

NATIONAL URBAN DEVELOPMENT POLICY (NUDP) MAKING PROCESS: THE KENYAN WAY: BIG CHALLENGES AND SOME OPPORTUNITIES

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SUMMARY

After about 20 years of false starts, Kenyans promulgated a brand new Constitution on August 27, 2010. With the stroke of the pen our President publicly declared the Constitution “passed” As expected, there was a decent number of dissenting voices. No matter the supreme law of the land had been accepted by all, both those who had voted “NO”and those who had voted “YES”. That is the essence of democracy. The majority rule!!! With the promulgation it was assumed that all the issues would be resolved overnight almost. That is how the Constitution had been sold to Kenyans. The Constitution of Kenya 2010 (COK 2010) was replacing the earlier one which had served us since Independence from Britain in 1963. In its days it had been amended so many times that it had lost shape, sense, form and even substance. It was a secret document, in that it was not accessible to all citizens.

After its (COK 2010) passage came the real work. Implementation. I could say that this part was rarely if ever mentioned. The Presidential Ink had barely dried before there was talk of what needed to be done in order to realize the fruits of the Kenya Constitution 2010 (KC 2010). There were policies and laws to be passed so as to properly and effectively ground the new Constitutional Order. One such policy was the National Urban Development Policy (NUDP). I was privileged to be invited to participate and lead one of the ten Thematic Groups in the NUDP making process. The other laws and policies were to do with Security, the Judiciary, Governance and Devolution, and Finance. It was deemed necessary and appropriate to have a Commission to Implement the Constitution. The previous year (2009) the National Land Policy had been approved by Parliament, with the active participation of the ISK (the Institution of Surveyors of Kenya). This itself was a milestone achievement, after many previous attempts failed.

THERE EXIST CITIES AND TOWNS

Looking at the NUDP initiative, we acknowledge that Kenya already has cities and towns. A study done two years ago showed that out of the 175 local authorities (Municipalities, Town Councils and County Councils) more than a third were not self-sustaining and were a drain on the Exchequer. Therefore the entities exist, mainly on paper and at political levels of leaders

(mayors and chairpersons) flying flags at official public ceremonies. The question is do they discharge their mandates as by law established? Do they have the appropriate capacity and Governance structures in place? Have they ever? The jury is still out. Ask the citizens.

A task force was formed to work on the imminent Devolution and related matters. At the same time the NUDP was reconfigured and reconstituted, this was with the help of the Swedish Government. A team consisting of the Devolution Task Force Leadership and the NUDP visited Sweden in June 2011 to see how devolution is done. Sweden has been at it for a long time and has a fully decentralized system of Governance that works. Things work in Stockholm and other cities and towns. So a model exists.

The Cities and Urban Areas Act was passed into law as a matter of urgency, but there has been no movement on the ground. The question remains will all these laws and policies deliver services to the citizens who for the longest time have felt short-changed? More needs to be done to sell the NUDP to the Cabinet, the Parliament and ultimately to the people of Kenya. Public Relations and excellent Marketing of the good aspects (especially as it relates to initial reduction and eventual elimination of poverty) would be the way to go. Sensitizing and educating the citizenry is a good start. Identifying the strengths and weakness and suggesting ways and means of enhancing the strengths and mitigating the weaknesses, in the short run, medium term and long term is the aim of this paper.

Relevance to theme of the Rome Conference: **“Knowing To Manage The Territory, Protect The Environment, Evaluate The Cultural Heritage”**.

At the time of Kenya’s Independence from Britain in 1963, only about 8% of the population lived in cities and towns. The Vagrancy Act and Pass laws of the colonial era (now repealed) made it difficult for rural folk to go to towns. Forty years on, over 35% now live in cities and towns. It is projected that more than 50% will live in urban areas by 2030. This rapid rate of urbanization continues to increase pressure on urban authorities to meet the needs of growing urban populations. The major challenges facing urban areas include: inadequate infrastructure and services; poor housing; environmental degradation; high rates of unemployment; and increasing prevalence of urban poverty and inequality.

Despite challenges, urban areas continue to play a critical role in national development; it is estimated that they contribute 70% of the gross domestic product (GDP). Therefore, it is important to harness the huge potential of urbanization as a vehicle for growth and development, while at the same time fully addressing these challenges. Urban areas have in the past suffered under the burden of poor governance and management. In order to achieve sustainable urbanization, governance and management of urban areas and cities will be streamlined in line with the Constitution of Kenya 2010 and the Urban Areas and Cities Act 2011.

