Bank is also critical in effectively addressing solid waste management problems.
- County governments should strengthen urban governance and management institutions and ensure they are well resourced financially and have the requisite staff. Section 172 (b) of Public Finance Management Act (PFM Act, 2012) provides that one of the revenue sources for funding of Urban Areas and Cities is from revenue allocations by County Governments.
- County Governments should work closely with the relevant National Government Agencies like KERRA, KURA and KENHA on timely implementation of planned infrastructure to ease traffic congestions in the urban centers. These include development of by-passes and overpasses. Adoption of Just City concept that ensures motorized and non-motorized (NMT) modes of transport have proportionate access to urban spaces ensuring all urban residents have equal access to urban spaces.
- There is need for all stakeholders, i.e. National/County Governments, private sector and development partners to strengthen collaborative approaches in enhancing governance and service provision capacities of other emerging urban centers.



Conclusion and Recommendations

The 1st KUF Conference was undoubtedly an important Forum held on urbanization in Kenya. The Conference attracted high level participants from National & County Governments, Development Partners, Civil Society Organizations and the private sector. The Conference was graced by the President of the Republic of Kenya and His Deputy, Executive Secretary of UN-Habitat and a representative of the World Bank. This high-level participation is a clear demonstration of the commitment of the leadership to urban development sector. Further, it is a clear indication of the place of the sector in national development, not to mention the immense challenges the country faces to assure sustainable urban development.

The theme of the Conference perfectly fits the Sustainable Development Goals of the United Nations, the Constitution of Kenya 2010, National Urban Development Policy, Kenya Vision 2030 and the enabling legislations. The theme of the Conference was: 'The Future is Urban: strategic pathways to sustainable and inclusive urbanization in Kenya. The key areas of focus were: urban housing; urban finance; urban economy and poverty; urban governance and management; urban planning and management; urban infrastructure and services; urban resilience, climate change and environment; and the land question.

At the end of the Conference, key resolutions were agreed on to spur sustainable and inclusive urbanization in the country. It is worth noting that the KUF Conference resolutions are weighty requiring long – term commitment by all the key stakeholders for effectively implementation. However, full implementation of these resolutions offers a real opportunity to put the Country on the path to sustainable and inclusive urbanization. Some of the major resolutions of the Conference are policy and legislative reforms, strengthening urban institutions, harnessing financing potential of the urban areas and cities through National Urban Development, Land Value Capture, other own–source revenues.

The Conference appreciated the challenges facing urban areas and cities in the new Constitutional dispensation. Some of the major challenges facing urban development sector, include high rate of urbanization, weak governance and management, weak planning & development control, inadequate infrastructure and services, increasing unemployment, increasing incidence of poverty, inequality, environmental degradation, disasters, climate change threats, etc.

In order to develop and implement a framework for effective implementation of KUF Conference resolutions, it is recommended that:

- 1 A Multi–Agency Technical Committee be formed by the Cabinet Secretary for Land, Public Works, Housing & Urban Development; and**
- 2 The Technical Committee should prepare an action plan for the implementation of the Conference resolutions.**



ANNEXES



Annex 1: KUF Conference Steering Committee, Technical Committee and Organizing Secretariat

Steering Committee

No.	Name	Thematic Area
1	Charles M. Hinga	Principal Secretary State Department of Housing and Urban Development - Chairperson
2	Hon. Susan Kihika	Governor Nakuru County – Co-chair
3	Beatriz Puig	Task Team Leader KUSP World Bank
4	Oumar Sylla	UN-Habitat, Africa Regional Office
5	Ishaku Maitumbi	Regional Head of East Africa
6	Mary Mwiti	CEO, Council of Governors

Technical Committee

No.	Name	Thematic Area
1	Eng. Benjamin Njenga	Secretary, Urban and Metropolitan Development- Chair
2	Hon. John Kihangi	CECM in charge of Urban – Co Chair
3	Dr. K'Onyango Charles	Director, Urban Development
4	Raymond Kinyua	Chairman, CECM Caucus
5	Joakim Nyarangi	President, Kenya Institute of Planners
6	Ann Mugo	Director, Metropolitan Planning

