

COUNTY GOVERNMENT OF NAIROBI CITY

Petition read
by the speaker on 5th Dec 2024
and committed to planning
and housing committee
[Signature]



NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY
(THIRD SESSION)

APPROVED
04 DEC 2024
HON. SPEAKER
[Signature]
2.8/11/2024

[PUBLIC PETITION PURSUANT TO STANDING ORDER 214]

BY FRANCIS KURIA ON BEHALF DANDORA DUMPSITE LAND OWNERS ON DUMPSITE OWNERSHIP IN NAIROBI CITY COUNTY.

WE THE UNDERSIGNED Citizens of Kenya who are residents of KomaRock Estate Phase 3A in Embakasi Sub-County within Nairobi City County.

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the Constitution of Kenya, 2010 vests the legislative authority and oversight of the County Governments in the County Assembly;

THAT, Article 62 of the Constitution mandates the County Government to hold in trust public land in trust for county residents;

THAT, the Kenya National Land Use Policy 2017 recognizes the need for social development that takes cognizance of provision of basic infrastructure and services;

THAT WHEREAS, Section 5(e) of The National Land Commission Act, 2012 requires the Commission to initiate investigations into present or historical land injustices and recommend appropriate redress;

THAT WHEREAS, Section 116 of the County Governments Act, 2012 imposes an obligation on the County Government and its agencies to deliver services within its designated area of jurisdiction. Further, Section 117 (1) (a) of the Act provides that the County Government shall give priority to basic needs of the public to ensure that all members of the public have access to basic services;

BY FRANCIS KURIA ON BEHALF DANDORA DUMPSITE LAND OWNERS ON DUMPSITE OWNERSHIP IN NAIROBI CITY COUNTY.

THAT, Dandora dumpsite is an important space to the Nairobi City County Government where all waste collected from across the County is disposed;

THAT, where the dumpsite sits originally belonged to a group of residents of Nairobi City County by deed of letters of allotment given by the then defunct County Council of Nairobi in 1910s by way of a balloting process; and that they have been paying premiums and rents on their respective pieces of land;

THAT, despite the complete of repurposing of the dumpsite by the Nairobi City County government, the owners of the said pieces of land are yet to be neither contacted nor compensated;

THAT WHEREAS, petitioners, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised are not pending before any Court of law or constitutional body.

NOW THEREFORE, your humble Petitioners PRAY that the County Assembly of Nairobi City County intervenes and ensure that; -

- a) The National Land Commission and all the relevant bodies furnishes the Nairobi City County with the deed plans to facilitate and solve the dispute herein; and
- b) Nairobi City County Government be directed with immediate effect to commence the process of relocating the dumpsite and subsequently removal of waste from the said parcels of land in order to allow the owners to either develop them or be compensated.

And your Petitioners will forever pray.

Presented by;
Hon. Speaker, MCA

On behalf of;
- Dandora Dumpsite land owners

And by extension;
- All residents of Nairobi County.

BY FRANCIS KURIA ON BEHALF DANDORA DUMPSITE LAND OWNERS ON DUMPSITE OWNERSHIP IN NAIROBI CITY COUNTY.

Francis Kuria,
Resident of Nairobi City County,
Nairobi City County,
NAIROBI.

The Clerk,
Nairobi City County Assembly,
P.O Box 45844-00100,
NAIROBI.

17TH OCTOBER 2024

*IBC
Kindly Review
and Advice
17/10/2024*



Dear Sir,

RE: PRESENTATION OF A PUBLIC PETITION PURSUANT TO NAIROBI CITY COUNTY ASSEMBLY ON BEHALF OF OWNERS OF DANDORA DUMPSITE LAND

WE, THE UNDERSIGNED is a Citizen of Kenya who are a resident of Nairobi County;

DRAW the attention of the County Assembly of Nairobi City County to the following:

THAT, Article 185 of the constitution vests the legislative, oversight and representation mandate in the County Assembly at the County level;

THAT, Article 40 of the Constitution of Kenya, 2010 guarantees every citizen the right to acquire and own property either individually or in association with others and the state and every State organ is bestowed with the fundamental duty to observe, respect, protect, promote and fulfil all rights.

THAT, Article 40 (3) of the Constitution of Kenya, 2010 prohibits the State from depriving any person of property of any description, or of any interest, or right over, property of any description unless in compliance with the conditions provided therein;

THAT, Dandora Dumpsite is an important space to the County Government where all waste collected from across the County is disposed and acknowledging that the land on which the dumpsite sits originally belonged to a group of residents of Nairobi City County by dint of letters of allotment given to them by the then County Council of Nairobi in 1990s by way of a balloting process; and that they have been paying premiums and rent on their respective pieces of land;

THAT, despite the complete re-purposing of the dumpsite by the County government for dumping, the owners of the said land are yet to be reached out and no process of compensation has been negotiated or undertaken, hence, it

PETITION BY RESIDENTS OF NAIROBI CITY COUNTY REGARDING OWNERSHIP OF DANDORA DUMPSITE LAND

*II
PCA REP
Kindly Process in
line with the relevant
statutory Orders.
ADRY
DCU
17/10/24*

*Mr CA - Karana
Please check
PCA C&P
16/10/24*

is their view that the Government acted contrary to the provisions of the Constitution and the Lands Act, 2012 by unprocedurally re-purposing private land to public use;

THAT WHEREAS, we, confirm that efforts have been made to have the matter addressed by the relevant body, it failed to give a satisfactory response;

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body;

NOW THEREFORE, our humble PRAYER; is that the Nairobi City County Assembly:

- a) Intervenes and directs the County Executive to immediately commence the process of relocating the dumpsite and subsequent removal of waste from the said parcels of land in order to allow the owners to developing them; or, compensate the owners.

And I will forever pray.



FRANCIS KURIA

Mobile No.: 0720022784

On behalf of other Petitioners

**PETITION BY RESIDENTS OF NAIROBI CITY COUNTY REGARDING
OWNERSHIP OF DANDORA DUMPSITE LAND**