

**RESETTLEMENT OF INTERNALLY DISPLACED PERSONS IN KENYA: A CASE OF
RONGAI, NAKURU COUNTY 2008 – 2016.**

BY

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DECLARATION

This research project is my original work and has not been submitted for examination in any other University.

ROBERT WAWERU _____ Date _____

This project has been submitted for examination with our approval as University supervisors.

DR. HERBERT MISIGO AMATSIMBI _____ Date _____

DR. MARGARET GACHIHI _____ Date _____

DEDICATION

This work is dedicated to all internally displaced persons around the world who continue to endure the plight of internal displacement.

ACKNOWLEDGEMENTS

This work would not have been possible without the intervention of numerous people who at various junctures offered their support. While I would like to generally thank everybody who in one way or another contributed, I wish to single out the University of Nairobi through the Department of History and Archaeology for granting me a scholarship that enabled me to pursue this Masters. Sincere gratitude also goes out the French Institute for Research in Africa (IFRA) for the funding to conduct my fieldwork and Water and Society (WaSo) for granting me an academic fellowship to complete the project at Makerere University.

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ABSTRACT

The end of 20th century witnessed a dramatic increase in the number of intractable civil wars leading to massive displacement of persons. Internally Displaced Persons (IDPs) in camps lack access to adequate shelter, food, healthcare and means of livelihoods enduring a life of bleakness and hopelessness. Resettlement of IDPs is an exercise that seeks to alleviate both the short term humanitarian needs of IDPs and provide long term durable solutions. It is expected that after resettlement, IDPs are able to re-establish their livelihoods and are able to sustainably attain their basic needs. However, challenges faced during and after resettlement often times renders such processes inadequate and ineffective.

This study is an evaluation of one such resettlement program in Rongai, Nakuru County in Kenya. The study was guided by two objectives. One, to examine the resettlement of IDPs in Rongai Sub-County and two, to examine the challenges facing the resettlement and the coping mechanism adopted by the resettled IDPs. The study tested two hypotheses. One, that the government of Kenya resettled IDPs in Rongai Sub-County and two, that there are challenges that faced the resettlement of IDPs in Rongai Sub-County.

The study was grounded on the Basic Human Needs Theory. The theory argues that conflicts are inevitable when human needs are not met and that individuals and groups revert to conflict when they don't have any other way to meet their needs. The study utilized both primary and secondary sources of data. The researcher used purposive sampling method and snowballing technique to identify respondents interviewed with a question guide. The data collected was analyzed qualitatively and presented in narrative a form.

The study argues that while the government of Kenya designed and implemented several initiatives aimed at addressing the plight of IDPs, the resettlement process was hampered by a myriad of challenges that impacted negatively on the overall sufficiency and effectiveness of the process. The study also found out that the resettled IDPs have developed several coping strategies to deal with the challenges that they face after their resettlement.

