

CHALLENGES FACED IN THE RESETTLEMENT OF INTERNALLY DISPLACED PERSONS IN KENYA

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CHALLENGES FACED

IN THE RESETTLEMENT OF INTERNALLY DISPLACED PERSONS IN KENYA

Robert WAWERU

Introduction

This paper examines the initiatives that have been undertaken by the government of Kenya from 2008 to 2016 to address the plight of Internally Displaced Persons (IDPs) after the 2007/08 post-election violence (PEV). The violence erupted after the announcement of Mwai Kibaki as the winner of the presidential election against Raila Odinga.¹ Odinga disputed the election outcome, claiming that electoral fraud had taken place and called upon his supporters for mass action. The demonstrations quickly degenerated into politically instigated ethnic violence that was witnessed across the country and was most severe in urban areas such as Nairobi, Naivasha and Kisumu, where supporters of the two candidates engaged in attacks and counter attacks (KNCHR 2008).

The Rift Valley was also an epicenter of violence where attacks were mainly directed at the Kikuyu ethnic group for displacement. By 28th February 2008, when Kibaki and Odinga signed the Principles of Partnership after successful mediation by Kofi Annan, over 1300 Kenyans had lost their lives and 650,000 more had been displaced from their homes and their properties destroyed. 310,000 of the displaced persons integrated among communities while the other 350,000 sought refuge in 118 IDP camps across the country (Muluka 2010: 53). The first initiative, *Operation Rudi Nyumbani* (Return Home), was the immediate effort made by the Grand Coalition government formed to end the violence with Kibaki as President and Odinga as Prime Minister.

The second initiative, Operation Ujirani Mwema (Good Neighborliness) and *Operation Tujenge Pamoja* (Build Together) meant to ensure safe and peaceful environment for the returning displaced persons. Third was the provision of Ksh 10,000 and Ksh 25,000 start-up and reconstructing funds to support the returning IDPs in re-starting their livelihoods. However, not all IDPs were displaced from farms: a significant number were displaced from urban areas and therefore had nowhere to return to. Moreover, not all IDPs were willing to return to places they had been displaced from.

They had to be resettled on government purchased lands in several parts of the country including Rongai, Nakuru County, where this study was carried out because of the large number of IDPs that were resettled in the area. According to the government, it seemed convenient for resettlement because of logistical reasons and the availability of large and cheap land. However, I was curious to find out what challenges the resettlement would face given the fact that the host community in this area, the Kalenjin, was the same ethnic community that was responsible for the displacement of many IDPs in the first place. This paper conducts an analysis of the socio-cultural, political, economic and logistical challenges that faced the resettlement process and offer recommendations on how these challenges could have been avoided. It also presents the views of stakeholders in the resettlement process, *i.e* the IDPs, the government through the National Coordination Consultative Committee on IDPs

¹ Kibaki of Party of National Unity (PNU) was a Kikuyu while Odinga of Orange Democratic Movement (ODM) was a Luo who enjoyed the support of other ethnic groups like the Kalenjins (Klopp & Kamungi, 2007/2008: 2). More specifically on the PEV and the IDPs, see Kamungi & Klopp, 2007: 52-53.

and the Provincial Administration as well as Civil Society Organizations (CSOs) such as the Kenya Human Rights Commission.

Inadequate funds

After the 2007/08 PEV and the formation of the Grand Coalition Government, the Ministry of Special Programmes (MoSP) was tasked with the mandate of responding to the plight of the 663,921 IDPs (Kamungi 2009: 355).² Lack of sufficient funding is the greatest challenge the government faced in its effort to address the plight of the IDPs. By December 2009, 24,709 IDPs households had not received the Ksh 10,000 start-up capital and 55,725 households had not received the Ksh 25,000 for the reconstruction (KNCHR 2009: 5). As of July 2010, the government had disbursed Ksh 2,380,170,000 to IDPs and still required an additional 1,161,390,000 to address the cash disbursement. By July 2010, out of the 6802 IDPs households who had land to return to, only 789 households had benefited from the 21/4 acres of land resettlement (GoK, 2010). By the end of 2016, the government had provided the Ksh 10,000 start-up capital to 170,349 households and the Ksh 25,000 reconstruction funds to 37,843 households. A total of 122,245 persons had also benefited from the psycho-socio support initiatives. A further 8,784 households been resettled on 20,630 acres of land purchased by the government.³

The cash disbursement process was however criticized by both the IDPs and Civil Society as a process that lacked transparency and accountability. There were allegations of some government officials misappropriated cash meant for the benefit of IDPs.⁴ Consequently, a majority of IDPs received either the Ksh 10,000 or the Ksh 25,000 with some receiving nothing at all. A beneficiary accounts: *“In my household, my wife, my son and I received Ksh 10,000 each. However, I am the only one who received the Ksh 25,000. The others did not receive the Ksh 25,000”*⁵

² In the Grand Coalition Government, the MoSP was a Kibaki/PNU Ministry headed by Naomi Shaban. However, the Prime Minister Odinga was in charge of supervising all the ministries and therefore the resettlement was a collective government effort.

