Speech to Participants attending Kenya Institute of Planners (KIP) 3rd Annual Conference on “Urbanization and Planning in the Context of Devolved System of Governance in Kenya”

The Chief Guest and Key Note Speaker - Mr Kinuthia Wamwangi, Chairman of Transition Authority; distinguished conference speakers; representatives of conference sponsors; participants from national government and corporations; participants from county governments; representatives of private sector and academia; NGO representatives; representatives from the media; Ladies and Gentlemen

I welcome you all to KIP 3rd Annual Conference, 2015. In doing this I take this opportunity to sincerely acknowledge the habitable surrounding where the conference is taking place. Driving on Nairobi - Mombasa section of the road from Nairobi through Mlolongo to Machakos turn off, you notice tremendous changes taking place in this part of Machakos County. In my judgment the new residential and business buildings, roads, electrification and many more are indicators of calculated steps to build a momentum of social and economic development in the county. I am informed this observation is true in other parts of this great county. KIP governing council, therefore, made the right decision to organize the conference in Machakos County to share and experience the good feel factor which is now associated with residence in the County.

Chief Guest, Ladies and Gentlemen, the theme of the conference “Urbanization and Planning in the Context of Devolved Governance System in Kenya”, which is the centre piece of this 3rd Conference gives the Institute a moment of reflection on achievements and challenges since KIP organized a very successful 2nd Conference in Kisumu City in November 2013. Some achievements relevant to positioning KIP as a professional body for planners are worth mentioning before I indicate what I sees as overall challenges for planners and planning in the future.

First a new Governing Council was elected in 2014 in accordance with new KIP Constitution. I was re-elected for a second and final term as Chairman of the Institute. Secondly, KIP adopted its new Constitution last year, 2014. Among others, the position of trustees of the Institute and regional offices were established to infuse relevance of the Institute to devolved system of governance in Kenya and best practices globally. Third, a five-year strategic plan - 2014 – 2018 of the Institute was launched. The annual conference is flagship activity in the plan. Fourth, KIP was mentioned in positive light in the media throughout the period. This has created awareness about KIP’s role as professional body for planners in Kenya. The psyche of the Kenyan public, government officials and private sector, non-state constituencies and international agencies now have better corporate image of what KIP stand for. Fifth, KIP was represented on several fora which include policy making, legislation and University planning curriculum among others.

However, one area the Institute has yet to come to terms with is the direction repeal of The Physical Planning Act (PPA) 1996 has taken between December 2013 and Thursday 22nd October 2015; and lack of taking any steps to demonstrate urgency, honesty and commitment to repeal the Physical Planners Registration Act (PPRA) 1996. This problem will create uncertainty in the planning industry; erode confidence in the job market for an increasing number of planners graduating from planning schools in Kenya. The gap this problem is surely creating makes the future of the planning profession in the era of devolved governance in Kenya - all the more uncertain. Simply put an over-arching new planning law is urgently required to unify performing of the planning functions by the national and county governments. The law must also clarify cities, municipalities, towns and local market centres as territories and jurisdictions of population and economic concentration in the counties. These require national policy and planning norms as well as collective effort of local communities to inform planning for changes and
The Chief Guest, Ladies and Gentlemen, when I read an advertising feature in a daily newspaper on Thursday 22nd October 2015, that The Physical Planning Bill, 2015, now, before National Assembly is advancing the concept of physical planning as an ideology and philosophy of planning under devolved system of Government, I took unusual step; looked at my “planning side mirror” to retrace Kenya’s footsteps to 1996 when PPA and PPRA came into force; then far back in 1966 when for the first time a standalone entity, “Physical Planning Department” was established as a planning advisory arm of the “central” (not “national”) government; then I tilted the “planning side mirror” to the venue of the 3rd Annual Conference of the 16 years old KIP in Machakos Town on 3rd December 2015. I looked at the faces of participants; a pose to exchange knowing looks with a few followed – some from the transformed “Central” to “National” Government; others from Counties and still others from academia, private sector firms and a plethora of bodies with planners on their establishments.