Map of Rongai Constituency

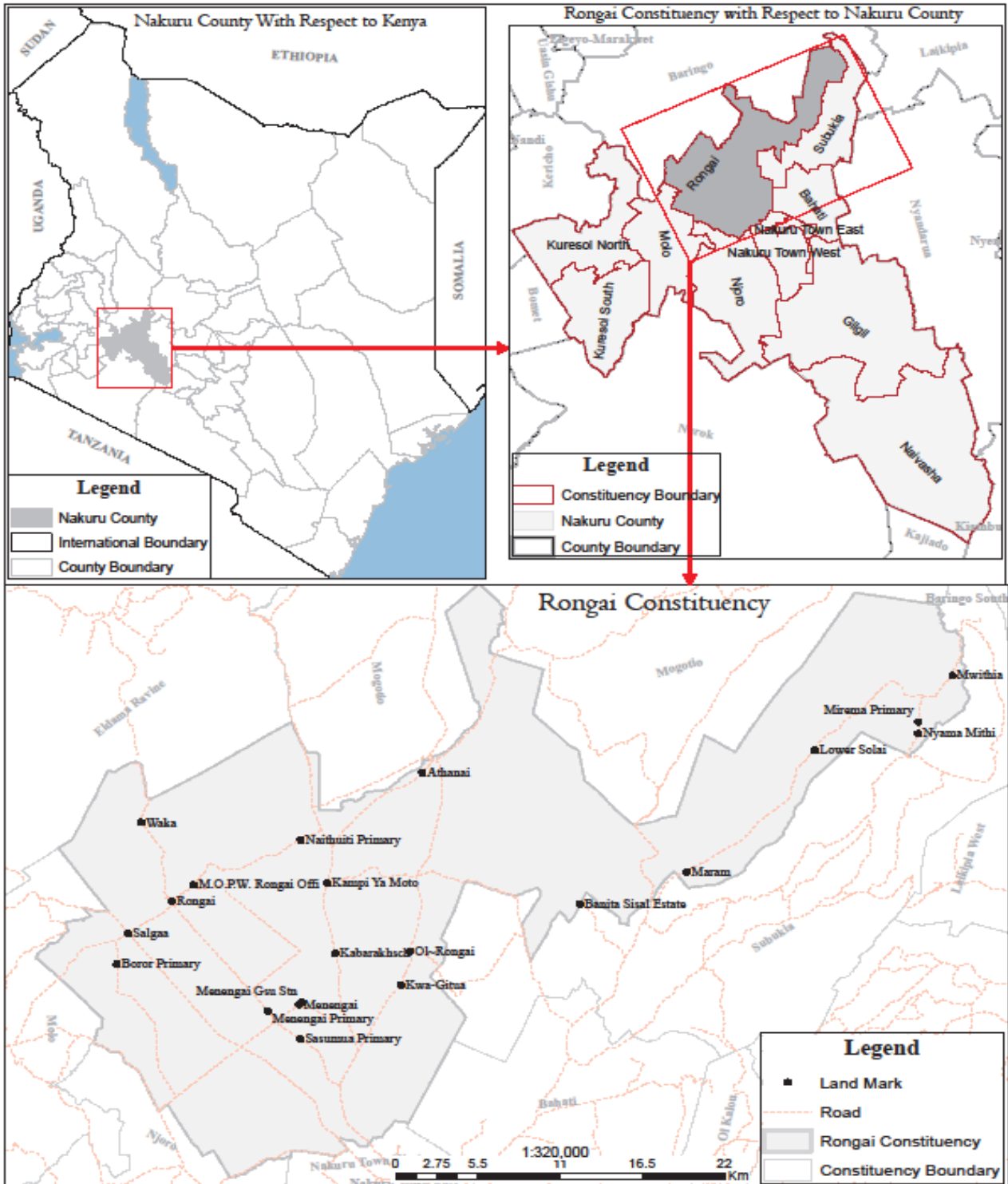


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LIST OF ABBREVIATIONS

ASALs	: Arid and Semi-Arid Lands
HRW	: Human Rights Watch
AU	: African Union
CAR	: Central African Republic
CSOs	: Civil Society Organizations
UNDP	: The United Nations Development Programme
CIPEV	: Commission of Inquiry into Post-Election Violence
DRC	: Democratic Republic of the Congo
ECK	: Electoral Commission of Kenya
BEAC	: British East Africa Company
OCHA	: United Nations Office for the Coordination of Humanitarian Affairs
ECOWAS	: Economic Community of West African States
GEMA	: Gikuyu Embu Meru Association
GoK	: Government of Kenya
GPID	: Guiding Principles on Internal Displacement
IDPs	: Internally Displaced Persons
IGAD	: Intergovernmental Authority on Development
KANU	: Kenya African National Union
KHCR	: Kenya Human Rights Commission
OCHHR	: Office of the High Commissioner for Human Rights
KNHCR	: Kenya National Commission on Human Rights
KNDR	: Kenya National Dialogue and Reconciliation
MoSSP	: Ministry of State for Special Programmes
NGOs	: Non-Governmental organizations
ODM	: Orange Democratic Movement
FORD	: Forum for the Restoration of Democracy)
PNU	: Party of National Unity
PEV	: Post Election Violence
VICDA	: Volunteer International Community Development Africa
UN	: United Nations
UNHCR	: United Nations High Commissioner for Refugees

CHAPTER ONE

INTRODUCTION

1.1 Background

The phenomenon of forced migration and displacement of persons has characterized human history since time immemorial. The twentieth century has however been referred to as the century of refugees due to the large number of human displacement that occurred during that century.¹ World Wars I and II produced massive displacement of populations both in scope and intensity of up to 20 million people. For example, more than 5 million Russians were displaced during World War I, and the Russian Revolution of 1917. The twentieth century saw Europe and Middle East experience immense displacement of people as millions of Poles, Greeks, Turks, Germans and many other nationalities were uprooted by the turbulent events of that century.²

With regard to Internal Displacement, the sudden surge in the number of civil wars in the last decade of the twentieth century has highlighted the plight of IDPs as a category of concern that had hitherto not been given much attention. The Internal Displacement Monitoring Centre (IDMC) Report of 2014 on Internally Displaced by conflict estimated that there were 33.3 million displaced persons in the world by the end of 2013. These were people who had been displaced from their homes by generalized violence, armed conflict, and human rights violations. The figure represented a 16 per cent rise compared to 2012 when it reported 28.8 million IDPs.

