

URGENT ACTION

THOUSANDS OF RESIDENTS' RISK FORCED EVICTION

Approximately 3,000 residents of the Deep Sea informal settlement in Nairobi are at imminent risk of forced eviction due to the EU funded 'Missing Link' road project constructed by the Kenya Urban Roads Authority (KURA).

Approximately **3,000 residents of Deep Sea** are at risk of imminent forced evictions due to the 'Missing Link' road project constructed by the Kenya Urban Roads Authority (KURA), and funded by the European Union (EU) and the Government of Kenya. On 20 July, while negotiations on land and compensation were underway, KURA's Chief Communications Officer visited Deep Sea and told the residents that KURA would no longer negotiate. The officer publicly stated in a recent radio interview that the eviction of residents of informal settlements such as Deep Sea Kibra had been scheduled. Evictions in Kibra began on 23 July 2018 despite ongoing enumeration and resettlement negotiations with KURA. This lends credence to the fears of Deep Sea residents

The EU are the principal funders of this road project. Even though the EU has repeatedly assured Deep Sea residents and Amnesty International that their project will not result in forced evictions, according to the community, the latest message from KURA indicates that a forced eviction is imminent.

Since 2015, the residents have been engaged in resettlement negotiations with KURA. The residents have reiterated that they are not opposed to the construction of the road but they would like KURA to respect their right to adequate housing and ensure that the eviction process is compliant with international human rights standards. Although KURA previously agreed to purchase land for resettlement and the community identified nine different pieces of land, delays on KURA's part resulted in the land no longer being available for purchase. On 5 July, KURA representatives told Deep Sea residents that they would not purchase the land as initially agreed and would instead deposit an unspecified amount as 'disturbance allowance' into a bank account in the name of the community. Some Deep Sea residents have been paid the 'disturbance allowance' which is between 50 and 150 USD per family, but at least 647 families have rejected the amount as it is insufficient to get alternative housing and were in negotiations with KURA on resettlement until KURA announced that it would no longer negotiate with them.

Please write immediately in English or your own language:

- Urging the Transport Cabinet Secretary and KURA to publicly reassure Deep Sea residents that they will not be forcibly evicted;
- Urging the Transport Cabinet Secretary and KURA to continue to engage in genuine negotiations to find adequate alternative housing for all those in Deep Sea who cannot provide for themselves through a process that respects their human rights;
- Calling on the EU to ensure that the 'Missing Link' project does not lead to forced evictions.

PLEASE SEND APPEALS BEFORE 5 SEPTEMBER 2018 TO:

Cabinet Secretary

H. E. James Wainaina Macharia
Ministry of Transport, Infrastructure,
Housing and Urban Development
P.O Box 52692-00200
Nairobi, Kenya
Fax: +254-20-2730330
Email: cs@transport.go.ke

Salutation: Dear Cabinet Secretary

Director General

Eng. Silas Kinoti
Kenya Urban Roads Authority
P.O Box 41727 – 00100
Nairobi, Kenya
Email : skinoti@kura.go.ke
Salutation: Dear Sir

And copies to:

Ambassador of the European Union
Delegation to Kenya

H.E Ambassador Stefano Dejak
Union House, Ragati Road
P.O Box 45119 – 00100

Nairobi, Kenya

Email: Stefano.dejak@eeas.europea.eu

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



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ADDITIONAL INFORMATION

In the absence of adequate compensation and resettlement, Deep Sea residents fear that they will be rendered homeless and vulnerable to a range of other human rights violations.

Deep Sea is an informal settlement in Nairobi with close to 12,000 residents. Since 2009, this community has been under the threat of forced eviction, triggered by the Kenya Urban Roads Authority (KURA) with the funding of the European Union (EU) and the Government of Kenya through the planned construction of the 'Missing Link' road project. The road would pass through the trading centre and main road at Deep Sea affecting a quarter of the population in the area, about 3,000 residents. It will be 1.6 km in length and is being built to connect two major roads, Limuru Road and Thika Road.

The right to adequate housing has been entrenched as a justiciable right in the Constitution of Kenya. Article 43(1)(b), provides that 'every person has the right to accessible and adequate housing and to reasonable standards of sanitation'. Kenya is obliged under a range of human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to refrain from and prevent forced evictions. The UN Committee on Economic, Social and Cultural Rights has emphasized that evictions may be carried out only as a last resort, once all feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. These include genuine consultation with the people affected, adequate and reasonable notice, adequate alternative housing and compensation for all losses, safeguards on how evictions are carried out, and access to legal remedies and procedures, including access to legal aid where necessary. Governments are required to ensure that no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction.

Under international law, the EU is also obligated to ensure that the projects it funds do not cause or contribute to human rights violations including forced evictions. Under the EU Treaty, the European Commission's action on the international scene shall be guided by, among other things, respect for international law and human rights. The Treaty on the Functioning of the EU in the context of development cooperation states that the EU and member states shall comply with the commitments they have approved in the context of the UN and other competent international organizations. It must engage with the Kenyan government to ensure that the project does not lead to human rights violations.

Name: Deep Sea residents

Gender m/f: both

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