I then trained my planning telescope 20 to 35 years, i.e. 2035-2050 period and drew two conclusions informed by the following five: (1) growing urbanization, (2) growing conversion of rural land to urban use, (3) growing blurring of ethically informed planning practice, (4) growing menace of intellectually malnourished model(s) of policymaking and implementation; and (5) growing lack of accountability in the culture of governance in society.

**Conclusion One;** that Kenya’s effort to place planning under new governance dispensation is characterized by tensions between two well-known legal-organizational based models of public sector corporate bodies. The first model is the Sectoral Administrative Model (SEDMO) operational in pre-PPA era, 1966 to 1996. The second model is Semi-Legal Sectoral Administrative Model (SELSAMO) which informed “Physical Planning” during PPA/PPRA era covering 16 years, 1996 to 2010.

These two models, Ladies and Gentlemen situate the design of organization for planning in departmental offices that rely exclusively on wide discretionary administrative and executive authority of these offices, and less on rational procedures and processes informed by statutory planning provisions. An underlying omission on replacing SEDAMO with embracing SELSAMO is that the Central Government designed PPA/PPRA to serve the functions of physical planning within a centralized and sectoralized organization for planning, and as well decision making on implementation. Not even token ideological/philosophical shift on the focus of planning was introduced at the time given obvious growth of Kenya’s total population, the proportion of urbanizing population and threat of these two to land resources, health of human settlements and ecological sustainability of Kenya’s natural resource-base.

The Constitution of Kenya 2010 sought to change and revolutionize these old models.

**Conclusion Two** is that a newspaper advertising feature on 22th October 2105 on “The Physical Planning Bill, 2015” sent a clear message that the SELSAMO model of planning is in Kenya to stay. This has ignored the implied underlining in the Constitution of Kenya 2010 that, Kenya has to introduce a new model of planning to encapsulate new realities of devolved system of governance and the role of participation in plan preparation and implementation in public realm. It is therefore not surprising that the advertisement failed to state the fate of PPRA. This negates the reality that there are already innovations in the implementation of the Constitution to borrow from. The new Judiciary and parliament of Kenya have created a new Supreme Court, and new Parliament (Senate and National Assembly), respectively.

The new Second model is a hybrid of SELSAMO model and Territorial-Jurisdictional Legal Model (TEJULEMO) and is known as Sub-national legal-jurisdictional model (SUNALJUMO). SUNALJUMO model encapsulates functions, roles and responsibility of extra-county planning offices. The model has also strong territorial inclination to locality and sense of community/communal place. The model seeks to clarify planning outcomes in addition to other benefits and is the model Constitution of Kenya 2010 provides for. Synchronized planning functions at the national and county levels, and in towns and at rural grassroots are key tenets in the needed legislation and in designing organization for planning under the hybrid model. Professional ethics, a heritage of strong roots in relevant curriculum for planning education and mentorship as a principle of progressive growth in professional competence of planner’s expertise are the hallmark of the type of planner KIP envisions will practice planning under devolved system of governance.
The Chief Guest, Ladies and Gentlemen, the repeal of PPA 1996 and by implication PPRA 1996 along the hybrid model is not possible at the moment. Making the model the basis of new planning law requires a critical mass of drivers of the PPA/PPRA repeal process; to acquire deeper insights of where Kenya’s planning has come from, and where the new Constitution dictate Kenya place planning under devolved governance system from the year 2010, hence. Also, insights on managing dialoguing interested actors in enacting the new law along the hybrid model require a reflective, passionate and visionary leadership.

In Conclusion I welcome you to this conference on “Urbanization and Planning under Devolved System of Governance in Kenya”. I wish you all fruitful discussions that will lead to recommendations and resolutions that will lead to establishing and nurturing of growth of requisite institutions and organizations that will resuscitate and re-invigorate the planning of Kenya’s tomorrow, today; and developing needed heritage of planning principles and practices for sustainable planning in quest of >>> Making Kenya A Planning Society <<<