

# THE KENYAN RGUU EXPERIENCE

## Presentation To The International Workshop

### RUGBY



## Context of Urban Planning Challenges in Kenya

- Rapidly growing urban population-- urban population at 34% of total population
- Rural urban migration , unemployment , rising poverty **poor national housing policy , corrupt and inefficient urban governance.**
- Difficulties in complying with existing regulations –over regulation /hostile regulatory framework**
- **Rising problem of informal settlements –where most of the urban residents live ,**

**•IT IS TIME TO RETHINK THE PLANNING PARADIGMS IN KENYA**

### **Broader Responses to the Problem**

- Local Government Reform Program**
- Review of Physical Planning Handbook**
- Slum Upgrading/housing Programs**

## MAVOKO-SITE PROFILE

- **Large number of industries and an EPZ.**
- **Close to Nairobi-20 Km**
- **High growth potential.**
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- **Unemployment problem-Poverty**
- **Growing slum problem-1800+ households**
- **Strained service provision capacity.**
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- **Cooperative local authority.**
- **Metropolitan linkages.**
- **Ongoing reform process-KLGRP**

# PROCESS MILESTONES IN MAVOKO

- Catalogue of applicable instruments.
- Household profiles.
- Participatory survey.
- Selection of domain areas for review.
- Community consultation sessions
  - Selected domain areas
    - Land allocation
    - Plot sizes
    - Water and sanitation
    - Information and communication.

# PRINCIPLES GUIDING THE REVIEW PROCESS

- **Affordability.**
- **Equity driven process .**
- **Integrated and proactive planning.**
- **Sustainable development .**
- **Community empowerment.**
- **Regulation as a process.**
- **Creation of awareness.**
- **Accountability.**

# LAND ALLOCATION DOMAIN

## **APPLICABLE STATUTORY LAW.**

- **Local Government Act Cap 265.**
- **Constitution of Kenya Section 115,**
- **The Government Lands Act Cap 280,**
- **Registration of Titles Act Cap 281, the Trust Lands Cap 288**
- **The Land Acquisition Act Cap 295,**
- **The Registered Land Act Cap 300,**
- **Land Control Act Cap 302,**
- **Physical Planning Act No 6 of 1996**

# LAND ALLOCATION DOMAIN PROPOSED GUIDELINES



	Procedures	Standards	Regulations
<b>Gender Dimension</b>	<ul style="list-style-type: none"> <li>➤ Identification of household heads regard less of kinship relationship</li> <li>➤ Participatory identification of house heads and dependants.</li> <li>➤ Create awareness on women and youth rights to property</li> </ul>	<ul style="list-style-type: none"> <li>➤ Equal representation of women and men and youth and the marginalized groups such as the aged and the disabled in decision making processes on land allocation</li> </ul>	<ul style="list-style-type: none"> <li>➤ Legal framework to protect discriminatory lands allocation by gender, allocation and inheritance</li> </ul>



	Procedures	Standards	Regulations
Guiding principles	<ul style="list-style-type: none"> <li>➤ Open and democratic</li> <li>➤ Gender sensitive</li> <li>➤ Non political</li> <li>➤ Participatory allocation</li> <li>➤ Inclusive involvement of all by concerned institutions</li> </ul>	<ul style="list-style-type: none"> <li>➤ For acquiring property</li> <li>➤ Specific income level and / or age limit</li> </ul>	<ul style="list-style-type: none"> <li>➤ Legal framework</li> <li>➤ Clear balloting procedures</li> <li>➤ Review of the Land Control Act CAP 302</li> <li>➤ Review of Government Lands Act Cap 280 on procedures of land allocation</li> <li>➤ Review Trust Lands Act CAP 288 on Land allocation with reference to gender issues</li> <li>➤ Review of registration of land under Registration of Tittles Act Cap 300 on gender issues</li> </ul>

	Procedures	Standards	Regulations
Design cost implications	<ul style="list-style-type: none"> <li>➤ Cost effectiveness in relation to employment /places of work</li> <li>➤ Low cost and efficient infrastructure services</li> <li>➤ Provision of public utility plots</li> <li>➤ Balancing of uses e.g. residential and commercial</li> <li>➤ Minimize environmental degradation</li> <li>➤ Neighbourhood concept to enhance the provision of security services and preservation of the social fabric</li> </ul>	<ul style="list-style-type: none"> <li>➤ Minimize cost of designs</li> <li>➤ Use low cost building materials</li> <li>➤ Low cost storm water drainage</li> <li>➤ Easy to maintain infrastructure and building typologies</li> </ul>	<ul style="list-style-type: none"> <li>➤ Adaptation of low cost building construction</li> <li>➤ Technologies by formulation of by laws</li> </ul>

