



REPUBLIC OF KENYA
PARLIAMENT

Hon. Tom Kajwang', MP.
Ruaraka Constituency

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Principal Secretary
Ministry of Lands and Physical Planning
State Department for Physical Planning
Secretary, Nairobi Metropolitan Services Authority,
Kenyatta International Conference Centre
24th Floor
Nairobi County.

May 5, 2020

Dear Sir,

RE: UNLAWFUL DEMOLITION OF NYAYO VILLAGE IN KOROGOCHO LOCATION – RUARAKA CONSTITUENCY NAIROBI COUNTY

I write to register complaints and protest of residents of Nyayo village in Korogocho location within the Ruaraka Constituency.

Today, in the morning of 5th May, 2020 residents of Nyayo village woke up to a cauldron of more than two hundred police officers accompanied by officers from Nairobi Water and Sewerage Company, an agency domiciled within your authority; namely, Nairobi Metropolitan Services Authority, armed with two bulldozers with instructions to conduct an unlawful demolition operation of their humble dwelling homes claiming that the settlements are built on sewage easement belonging to Nairobi Water and Sewage Company.

The officers proceeded to demolish structures built along the easement corridor without any form of notice whatsoever to the residents. They mercilessly destroyed buildings and household goods without affording any of the residents safe passage to remove or bring down structures or properties on own volition thereby causing great loss and anguish to residents and their families including innocent children.

The officers continued to demolish countless other structures outside the easement corridor threatening to sweep the entire village including an adjacent Nyayo open public market, Soko Mbuji and Korogocho Youth Resource Centre fully funded, constructed and owned by National Government Constituency Development Fund. The two markets form the backbone source of income from where residents painfully labour each day to eke out lawful wages to fend for their poor families.

Nyayo village came into being sometime in 1987. Residents have been in continuous and uninterrupted quiet possession over the years till today. Families have exponentially grown here in leaps by more than some ten thousand households.

Sometime in the year 2000, the Government, in recognition of residents' uninterrupted possession, formally developed a policy on Urban Slum Upgrading Program expressed in Sessional Paper No. 2 of 2006 which was duly laid before the National Assembly and passed accordingly.

Pursuant to this Sessional Paper, the then Ministry of Housing and Urban Development engaged Korogocho Residents' Committee to explore means and ways by which Korogocho villages, Nyayo included, could be upgraded to an urban dwelling status. With Government grant from Government of Italy, the Government of Kenya refurbished what was hitherto an informal settlement to upgraded urban dwelling homes. GoK laid necessary infrastructure including bitumen sealed roads, concrete walkways, modern drainage works, reconfigured and better planned dwelling houses with semi-concrete walls and electric mains.

Further, working through Ministry of Lands and Settlements, GoK resurveyed the villages under Slum upgrading Program. Plans were drawn, registered with Director of Surveys and Part-development plans taken out. On several occasions, GoK assured general public that title deed for the planned upgraded slum had been printed awaiting only issuance; but for the recent COVID-19 national pandemic which slowed down issuance of the same.

From the actions of GoK foregoing, residents were understandably consternated why the same Government would marshal its machinery to carry out demolition on ostensible reason that residents are squatting on government land. If, anything, GoK is precluded by estoppel from renegeing on the residents' right of possession and ownership.

As you are undoubtedly aware, once what was public land became lawfully alienated by GoK by way of producing Part Development Plans, residents acquired right of ownership to property by dint of Articles 60 & 64 of the Constitution of Kenya. Moreover, the same constitution grants them a right to accessible and adequate housing (Art. 43). They have legitimate expectation that any dispute concerning their right to land would be subjected to an administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair (Art.47).

As the elected leader representing these people, I strongly protest on their behalf at the manner in which an agency for which you are the substantive accounting officer has proceeded to completely violate the law and the constitution concerning their rights as Kenyans. Your officers' actions are totally belligerent and has led to untold public suffering and despondency, individual losses, grave constitutional injury, lawlessness and acts which deeply exacerbates abject poverty and squalor to which my poor people are eternally consigned.

Unless your officers desist forthwith from threatening to further demolish the entire village, my people shall employ all lawful means at their disposal to restrain you and your officers from breaking the law with such impunity including holding you liable in law for all damages already visited against them.

Kindly countermand these unlawful orders for demolition and withdraw your oppressive officers forthwith from the village.

I thank you.

Yours Faithfully,


Hon. T. J. Kajwang, MP
Ruaraka Constituency