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Kenya: No durable solutions for internally displaced yet

Widespread violence following the December 2007 elections, which were marred by accusations of election irregularities, displaced up to 600,000 people in Kenya. Despite government claims that the vast majority of internally displaced people (IDPs) have returned home or been resettled, civil society and media sources report that hundreds of thousands of people remain displaced as a result of election-related violence, security operations, inter-clan conflicts over resources, and activities of militia groups in some parts of the country.

The parts of the country most affected by forced displacement are Rift Valley, Western, and North Eastern Provinces. A commission of inquiry established to look into the causes of the election violence described internal displacement as a “permanent feature” in Kenya’s history. While widespread violence has ended, and the political situation has greatly improved during 2008 (thanks partly to international pressure), displacement has continued on a smaller scale in different parts of the country due to ethnic conflicts over water resources and the government’s response to these conflicts, and due to a government operation against the Sabaot Land Defence Force in the Mount Elgon region of Western Kenya.

In May 2008, the Government of Kenya launched an IDP return programme “Operation Rudi Nyumbani”. To put pressure on IDPs to leave camps, essential services such as water were cut off; the programme also failed to meet standards set out in the Guiding Principles on Internal Displacement as it did not establish the conditions for voluntary and safe return, for example by informing people of the security situation in areas of return or by undertaking reconciliation initiatives. Newspaper reports claimed in November 2008 that up to 80,000 people still faced extremely difficult conditions with limited support in transit camps nearer their homes.

Background: patterns of continuing violence and displacement

Conflict-induced displacement in Kenya is attributed to many causes, including the legacy of colonial policies; the practice of politicians to use the issue of land ownership by people perceived to be non-indigenous to the region to incite their supporters; competition for pasture land and water resources; activities of militia groups in areas such as Mount Elgon, and of cattle rustlers and other gangs in semi-arid areas with predominantly nomadic pastoral people such as north-western Kenya; and security operations by government forces involving violations of human rights in the north-east of the country and Mount Elgon.

Before December 2007

Prior to the December 2007 parliamentary and presidential elections, conflict-induced displacement had already led to major displacement in 1992, 1997, and from 2006 to December 2007, especially in the Rift Valley. Many of the people displaced by the 2007 election violence had previously experienced such violence, and roughly 400,000 had already been displaced.

The distribution of fertile land in the Rift Valley has been a major driver of violence since independence. The first president of Kenya Jomo Kenyatta, an ethnic Kikuyu, favoured his tribesmen with land distributions in the Rift Valley at the expense of the indigenous groups of the region (Walter Oyugi, 2003).

Political patronage in the distribution of land caused successive displacement episodes in the Rift Valley from 1992

through to 2007. Human Rights Watch reported that non-Kikuyu Rift Valley politicians, including the second president Daniel arap Moi, instigated violence to cause opposition supporters to leave the Rift Valley. Most of those displaced were Kikuyus, and a smaller number were Luos, Luhyas or Kisiis (HRW, 2003). A parliamentary commission report in 1992 implicated the state and its security forces in instigating ethnic clashes in the region (HRW, 1997).

A British NGO reported in October 2003 that over 160,000 people had been displaced by conflicts in pastoralist Northern Frontier districts of Kenya. In Turkana district there were over 41,000 people, most of them from Kakuma and Lokichogio divisions. Wajir district had a total of nearly 33,000 IDPs, out of the district's 1999 census population of 270,000 people. According to Practical Action's report, the politically-instigated and government-executed Wagalla massacre of 1984 in Wajir district, which had left over 3,000 people dead and 21,000 displaced, had caused the bulk of displacements in the district. Many women widowed by the massacre were living in abject poverty in informal shanties in Wajir town (Practical Action, October 2003).

In the Mount Elgon area of Western Province, up to 45,000 people were displaced from 2006 to December 2007 by a combination of fighting between communities and between government security forces and a militia group called the Sabaot Land Defence Force (SLDF) operating in the area (IRIN, 11 December 2007). The SLDF was initially formed to fight for the land rights of the Soy clan, and its target was the Mosop ethnic group

which it considered had been favoured by the government in land allocation schemes (ISS, October 2008; pg 23); the SLDF later developed traits of a “parallel” administration, collecting taxes as well as looting property and land at will, and persecuting opponents (HRW, July 2008).

By December 2007, as the elections approached, low-level ethnic conflicts were leading to displacement in different parts of the country: in Kuresoi in Rift Valley Province, pre-election violence targeting Kikuyu farmers led to displacement in 14 areas of the district (Daily Nation, 5 December 2007).