Urban planning has in the past lagged behind rates of urban growth, creating undesirable urban forms and haphazard growth of informal settlements. In order to play its rightful role in expanding

opportunities for urban development, urban planning will be streamlined and made responsive to the rapid rate of urbanization by ensuring timely service delivery and implementation of plans.

Concept of Urban Policy

1. In the next two decades, Kenya will experience an unprecedented urban transformation that will significantly impact the way people live, work, socialise and do business. Rapid urban growth is expected to increase the urbanization level from the current 34% to 50% by 2030. This urban transition is likely to present enormous social and economic opportunities as well as significant challenges. It is anticipated that urbanization will bring about agglomeration and socio-economic benefits that will spur economic growth and reduce poverty. However, urbanization may also pose governance, infrastructure, housing, environmental and resource challenges that may hamper progress and development.
2. The anticipated demographic, social and economic changes brought about by urbanization has prompted the Government of Kenya to prepare a National Urban Development Policy (NUDP) that aims to strengthen development planning, urban governance and management, urban investments and delivery of social and physical infrastructure in urban areas throughout the country. The long-term goal of the Policy is to accelerate economic growth, reduce poverty, promote equity and help the nation realize *Vision 2030*, which aims to make Kenya a middle-income country within two decades. The Policy also responds to the Constitution of Kenya 2010 that calls for devolved governance at the county level and to the Urban Areas and Cities Act 2011 that was enacted to comply with this requirement. *the draft NUDP 2011*

3. What is policy

3.1 A **policy** is typically described as a principle or rule to guide decisions and achieve rational outcome(s). Policy is not normally used to denote what is actually done. What is actually done is normally referred to as either procedure or protocol. Policies are generally adopted by the Board of or senior governance body within an organization where as procedures or protocols would be developed and adopted by senior executive officers. Policies can assist in both **subjective** and **objective** decision making. Policies to assist in subjective decision making would usually assist senior management with decisions that must consider the relative merits of a number of factors before making decisions and as a result are often hard to objectively test e.g. work-life balance policy. In contrast policies to assist in objective decision making are usually operational in nature and can be objectively tested e.g. password policy. Wikipedia

3.2 Characteristics of Policy

A **Policy** can be considered as a "Statement of Intent" or a "Commitment". For that reason at least, the decision-makers can be held accountable for their "Policy". The term may apply to government, private sector organizations and groups, and individuals. Presidential Executive Orders; Corporate Privacy Policies and Parliamentary Rules of Order are all examples of policy. Policy or policy studies also refer to the process of making important organizational

decisions, including the identification of different alternatives such as programmes or spending priorities, and choosing among them on the basis of the impact they will have. Policies can be understood as political, management, financial, and administrative mechanisms arranged to reach explicit goals.

3.3 What is not: Policy differs from rule of law. While rules of law can compel or prohibit behaviours (e.g. a law requiring the payment of taxes on income), policy merely guides actions toward those that are most likely to achieve a desired outcome, often for the greatest common good, and or the least harm if one were to have to undergo it. Contrast this with the current state of our roads, which are being repaired and modernized at great expense and instead of other priorities like the railways, which have never been improved nor expanded since the Imperial British East Africa Company built the Kenya Uganda Railway in 1899! This leads to more than 90% of goods being moved by road, as a direct consequence, only about 47% of the roads in Kenya are in good condition. *Ref. The State of East Africa 2012, Deepening Integration, Intensifying Challenges*. It is suspected that policy makers were themselves involved in road transport business and made policies that crippled the railway system so that their interests (road transport business) are protected. It is not unreasonable to imagine that many other projects and programmes fail

In the Nicomachean Ethics Aristotle asserts as follows.. Since it governs the other practical sciences, their ends serve as means to its end, which is nothing less than the human good. “Even if the end is the same for an individual and for a city-state, that of the city-state seems at any rate greater and more complete to attain and preserve. For, although it is worthy to attain it for only an individual, it is nobler and more divine to do so for a nation or city-state”.

3.4 Intended effects

The intended effects of a policy vary widely according to the organization and the context in which they are made. Broadly, policies are typically instituted to avoid some negative effect that has been noticed in the organization, or to seek some positive benefit.

Corporate purchasing policies provide an example of how organizations attempt to avoid negative effects. Many large companies have policies that all purchases above a certain value must be performed through a purchasing process. By requiring this standard purchasing process through policy, the organization can limit waste and standardize the way purchasing is done.