The IDMC Report of 2015 reported that by the end of 2014, there were 38 million IDPs. 11 million had been displaced in the year 2014 a 15% rise in the number recorded in 2013. The statistics indicated that 300,000 people were being displaced on a single day. By the end of 2014, conflicts in countries like Syria, Iraq, the Democratic Republic of Congo and others had

¹Nevzat Soguk, *States and Strangers: Refugees and Displacements of Statecraft* (University of Minnesota Press 1999), p. 57.

²Ibid, p.58.

contributed the number of IDPs to be twice that of Refugees. In fact, South Sudan, Syria, Nigeria and The DRC accounted for 60% of the new displacements.³

From the two reports, Sub-Saharan Africa and the Middle East posted the highest numbers of persons displaced from their homes. In Sub-Saharan Africa, the high number of IDPs is due to the large number of armed conflicts that continue to typify the continent. Over 12.5 million people were displaced in 2013 as millions of people fled inter-communal violence, conflict over resources and violence by state as well as non-state armed groups. In 2014, there were 11.4 newly displaced persons with 3.1 million in Sudan, 2.8 million in the DRC, 1.5 million in South Sudan and up to 1 million in Nigeria. The Central Africa region was again the most affected with 70 per cent of the new 11.4 million IDPs.

In Nigeria, Boko Haram displaced 470,500 people in 2013 and in 2014 displaced 975,300 more people. In South Sudan, the conflict and drought displaced 1.3 million people an increase of 15% from 2013. In the DRC, up to 1, 003,400 persons were newly displaced in 2014. While 561,100 IDPs returned home, many others are still displaced. At the end of 2014, there were 1.9 million IDPs in the East Africa region with largest number being 1.1million IDPs in Somalia, 397, 20098 in Ethiopia and 309,200.99 IDPs in Kenya.⁴ The IDMC report indicate that more than 220,000 were displaced in Kenya in 2014, while 55,000 were displaced in 2013 by inter-communal conflicts.

Despite many of these countries having signed and ratified several legal frameworks that seek to prevent displacement of persons, for example the United Nations Guiding Principles on Internal Displacement and the Kampala Convention on Internally Displaced Persons as of the end of 2014, new displacement is still being occasioned by ethnic and religious conflicts, conflicts over struggles for political power, extremist violence, and conflicts over natural resources. Urgent measures are needed to stop further internal displacement of persons.

³ Internal Displacement Monitoring Centre (IDMC), The Global Overview 2015 Report on People internally displaced by conflict and violence,” (Geneva 2014), accessed 26/6/2016, <http://www.internal-displacement.org/assets/library/Media/201505-Global-Overview-2015/20150506-global-overview-2015-en.pdf>, p. 25.

⁴ Ibid, p. 26.

1.1.1 Internal Displacement in Kenya

Internal displacement in Kenya is not new but has been a recurring phenomenon since the pre-colonial times. Before the advent of colonialism, different native African communities engaged each other in conflicts mostly over resources such as land for cultivation, grazing land and pasture. These conflicts often resulted in the displacement of population albeit on a smaller scale. During colonialism, colonial authorities displaced large sections of the African communities during the creation of the ‘White Highlands’ for the settlement of the European settlers. The displaced Africans settled in areas reserved to them by the colonial authorities known as the ‘Native Reserves’ or as squatters in the white settled lands.

After independence, Kenya did not experience any major events of displacement. While there were a few cases of political upheavals such as the 1966 hotly contested parliamentary elections and or the 1982 attempted coup attempt, the period from 1963 to the early 1990s was generally peaceful as there was no major political or ethnic violence that contributed to any significant displacement.

