

OPEN LETTER

President Mwai Kibaki EGH, M.P

Office of the President

Harambee House

Nairobi, Kenya

president@statehousekenya.go.ke

RE: 50,000 AT RISK OF EVICTION AND HOMELESSNESS, KIBERA (KENYA)

Dear Mr. President Kibaki:

We are deeply disturbed to have learned about the planned mass evictions of people living along Kenya's railway lines in Kibera. We strongly urge the Government of Kenya to halt any of the intended evictions. Instead, we believe a task force should be set up with representatives from the Kenya Railways Corporation and concerned Government agencies, and members of both the affected community and civil society so that a meaningful and just solution be reached for all. This should include the provision of alternative accommodation and compensation *prior* to the proposed evictions.

The land at the heart of this debate has been designated by the state as a railway reserve and comprises 100 feet on either side of the tracks. According to media reports, the Kenya Railways Corporation (KRC), a parastatal company, served public notice on 21 March 2010 to all the inhabitants living on this land to leave within 30 days to make way from the planned expansion of the railway.¹ Approximately 50,000 people are at risk of eviction, violent treatment and homelessness.

Neither the state nor the KRC has made any plans for compensation or relocation of the residents. The planned violation of the inhabitants' right to adequate housing will likely create a human catastrophe. Most of the residents are among the poorest of Nairobi and have no alternative solution and/or shelter. Evictions without proper and adequate resettlement will result in the disruption of access to schools, health services, sanitation, water and food. In light of the large number of persons expected to be evicted, we are concerned about the physical safety of the residents and fear that the lack of any precautions or safety measures will put residents at risk of violence.

While the causes may appear logistically legitimate, their implementation definitely will not be if the government does not provide for any fair alternative solutions in compliance with the international human rights norms, including treaties, to which Kenya is bound.

Should the evictions take place as announced, the Government of Kenya would violate the human rights to livelihood, security, life, health, education, and adequate housing, among others. The last includes the right to secure tenure; affordability; freedom from dispossession, damage and destruction; information, capacity and capacity-building; participation; resettlement and compensation.

We look forward to your diligent efforts in this matter and thank you in advance for your attention. We hope to hear from you about your constructive response.

Sincerely,

CC:

Hon. Raila Odinga EGH, M.P.

Prime Minister

Republic of Kenya

P.O. Box 7443-00200

Treasury Building 14th Floor

Harambee Avenue

Nairobi

Email: Pminister@primeminister.go.ke

Mr. Nduva Muli
Managing Director
Kenya Railways Corporation
PO Box 30121 - 00100, Nairobi
Fax: +254 (0)20 340-049, +254 (0)20 221-456
Email: contact@krc.co.ke

Prof. Raquel Rolnik
Special Rapporteur on the Right to Adequate Housing
UN Office of the High Commissioner for Human Rights
Email: raquelrolnik@usp.br

Hon. Lawrence Cannon
Minister of Foreign Affairs and International Trade
House of Commons
Ottawa, Ontario
K1A 0A6
Canada
Phone: 1-(613) 992-5516
Fax: 1- (613) 992-6802
Cannon.L@parl.gc.ca

H.E. Mr. Bhoi by H.E. Simon Nabukwesi
Kenya High Commission
415 Laurier Avenue East
Ottawa, Ontario K1N 6R4
Canada
Tel: 1- (613) 563-1773/6/8
Fax: 1- (613) 233-6599
Email: ottawa@mfa.go.ke

¹ Odula, Tom, "50,000 Kenyans Living Beside Railway Face Eviction," *The Daily Caller*, 16 April 2010, at: <http://dailycaller.com/2010/04/16/50000-kenyans-living-beside-railway-face-eviction/#ixzz0lYQc2Twf>