Organizing Secretariat

No.	Name	Institution	Role
1.	Lilian Kieni	SDHUD	Chairperson
2.	Prof. Caleb Mireri	SDHUD	Co-Chairman
3.	Solomon Ambwere	SDHUD	Deputy Director
4.	Tom Ogutu	SDHUD	Member
5.	Mercy Kirema	SDHUD	Member
6.	Elizaphan Kibe	SDHUD	Member
7.	Daniel Sakwa	SDHUD	Member
8.	Silas Nyambok	SDHUD	Member
9.	Kenneth Nyaseda	SDHUD	Member
10.	Miriam Kahenya	SDHUD	Member
11.	Tobias Ng'ong'a	SDHUD	Member

12.	Farah Toya	SDHUD	Member
13.	Asman Saleh	SDHUD	Member
14.	Elsie Ngatia	SDHUD	Member
15.	Mercy Kimani	SDHUD	Member
16.	Munira Jaaded	NLC	Member
17.	Kim Okoth	KIP	Member
18.	Adelaide Auma	Lands	Member
19.	Leah Wathanu	Lands	Member
20.	Nicodemus Mbwika	CoG	Member
21.	Susan Araka	UN-HABITAT	Member
22.	Eva Kurgat	SDHUD	Member
23.	Evans Kitiwa	Communication	Member
24.	Arch. David Kuria	CO, Housing and Urban Development, Nakuru City	Member
25.	Gitau Thabanja	City Manager, Nakuru City	Member

Annex 2: Conference Theme & Sub-Themes



Kenya Urban Support Program (KUSP)

“Making Kenyan Towns Work!”



1ST KENYA URBAN FORUM 2023

STRATEGIC PATHWAYS TO SUSTAINABLE URBANIZATION IN KENYA

AT LAKE NAIVASHA RESORT, NAIVASHA MUNICIPALITY, KENYA

JUNE 14 - 16, 2023

A. MAIN THEMES

1. URBAN HOUSING

Key questions:

- What is the demand and supply of urban housing in Kenya?
- How can we deliver affordable housing in Kenya?
- How can we promote sustainable management of the urban housing stock in the country?
- The discussion should be guided by the following sub-themes:
 - i. Constitutional context;
 - ii. Policy and legislations;
 - iii. Affordable Housing Program (AHP);
 - iv. Social Housing;
 - v. Slum upgrading; and
 - vi. Urban renewal and redevelopment

2. URBAN FINANCE

Key questions:

- Which are the opportunities and constraints to financing of urban areas in Kenya?
- How can we optimize financing of the urban areas in Kenya?
- The discussion should be guided by the following sub-themes:
 - i. The constitutional context;
 - ii. Policies and legislative context;
 - iii. Own-source revenues;
 - iv. Alternative financing mechanisms of the urban areas, i.e. National Urban Development Fund;
 - v. Emerging urban financing options, i.e. Land Value Capture; and
 - vi. Public-private partnerships.

3. URBAN ECONOMY & POVERTY

Key questions:

- What is the structure and performance of the urban economy in Kenya?
- What are the obstacles to vibrant urban economic development?
- How can we reconfigure the urban economy to spur vibrant and resilient urban economic development in the country?
- What is the state of urban poverty in Kenya today?
- How has urban poverty changed over the years in Kenya?
- How can urban poverty be addressed in Kenya?
- The discussion should be guided by the following sub-themes:
 - i. Structure and performance of the urban economy;
 - ii. Obstacles to vibrant urban economic development;
 - iii. Urban green economy; and
 - iv. Urban informal economy

Discussion should be guided by the following subthemes:

- Constitution of Kenya 2010
- Policies and legislations
- National Economic Surveys
- National Population and Housing Census Survey
- Socio – economic Surveys
- Plans

B. SUB-THEMES

I. URBAN GOVERNANCE AND MANAGEMENT

The key questions:

- How functional are the urban institutions in Kenya today?
- How can the urban institutions be strengthened to spur sustainable urbanization in the country?
- The discussion should be guided by the following subthemes:
 - i. Constitutional context;
 - ii. National Urban Development Policy & other related policies;
 - iii. Urban Areas and Cities Act and other enabling legislations;
 - iv. Urban governance;
 - v. Urban management; and
 - vi. Public participation

II. URBAN PLANNING & MANAGEMENT

The key questions are:

- How effective is urban planning and management in Kenya today?