3.5 Unintended effects

Policies frequently have side effects. Because the environments that policies seek to influence or manipulate are typically complex adaptive systems (e.g. governments, societies, large companies), making a policy change can have counterintuitive results. For example, a government may make a policy decision to raise taxes, in hopes of increasing overall tax revenue. Depending on the size of the tax increase, this may have the overall effect of reducing tax revenue by causing capital flight or by creating a rate so high that citizens are deterred from earning the money that is taxed. (See the Laffer curve.)

The policy formulation process typically includes an attempt to assess as many areas of potential policy impact as possible, to lessen the chances that a given policy will have unexpected or unintended consequences. Because of the nature of some complex adaptive systems such as societies and governments, it may not be possible to assess all possible impacts of a given policy

3.6 The Impact of Cap 265. Its contrast to The Cities and Urban Areas Act

Until now, urban development in Kenya has largely been taking place without a comprehensive national urban policy framework. Past sector policies did not adequately address urbanization as an evolving system that could foster development and economic growth and one that would integrate urban and rural development in a mutually beneficial relationship. Urban development in the country was guided mainly by the Local Government Act CAP265 (now repealed) and the Physical Planning Act of 1996, both of which proved inadequate in addressing the myriad opportunities and challenges facing the nation's cities and towns, and in managing rapid urban growth. It is to be noted that even though Cap 265 is repealed and replaced by the Cities and Urban Areas Act, many local authorities in Kenya still invoke it in their day to day business. I saw an advertisement by the City Council of Nairobi referring to it. This could be either from ignorance or inertia or callous impunity.

4 What are the salient points of the NUDP? What does it seek achieve?

4.6 The NUDP seeks to create a framework for sustainable urban development in the country and addresses the following thematic areas: urban economy; urban finance; urban governance and management; national and county urban planning; land, environment and climate change; social infrastructure and services; physical infrastructure and services; urban housing; urban safety and disaster risk management; and marginalized and vulnerable groups.

4.7 NUDP is guided by the Constitution of Kenya 2010, notably clauses 184 and 176 (2) that provide for regulation of urban areas and cities, clause 200(2), which outlines the governance of the capital city, other cities and urban areas and *Vision 2030*, which calls for a nationwide urban planning and development campaign. It will not do to refer to the CoK 2010 casually. It is the supreme law of the land and must be seen to be so.

5 How has it been without the National Urban Development Policy

Kenya's urban development has been compromised by inadequate supply of good quality land for various uses and land management has been mired in corruption, controversy and conflict. The Policy seeks to improve access to land for urban development by supporting a range of reforms that address land banking, land allocation and utilization, property taxation and land management information systems.

6 The NUDP is a pill for the degenerating state of affairs in cities and urban areas.

- 7 Social infrastructure and services are critical to the development of sustainable urban communities. However, urban areas in Kenya have in the past failed to provide the requisite social infrastructure and services. The Policy creates a framework for the planning, development and management of education and health facilities, and public open spaces, parks and recreational facilities, including sports amenities. Cities and urban areas are also characterized by poor physical infrastructure and services, making it difficult to deliver competitive and liveable cities. The Policy has prioritized planning and development of the much-needed physical infrastructure and services for sustainable urbanization. In addition, in the face of rapid urbanization, informal settlements have come to epitomize housing in urban areas cities. On average, informal settlements cater for 60% of the total urban population. In response to fast growing demand for appropriate urban housing the Policy recommends mechanisms to deliver affordable housing of acceptable quality.
- 8 Cities and urban areas have witnessed a rising incidence of insecurity. Yet urban safety is critical for the realization of sustainable urban communities. In order to better manage urban insecurity this Policy creates a framework for the engagement of various stakeholders in urban safety management. Moreover, in view of the increasing exposure of urban areas and cities to the threat of disaster, with the potential to cause massive loss of life and property, the Policy creates structures for mainstreaming disaster risk management in urban planning and development. In compliance with the constitutional provision on marginalized and vulnerable groups, the Policy requires urban authorities to take necessary measures to mainstream the needs and concerns of these groups in planning and development. The policy also addresses cross-cutting issues and the key elements of an implementation framework.

9.0 What must it be in the days to come?

Cities and urban areas have huge ecological footprints as they are mass consumers of resources and generators of wastes. The Policy will put in place mechanisms to improve environmental management of urban areas through city-wide environmental planning and management, including adherence to environmental legislation. It is of great concern that the ongoing climate change will have far-reaching implications for cities and urban areas. In response to this threat, urban authorities will mainstream climate change in planning and development processes.