The re-introduction of multi-party in 1991 however re-introduced the problem of internal displacement. The Commission of Inquiry into Post-Election Violence Report (CIPEV) identified that the major causes of internal displacement in Kenya were conflicts linked to unresolved land grievances, poor governance, socio-economic insecurity and politically/ethnic instigated animosity. Politically instigated conflict and subsequent displacement of persons occurred in Kenya in 1992, 1997 and 2007. ⁵

Internal displacement in Kenya however has not only been as a result of political and ethnic violence. People have been displaced from their homes by natural disasters such as floods, famine and cattle rustling and banditry activities. Development based evictions for infrastructural projects such as for constructions of roads, railway, dams, mining projects and evictions mostly

⁵Government of Kenya, *The Commission of Inquiry into Post-Election Violence Report*, (Nairobi: Government Printer, 2008), p. 271.

in the urban slum settlements and from forests and water catchment areas have also substantially contributed to the phenomena of internal displacement in Kenya.⁶

While internal displacement had been a regular occurrence in most parts of Kenya, the crisis that followed the 2007 contentious presidential election results was unprecedented in both magnitude and scope. Unlike in 1992 and 1997 where violence erupted before the election ostensibly to create politically and ethnic homogeneous voting blocs, the 2007 violence occurred after the election in what was a violent reaction to the outcomes of the election.

On 27th December 2007 Kenyans went to the polls to vote for the presidential, parliamentary and ward representative positions. Eight candidates vied for the presidential position but at the end, stiff competition pitted the incumbent Mwai Kibaki and Raila Odinga. The campaigns in the run up to the elections were passionate, volatile, divisive and highly polarizing. Kibaki of Party of National Unity (PNU) were perceived to represent the status quo which was the domination by the economic and political elite that exercised control of the government and the private sector and largely from the Gikuyu, and its allied communities of Embu and Meru (GEMA) while Odinga of Orange Democratic Movement on the other hand were perceived to represent the rest of the population mostly the Luo and the Kalenjins.⁷

Voting was relatively peaceful but delays and confusion in announcing the results of the election started to create panic, unease and tension in the country. Finally the Electoral Commission announced President Kibaki as the winner against Odinga with a difference of 225,000 which was about 2.5 percent of the votes cast. Odinga and the ODM leadership refused to accept the election results and rejected president Kibaki's declaration as the winner while Kibaki and the PNU leadership insisted that he had legitimately won.⁸

⁶ Laurence Juma, "Protection of development-induced internally displaced persons under the African Charter: the Case of the Endorois community of Northern Kenya," *The Comparative and International Law Journal of Southern Africa* 46, No. 2(2013):211-233, p. 214.

⁷ Office of the African Union Panel of Eminent African personalities, *Back from the Brink; The 2008 Mediation Process and Reforms in Kenya*. (African Union, Nairobi 2014), p. 8.

⁸ Prisca Kamungi and Jacqueline M. Klopp, "Failure to Protect: Lessons from Kenya's IDP network," *Forced Migration Review* 28 (2007), pp. 52-53.

Odinga claimed that he had won the election and argued that vote rigging had taken place right from the polling stations, Constituency Tallying Centers to the National Tallying Center. Local and international election observers for the first time also unanimously agreed that there were flaws in vote counting and tallying.⁹ The situation was worsened by the ECK chairperson when he said that he also doubted the credibility of the results. Kivuitu's comments emboldened the suspicion that the election had been influenced.

Kibaki was immediately sworn in at dusk the same day on 30th December less than 30 minutes after he was declared the winner. Unlike in the previous swearing in ceremonies where a president is sworn in after two or three days, during the day and in the presence of regional and international representatives, Kenyans were shocked to watch the swearing-in proceeding on television late in the evening with only a handful of invited guests attending. The day that followed five Electoral Commissioners demanded for an inquiry to determine whether any of their colleagues had manipulated the presidential elections. These two developments further deepened the suspicion of vote rigging.¹⁰

PNU leaders called for the poll losers to take their grievances to the courts. They argued that ODM refused to accept defeat because the opinion polls had suggested that they would win. ODM leaders refused to seek legal redress of the matter by arguing that the judiciary was not independent and could not be a fair arbiter. At this point, the stage was set for a violent conflict that would occur in unprecedented scale. Unlike the previous electoral conflicts that occurred mainly in two provinces, 2007 witnessed violence in the form murder, rape, mutilation, arson destruction of property sabotage and looting by individuals and ethnic based militias occur in six of Kenya's former eight provinces.

The 2007 Post-Election Violence (PEV) was the crescendo of ethnic competition for political power and normalization of political violence. The violence took the forms of spontaneous, organized and retaliatory attacks. The two months conflict led to the deaths of 1300 people and

⁹Jacqueline Klopp and Prisca Kamungi, "Violence and Elections: Will Kenya Collapse?" *World Policy Journal* 24, No. 4 (winter, 2007/2008), p.2.