	Procedures	Standards	Regulations
<b>Institutions and processes</b>	<ul style="list-style-type: none"> <li>➤ Involvement of all stakeholders</li> <li>➤ Review of land tenure system</li> <li>➤ Limit ownership by size and taxation</li> <li>➤ Discourage land speculation through land tax and other instruments.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Evolve a standard allocation procedures agreed by all institutions</li> </ul>	<ul style="list-style-type: none"> <li>➤ Registering all parcels of land and issuing of tenure documents.</li> </ul>

# ISSUES FROM THE COMMUNITY LEVEL CONSULTATIONS

## Scenarios

- In- situ upgrading
- Relocation
- Peri- urban settlements

## Preferences

- Procedures should be accessible, simple and easy to apply.
- Standards for housing should be affordable.
- Empower the Local Authority.
- Provide zones for low income housing.
- Institute clear balloting procedures for land allocation.

# PLOT SIZES DOMAIN

## Scenario before

- **Inaccessible Plot Sizes.**
- **Lack of Compliance to National Planning Guidelines.**
- **Lack of standard plot sizes**

Settlement	Designation	Subdivided by	PLOT SIZES	
			Comm.	Resd
Kenya Meat Commission	Residential cum commercial	Mavoko Municipal council	15x50ft Approx. 70sq.m	20x50ft Approx. 93sq.m
Slota (Kisumu Ndogo)	Residential cum commercial	Mavoko Municipal council	30x33ft Approx. 92sq.m	33x36ft Approx. 110sq.m
Kimongo	Residentia	Private	30x60ft Approx. 167sq.m	N/A
Kaswitu	Residential cum commercial	Private	30x65ft Approx. 181sq.m	30x100ft Approx. 279sq.m

# KEY CONSIDERATIONS IN THE REVIEW PROCESS

- Modalities and implication of subdivision of plots to smaller units and reselling of allocated plots
- Safety and health implications of plot sizes
- Limited information and understanding by allottees on the allocation and selection process of plot sizes.
- Low awareness levels on the need for proper planning that caters for basic minimum considerations.
- Rationalisation of plot size allocation based on available land and the applicants at a particular time
- Lack of standards on the minimum plot size resulting in extremely small plot sizes

# PLOT SIZES DOMAIN -PROPOSED GUIDELINES

## Room considerations to include:

- Minimum; (9X9 ft) 81 sq feet or 7.5 sq metres.
- Provision of a safety kitchenette
- Provision of privacy with at least one bedroom
- Provision for functional lighting and ventilation windows
- Flexibility in space arrangement

## Plot consideration (Minimum size: 15x50 Ft/74 sq. M)

- 15 ft x 50ft or 4.5X15 metres (6.75 sq metres)
- Provision for the development of rental facilities
- Provision of a toilet and a bath for (every) 4 dwelling units.
- Environmental concerns incorporated e.g waste disposal and safety.
- Coverage to a maximum of 70 % of total plot area.

# PLOT SIZES DOMAIN -PROPOSED GUIDELINES

## Planning Consideration

- Vehicular access at 6.0 metres
- Handcart bicycle and human access paths provided at a minimum of 1.3 metres.
- neighbourhood concept in planning and provision of infrastructure
- Consideration for non motorized traffic
- Consideration for security issues.
- Cost of basic infrastructure considered in the choosing of infrastructure typologies and standards.
- Economy of land use .
- provision of a nursery school of one quarter of an acre within walking distance.
- Provide reserves for future settlement.



