

AFRICITIES SUMMIT 2015

HOUSING RIGHT

A VERY HARD SITUATION

“About 2 million people – half of Nairobi’s population – live in slums and informal settlements in squalid conditions. They lack basic services, such as running water and sanitation, and suffer from discrimination, insecurity and marginalisation.

Thousands of others have been evicted and their homes destroyed by government bulldozers – often with as little as 72 hours notice. Many do not have land ownership documents to prove they owned the land where they built their homes.

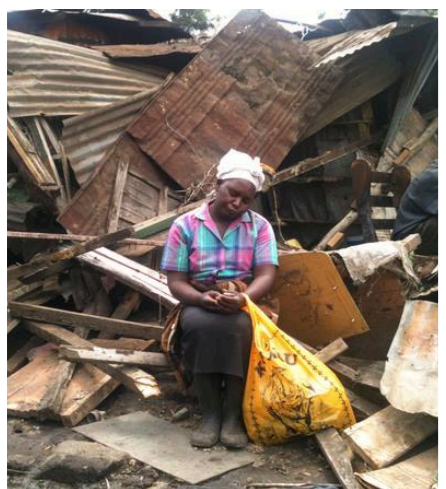
The housing sector was negatively affected by the post-election skirmishes in 2007 that led to destruction of housing, leaving many Kenyans without shelter. The impact of these skirmishes was worse in the slums and informal settlements. In Nairobi, about 9,000 housing units were destroyed, affecting close to 100,000 residents. Other urban centres most hit by the post-election skirmishes were, among others, Kisumu, Eldoret, Nakuru and Naivasha.

Some of the consequences of housing rights problems in Kenya include: worrying statistics on gender violence, HIV/AIDS infection rates and crime in economically depressed neighbourhoods where there is little access to decent shelter and social amenities.

Gender discrimination persists within land and housing practices. Kenyan women are routinely disinherited from their homes and lands.

In 2005, the Kenyan government adopted a national housing policy in which they promised to progressively realize the right to housing for all of its citizens. Despite this promise, the government has failed to provide accessible and affordable housing to millions. There is a weak, outdated institutional framework to facilitate housing development for low-income people and a lack of appropriate legal framework and guidelines for informal settlement activities”.

Source : COHRE



A NEW CONSTITUTION – 2010

Since 2010, the Kenyan government has adopted a new constitution. In Chapter 4, we find affirmed the economic, social and cultural rights. The right to adequate housing are contained in Article 43 1 b. (but also freedom of expression and freedom of association).

For the first time in Kenya, the inclusion of social and economic rights will enable people to benefit from judicial remedies and demand accountability from their government when these rights are violated!

Amnesty International welcomes the new constitution while some recommendations for improvement: [Amnesty International Website](#)

LAND RIGHTS

Following the land reform under the new Kenyan constitution (2010) and in connection with the National Land Policy (2009), new land laws have emerged (2012):

(NEW) LAND ACT (2012)

A new Land Code was created in 2012, among important changes should be noted:

- **The land reserved for Kenyans:** land can not be owned by a non-Kenyan freehold AND a 99-year lease may be offered to a non-Kenyan. A corporation can not own that if it is made of 100% of Kenyans. Since 2010, a system gradually transforms any property leased for 99 years.
- A right of first refusal to the holder of a lease, provided that person is Kenya and the Government does not need to recover the land.
- All contracts must be in writing.
- New modalities for damages when the lessee of land can not pay its debts vis-à-vis its creditors.
- New features relate to long-term leases and eviction procedures of land.
- An evolution of the property tax system.

Resources websites :

- [Site of Laws in Kenya](#)
- Mona Doshi, [The Land Laws of Kenya – a summary of the changes](#), ALN, 2012

FORCED EVICTIONS

Large-scale evictions taking place in Kenya, particularly in the city of Nairobi. Beyond the reasons why these evictions, Amnesty International notes the procedure established in violation of the rights of people. An example is quoted as saying that the eviction notice that would have been thrown through the windows of a car circling the neighborhood to evict !

LAND GRABBING

A report carried out by the International Secretariat [FIAN](#) reported the issue of land grabbing in Kenya. report (2010). Through two case studies, it is possible to better understand the phenomenon of land grabbing in Kenya.

- **The case of the Tana Delta :** The Tana is Kenya's largest river, crossing the northern and north-eastern countries before flowing into the Indian Ocean. Its delta includes the most fertile farmland in the country. Various irrigation projects and road construction have resulted (late 80s) to huge population displacements ... (read more)
- **The case of Yala Swamp :** it is flooded wetlands located near Lake Victoria ecosystem is a huge rare species. The population around the lake was large and living resources at its disposal. But American society is coming up there, in order to develop rice plantations. The population was initially favorable,.. (read more)

Source : FIAN, 2012



HOUSING WORLD MAP

BETER UNDERSTAND THE CONTEXT OF HABITAT : WWW.WM-URBAN-HABITAT.ORG

WEBSITE UNDER CONSTRUCTION