¹⁰Stefan Dercon and Roxana Gutiérrez-Romero, "Triggers and Characteristics of the 2007 Kenyan Electoral Violence." *Center for the Study of African Economies (CSAE)* (Working Paper 2010-12), p. 14, accessed on February 6th 2016 <https://www.csae.ox.ac.uk/workingpapers/pdfs/2010-12text.pdf>

the displacement of over 650,000 persons. 310,000 of the displacement persons were temporarily integrated by host communities for several months while the rest sought refuge in IDP camps across the country.¹¹

The violence ended after a power sharing deal that was formalized on February 2008 by a mediation process spearheaded by Kofi Annan. The peace process brought the two antagonists ODM and PNU together and on 28th Feb 2008 the two Principles signed an Agreement for the formation of the Grand Coalition Government. The enactment by parliament of the National Accord and Reconciliation Act not only provided for the working of the Grand Coalition Government but also contained four agendas which aimed at reforming and addressing both the immediate and underlying issues that had brought about the conflict.¹²

Agenda item 2 of the National Accord and Reconciliation Act provided for the immediate measures to address the humanitarian crises, promote reconciliation, healing and restoration. To achieve this end the government had to implement measures not only stop the violence but also provide assistance and resettle the IDPs. The government thereafter launched a plan to resettle at least 350,000 IDPs and hoped to raise over 30 billion Kenyan shillings required to meet the full cost of addressing the immediate humanitarian needs as well as the long term resettlement of IDPs.

1.2 Research Problem

Displacement of persons is often a traumatic experience. Displacement breaks families apart, destroys properties and shatters people's livelihoods rendering the displaced persons a very vulnerable group. The displaced often live in squalid conditions in camps with no proper shelter, food, sanitation, health facilities and education. Resettlement of displaced persons is a process that seeks to provide durable solutions to the displaced persons and facilitate them to return to their pre-displacement livelihoods.

¹¹ Barrack Muluka, "Internally Displaced Persons and the Dilemma of the Right of Return: A case study of Vumilia Eldoret, Jikaze and Fumilia Narok IDPs in Maai Mahiu in Kenya's Rift valley province, 2007-2010," University of Nairobi, Unpublished M.A, diss, (2010), p. 53.

¹² Office of the African Union Panel of Eminent African personalities, *Back from the Brink; The 2008 Mediation Process and Reforms in Kenya*. (African Union, Nairobi 2014), p. 48.

Studies however show that resettlement of IDPs face challenges that make resettlement and reintegration of IDPs difficult often failing to yield the desired outcomes meaning resettled IDPs continue to experience displacement related needs. Several factors combine to make resettlement of IDPs ineffective and unsustainable. The main obstacles that face the IDPs is inadequate basic services and means of livelihoods. In post-conflict situations, these challenges may contribute to the re-emergence of conflict. Therefore to mitigate the potential threat to peace and stability that resettlement entails, it is important to understand the challenges of specific resettlement programs.¹³

This study therefore sought to understand the specific challenges of resettling IDPs in Kenya after the 2007/08 PEV. This study focused on the resettlement of IDPs by government in Rongai, Nakuru County. The study examined the challenges that faced the resettlement of IDPs in Rongai, the coping mechanisms adopted by the resettled IDPs as well as examining the overall sustainability of the resettlement programme.

1.3 Research Questions

1. What are the specific initiatives that the government took to resettle IDPs in Rongai?
2. What are challenges that faced the resettlement of IDPs in Rongai Sub-county?

1.4 Objective

The overall objective of this study is to examine the sustainability of the resettlement programme implemented by the government of Kenya in Rongai Sub-County.

The study was guided by the following objectives.

- (i) To examine the resettlement of IDPs in Rongai Sub-County
- (ii) To examine the challenges and coping strategies of IDPs resettled in Rongai Sub-County.

¹³ Jean Pierre Maniraguha, “Challenges of Reintegrating Returning Refugees: a Case Study of Returnee Access to Land and to Basic Services in Burundi,” University of Tromsø, Unpublished M.A, diss, (2011), p.3.

1.5 Justification of the Study

While a lot has been written generally on the area of forced migration and refugee studies, little scholarly discourse has focused on the plight of Internally Displaced Persons. The little attention that has been directed towards the study of IDPs has mainly focused on the causes of displacement and the living conditions of IDPs in the camps. Other studies on IDPs in Africa and in Kenya in particular have focused on the humanitarian intervention to the plight of IDPs. In Kenya scholars have investigated issues of the right of return as well as why IDPs were reluctant to go back to their former places of habitual residence even after the signing of a peace agreement and the apparent restoration of peace.