PLOT SIZES	PROCEDURES	STANDARDS	REGULATIONS
GENDER DIMENSION	<ul style="list-style-type: none"> <li>• Kitchenette space</li> <li>• Toilet</li> <li>• Wash area</li> <li>• Schools/Nursery</li> </ul>	<ul style="list-style-type: none"> <li>• Width ratio, not less than 1.15</li> <li>• Avoid irregular shape</li> </ul>	<ul style="list-style-type: none"> <li>• Building codes</li> <li>• By laws</li> <li>• Public health act</li> </ul>
CRITICAL CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Neighbourhood concept</li> <li>• Economy of Space</li> <li>• Environmental concerns</li> </ul>	<ul style="list-style-type: none"> <li>• Rectangular shape</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
DESIGN AND COST IMPLICATION	<ul style="list-style-type: none"> <li>• Affordable costs</li> <li>• Minimum services</li> <li>• Functional approach</li> <li>• Building materials</li> </ul>	<ul style="list-style-type: none"> <li>• Durable building materials</li> <li>• Availability of building materials.</li> <li>• Affordability</li> <li>• Local resource utilisation</li> </ul>	<ul style="list-style-type: none"> <li>• Building codes</li> <li>• By laws</li> <li>• Regular reviews of laws and building practises</li> </ul>
INSTITUTIONS AND PROCEDURES	<ul style="list-style-type: none"> <li>• Local authority</li> <li>• Settlement laws</li> <li>• Council society</li> <li>• CBOs</li> <li>• Private sector</li> </ul>	<ul style="list-style-type: none"> <li>• Flexibility</li> <li>• Transparency</li> </ul>	<ul style="list-style-type: none"> <li>• Dialogue with stakeholders</li> <li>• Information sharing</li> </ul>

## **EMERGING ISSUES**

- **Government recognition of the need to reduce minimum plot size from the current 110 sq. M to 75 sq. M**
- **Need to incorporate self regulation and standards minimise unnecessary reselling of land which result in further sub-division**
- **Council testing the minimum plot sizes to show pros and cons within the settlements**
- **Communal facilities and infrastructure are being considered in neighbourhood planning**

### **•PILOTING**

- **Regularisation of already allocated plots**
- **Setting up and adherence to minimum plot sizes (75 sq. M)**
- **Use of appropriate building designs and technologies**
- **Menu of options in building materials that are affordable and encourage innovations being developed**

# INFORMATION AND COMMUNICATION DOMAIN

## **Prior Scenario**

- Limited access to information.
- Weak community structures/ Lack of community feedback structures
- Fear and mystification of government offices.
- Exclusion from information e.g. on plot sizes , planning and rates
- Late receipt of information.
- Send/receive channel mismatch

## **Community Recommendations**

- **Council personnel to be more active in information dissemination.**
- **Standard plot sizes**
- **Meetings with the municipal council should be convened**
- **Use of Chiefs Barazas should be used**
- **Services needs to be improved e.g. training of teachers /setting up secondary schools**
- **The council should ensure the notices get to recipients in time**
- **Bills to be delivered in time**
- **Council to liase with the ministry to avoid confusion on land allocation**
- **Water and sanitation services need to be improved.**
- **More service points and water kiosks to be installed.**
- **There needs to be more courses to update the skills of teachers.**
- **Teachers need to be employed by the ministry of education.**
- **The council needs to set up secondary schools.**
- **Service standards need to be improved.**
- **Leaders to visit the communities more regularly**

## Recommendations To The Information Sector

- Strengthening information generation by the community to inform the regulation process and emphasis placed on community feedback
- Establishment of community notice boards
- Partnership with local institutions (e.g. Daystar University) on modalities of establishing a community radio and exploration of other innovative communication channels
- Adoption of a multi-media approach
- Incorporation of folk-media the communication process
- Development of urban indicators
- Publication of community newsletter linked to both the global and local urban observatory
- Accountability: Local authorities to publicise development plans, budgets and roles of various offices
- Establishment of local area resource centres
- Building capacity of community members to be local communicators

## **Application of recommendations within Mavoko.**

- Accessibility to public offices and services has been enhanced now, community members attending the town planning council meetings
- Community notice boards have been set up
- Community institutions and structures (CBO entry points) have been strengthened through CBO training activities
- Community resource persons and councillors have been trained as resource persons to enhance participatory governance
- The establishment of a data base on all available and local urban observatory are well underway.

# WATER AND SANITATION DOMAIN

## Prior Situation

- Poor service provision.
- Cost barriers to access.
- Unwillingness to provide services to informal settlements.
- Lack of finances: Due to the perpetual shortage of funds, it is becoming increasingly problematical to provide essential services to the residents.
- Lack of information on available options in terms of accessibility, quality, quantity, affordability, and willingness/ability to pay of consumers.