The National Urban Development Policy will, therefore, provide a framework within which cities, towns and metropolitan regions will play a critical role in national socio-economic development. The aim is to strengthen governance, planning, urban investments and delivery of social and physical infrastructure under a devolved system of governance that will see cities and counties become engines of growth and development. The long-term goal of the Policy is to reduce poverty and inequality and to make Kenya's urban areas productive, sustainable, liveable and inclusive.
Source: *the draft NUDP 2011*

10. PRINCIPLES OF INTELLIGENT URBANISM

I imagine that the experts who crafted the Constitution of Kenya must have had the ten Principles of Intelligent Urbanism (PIU), perhaps without realizing it, but then they say great minds think alike. PIU is a theory of urban planning composed of a set of ten axioms intended to guide the formulation of city plans and urban designs. Intelligent Urbanism facilitates the public in carrying out their honest objectives. It does not regulate and control the public. It attempts to reduce the requirements, steps and documentation required for citizens to process their proposals.

Intelligent Urbanism also promotes furthering the interests of the public in their genuine utilization of opportunities. It promotes site and services schemes for households who can construct their own houses. It promotes up-gradation of settlements with inadequate basic services. It promotes innovative financing to a range of actors who can contribute to the city's development. Intelligent urbanism promotes a limited role for government, for example in "packaging" large-scale urban development schemes, so that the private sector is promoted to actually build and market urban projects, which were previously built by the government.

Intelligent Urbanism does not consider itself naïve. It recognizes that there are developers and promoters who have no long term commitment in their own constructions. Their only concern is to hand over a dwelling, gain their profit and move on. For these players it is essential to have Development Control Regulations, which assure the public that the products they invest in are safe, hygienic, orderly, maintainable, durable and efficient. For the discerning citizen, such rules also lay out the civil understanding by which a complex society agrees to live together.

The PIU contends that there must be a cadastral System wherein all of the land in the jurisdiction of cities is demarcated, surveyed, characterized and archived, registering its legal owner, its legal uses, and the tax defaults against it.

The institutional framework can only operate where there is a Structure Plan, or other document that defines how the land will be used, serviced, and accessed. The Structure Plan tells landowners and promoters what the parameters of development are, which assures that their immediate investments are secure, and that the returns and use of such efforts are predictable. A Structure Plan is intended to provide owners and investors with predictable future scenarios. Cities require efficient patterns for their main infrastructure systems and utilities. According to PIU proponents, land needs to be used in a judicious manner, organizing complementary functions and activities into compact, mixed use precincts and separating out non-compatible uses into their own precincts. In a similar manner, proponents argue it is only through a plan that heritage sites and the environment can be legally protected. Public assets in the form of nature, religious places, heritage sites and open space systems must be designated in a legal plan. For example it had become fashionable for the local authorities to allow the development of bars, schools, churches and night clubs in residential estates. This was banned altogether by Government but is creeping back.

Intelligent Urbanism proposes that the city and its surrounding region be regulated by a Structure Plan, or equivalent mechanism, which acts as a legal instrument to guide the growth,

development and enhancement of the city.

According to proponents, there must be a system of participation by the “Stake Holders” in the preparation of plans. Public meetings, hearings of objections and transparent processes of addressing objections, must be institutionalized. Intelligent urbanism promotes Public Participation. Local Area Plans must be prepared which address local issues and take into account local views and sentiments regarding plan objectives, configurations, standards and patterns. Such plans lay out the sites of plots showing the roads, public open spaces, amenities areas and conservation sites. Land Pooling assures the beneficiaries from provision of public infrastructure and amenities proportionally contribute and that a few individuals do not suffer from reservations in the plan.

According to proponents, there must be a system of Floor Area Ratios to assure that the land and the services are not over pressured. No single plot owner should have more than the determined "fair share" of utilization of the access roads, amenities and utilities that service all of the sites. Floor Area Ratios temper this relationship as regulated the manner in which public services are consumed. According to PIU proponents, Transfer of Development Rights benefits land owners whose properties have been reserved under the plan. It also benefits the local authorities that lack the financial resources to purchase lands to implement the Structure Plans. It benefits concentrated, city centre project promoters who have to amortize expensive land purchases, by allowing them to purchase the development rights from the owners of reserved lands and to hand over those properties to the plan implementing authority. This allows the local authority to widen roads and to implement the Structure Plan. The local authority then transfers the needed development right to city center promoters.

