

PRESS STATEMENT

FOR IMMEDIATE RELEASE

THE INSTITUTION OF SURVEYORS OF KENYA (ISK) POSITION ON THE INTENDED PROSECUTION OF MEMBERS OF THE NAIROBI CITY COUNTY URBAN PLANNING TECHNICAL COMMITTEE (UPTC) AND THE RECONSTITUTION OF THE COMMITTEE

Nairobi, 11th June 2026

The Institution of Surveyors of Kenya (ISK), has taken note of the decision by the Office of the Director of Public Prosecutions (ODPP) to institute criminal proceedings against members of the Nairobi City County Urban Planning Technical Committee (UPTC) in relation to the tragic collapse of Manzil Towers, as well as the subsequent decision by His Excellency Governor of Nairobi City County to reconstitute the Committee.

At the outset, ISK reiterates its deepest condolences to the families and victims who had been affected by the collapse of the building and fully supports the pursuit of accountability for any acts of corruption, negligence, abuse of office, professional misconduct or dereliction of duty that may have contributed to the loss of life, property and public confidence.

However, accountability must be founded on law, evidence, institutional responsibility and individual culpability. It must not be pursued through blanket attribution of criminal liability or through actions that obscure the deeper systemic failures that continue to plague planning and development control processes within Nairobi City County.

THE DANGER OF BLANKET PROSECUTIONS

The Institution is deeply concerned by the apparent blanket approach adopted in charging members of the Urban Planning Technical Committee without sufficiently distinguishing between those who possess statutory decision-making authority and those whose role was merely advisory.

It is important to note that the Urban Planning Technical Committee was established as a multi-sectoral technical review mechanism bringing together representatives from government agencies, professional bodies, utility providers, civil society organizations and resident associations to provide technical scrutiny, professional input and **recommendations** on development applications.

ISK wishes to point out that the mandate of the Urban Planning Technical Committee is fundamentally advisory.

- The Committee does not issue development approvals;
- The Committee does not sign development permissions;
- The Committee does not grant occupation certificates;
- The Committee does not exercise enforcement powers; and

- The Committee does not possess executive authority to authorize developments contrary to law.

Under the Physical and Land Use Planning framework and the institutional architecture of County Governments, the legal authority to approve or reject development applications rests with the relevant County Executive Committee Member. ISK wishes to point out that the recommendations by the UPTC are not binding and can be accepted, rejected, modified or ignored by the ultimate decision-makers.

Consequently, criminal liability cannot automatically attach to every member of an advisory committee merely because a development that passed through a review process subsequently became the subject of an investigation. Such an approach risks conflating participation in technical oversight with executive responsibility. Justice demands individualization of criminal responsibility. Each person must be held accountable only for acts personally committed, authorized, facilitated or concealed by them and not by virtue of mere membership in a consultative or advisory forum.

Where evidence demonstrates fraud, corruption, collusion, bribery, falsification of records, professional misconduct or abuse of office by any individual member, the law should take its full course. However, where no such evidence exists, the indiscriminate prosecution of entire committees threatens the foundational principles of fairness, legality and due process.

A THREAT TO PROFESSIONAL INDEPENDENCE & PUBLIC PARTICIPATION

The UPTC was deliberately designed to include independent professional bodies and representatives of civil society as part of a system of checks and balances intended to improve transparency and inject professional expertise into development control. Representatives nominated by institutions such as Institution of Surveyors of Kenya (ISK), the Architectural Association of Kenya (AAK), Kenya Institute of Planners (KIP), Institution of Engineers of Kenya (IEK) and other stakeholder bodies do not serve as executive officers of the County Government. **They serve as independent voices.**

In many instances, these independent representatives are the very individuals who raise objections, demand compliance, question irregular approvals and challenge attempts to circumvent planning standards. Paradoxically, they are often the strongest internal safeguards against abuse.

To subject such representatives to blanket criminal prosecution simply because they participated in a technical review forum creates a dangerous precedent. It sends a chilling message that professionals who volunteer their expertise in public service risk criminal liability for decisions they neither make nor implement. Such a precedent threatens to discourage qualified professionals from participating in statutory committees, oversight mechanisms and public governance structures. Ultimately, the public loses because independent scrutiny is weakened and decision-making becomes less accountable.

RECONSTITUTION OF THE UPTC IS NOT REFORM

ISK has also noted the Governor's announcement regarding the immediate reconstitution of the Urban Planning Technical Committee. While administrative restructuring may be presented as a corrective measure, it is important to recognize that reconstituting the UPTC does not in itself address the systemic governance failures that have repeatedly been exposed within Nairobi's development approval and enforcement ecosystem.

In reality, reconstitution often amounts to little more than replacing nominees from professional associations, resident associations and civil society organizations while leaving intact the executive and administrative structures that exercise actual decision-making authority. The County Government representation within the Committee is largely office-holder based and therefore remains substantially unchanged. The underlying systems, procedures, incentives and accountability mechanisms similarly remain untouched.