- How can the country institutionalize effective and efficient urban planning and management in the country?
- The discussion should be guided by the following subthemes:
 - i. Constitutional context;
 - ii. National Urban Development Policy and other enabling policies;
 - iii. Urban Areas & Cities Act and other enabling legislations;
 - iv. Integrated urban planning;
 - v. Urban renewal and regeneration; and
 - vi. Development control.

III. URBAN INFRASTRUCTURE AND SERVICES

Key questions:

- What is the state of urban infrastructure and services in the country today?
 - Urban roads and transport/mobility
 - Urban water supply and sanitation
- How can the country deliver efficient, resilient and accessible roads and transport services?
- How can we deliver reliable water supply and sanitation in the urban areas?
- The discussion should be guided by the following themes
 - i. Constitutional context
 - ii. Policies and legislations
 - iii. Urban roads & transport;
 - iv. Water supply and sanitation; and
 - v. Emerging urban transport management systems, ICT – led.

IV. URBAN RESILIENCE, CLIMATE CHANGE AND ENVIRONMENT

Key questions:

- How resilient, climate change – responsive and environmentally friendly are the urban areas in Kenya today?
- How do we mainstream resilience principles and processes in urban development in the country?
- How do we promote climate change responsive urban development in the country?
- How do we promote sustainable environmental management in the country?

The discussion should be guided by the following sub-themes:

- i. Constitutional context
- ii. Policy and legislations
- iii. Urban resilience
- iv. Climate change and disaster risk management
- v. Urban environmental management (solid waste, waste water, recreational facilities etc)

V. THE LAND QUESTION

The key questions:

- Which challenges face urban land management in Kenya today?
- How can we ensure timely access to land (of the right quality, quantity & variety) for urban development?
- The discussion should be guided by the following sub-themes:

- i. Constitutional context;
- ii. Policy and legislations;
- iii. Urban land registration and administration;
- iv. Urban land tenure regimes;
- v. Informality in the urban land management;
- vi. Options for providing land for urban development; and
- vii. Urban land information systems

Annex 3: List of KUF Conference Resource Persons and Discussants

Resource Persons		
No.	Name	Thematic Area
1	Plan. James Maina	Urban Housing
2	Dr. Nyangasi Oduwo	Urban Finance
3	Renny Kipkurui Mutai	Urban Finance
4	Plan. Kenneth Nyaseda	Land Value Capture
5	Lennart Fleck	Urban Economy and Poverty
6	Raymond Kinyua	Urban Governance and Management
7	George Wasonga	Urban Governance and Management
8	Plan. Patrick Analo	Cities Experience
9	Gitau Thabanja	Cities Experience
10	Prof. Lawrence Esho	Urban Planning and Management
11	Patrick Adolwa	Urban Planning and Management
12	Prof. Jason Mochache	Urban Infrastructure & Services
13	Eng. Francis Gitau	Urban Infrastructure & Services
14	Eng. Jacinta Mwangi	Urban Infrastructure & Services
15	Dr. Sheila Kamunyori	Urban Infrastructure & Services
16	Dr. Maurice Oyugi	Urban Resilience, Climate Change & Environment
17	Dr. Leah Oyake	Urban Resilience, Climate Change & Environment
18	Dr. Emmanuel Midheme	Urban Resilience, Climate Change & Environment
19	Ibrahim Mwathane	Land Question
20	Commissioner Reginald Okumu	Land Question
Discussants		
No.	Name	Thematic Area
1	Arch. Florence Nyole	Urban Housing
2	Marion Rono	Urban Housing
3	Dr. Valentine Ochanda	Urban Economy and Poverty
4	Plan. Fawcett K'Omollo	Urban Economy and Poverty
5	Dr. Musyimi Mbathi	Urban Governance and Management
6	Violet Ofisi	Urban Governance and Management
7	Tito Koiyet	Cities Experience
8	Abala Wanga	Cities Experience
9	Commissioner Hon. Esther Murugi	Urban Planning and Management
10	Plan. Joakim Nyarangi	Urban Planning and Management
11	Tom Odongo	Urban Planning and Management
12	Mairura Omwenga	Urban Infrastructure & Services
13	David Ongare	Urban Resilience, Climate Change & Environment
14	Fruzsina Straus	Urban Resilience, Climate Change & Environment
15	Dr. Mwenda Makathimo	Land Question