December 2007: post-election violence

In December 2007, allegations of election irregularities and malpractices led to widespread violence that displaced up to 600,000 people. The allegations were supported by international and national election observers (BBC, 1 January 2008). Violence erupted spontaneously in and around the cities of Nairobi, Mombasa, Kisumu, and across the Rift Valley. The violence was most pronounced and widespread in opposition strongholds in Rift Valley, Nyanza, Western, and Coast Provinces. In the Rift Valley, violence fuelled by land grievances and related hostility towards Kikuyu (and to a lesser extent Kisii) people resulted in massive displacement.

In Nyanza and Western, Kikuyus and the Kisii also bore the brunt of the violence. In Nyanza, the home province of opposition leader Raila Odinga, there has long been a perception among the Luo that they have been excluded from power, especially during the Kikuyu presidencies

between 1963 and 1978 and from 2002 to the present. As a result, the government anticipated violence and positioned security forces in opposition areas. Following the violence, the security forces were accused of using live bullets on demonstrators which led to the deaths of about between 1,000 and 1,500 people (OHCHR, March 2008; HRW, March 2008).

In Central province, violence was targeted at Luo and Luhya civil servants and labourers. In Nairobi, violence mostly affected communities living in slums like Mathare and Kibera where youths allied with the incumbent PNU and the opposition ODM parties clashed. The violence in Nairobi was spontaneous: as soon as the election results were announced, youths took to the streets and caused mayhem and violence targeted at Kikuyus. Reprisal attacks followed (OHCHR, March 2008).

Victims of the violence fled to major towns in the Rift Valley and Central Province and to Nairobi’s western outskirts. An estimated 600,000 people were displaced from their homes into camps, mostly in the Rift Valley (OHCHR, March 2008). Displacements in Western, Nyanza, and Central were on a smaller scale. The displaced in Nairobi initially took refuge in Jamhuri Park and City Park and at the compounds of chiefs and District Commissioners. These camps were among the first to be shut down by the government despite protests from humanitarian agencies and the displaced themselves (Daily Nation, 21 January 2008; UNICEF, 25 January 2008).

In February, over 310,000 IDPs had been registered by the Kenya Red Cross Soci-

ety (KRCS) and its affiliates in 296 camps countrywide (ICG, February 2008). Up to 220,000 people were in September 2008 still living on rations provided by the KRCS (Daily Nation, 25 September 2008).

Ongoing violence in 2008

Displacement unrelated to the election violence has continued to affect many parts of Kenya through 2008. In Mount Elgon, security operations by the government against the SLDF have continued to lead to loss of lives and livelihoods and displaced thousands of people (HRW, July 2008; MSF, May 2008). According to the Kenya Red Cross, at least 500 people have died and another 100,000 have been displaced following three years of unrest due to land clashes in the Mt. Elgon District.

According to OCHA, the cumulative number of killings reported in pastoral areas during 2008 is 356. For example, in September 2008 in northern Kenya, fighting over water and pasture led to the killing of six people and displacement of hundreds along the Isiolo and Samburu border districts (IRIN, 18 September 2008).

In north-eastern Kenya, a combination of inter-clan conflict and an operation by security forces to contain this in November 2008 led to the displacement of up to 7,000 people in the Mandera and Elwak Districts (IRIN, 27 November 2008).

Political reconciliation following post-election violence

The magnitude of the post-election violence and its massive humanitarian con-

sequences immediately attracted international attention, especially from Britain, the European Union (EU), the US, and the African Union (AU). The mediation process was immediately set in motion and by 22 January 2008, a "Panel of Eminent African Personalities" led by former UN Secretary-General Kofi Annan, mandated by the AU and supported by the EU and the US, had arranged a meeting between the candidates Kibaki and Odinga.

The three parties together formed the National Dialogue and Reconciliation Committee, which set out to take immediate action to stop the violence, to address the crisis and promote reconciliation and healing, to overcome the current political crisis, and to tackle long-term issues requiring constitution, legal, and institutional reform.

On 28 February 2008, Kibaki and Odinga, under a deal brokered by Annan and his team and the AU, signed the National Accord and Reconciliation Agreement and committed to form a coalition government, with Kibaki as president and Odinga as prime minister. This helped avert a situation that could have led to further violence and displacement. The agreement also laid the basis for the Independent Review Commission (IREC) mandated to look into electoral reform, and the Commission of Inquiry into Post-Election Violence (CIPEV).

After the publication of the IREC Report which called for an overhaul of the Electoral Commission of Kenya (ECK), parliament voted on 16 December 2008 to disband the ECK (The East African

Standard, 16 December 2008; Daily Nation, 16 December 2008).

CIPEV, led by Judge Phillip Waki, presented its report in mid-October which called for a “Special Tribunal for Kenya” to try those alleged to be behind the post-election violence. On 17 December 2008 Kibaki and Odinga signed the agreement to start the legislative process of establishing the Tribunal (Daily Nation, 17 December 2008). Failure to follow the steps required by CIPEV would result in a list of individuals accused of masterminding the violence being sent to the International Criminal Court in The Hague (Reuters, 17 December 2008).