Changing professional nominees cannot be equated with meaningful institutional reform. Nor should it be used as a substitute for addressing the root causes of regulatory failure. The public must not be misled into believing that replacing independent professional representatives constitutes a solution to longstanding challenges in planning governance. Indeed, there is a legitimate concern that frequent reconstitution of advisory committees may be used to silence independent voices when their objections become inconvenient or when demands for accountability become too robust. **True reform requires far more than changing faces around a committee table.**

THE MANZIL TOWERS CASE EXPOSES DEEPER SYSTEMIC FAILURES

The collapse of Manzil Towers should not be viewed merely as an isolated incident attributable to a handful of individuals. Rather, it presents an opportunity to interrogate broader systemic weaknesses affecting development control and urban governance. These include:

- ✓ Weak enforcement of planning approvals and development conditions;
- ✓ Excessive administrative discretion in approval processes;
- ✓ Inadequate public access to planning information;
- ✓ Limited transparency in enforcement decisions;
- ✓ Opportunities for corruption and regulatory capture;
- ✓ Inconsistent monitoring of approved developments;
- ✓ Weak protection for professionals who raise objections;
- ✓ Lack of institutional safeguards against unlawful approvals; and
- ✓ Insufficient digital tracking of planning and development decisions.

Unless these structural deficiencies are addressed, replacing committees or prosecuting selected individuals will do little to prevent future tragedies.

As it is we have not been told what led to the collapse of this building. We need to know whether the building collapsed as a result of structural failures caused by many factors including the fact that in the market today we have fake cement, fake sand, substandard iron bars etc. The building did

not collapse because permission was given to construct the building. The building did not collapse because it was built on private land or because it did not adhere to plot or ground coverage ratios.

ISK'S CALL FOR COMPREHENSIVE REFORM

The Institution of Surveyors of Kenya therefore calls for the following urgent reforms:

a) Independent Review of Nairobi's Development Approval & Enforcement System

An independent multi-stakeholder review should be commissioned to examine the entire lifecycle of development approvals, implementation, monitoring and enforcement within Nairobi City County and other Counties. The review should identify institutional weaknesses, corruption vulnerabilities, accountability gaps and procedural failures.

b) Comprehensive Audit of Past Reform Initiatives

The public deserves answers regarding why previous reforms have repeatedly failed to achieve lasting improvements in planning governance. An assessment should be undertaken to establish which recommendations were implemented, which were ignored and why.

c) Full Digitization & Public Transparency of Development Control Processes

All development applications, technical reviews, approvals, objections, enforcement notices and compliance reports should be digitized and made publicly accessible through an integrated online platform. Transparency remains one of the most effective tools against corruption and abuse of discretion.

d) Establishment of a Protected Whistleblower and Reporting Mechanism

Professionals, residents and public officers should have access to a secure and confidential mechanism for reporting corruption, undue influence, irregular approvals and professional misconduct without fear of retaliation.

e) Clarification of Advisory and Executive Responsibility

The legal distinction between advisory functions and executive decision-making authority must be clearly codified and operationalized. Responsibility must follow authority. Those who possess statutory power to approve, reject, enforce or waive compliance requirements must bear corresponding accountability.

f) Development of a Long-Term Urban Governance Reform Roadmap

Kenya requires a sustainable framework for planning governance that prioritizes transparency, professional independence, technological accountability, public participation and institutional integrity.

OUR APPEAL TO THE DPP

The Institution respectfully urges the Director of Public Prosecutions to carefully review the basis upon which members of the UPTC have been charged and ensure that prosecutions are anchored on demonstrable individual culpability rather than collective membership of a technical advisory body. Criminal responsibility should be imposed only where evidence establishes direct involvement in wrongdoing. Justice must target misconduct, not participation. Accountability must follow authority.

CONCLUSION

The loss of life witnessed in the Manzil Towers tragedy demands accountability. But accountability must be intelligent, lawful and directed at the true sources of institutional failure. Blanket prosecutions risk weakening professional oversight. Committee reconstitutions risk becoming cosmetic exercises. Neither approach, standing alone, will deliver the systemic reforms required to restore public confidence in Nairobi's planning and development control regime.

The Institution of Surveyors of Kenya remains committed to supporting lawful development, professional integrity, public safety, transparent governance and meaningful reforms that strengthen, not weaken, the institutions responsible for protecting the public interest.

**Eric Nyadimo, MISK, LS(K)
President**

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 Land Surveying, Valuation, Building Surveying, Land Administration Management, Engineering Surveying, Geospatial Information Management, Estate Agents and Property Management. Our membership of over 7,500 is widely spread across the Country.

Media Contacts:

Name: Dorice Angote

Position: Ag. Communication and PR Officer

Phone Number: 0724929737

Email: communication@isk.or.ke