Intelligent Urbanism supports the use of Architectural Guidelines where there is a tradition to preserve and where precedents can be used to specify architectural elements, motifs and language in a manner, which intended to reinforce a cultural tradition. Building designs must respect traditional elements, even though the components may vary greatly to integrate contemporary functions. Even in a greenfield setting Architectural Guidelines are required to assure harmony and continuity of building proportions, scale, color, patterns, motifs, materials and facades.

Intelligent Urbanism insists on safety, hygiene, durability and utility in the design and construction of buildings. Where large numbers of people gather in schools, hospitals, and other public facilities that may become emergency shelters in disasters, special care must be exercised. A suitable Building Code is the proposed instrument to achieve these aims. reconcile and integrate diverse urban planning and management concerns. These axioms include environmental sustainability, heritage conservation, appropriate technology, infrastructure efficiency and effectiveness, place-making, social access, transit oriented development, regional integration, human scale, and institutional integrity. The term was coined by Prof. Christopher Charles Benninger. It is against these that we can score how well or otherwise a city or other urban settlement is performing and meeting citizens’ expectations.

PIU proponents state that those who design buildings must be professionally qualified architects; those who design the structures (especially of more than ground plus two levels) must be professionally qualified structural engineers; those who build buildings must be

qualified civil engineers; and, those who supervise and control construction must be qualified construction managers. Intelligent Urbanism promotes the professionalization of the city making process. While promoting professionalism, Intelligent Urbanism proposes that this not become a barrier in the development process. Small structures, low-rise structures, and humble structures that do not house many people can be self designed and constructed by the inhabitants themselves. Proponents maintain that there must be recognized Professional Accrediting Boards, or Professional Bodies, to see that urban development employs adequate technical competence.

Finally, there must be legislation creating Statutory Local Authorities, and empowering them to act, manage, invest, service, protect, promote and facilitate urban development and all of the opportunities that a modern city must sponsor.

Intelligent Urbanism insists that cities, local authorities, regional development commissions and planning agencies be professionally managed. City Managers can be hired to manage the delivery of services, the planning and management of planned development, the maintenance of utilities and the creation of amenities.

Intelligent Urbanism views plans and urban designs and housing configurations as expressions of the people for whom they are planned. The processes of planning must therefore be a participatory involving a range of stakeholders. The process must be a transparent one, which makes those privileged to act as guardians of the people's will accountable for their decisions and choices. Intelligent Urbanism sees urban planning and city governance as the most salient expressions of civility. Intelligent Urbanism fosters the evolution of institutional systems that enhance transparency, accountability and rational public decision making.

11.2 Principle one: a balance with nature

Proponents of Intelligent Urbanism, aver that balance with nature emphasizes the distinction between utilizing resources and exploiting them. It focuses on the thresholds beyond which deforestation, soil erosion, aquifer depletion, siltation and flooding reinforce one another in urban development, saving or destroying life support systems. The principle promotes environmental assessments to identify fragile zones, threatened ecosystems and habitats that can be enhanced through conservation, density control, land use planning and open spaces design (McCarg: 1975). This principle promotes life cycle building, energy consumption and pollutant emission analysis. This principle states there is a level of human habitation intensity wherein the resources that are consumed will be replaced through the replenishing natural cycles of the seasons, creating an environmental equilibrium.

11.3 Principle two: a balance with tradition – Vernacular Architecture!!

Balance with Tradition is intended to integrate plan interventions with existing cultural assets, respecting traditional practices and precedents of style (Spreiregen: 1965). This urban planning principle demands respect for the cultural heritage of a place. It seeks out traditional wisdom in the layout of human settlements, in the order of building plans, in the precedents of

style, in the symbols and signs that transfer meanings through decoration and motifs. This principle respects the order engendered into building systems through years of adaptation to climate, to social circumstances, to available materials and to technology. It promotes architectural styles and motifs designed to communicate cultural values.

This principle calls for orienting attention toward historic monuments and heritage structures, leaving space at the ends of visual axis to “frame” existing views and vistas. Natural views and vistas demand respect, assuring that buildings do not block major sight lines toward visual assets.

11.4 Principle three: appropriate technology and Infrastructure systems

Appropriate technology emphasizes the employment of building materials, construction techniques, infrastructural systems and project management which are consistent with local contexts. People's capacities, geo-climatic conditions, locally available resources, and suitable capital investments, all temper technology. Where there are abundant craftspeople, labour intensive methods are appropriate. Where there is surplus savings, capital intensive methods are appropriate. For every problem there is a range of potential technologies, which can be applied, and an appropriate fit between technology and other resources must be established.

