

# TRIBUNAL ON EVICTIONS 2017

Kenya



## HOUSING RIGHT

### 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 !

### Other legal provisions for the Right to Housing in Kenya

- The Building societies act, Sectional Properties Act
- The Housing act : that mainly caters for the state workforce
- The Sectional properties act
- The Rent restriction act
- Land lords and tenants act
- Employers ordinance act
- Kenya is a signatory to Universal Declaration of Human Rights – Article 25, article 11 of International Covenant of Economic, Social and Cultural



Photos Credit :  
Amnesty  
International

### A NEW LAND ACT – 2012

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).

Major change was :

- 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.

(read more on the website)

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

## FORCED EVICTIONS

### An unacceptable situation

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 !

A video testimony from Amnesty International : [Evictees' testimonials-city cotton,Nairobi](#)

Many golf does not seem to have owners, they are generally considered to be a legacy of the British crown. Therefore, no claim these lands and no rent. If people staying in slums, are considered "without rights" legal decisions have no impact to avoid massive eviction. Source : Court of Eviction – 2013 Geneva.

According to [BUNGE LA MWANANCHI](#), the main cause of evictions in Kenya are the private developers who bribe land officials, grab land then evict the occupants forcefully. Most of the victims of forced evictions report these cases to social movements for assistance and way forward.

Sources for ITE text : Bunge La Mwananchi + Aljazeera article «The ugly truth about wildlife conservation in Kenya» by Abdullahi Boru Halakhe



### Evictions – How many ?

Evicted **500**, 40% women and 20% children. Attacked and shot dead: 1500 herds of cattle and 50.000 goat and sheep and over 50 pastoralists killed.

### Evictions – Causes

**Wild Life Conservation :** In Kenya, there is an ongoing battle between white settler conservationists from the Laikipia plains and pastoralist communities occupying the neighbouring northern rangelands. Wildlife conservationists perceive pastoralism as a poor land use method with little economic value, which is detrimental to wildlife. Pastoralists, on the other hand, see wildlife conservation as a large-scale pastoral "land grab".

**A national development plan :** Kenya's first post-independence development plan, published in 1965, shaped the country's negative perception of pastoralism. The plan divided the country into low and high potential regions, stating that high potential regions – regions expected to contribute significantly to the country's GDP – would receive more investment.

**The role of media :** In general, Western media frame this conflict in racial terms, as a battle between the white rancher and the black pastoralist, and blatantly ignores the historical and colonial arrangement that sustains the present private wildlife management system and displaces native communities from their communal land holdings.

### Evictions – Current crisis

In February 2017 herders moved in to expansive ranches in search of pasture for their cattle since drought was being experienced in most parts of the country. Murders and displacements continue ...

# HABITAT WORLDMAP

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