



**PROMOTING INCLUSIVE URBAN DEVELOPMENT AND  
IMPLEMENTATION OF THE NEW URBAN AGENDA**

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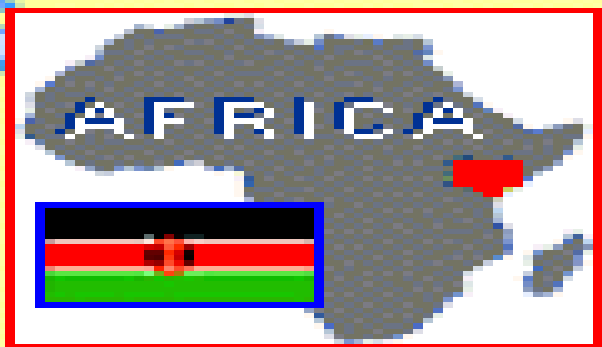
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## INTRODUCTION

- ▶ The tenth session of the Conference of States Parties (COSP) to the Convention on the Rights of Persons with Disabilities (CRPD) marks a turning point in the development of an all-inclusive disability agenda namely:
  1. Addressing the impact of multiple discrimination on persons with disabilities and promoting their participation and multi-stakeholder partnerships for achieving the SDGs in line with the CRPD,
  2. Inclusion and full participation of persons with disabilities in humanitarian action, and
  3. Promoting inclusive urban development and implementation of the New Urban Agenda - Habitat III
- ▶ This paper discusses sub theme three

## Intro cont---

- ▶ This presentation argues that:
- ▶ Legal and policy frameworks now existing are sufficient as a platform of actions to translate international and national declarations, policies and plans of action into tangible beneficial programmes, facilities, assistive devices and conducive environments, supportive of independent living and the pursuit of fulfilled lives by persons with disabilities in the developed and developing countries alike.

## GENERAL SETTING

- ▶ Access to and use of land in many legislative documents such as universal declarations, national constitutional and municipal laws appear as affirmation of the right to property.
- ▶ world's leaders in their meeting in Quito dubbed Habitat III (17 - 20 October 2016) adopted the new urban agenda which is intended to guide urban development in the near future.
- ▶ The tenth CRPD conference has purposed to champion the inclusion of the needs of persons with disabilities in this agenda

## Applying the Principles of Land Use Planning :

- ▶ These:
- ▶ assign uses and user rights to specific spaces in definite order and mixes.
- ▶ create an environment that is helpful, equitable, efficient, convenient and attractive.
- ▶ provide an opportunity to revisit and realign the urban planning and development policies and legislation to make them more deliberate in addressing the concerns of the special interest groups.
- ▶ This paper reviews the previous and current urban planning and development policies, legislation and practice in Kenya to point out the gaps and opportunities to re-aligning them to the provisions and aspirations of the New Urban Agenda and provisions of the persons with disabilities Act 2003, CRPD 2006 and the Constitution of Kenya 2010

## Evolution of Urban Development in Kenya

World Urbanization Prospects (2014 Revision) reports that:

- ▶ 54 %of the world's population resided in urban areas in 2014,and by 2050, approximately 6.25 billion people (66 % of the world population) will be living in urban areas of which 15 per cent are projected to be persons with disabilities. Thus, by 2050, approximately 1 billion persons with disabilities will live in urban areas.
- ▶ Formal urban development in Kenya is associated with the construction of the Mombasa - Kisumu Railway line.
- ▶ colonial policies in force at the time restricted Africans from moving to the urban centers except as labourers and prevented ownership of land by Africans (then referred to as natives) in the urban areas.

## Evolution cont---

- ▶ The 1948 Nairobi master plan incorporated and mainstreamed racial segregation in the city.
- ▶ Upon independence the rules that had restricted the African population from migrating to cities were lifted and there was a huge influx of people into major urban areas looking for employment.
- ▶ About 60% of the Nairobi population are reported to reside in informal settlements. Clearly the persons with disabilities have no place here
- ▶ The post-independence Kenya saw the formulation of a human settlement strategy which provided an overall framework for the management of future urban growth and emphasized service and growth center policies.



## Post -independence Legal Framework

- ▶ Land Planning Act was enacted In 1968, to control development of urban land and made provisions for preparation of urban plans. It was repealed in 1996 by the Physical Planning Act (still in use) which provides for the formulation of national, regional and local physical planning guidelines, policies and strategies. It also makes provisions for the preparation of local physical development plans still in use today as a development control measure.
- ▶ Planning was undertaken principally as a government function, a top down approach where the national government prepared the plans for implementation by local authorities and without real involvement of the citizen affected.

## The Road to Recognition of the Needs of Persons with Disabilities in Planning for the Built Environment

- ▶ The needs of special interest groups, especially with disabilities, were not initially included in the planning for and development of cities and urban areas. To date there is a perceptible move towards their recognition as a result of:
  - Gradual change in international perception of the need to make the built environment universally accessible to Persons with Disabilities
  - Declarations contained in the UN World Programme of Action Concerning Persons with Disabilities agreed in the 1980s,
  - Standard Rules for the Equalization of Opportunities for Persons with Disabilities agreed in the 1990s

## ROAD TO RECOG CONTI---

Two other international organizations have included persons with disabilities in their overall guidelines.

1. The International Organization for Standardization has developed accessibility standards for built structures and transportation,
2. International Telecommunications Union has developed guidelines and recommendations related to the accessibility of telecommunications for persons with disabilities, all of which can be adapted to country - specific contexts.

## RECOGNITION IN KENYA

- ▶ Enactment of Persons with Disabilities Act in 2003 provided recognition of access needs of persons with disabilities
- ▶ The Persons with Disabilities Act (PWDA, 2003) made bold pronouncements on the state's obligations to ensure there is access to public buildings and other public places, public transport and programmes to persons with disabilities.
- ▶ A National Council for Persons with Disabilities was established in 2004 to enforce the Act. Powers such as the power to issue enforcement orders to public and private entities to comply with the access provisions of the Act were vested in the Council
- ▶ This deliberate recognition in legislation of the special role of Persons with Disabilities shows that government has realized that urban areas need to be managed so as to accommodate all needs in society

## Paradigm Shift in Urban Planning

Article 2 (6) of the Kenyan constitution provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya This means:

- ▶ The New Urban Agenda adopted in Quito in 2016 is recognized as binding and should therefore influence urban planning in Kenya.
- ▶ In respect of the access needs of persons with disabilities, principles and standards of CRPD (2006) ratified in 2008 and provisions of other ratified treaties and conventions as may affect urban planning in Kenya are also binding and should be embraced by Kenya's urban planners.



## Platform of Action

- ▶ Advocacy in favor of access by persons with disabilities to information, education, health, transport, the built environment and assistive devices which sustain independent living, is appreciable and forms a formidable platform for action for the next generation of actors and advocates.
- ▶ Advocacy is likely to shift away from the statements and declaration of intent embodied in the world's constitutions, international and municipal laws and national blueprints and plans of action to their translation into actual programmes of implementation and provision of services and assistive devices which will result in the creation of a conducive environment for persons with disabilities.
- ▶ This, then, must inform the engagement between the New Urban Agenda and advocacy for greater inclusion of the needs of persons with disabilities and their involvement in the planning and development of programmes envisaged by the agenda.

## Conclusion

- ▶ The tenth session of CRPD is a milestone in this journey and the recommendations of this third round table will go a long way in propelling us towards our desired destination; a world free of impediments to our pursuits of happiness and fully independent lives.



**THANK YOU**