11.5 Principle four: conviviality

The fourth principle sponsors social interaction through public domains, in a hierarchy of places, devised for personal solace, companionship, romance, domesticity, "neighborliness," community and civic life (Jacobs:1993). According to proponents of Intelligent Urbanism, vibrant societies are interactive, socially engaging and offer their members numerous opportunities for gathering and meeting one another. The PIU maintain that this can be achieved through design and that society operates within hierarchies of social relations which are space specific. The hierarchies can be conceptualized as a system of social tiers, with each tier having a corresponding physical place in the settlement structure. A place for the individual; A place for friendship; A place for householders; A place for the neighbourhood; A place for communities.

A place for the city domain - The Principles of Intelligent Urbanism call for city level domains. These can be plazas, parks, stadia, transport hubs, promenades, "passages" or gallerias. These are social spaces where everyone can go. In many cities one has to pay an entrance fee to access “public spaces” like malls and museums. Unlike the lower tiers of the social hierarchy, this tier is not defined by any biological, familiar, face-to-face or exclusive characteristic. One may find people from all continents, from nearby districts and provinces and from all parts of the city in such places. By nature these are accessible and open spaces, with no physical, social or economic barriers.

11.6 Principle five: efficiency and effectiveness

The principle of efficiency promotes a balance between the consumption of resources such as

energy, time and fiscal resources, with planned achievements in comfort, safety, security, access, tenure, productivity and hygiene. It encourages optimum sharing of public land, roads, facilities, services and infrastructural networks, reducing per household costs, while increasing affordability, productivity, access and civic viability.

Intelligent Urbanism promotes a balance between performance and consumption. Intelligent urbanism promotes efficiency in carrying out functions in a cost effective manner. It assesses the performance of various systems required by the public and the consumption of energy, funds, administrative time and the maintenance efforts required to perform these functions. A major concern of this principle is transport. While recognizing the convenience of personal vehicles, it attempts to place costs (such as energy consumption, large paved areas, parking, accidents, negative balance of trade, pollution and related morbidity) on the users of private vehicles.

Good city planning practice promotes alternative modes of transport, as opposed to a dependence on personal vehicles. It promotes affordable public transport. It promotes medium to high-density residential development along with complementary social amenities, convenience shopping, recreation and public services, in compact, walkable mixed-use settlements. These compact communities have shorter pipe lengths, wire lengths, cable lengths and road lengths per capita. More people share gardens, shops and transit stops.

11.7 Principle six: human scale

Intelligent Urbanism encourages ground level, pedestrian oriented urban patterns, based on anthropometric dimensions. Walkable, mixed use urban villages are encouraged over singlefunction blocks, linked by motor ways, and surrounded by parking lots. An abiding axiom of urban planning, urban design and city planning has been the promotion of people friendly places, pedestrian walkways and public domains where people can meet freely. These can be parks, gardens, glass-covered gallerias, arcades, courtyards, street side cafes, river- and hill-side stroll ways, and a variety of semi-covered spaces.

Intelligent urbanism promotes the scale of the pedestrian moving on the pathway, as opposed to the scale of the automobile on the expressway. Intelligent urbanism promotes the ground plan of imaginable precincts, as opposed to the imagery of façades and the monumentality of the section. It promotes the personal visibility of places moving on foot at eye level. Intelligent urbanism advocates removing artificial barrier and promotes face-to-face contact. Proponents argue that the car, single use zoning and the construction of public structures in isolated compounds, all deteriorate the human condition and the human scale of the city.

11.8 Principle seven: opportunity matrix

The PIU envisions the city as a vehicle for personal, social, and economic development, through access to a range of organizations, services, facilities and information providing *a variety of opportunities* for enhanced employment, economic engagement, education, and recreation. This principle aims to increase access to shelter, health care and human resources

development. It aims to increase safety and hygienic conditions. The city is an engine of economic growth. This is generally said with regard to urban annual net product, enriched urban economic base, sustained employment generation and urban balance of trade. More significantly this is true for the individuals who settle in cities. Moreover, cities are places where individuals can increase their knowledge, skills and sensitivities. Cities provide access to healthcare and preventive medicine. They provide a great umbrella of services under which the individual can leave aside the struggle for survival, and get on with the finer things of life.