³ Interview with a National Government Official, 22/11/2016, Nairobi.

⁴ Karanja Njoroge and Kenan Miruka, “How officials used IDPs’ names to siphon Sh200m meant for victims”, The Standard, 12/1/2010. Accessed October 5th 2017,

online: <https://www.standardmedia.co.ke/article/2000000781/how-officials-used-idps-names-to-siphon-sh200m-meant-for-victims>

⁵ Interview with Dominic Otieno, a resettled IDP, 30/09/2017, Makongeni Farm.

⁶ Interview with a Senior Provincial Administration Officer, 22/06/2016, Rongai Sub County Offices.

⁷ Interview with a Junior Provincial Administrator Officer, 22/06/2016, Rongai Sub County Offices.

On the other end, some IDPs received multiple payments by registering multiple times in multiple places.

Poor records management of IDPs

As mentioned earlier, lack of proper records of IDPs was also a major obstacle in the implementation of these initiatives, especially early on in the process. Before 2007/08, internal displacement was not very common in the country and the government had not been keen in keeping an updated record of displaced persons. Consequently, after 2007/8, the government did not have any clear records on who was an IDP and who was not. Therefore, when the government tried to address the plight of IDPs, it faced a very serious challenge of identifying genuine IDPs and fraudsters. A local Provincial Administrator said: *“The process of identifying genuine IDPs should have started at the onset of the resettlement program. The government should have involved the provincial administration to determine who a genuine IDP is and who is not”*⁶

The area Chief also reiterated: *“We endorsed over twenty lists of beneficiaries and we don’t even know which one was used to compensate people. Sometimes individuals who should have benefited should not have while some genuine IDPs who should have benefited did not”*⁷

Even the National Consultative Coordination Committee on Internally Displaced Persons (NCCCIDP), the national government agency formed in 2013 to coordinate the resettlement of IDPs, admits that at the beginning of the resettlement process in 2008, no clear records were used during the compensation of the IDPs.

Alleged inequality in the resettlement process

There is a widespread perception that the government, both the Kibaki/Odinga's and the Uhuru/Ruto's discriminated against IDPs from other parts of the country in the resettlement process by paying more attention on IDPs from the Kikuyu community displaced from the Rift Valley.⁸ This claim is even held by resettled IDPs who still maintain that they did not receive similar attention as other IDPs. A Luo IDP complained: *"With majority of our people [Luos], when the fracas erupted they went home [Nyanza]. They therefore were not compensated. Us who were compensated are just a drop in the ocean. For example, my brother lost all his property here and there is nothing he got. If you go to where Kikuyu's were allocated land, you will see how we were neglected. Honestly speaking it was much skewed"*.⁹ Patrick Njagi, the chief executive officer of National Consultative Coordination Committee on IDPs, was however quick to dismisses such an argument and maintained that the first priority was given to the plight of IDPs who were in the camps, facing a dire humanitarian crisis. Integrated IDPs, those who had gone back and integrated within their communities were to be addressed in subsequent programs.

Failure to involve and consult with stakeholders

A key provision in all legal frameworks that protect IDPs, such as the United Nations Guiding Principles on Internal Displacement and the Kenya IDP Act of 2012, provides that IDPs should be consulted on any programs undertaken by authorities to address their plight. The government of Kenya has however faced a lot of criticism from IDPs, CSOs and other stakeholders who accused the government of implementing resettlement programs without engaging them in any adequate and meaningful consultation. A resettled IDP complained of government of unilateralism: *"People should be consulted on where they should be resettled. Our resettlement in that place was somehow forceful. How can you be taken to a place you have never seen? You should be consulted and even counseled that the place (...)*

(...) you are going to be resettled is pathetic. I was resettled in Majani Mingi but I decided to come back here [Njoro]. Majani Mingi is a very dry area, arid. It is very rocky, you cannot even till it. You can't even sell it. It is useless, there is no value addition that you can do on it. In fact, majority of the people resettled there are currently not living there because you cannot till the land. There is no water, there is no rain and no amenities".¹⁰



A house belonging to a resettled IDP in Makongeni but has since been abandoned @ Robert Waweru

A Human Rights Officer advises: *"The Kenyan Constitution provides for public participation. IDPs are your target audience, if you don't consult them on a regular basis on how best to address their issues how then do you address their problems?"*.¹¹ Mr Patrick Njagi from the NCCCIDP however dismisses such arguments and maintains that it is not practical to resettle all the IDPs in places where each one of them would want. The government urges the resettled IDPs to be thankful for all the efforts the government has undertaken to address their plight instead of always complaining. According to Mr. Njagi, the government has done its best to help the IDPs at the prevailing circumstances and despite all the challenges. A National Government Official remarked: *"Some of those persons complaining that they were not consulted and that the land they got is not good did not even own land in the first place. Instead of being grateful for the piece of land which they can sell and get money to do other business, they are complaining. It is a big challenge (...)*

⁸ Philip Bwayo, "IDPs cite discrimination in resettlement plan", The Daily Nation, 7th April 2013. See also, Human Rights Watch, "Kenya: Discrimination against Rift Valley Displaced", July 2016.

