

There Is Another Way

A Petition Requesting The Government Of Kenya To Stop The Forced Eviction Against
The Urban Poor And To Resettle Them Within Framework Of The Government's
Agenda 4 Program

To:

Office of the President

Office of the Governor, Nairobi City County

Speaker of the National Assembly

Speaker of the Senate

Office of the Chief Justice

CC:

Kenya Urban Roads Authority

Kenya National Highways Authority

The European Union

The World Bank Group

Kenya National Commission on Human Rights

National Land Commission

Rt. Hon Raila Amollo Odinga

*"You told me that a **jobless Kenyan** is a desperate Kenyan; you told me that a **hungry Kenyan** is a negative Kenyan; you told me that a **sick Kenyan** is a weak Kenyan; and you told me that a **homeless Kenyan** is a Kenyan without hope. **Owning a decent home is a Kenyan dream. We will make that dream come true**".*

President Uhuru Kenyatta

"A promise to the poor is particularly sacred. It is an act of grace and great leadership when all efforts are made to keep these pacts."

Archbishop Desmond Tutu

Background

1. We are residents of informal settlements from across Nairobi, raising concerns about the rampant evictions and the failure by government to appreciate our integral role and right to the city.
2. We appreciate the attempts by government to put in place programs for housing delivery, including the Big 4 Agenda and the Urban Regeneration Programs.
3. We are concerned that there is resurgence in the spate of violent evictions that were last witnessed years ago. We have noted that these evictions are related to the implementation of large infrastructure projects. For instance, on 9th of May 2018, there was an eviction at City Cartons settlement near Wilson Airport. It was implied that the eviction was in relation to the construction of a road in the area. On 1st May 2018, there was an eviction at KPA settlement near the Nairobi Inland Container depot. It has been stated that the evictions were occasioned by the existence of power lines in the area. Other eviction exercises have been carried out in sections of Kibera, Mbotela and Kaloleni along the railway line.
4. Most recently, on 23rd July 2018, there were evictions in Kibera that were attributed to the expansion of the Kungu Karumba Missing Link Road. This was by far the largest eviction exercise in recent history. The exercise displaced over 10,000 households aside from impacting on educational institutions, health facilities and other forms of social infrastructure.
5. We are deeply worried about the rapid pace in which eviction notices have been issued. The notices have largely targeted areas that have been scheduled for Urban Regeneration and the Big 4 Housing Program. Significantly, we have observed that the most recent evictions have been driven by state agencies including the Kenya Urban Roads Authority (KURA), Kenya National Highways Authority (KENHA) and Kenya Power among others.

Issues

6. The evictions and threats to eviction infringe on the rights of slum dwellers while contravening fundamental rights and freedoms guaranteed by the constitution of Kenya 2010.
7. The state's actions have rendered many homeless, resulted in loss of life and property and exposed numerous people to insecurity. Demolition of schools and other informal education centers has impacted on countless children's right to education. Further, the destruction of water and sanitation infrastructure has exposed residents to waterborne and hygiene related diseases. The brutal nature of the evictions has subjected the residents to indignity.

8. We take note that informal settlements occupy approximately 2,699 acres of land in the city representing 2.96% of the cities' land. Out of this, 1,409 acres has been set-aside as public utility reserves including road and infrastructure and riparian reserves.
9. Over 2.1 million people living in informal settlements are now targeted by the state for demolition. The repercussion of the state's intervention is potentially devastating and disenfranchising.
10. While slums accommodate a large number of low-income populations, the poorest and neediest of the slum, typically find accommodation in the lowest quality spaces, such as under power lines, along rail and road reserves, on riparian reserves. The risks of creating absolute desolation are very high with the current initiatives.

We request that:

11. In the short term:

- a. The state should desist from criminalizing informal settlements, which are an integral part of the city by halting all evictions and suspending all the notices issued by the Multi-sectoral Committee on Unsafe Structures and any other state agency.
- b. That the informal settlements be handled in a humane way that respects property and life.
- c. We hear that the government plans to build 200,000 Social Housing units for us. We ask that the first beneficiaries of these houses should be those affected by the current spate of evictions. We have carried out enumerations in 3 of the affected areas and are willing to provide the state with the names and other relevant information of those affected in these instances.

12. In the long term:

- a. In instances where land is required for the public good, the state should ensure that only land that is required for immediate development is acquired from informal settlement dwellers. Once acquired, the land should be developed immediately.
- b. The state should put in place measures that discourage illegal transactions by state officers on land that has been set aside for development.
- c. The state should endeavor to observe the rule of law and protect the homes and livelihoods of all those that are likely to be affected. Key elements of a procedure would include the following:
 - i. A sufficient period of notice, whose issuance seeks to reach individual households and businesses and not only local or representative government offices.

- d. The development, jointly with residents, of an impact analysis for each target area that includes lists of affected people, business, social infrastructure and other community assets.
 - e. The development, jointly with residents, of resettlement options that aims to mitigate the impacts of their involuntary resettlement.
13. Establish a mechanism for incorporation of all those who occupy land that has been characterized as prone to human risks, injury, loss of life and damage to property into the government social housing and support programs.
14. The judiciary should fast-track cases involving relocation informal settlement dwellers to stop suffering of informal settlement.

The stale of removal of informal settlers from locations required by government programs has resulted in extremely high levels of displacement and impoverishment. We counsel that infrastructure should not be done at such a high cost to the poorest in the city as its foreseen and unforeseen ramifications by far outweigh the development value.

Yours Sincerely,

The undersigned.

No	Name	Settlement	Signature
	Elizabeth Remy	Kibara	
	Robert Keanu	Lani Sabu	
	George Nchunzi	Kitisuru	
	Charles Mucheru	Kitisuru	
	Moses Ndiranga	Kitisuru	
	Ronace Mwangi	Kitisuru	
	John Njiric	Kitisuru	
	George Gucoka	Kitisuru	
	JAMES MUSAHA	Kitisuru	
	Grace Ongoya	Kibera	Grace
	MALASEN HAMIDA	KIBRA	
	Saida Muthamir	KIAMBIA	
	monica masaki	Depea Westlands	
	Alice Mweu	Highridge	
	Tracy Arinyo	Highridge	
	Jackline Maina	Nandura	
	Maryanne Karina	Kayole	
	Damaris Tobo	Kiambia	
	Faith Karina	Kayole	
	Perpetua Karani	Kayole	
	Josephine Karara	Matware	
	Nchunzi Peter	Huruma	

No	Name	Settlement	Signature
	Winnie Obure	Kiambiy	Winnie
	Esther Ndundo	Viwandani	Esther
	Grace Acheng	Kibara	Grace
	Anne Odemba Wang	Viwandani	Anne
	MAURICE MUIRURI	Kituru	Muiruri
	Julius Buech	Kibakara	Julius
	Susan M'ori	Makadara	Susan
	Regina Ngira	Makadara	Regina
	Julius M'anya	Kiambiy	Julius
	ISAAC WANYAMA	DEEPSA	Isaac
	DEEPSA PICKSON MANDRE	DEEPSA	Pickson
	NELSON CHUMBA	Kibira	Nelson
	TIMOTHY LEMUMA	DEEPSA	Timothy
	BRIAN UKUSI	DEEPSA	Brian