



EUROPEAN UNION

DELEGATION TO THE REPUBLIC OF KENYA

EU Support to *Nairobi Missing Link Roads and Non-Motorised Transport Facilities project* and ongoing consultations on resettlement process in the Deep sea informal settlement

EU Delegation to Kenya provides an update on EU support to the *Nairobi Missing Link Roads and Non-Motorised Transport Facilities project*, and on protection of the rights of people affected by the project (PAPs) in the Deep Sea informal settlement area.

The *Nairobi Missing Link Roads and Non-Motorised Transport Facilities project* contributes to the implementation of the Master Plan for Urban Transport in the Nairobi Metropolitan Area (2006-2025). Its overall objective is to attain a sustainable and safe road network to support economic growth and the improvement in living standards. It will improve traffic conditions and alleviate congestion. It puts a specific emphasis on non-motorized transport (NMT) lanes pedestrians and cyclists.

The project is implemented by Kenya Urban Roads Authority (KURA) and co-funded by the European Union and the Government of Kenya. Some subprojects are nearly completed (Rabai Road NMT, Lusaka Road, Muratina Road) and are already bringing tangible benefits to Nairobi citizens. Other subprojects are ongoing and are expected to bear fruit within a relatively short time span. Among those is the Ring Road Parklands subproject, whose total length is about 3.5 kms (Wayaki Way-Limuru Road). A section of the Deep Sea informal settlement stretches for about 380m on the road reserve for this subproject.

The European Union Delegation to Kenya takes concerns about the implementation of this subproject very seriously. The European Union is fully committed to ensuring that human rights standards are fully respected in all projects co-financed by the European Union, including with regard to the resettlement process in the Deep Sea informal settlement area. In this context, we are closely liaising with KURA to ensure that due process is followed.

KURA is responsible for implementing a comprehensive Resettlement Action Plan. As part of this plan, consultations with the Project Affected Persons (PAPs) settled on the road reserve started in 2012 and have since been ongoing in regular public hearings as well as meetings with community representatives. The EU Delegation participated as an observer in a good number of these. The PAPs were first issued with notices to vacate in February 2014. Revised notices were issued to vacate by 8th July 2015. Many PAPs have received a disturbance allowance and have moved. However, some PAPs did not accept this and KURA continues to liaise with the remaining PAPs to resolve outstanding issues in the framework of a structured grievance redress mechanism. 647 such PAPs have been identified; large parts of the Deep Sea informal settlement are not affected.

An attempted forced eviction occurred in 2016, but was stopped. The EU Delegation at that time intensified its consultation with KURA and other representatives of the Government of Kenya. KURA accepted the need to compensate those affected by the attempted forced eviction and in early 2018 corrective compensation payments were finally made.

The EU Delegation will continue to liaise with Kenyan authorities, in particular KURA, to ensure that the implementation of this project follows due process and does not lead to any human rights violation. The EU would very much welcome a resolution of the outstanding issues without further delays.

In this context, the EU appreciates the fact that various NGOs are supporting the Deep Sea Residents.

It is encouraging to note that the Deep Sea residents do not oppose the project, which will bring important tangible benefits to the residents of Nairobi.



EUROPEAN UNION

DELEGATION TO THE REPUBLIC OF KENYA

Apart from the Deep Sea resettlement issue, where delays have been encountered in this project this is due to a variety of reasons. The main ones among them are the following ones:

- *Land acquisition issues:* In one case, the progress of works is held up by a dispute on land acquisition and court injunctions.
- *Utilities relocation issues:* Road construction work often makes the relocation of utilities necessary. This is complicated by the fact that no reliable advance information exists in Nairobi on the exact location of utility installations (power line/cables, sewer lines, water pipes). The relocation of these utility installations is the responsibility of the respective utilities providers (like Kenya Power and Nairobi Water & Sewerage company). As these utility providers do not fall under the management of KURA, relocation of these utilities often takes additional time.
- *Railway crossings* (along Likoni & Enterprise roads) required coordination with Kenya Railways.
- *Changes in plans:* In some cases it was found necessary to deviate from the original planning, which entailed extra time for the revised plans.

The procurement of the works contractor for this project was carried out by the Government of Kenya respecting EU procurement rules. The procurement rules applicable in this case foresaw an open international tender.

Natural and legal persons from all countries partnering in the Cotonou Agreement (a large number of states from the Africa, Caribbean and Pacific regions; the European Union and her Member States) and from certain third countries were eligible to apply.

The EU appreciates the interest that this project has generated and invites readers to view the EU website (<http://eeas.europa.eu/delegations/kenya>) to have more information on EU projects to reduce poverty and support development in Kenya.