11.9 Principle eight: regional integration

Intelligent Urbanism envisions the city as an organic part of a larger environmental, socioeconomic and cultural-geographic system, essential for its sustainability. This zone of influence is the region. Likewise, it sees the region as integrally connected to the city. Intelligent Urbanism sees the planning of the city and its hinterland as a single holistic process. Proponents argue if one does not recognize growth as a regional phenomenon, then development will play a hop-scotch game of moving just a bit further along an arterial road, further up valleys above the municipal jurisdiction, staying beyond the path of the city boundary, development regulations and of the urban tax regime.

The region may be defined as the catchment area, from which employees and students commute into the city on a daily basis. It is the catchment area from which people choose to visit one city, as opposed to another, for retail shopping and entertainment. Economically the city region may include the hinterland that depends on its wholesale markets, banking facilities, transport hubs and information exchanges. The region needing integration may be seen as the zone from which perishable foods, firewood and building materials supply the city. The economic region can also be defined as the area managed by exchanges in the city. Telephone calls to the region go through the city's telecom exchange; post goes through the city's general post office; money transfers go through the city's financial institutions and internet data passes electronically through the city's servers. The area over which "city exchanges" disperse matter can well be called the city's economic hinterland or region. Usually the region includes dormitory communities, airports, water reservoirs, perishable food farms, hydro facilities, out-of-doors recreation and other infrastructure that serves the city. Intelligent urbanism sees the integrated planning of these services and facilities as part of the city planning process.

11.10 Principle nine: balanced movement

Intelligent Urbanism advocates integrated transport systems comprising walkways, cycle paths, bus lanes, light rail corridors, under-ground metros and automobile channels. A balance between appropriate modes of movement is proposed. More capital intensive transport systems should move between high density nodes and hubs, which interchange with lower technology movement options. These modal split nodes become the public domains around which cluster high density, pedestrian, mixed-use urban villages (Taniguchi:2001).

11.11 Principle ten: institutional integrity

Intelligent Urbanism holds that good practices inherent in considered principles can only be realized through accountable, transparent, competent and participatory local governance, founded on appropriate data bases, due entitlements, civic responsibilities and duties. The PIU promotes a range of facilitative and promotive urban development management tools to achieve appropriate urban practices, systems and forms (Islam:2000).

None of the principles or practices the PIU promotes can be implemented unless there is a strong and rational institutional framework to define, channel and legalize urban development, in all of its aspects. Intelligent Urbanism envisions the institutional framework as being very clear about the rules and regulations it sponsors and that those using discretion in implementing these measures must do so in a totally open, recorded and transparent manner. Intelligent Urbanism facilitates the public in carrying out their honest objectives. It does not regulate and control the public. It attempts to reduce the requirements, steps and documentation required for citizens to process their proposals.

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must be designated in a legal plan. Intelligent Urbanism proposes that the city and its surrounding region be regulated by a Structure Plan, or equivalent mechanism, which acts as a legal instrument to guide the growth, development and enhancement of the city.

According to proponents, there must be a system of participation by the “Stake Holders” in the preparation of plans. Public meetings, hearings of objections and transparent processes of addressing objections, must be institutionalized. Intelligent urbanism promotes Public participation. Local Area Plans must be prepared which address local issues and take into account local views and sentiments regarding plan objectives, configurations, standards and patterns. Such plans lay out the sites of plots showing the roads, public open spaces, amenities areas and conservation sites. Land Pooling assures the beneficiaries from provision of public infrastructure and amenities proportionally contribute and that a few individuals do not suffer from reservations in the plan.

According to proponents, there must be a system of Floor Area Ratios to assure that the land and the services are not over pressured. No single plot owner should have more than the determined "fair share" of utilization of the access roads, amenities and utilities that service all of the sites. Floor Area Ratios temper this relationship as regulated the manner in which public services are consumed.

Intelligent Urbanism insists on safety, hygiene, durability and utility in the design and construction of buildings. Where large numbers of people gather in schools, hospitals, and other public facilities that may become Emergency Shelters in disasters, special care must be exercised. A suitable Building Code is the proposed instrument to achieve these aims.

PIU proponents state that those who design buildings must be professionally qualified architects; those who design the structures (especially of more than ground plus two levels) must be professionally qualified structural engineers; those who build buildings must be qualified civil engineers; and, those who supervise and control construction must be qualified construction managers. Intelligent Urbanism promotes the professionalisation of the city making process. While promoting professionalism, Intelligent Urbanism proposes that this not become a barrier in the development process. Small structures, low-rise structures, and humble structures that do not house many people can be self designed and constructed by the inhabitants themselves. Proponents maintain that there must be recognized Professional Accrediting Boards, or Professional Bodies, to see that urban development employs adequate technical competence.

