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Kenya: A Building Regulatory System Gone Haywire

by Michael Otechi Nyangweso

A cursory inquiry into the state of Kenya's building regulatory system can be deceptive. Policy documents exude promise and good intentions. For example, the Ministry of Planning and National Development's "Economic Recovery Strategy for Wealth Creation and Employment Creation 2003–2007" correctly asserts that if the country is to succeed in the increasingly competitive global market, it must build and maintain a substantially higher-quality infrastructure. Unfortunately, few improvements have actually been made to date. Among a number of other critical issues, there remains an urgent need for decent, affordable housing—which is impossible without the adoption and enforcement of appropriate minimum building standards.



Between 500,000 and one million people in Nairobi live in the Kibera slum, the largest and poorest slum in Africa.

Flying Toilets

It is common practice for the many Kenyans who lack more sanitary alternatives to collect their bodily waste in plastic bags and dispose of it as best they can. These "flying toilets" are just one of the more obvious symptoms of the country's poor or poorly enforced building codes and regulations, and the building safety situation in urban areas is increasingly becoming a threat to economic development.

Many current urban settlements were built without adequate planning, infrastructure or even basic services such as sewers and electricity. Further, the building code currently in force is based on the colonial English system and does not reflect regional conditions, relying predominantly on expensive, often nonindigenous materials and European design standards. A 1995 attempt to update the code spearheaded by the Intermediate Technology Development Group sought to incorporate locally available materials, but the results have been dismal due to insufficient builder education.

Key problems facing Kenya's building regulatory regime include the following.

- The absence of a national building safety strategy.
- Outdated and incomplete building legislation.
- Insufficient awareness of international building standards.
- A lack of data regarding the country's building market and legislation requirements in both the public and private sectors.
- A lack of technical capacity and other resources necessary for appropriate code development.
- Weak private-sector technological capability due to a shortage of adequately trained staff and outdated bylaws and quality control and safety systems.
- Insufficient public-private dialogue and cooperation in building code development, implementation and enforcement.
- An inability to enforce building control and development initiatives.

- The absence of a competent authority to implement and certify basic building code requirements.
- An inability to monitor, manage and report data on building safety and codes compliance.
- Underfunded regulatory agencies lacking skilled staff and other necessary resources, resulting in inadequate inspection, monitoring and certification capabilities.

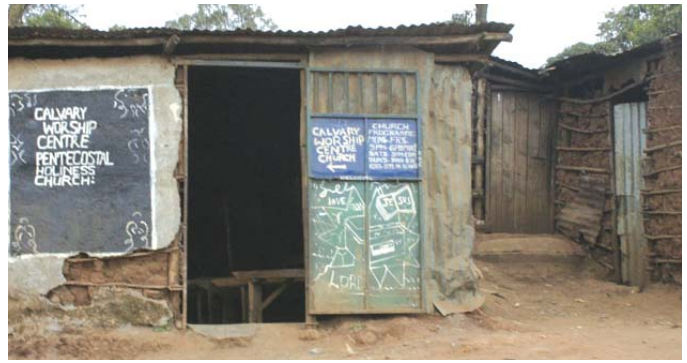
Mishaps and Tragedies

Numerous mishaps and tragedies have occurred in Kenya in recent years as a direct result of the woeful state of its building regulatory system.

- In May 1996, 35 people were killed when a Nairobi supermarket collapsed during a heavy downpour. Authorities had chosen to look the other way for years rather than condemn the aged and dangerous building.
- In March 1998, 26 students at the Bombolulu Girl's Secondary School in the Coast Province perished in a dormitory fire. In March 2001, 58 students at Kyanguli Secondary School in Machakos District perished in a similar incident. Both of these tragedies could have been minimized or prevented altogether had there been a sufficient effort to enforce building safety and fire preparedness regulations.
- In March 2004, the Planning Department at the Nairobi City Hall was completely destroyed in an overnight fire. Efforts to extinguish the fire were hampered by the absence of fire hydrants in the vicinity. A survey later revealed that there are no fire hydrants anywhere in the city's central business district.
- In January 2006, 15 workers were killed in downtown Nairobi's Nyamakima area when a two-story building under construction collapsed. The tragedy was attributed to under-designed concrete columns and a failure to allow for appropriate curing. Despite warnings to the City Council, including an op-ed piece published in the *Daily Nation*, the project was rushed along until the inevitable failure.
- In July 2006, disaster visited Nairobi yet again when 10 factory workers died in an overnight inferno in the industrial area. Like the earlier dormitory fires, the victims had been locked inside the building: an all-too-common and clearly dangerous practice.



Serious health and safety issues are not confined to Kenya's urban areas. I have personally seen multi-million-dollar residential estates constructed without the jurisdiction's due approval process and a middle-class suburban home that discharges waste directly into the Nairobi River rather than being connected to the available



district sewage system. No less shocking is the potential threat the use of asbestos roofing material on Nairobi's new Kibera Highrise poses to its thousands of residents.

Conclusion

Following each of the major tragedies reported above, a commission or similar official body was assembled to study the causes and make recommendations. Nonetheless—to give just one troubling example—thousands of schools remain disasters waiting to happen because fire-preparedness guidelines go unobserved and unenforced.

Unfortunately, Kenyans would be foolhardy to think that their government is likely to take effective action in the near future to safeguard health and safety in the country's built environment. Rather, it is up to the country's industry professionals and other concerned citizens to spearhead initiatives that will begin bringing Kenya's building codes and regulatory system up to par, and forming collaborative partnerships with other building and fire safety stakeholders, such as ICC, is an excellent place to start. ♦

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ICC International Liason and Director of International Relations Sylvania Ricciarini (left) and ICC Senior Vice President of Business and Product Development Mark Johnson (center) visit with Otechi at the 2006 ICC Expo.