⁹ Interview with George Odhiambo, a resettled IDP, 21/6/2016, Njoro Trading Center.

¹⁰ *Ibid.*

¹¹ Interview with a Human Rights Officer from the Kenya Human Rights Commission, 11/09/2017, Nairobi.

(...) getting big, fertile and arable land because the process of buying land is based on a willing buyer willing seller Principle".¹²

Lack of social amenities and basic infrastructure

IDPs resettled in Rongai, Nakuru, argued that the government cannot claim to have resettled them. They have the feeling they were just dumped in a place with no roads, schools, hospitals, markets, security, water or any other form of social amenity.



The piece of land set aside for the construction of social amenities in Makongeni but none has been established yet @ Robert Waweru

The most pressing challenge is the lack of clean water. The only source of water is an open dam that was dug by the government, which is not clean and safe for human consumption.



A girl draws water from an open dam, the only source of water in Makongeni farm @ Robert Waweru

Hostility between the IDPs and the host community

The resettlement of IDPs in many parts of the country faced stiff resistance by the local communities who rejected the resettlement of new communities in their areas.¹³ The script was not any different in Rongai, as the resettlement provoked hostility from the local community who were mainly laborers working in the sisal farms that had been purchased to resettle IDPs.

The local communities argued that the government could not resettle people from other regions such as Western and Nyanza while there were landless people residing in the area. An IDP resettled in Rongai narrates: *"They were not accommodative, they became very aggressive towards us until the government decided to allocate some of them land to appease them. They did not want us there, even now they don't want us there. In fact, there is a friend of mine who planted maize and the maize somehow did well. He was a Luhya. At night, a host neighbor deliberately grazed his cattle on all the maize and there is nothing the farmer could do. You cannot raise any issue because you are in a foreign land. We are voiceless there."*¹⁴

To avoid the problem of hostility from local communities, in 2013 the NCCC on IDPs designed a formula that would see the local communities also get a share of the land. In Rongai, they came up with a 60%-40% formula where the IDPs were to get a 60% share of the land while the local community was to get a 40% share of the land. Mr. Njagi however downplays any such hostility and argues that it is not an attempt by the local community to resist the resettlement of new communities in their areas but that the local host communities also require land: *"I cannot call it hostility. What happens is that, there are landless people in every community. Therefore, when they see you bringing people to resettle, they also demand to be resettled too because they too do not have land. It is not an issue of hostilities between communities. What we have done is work on a formula where as we resettle the IDPs we also give a portion of the land to the landless people"*.¹⁵

¹² Interview with Patrick Njagi, Chief Executive Officer, NCCCIDP, 22/11/2016, Nairobi.

¹³ Jessica Nyaboke, "Kenya: Burnt Forest Villagers Resist IDPs Resettlement", The Star, 12th May 2011. See also, Article 19, July 2016.

¹⁴ Interview with Julius Owino, a resettled IDP, 21/6/2016, Njoro Trading Center.

Politicization of the resettlement process

Politicization of the resettlement process was a big challenge to effective implementation of the resettlement program across the country. Kenyan politics and voting is conducted along ethnic lines that matches with political contests. Therefore, the resettlement of any group of people in a given place alters the ethnic composition of that area and consequently affects the voting patterns, unless the IDPs being resettled are of the same ethnic group as the host ethnic group. Politicians either supported or opposed the resettlement of IDPs in various areas depending on what impact the resettlement would have to their political interests. In Nakuru, a Kalenjin politician would oppose Kikuyu IDPs to be resettled in his/her area because they might vote for a Kikuyu politician. However, if the IDPs were Kalenjin, Kalenjin leaders would support the process because resettlement might increase his/her votes. Where they thought IDPs resettlement would be beneficial to them, local leaders would support the process, but where they thought the resettlement would threaten their political interests, they would oppose often by inciting the host communities against accepting the settlement of IDPs in their areas.¹⁶

Conclusion

While the government of Kenya said it “tried its best” to address the plight of IDPs, the implementation of the resettlement initiatives has encountered numerous challenges that negatively affected the effectiveness of the process. This article postulates that the resettlement of IDPs is often a very complicated process that requires proper planning before the implementation of any program intended to provide lasting solutions to IDPs. Consultation and inclusion of the IDPs is key to the success of any resettlement process. The special needs of IDPs do not necessarily disappear immediately after the resettlement. Resettling authorities and other stakeholders should follow up on IDPs because they continue to face difficulties in establishing livelihoods and lack of social amenities such as schools, hospitals and infrastructure particularly pose major challenges. After the numerous challenges experienced with land resettlement, the government of Uhuru Kenyatta

subsequently opted to give cash to IDPs for self-resettlement. Eventually from 2016, the government is compensating integrated IDPs, but many structural challenges are yet to be addressed.

Biography

Robert Waweru is an alumnus of University of Nairobi holding a Masters Degree in Armed Conflict and Peace Studies and a B.A in Political Science and Conflict & Peace Studies from the same Institution. This paper presents part of his Masters Dissertation’s findings that explored the resettlement of IDPs in Kenya and the challenges that were encountered in the resettlement process.

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