Finally, there must be legislation creating Statutory Local Authorities, and empowering them to act, manage, invest, service, protect, promote and facilitate urban development and all of the opportunities that a modern city must sponsor.

Intelligent Urbanism insists that cities, local authorities, regional development commissions and planning agencies be professionally managed. City Managers can be hired to manage the delivery of services, the planning and management of planned development, the maintenance of utilities and the creation of amenities.

Intelligent Urbanism views plans and urban designs and housing configurations as expressions of the people for whom they are planned. The processes of planning must therefore be a participatory involving a range of stakeholders. The process must be a transparent one, which makes those privileged to act as guardians of the people's will accountable for their decisions and choices. Intelligent Urbanism sees urban planning and city governance as the most salient expressions of civility. Intelligent Urbanism fosters the evolution of institutional systems that enhance transparency, accountability and rational public decision making.

The Kenyan Way of Doing Things. The following scenarios serve to show that indeed things in Kenya do not necessarily conform to the rules and regulations or even laws laid down. Hence the famous phrase.. "are you married or do you come from Kenya?" White Mischief.

9 Government of Kenya

Government comprises of the Legislature, the Executive and the Judiciary. Although they are meant to be honest brokers, past experiences have shown how any of these can become compromised. How for example they can have a skewed view of things through political manipulation. A corruption fighting agency is disbanded on the floor of the house of parliament when it shows promise in cornering likely suspects of excesses in Government. Or earlier court decisions which had no bearing to the facts of a case, worse where evidence is destroyed or disappears during trial thus allowing a suspect to go scot free. Mercifully the passing of the New Constitution puts everyone on notice to follow and obey the law.

10 The Kenya Private Sector

The private has been said to be the engine of economic growth in any country. Government by itself cannot do everything. It has limited technology, limited capital and barely any risk appetites to advance a good business proposition. The Private sector is more suited to conducting business proposals and financing them, what they call bankable projects. The much talked about Public Private Partnership has not been embraced wholly in Kenya. There are pockets of successful joint ventures between Government and Private Sector for example in the energy sector, the tourism and wildlife sector, but it the local authorities where it has the greatest potential, the circumstances have made it near impossible to commit capital and technology. The procurement laws and rules are ridiculous and do not foster innovation.

11 The Civil Society Organizations (CSO) in Kenya – NGO's

This is always the voice of reason. The CSO is voice of the voiceless. This tradition persists even with the New Constitution, there are likely to be excesses by Government. There are instances where NGO's are formed with outside help in order to serve a certain interest (foreign or domestic or a hybrid of both).

12 AMCHUD – African Ministerial Conference on Housing and Urban Development

The African Ministerial Conference for Housing and Urban Development. This is a continent-

wide body. Kenya successfully canvassed for its head office to be located in Nairobi. It is to be hoped that Kenya may not necessarily get all the fruits or even the first fruits, but being near the source one can discern opportunities and take advantage of the proximate asset tapping.

13 UN Habitat

UN Habitat was established in Kenya in 1970's. It is a United Nations Body, to serve the whole world, but it is based in Kenya. Therefore all things being equal Kenya should enjoy the first call. This to me must go beyond political gestures like appointing a permanent representative. This is important and noble but there must be other primary considerations. If there are models to be developed they should start here. Model cities, model villages, model estates, model streets, model anything. I am not in any way condemning, just urging that the Kenya Government ought to exercise its rights properly.

NUDP: The Opportunities are small but they exist in terms of following the right channels and the laid down rules. The same also applies to new cities and other urban settlements. However these are fractured by the prevailing political climate. Where for example demolitions are carried out leaving Kenyans without shelter or clothe on their bodies. Or where people have set up a shelter and rains cause rocks to come crashing, killing a whole family as they sleep.

The Challenges: Where there already exists rot of one type or another. For example, where 60% of the people are housed on 6% of the land available, it just is not acceptable morally or even security-wise. How do you address the investment already committed and the enjoyment of the same by citizenry? Especially where they have a title deed issued by the relevant authorities but which is deliberately erroneous or is not tenable. It is scary for the investor, never knowing how genuine any document is. The same goes for former open spaces where millions of capital has been spent, and the developer can show approval.

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Big Challenges And Some Opportunities

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