## Proposals for Water Services

	PROCEDURES	STANDARDS	REGULATION
INSTITUTIONAL PROCESSES	<ul style="list-style-type: none"> <li>• Council &amp; stakeholders management team</li> </ul>	<ul style="list-style-type: none"> <li>• Transparency</li> <li>• Accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Memorandum of understanding</li> </ul>
SPECIFIC PROPOSALS	<ul style="list-style-type: none"> <li>• <b>Flexible payment for water, sewerage fee and connection</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Convenience for both parties</b></li> <li>• <b>Affordable fees</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Payments in instalments based on ones financial capability</b></li> </ul>
GENDER DIMENSION	Participatory approach incorporating women & youth in management of water points	The council to regulate fees	Commitment and regular review
DESIGN/ COST IMPLICATIONS	Collective responsibility, both landlord & tenant	Suitable management and updated mechanisms	Stakeholders and the local council



## Proposals for Slid and Human Waste

	PROCEDURES	STANDARDS	REGULATIONS
SPECIFIC PROPOSALS	<ul style="list-style-type: none"> <li>• <b>Cleansing department be in-charge</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Convenience for both parties</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Sustainable and cost effective</b></li> </ul>
GENDER DIMENSION	<ul style="list-style-type: none"> <li>• <b>Participatory approach by both women and youth</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Clean environment</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Evaluation and enforcement of public health act</b></li> </ul>
DESIGN/ COST IMPLICATIONS	<ul style="list-style-type: none"> <li>• <b>Collective responsibility (Landlord/Tenant)</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Suitable management and updated mechanisms</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>*Evaluation and enforcement of public health act</b></li> <li>• <b>*Stakeholders and the council</b></li> </ul>

## EMERGING CONSIDERATIONS

- Ecological sanitation; of a menu of options is under development
- Purchase of water by the community in bulk thus lowering the cost
- Council need to have flexible connection fees affordable to the community
- The need to set up incinerators to be incorporated in the waste management system
- Recognition of waste producers role in waste management

## APPLICATION AT MAVOKO LEVEL

- **The council is considering allowing payment of connection fees in instalments**
- **Community initiated and managed water points have been installed in one settlement**
- **The council is now willing to provide services to informal settlement, including squatter settlements**
- **Consideration of contours to allow gravity flow of sewer and water has been integrated into land planning and allocation.**
- **Construction of community managed ablution blocks and solid waste collection points is in progress.**
- **Enforcement of standard sewer pipe diameters has commenced to ensure the integrity of the sewer system.**
- **Involvement of the private sector in water and sanitation provision has been adopted by the council**

# CONCLUSION

## CHALLENGES

- **Politicising of the land allocation process has hindered reforms in the land domain.**
- **High cost of land Vs. the limited financial ability of the local residents poses challenges to access to land.**
- **Illiteracy levels continue to hinder improvements in the communication domain.**
- **Lack of a clearly defined and organised structure of governance within the community has limited their participation in governance**
- **Mechanisms for development control on private lands re very weak, making the enforcement of these proposals on such parcels difficult.**
- **Lack of coordination between the government ministry of lands and local authority in land allocation will delay the implementation of these proposals.**
- **Lack of harmony in land legislation policies will take some time to reform despite government currently addressing these.**

## LESSONS LEARNED

- Importance of participatory processes: Involvement of stakeholders planning with the community rather than for the community
- Upgrading is a process rather than a product
- Building on existing indigenous knowledge
- Institutional capacity building for local authorities and communities to manage the upgrading process
- Information access and flow as a driving force in urban upgrading process

## MILESTONES IN THE REVIEW

- Institutionalisation of a participatory approach to planning by the government (Physical Act 1996, cap 365)
- Council testing of guidelines and pledge to adopt R G U U proposals in future planning
- Government recognition of the need to reduce the current 110 sq.M minimum plot size to 72 sq.M
- Recognition of informal settlements in urban planning and mapping
- Relevance of the government's reform process (e.g. LA FT, LA SDAP, Single business licences, mixed land use) which have both promoted active community participation and accountability
- Review of land legislation and allocation procedures
- Devolution of powers to LA in resource management and development
- Creation of meaningful partnerships

***The End***  
***Ahsante Sana***  
***karibuni Kenya***