



INSTITUTION OF SURVEYORS OF KENYA

Press Release: Emerging Issues in the Land and Built Environment in Kenya.

FOR IMMEDIATE RELEASE

Nairobi, Kenya,

Thursday, 24th August 2023

The Institution of Surveyors of Kenya (ISK) is deeply disturbed over the emerging trend of land disputes in the Country and is compelled to address these issues.

ISK is a professional body that brings together professionals in the Land and built environment sector. The institution has of over 5,800 members, who work in the private sector, national and county governments, as well as in many other bodies that have a bearing on land. In essence, ISK Membership and services cut across the entire realm of the land sector.

ISK notes that the growth of our economy is largely anchored on the use of; and investment in the land resource. ISK in addition observes that a large percentage (nearly 90 percent) of the security for loans and mortgages held by financial institutions is pegged on land. ISK further recognises that land is a limited resource that cannot be expanded or created. It is therefore our considered view that the sanctity of land as a resource that is the backbone of the economy, must be protected at all cost.

The right to ownership, use and control of the land resource in Kenya is entrenched in Article 40 and the entire Chapter Five of the Constitution of Kenya; The Land Laws and Regulations, among others statutes that govern rights and dealings in land. As an Institution, ISK is committed to upholding the rights of lawful ownership of land and promotion of proper management of land resource.

In this respect:

1. ISK is concerned in the manner in which the recent land dispute involving Parcel No. 209/7771/2 in Lavington, Nairobi circulating in the media, has been handled by concerned parties and institutions that have pronounced themselves on the matter. The pronouncements and instructions that have been issued have left a lot of unanswered questions. Whereas the ISK does not wish to prosecute the case, we are alarmed by the impact this case has on potential investors and the general public's confidence in investing in land, hence affecting the entire real estate sector. The Institution therefore demands that all parties follow due process to ensure justice is served to the deserving owner of the parcel of land. ISK will keenly follow this case, and will look forward to its fair and speedy conclusion. In addition, ISK is ready to offer professional expertise to assist in this case and any other land related dispute so that justice is served.

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2. ISK has also observed that there are unscrupulous individuals who are targeting land owned by innocent persons or institutions, whose leases have expired or are about to expire. It is important to note that all lease holders are protected by the law, which reserves the preemptive rights to the lessee unless the land is required by national or county government for **public purpose**. The ISK therefore calls upon the public and investors to ensure they seek professional support of its members in the processes of renewal and/or extension of their leases to avoid potential fraud and disputes. The Institution will continue to enlighten and educate the public on the lease renewal or extension processes.

In conclusion, land disputes can be highly complex and contentious and require careful handling. The Institution of Surveyors of Kenya recognizes the importance of following due process in addressing such disputes. Due process is a fair and lawful procedure that should be followed when resolving any legal matter. It ensures that all parties involved have an opportunity to present their case, provide evidence, and receive a fair and impartial decision. By emphasizing the need for due process in addressing land disputes, the ISK highlights the importance of upholding justice and fairness in resolving such conflicts. In addition, we urge relevant authorities to put in place alternative dispute resolution mechanisms, for fast resolution of land disputes, therein unlocking large sums of resources for the development of the economy. Transparency and accountability throughout the processes are crucial for maintaining public trust in the land administration system. ISK remains committed to promoting professionalism, integrity, and ethical conduct within the surveying profession. We will continue advocating for the proper management and utilization of land resources in Kenya.

Eric Nyadimo, *MISK, LS(K)*
President, Institution of Surveyors of Kenya

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About ISK

The Institution of Surveyors of Kenya (ISK) is the professional body that brings together professionals who provide services in the Land built sector. The professionals fall within eight major disciplines of the surveying profession namely Valuation, Land Surveying, Building Surveying, Land Administration Management, Engineering Surveying Geospatial Information Management, Estate Agents and Property Management. Our membership of over 5,800 is widely spread across the Country.

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