Situation of people displaced by post-election violence

At the height of the post-election crisis, humanitarian agencies put the number of displaced people at between 500,000 and 600,000, living in some 300 camps. About 12,000 Kenyans also fled to seek refuge in Uganda (OCHA, 25 February 2008; ODI, April 2008).

In May 2008, the government quickly embarked on Operation “Rudi Nyumbani” (“Return Home”), which initially aimed to resettle the IDPs into smaller “transit camps” set up close to their farms and homes. Reports and IDPs themselves have indicated the inadequacy of conditions in transit camps (MRGI, August 2008). In October the Kenya Human Rights Commission (KHRC) reported IDPs living in precarious and deplorable conditions. Most were still without security, adequate food, decent shelter, quality health care, safe drinking water, or proper educational services (KHRC, 28

October 2008). A team of British MPs who visited the camps in November claimed that IDPs were not getting enough relief supplies and care (The East African Standard, 25 November 2008).

Clear numbers of IDPs in formal and transit camps have proved hard to establish, and no agency has completed a survey or profiling exercise. The government has conceded that it does not have data on IDPs (East African Standard, 6 June 2008). The government’s claims that only some 10,000 IDPs remain in camps have been disputed by civil society and the media (MRGI, August 2008; Daily Nation, 25 September 2008; KHRC, 28 October 2008). The Daily Nation claimed in September that some 80,000 people were still in formal or transit camps, while humanitarian sources estimated over 100,000 there in November (Daily Nation, 25 September 2008; interview with UNHCR in Geneva, 27 November).

Nor is there validated data on IDPs who have returned to their homes. Many genuine IDPs claimed that they were left out of the government compensation scheme and accused local authorities of registering non-IDPs to benefit from the scheme.

According to KRCS data based on food assistance provided through the Emergency Operation (EMOP), there were 103,000 IDP “returnees” in 131 transit and satellite sites as of 5 December. However, government figures of 4 December indicated under 47,000 people in only 110 transit sites. The government and the Kenya Red Cross are striving to reconcile their figures based on their individual assessments carried out in vari-

ous regions. According to the Ministry of Special Programmes, there are less than 5,000 IDPs in four formal camps countrywide. In addition, the Ministry reports that eight self-help groups consisting of a total of over 5,000 households have collectively purchased land and have relocated (Email correspondence, OCHA Kenya, 16 December 2008).

National and international responses

The overwhelming magnitude of the displacement called for an urgent and concerted response. The Ministry of Special Programmes in the Office of the President coordinated the government's response through its National Disaster Operations Centre. The KRCS became the official government partner and the first and principal organisation to respond to the crisis (ODI, April 2008). Local authorities were called upon early in the crisis to coordinate local relief efforts in conjunction with the KRCS, focusing initially on provision of medical care and food supplies. Civil society organisations and the KHRC played an important role in holding government to account by advocating for better protection for IDPs.

The response was timely and effective, in that provision of food and medical care averted the risk of widespread starvation and disease. However, the government's response in areas of shelter, education and protection was wanting, partly because of capacity limitations and partly due to resource constraints (Interview in Geneva with UNHCR, 27 November 2008).

National return programme

The National Accord and Reconciliation Agreement prioritised the response to the displacement crisis, mandated an investigation into the post-election violence that caused mass displacement and put together a team to forge the National Reconciliation and Emergency Social and Economic Recovery Strategy, which was published in April 2008. Among other things, the Strategy made general reference to IDP return and resettlement. Determined to encourage rapid return, the government announced its intention to close IDP camps situated in stadiums and public show grounds by June 2008. However, IDPs were not adequately profiled or disaggregated into categories according to needs, and partly as a result of the lack of consultation, the government failed to recognise the substantial category of people unable or unwilling to return home.

Within Operation Rudi Nyumbani, to put pressure on IDPs, essential services such as water were cut off in camps, in clear violation of the Guiding Principles. Payments of 10,000 Kenya shillings (around \$130) were offered to those who agreed to go back home.

In an effort to assist the IDPs, the Government set up the National Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence on 30 January. The objective of the Fund was to provide ex-gratia funding for the resettlement of displaced persons and the replacement of basic household effects destroyed as a result of the 2007 post-election violence; and to enable the victims of the election violence to re-establish basic livelihoods,

reconstruct basic housing, and rehabilitate community utilities and institutions destroyed during the violence. According to the Ministry of Special Programmes, as of 15 December, the Fund had disbursed over Ksh. 1.4 billion (\$18 million), with over 100,000 households having received Ksh. 10,000 (\$130) start-up funds and over 18,000 households receiving Ksh. 25,000 (\$330) for the reconstruction of houses. Beneficiaries have used the funds to rebuild their livelihoods in different ways – to rebuild homes, provide start-up capital for small businesses, and purchase farm materials or land (Email correspondence, OCHA Kenya, 16 December 2008).

IDP associations raised a number of concerns about Rudi Nyumbani, noting the lack of a number of elements: compensation for loss of property; preparations for security and reconciliation in places of return; proposals for those who did not wish to return or had no access to land; provisions for vulnerable groups such as HIV/AIDS patients and displaced children with foster families or in schools; and communication with IDPs about the programme and their entitlements.

While some IDPs successfully returned home, many others decided not to return to places where tensions were still high. Many have ended up in urban slums without any formal support. In some cases, community-based organisations and already poor community members are bearing the cost of assisting them. UNICEF and the Child Welfare Society of Kenya have noted the rise of child-headed households in urban centres as parents have feared for their safety in places of return or have abandoned them

for fear of being unable to take care of them.

The plan and its implementation have drawn criticism. The KHRC has argued that the implementation of Rudi Nyumbani has involved violations of the UN's Guiding Principles on Internal Displacement, as IDPs were not consulted on resettlement options (IRIN, 16 October 2008). The inconsistent application of government programmes lent credence to charges of ethnic favouritism and allegations that return and rehabilitation grants were, at times, allocated to perpetrators of violence. Rudi Nyumbani has focused narrowly on the Rift Valley, while other regions such as northern Kenya continue to suffer major displacements with little recognition or assistance.

International response

In January 2008, the UN and non-governmental organisations, in close coordination with the Government of Kenya, launched the Emergency Humanitarian Response Plan (EHRP), through which they appealed for \$191 million for life-saving support as well as emerging humanitarian needs due to poor rainfall prospects in the country. As of 1 December, the Financial Tracking System (FTS) had recorded contributions and commitments in humanitarian funding to Kenya of over \$260 million, including \$146 million through the EHRP. 74 per cent of funding had been allocated to the response to the post-election violence.

The humanitarian country team put in place a number of emergency coordination mechanisms to assist with the response to the post-election crisis, including the roll-out of the cluster ap-

proach and the formation of the Inter-Agency Standing Committee (IASC).

For the Kenya context 11 clusters (Camp Coordination and Camp Management or CCMM, Early Recovery and Food Security, Education, Emergency Telecommunications, Food Aid, Health, Logistics, Nutrition, Protection, Shelter and NFIs, Water and Sanitation) were identified as well as two protection sub-clusters (Gender-Based Violence and Child Protection). At the same time, humanitarian partners responded quickly by establishing field hubs in affected areas. The establishment and operation of clusters and other coordination mechanisms at national and sub-national level helped to better identify response gaps and limit duplication. The coordination arrangements also helped to strengthen partnerships, including those with the Government of Kenya. In the wake of the acute emergency phase, these partnerships are providing the cornerstone of humanitarian response as well as preparedness and capacity building activities.

Despite the cluster roll-out, some gaps in intervention remained in most camps. The international response did provide life-saving shelter, food and medical care. OCHA translated the Guiding Principles into Kiswahili. However, newspaper articles and other reports documented the prevalence of child labour, sexual violence, and drop-out from schools. IDP profiling for post-election violence was undertaken by UNHCR and partners, but was prematurely terminated when the government undertook a separate profiling exercise when the return process began.

The UN response has not been without criticism from the government and the

KRCS. Both were critical of the cluster roll-out as they felt that the UN was failing to respect the extent of national capacity and systems (UNHCR, September 2008). The KRCS also accused UN agencies of “fighting over business” to the extent that the provision of aid seemed to be an industry (interview with KRCS official in Nairobi, 11 March 2008). NGOs also suggested that the cluster system’s numerous Nairobi meetings translated into little localised action, and they called for the cluster meetings to take place at the district level (IRIN, 12 February 2008).

In August, humanitarian partners reviewed current cluster and sector coordination arrangements in light of the changing context within the country. It was agreed that in moving ahead, the clusters would focus on supporting national mechanisms for national and sub-national sector coordination. In addition, partners emphasised the need to consider humanitarian needs beyond the post-election crisis, and also develop preparedness measures for conflict, drought and other humanitarian situations. With the exception of the Protection and the Early Recovery Clusters, all the clusters have either been phased out (Telecommunications, Logistics, CCCM) or evolved into national working group structures or task forces. The Protection and Early Recovery Clusters are also working with partners to move forward on transition into more sustainable and inclusive structures with stronger national leadership (Email correspondence, OCHA Kenya, 16 December 2008).

Note: This is a summary of the IDMC’s Internal Displacement profile. The full profile is available online [here](#).

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About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

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