While the study acknowledges that the process of resettling IDPs in Kenya is a continuous one, there hasn't been a systematic study carried out to explore what interventions have been taken by the national government to address the issue of internal displacement in Kenya and what the challenges that have bedeviled the implementation of such initiatives are. More closely, no study has investigated the challenges facing the resettlement of IDPs on government purchased land and what impact those challenges have on IDPs as far as search for durable solutions is concerned. Such a study would not only determine the challenges but would also offer recommendation on what ideal resettlement would constitute.

This study sought to explore such an intervention and therefore justifies itself. This study will investigate the underlying factors that contribute to perennial internal displacement. The study will also determine the challenges faced by authorities in addressing internal displacement and recommend how to overcome the challenges and make such interventions more effective. The study will provide valuable intellectual knowledge to the field of displacement of persons and search for durable solutions. The study will also not only highlight the inconsistency that exists between the theoretical legal provisions and the practical implementation of such initiatives, but will also provide valuable insights to policy makers with regard to formulation of policy to address problems of internal displacement of persons.

1.6 Scope and Limitation

This study focused on the period between 2008 and 2016. This is the period during which the number of Internally Displaced Persons in Kenya dramatically increased as a result of the

violence that followed the outcome of the disputed 2007 general election. This is also the period that the government undertook initiatives to address the problem of internal displacement. It is within this period that the government rolled out the resettlement of IDPs programs. The study was limited to IDPs who are victims of the PEV resettled in Makongeni Farm, Rongai in Nakuru County. My interest in this group of IDPs lies in the fact that unlike other groups of IDPs who were resettled in land exclusively reserved for IDPs, this small group of 177 IDPs were resettled among another category of IDPs, which is that of forest evictees, and not victims of PEV. While I did not talk to the forest eviction IDPs, this study sought to investigate if challenges facing IDPs are group specific or general.

The study met a few challenges. The first challenge is the perception by the IDPs that the researcher was a government officer and therefore the IDPs would make claims of compensation that they had not received from the government. Secondly the perception that the researcher might be a government officer could have prompted the respondents to give biased or exaggerated responses to the questions posed. The researcher however assured the respondents that he is a mere student and that the information given will be used for academic purposes only and will be treated with utmost confidentiality. Language was also a challenge as some respondents could only respond in Swahili. Accessibility was another challenge as Makongeni farm is difficult to access as there are no roads especially in the rainy season. Lastly, the researcher recognizes that the resettlement IDPs is not an event but a continuous process hence limiting the capacity of examining the effectiveness of such a process.

1.7 Literature Review

This section reviews existing literature on migration and internal displacement of persons. While migration of persons and refugee issues seem to be areas that have been well studied, literature on IDPs suggests that it is an emerging area of study fast starting to get attention and more so in Africa. In Kenya for example, while the phenomenon of internal displacement is not a new one, much of the recent literature seem to be triggered by the events that followed the 2007 elections. That notwithstanding, much of that literature has focused on the plight of IDPs residing in the camps, there hasn't been much literature on measures taken to address internal displacement. This section is comprised of three parts. The literature on legal regimes, a general picture on the

situation of ‘IDPhood’ around the world and finally a focus on literature specific to the IDPs in the Kenyan situation.

Conor Foley and Barbara McCallin highlight the challenge of recovery of personal documentation of internally displaced persons after they lose their documentation during their flight from conflict or disaster. Documentation is important to IDPs’ because access to benefits and legal rights are mostly dependent on ownership of documents such as identification cards etc. Therefore inadequate measures to provide or renew missing documents to displaced persons are a violation of their rights.¹⁴ Did the lack of personal documentation hinder IDPs resettled in Kenya from accessing assistance that they ought to have accessed and what challenges did they face trying to recover the lost documents?

Laurence Juma conducted an assessment of The Convention for the Protection and Assistance of Internally Displaced Persons (IDPs) in Africa. The Convention known as the Kampala Convention was adopted in Kampala, Uganda, on 23 October 2009. It was the first independent legally binding regional instrument in the world to impose on states the obligation to protect and assist IDPs.¹⁵ It is however ironic that the problem of internal displacement continues to afflict Africa disproportionately despite the existence of the legal protection standards in place. There is clearly a lacuna between what such legal frameworks provide for and the implementation of such laws. This study attempted to explore why such gaps exist by examining the challenges encountered in resettling of IDPs in Kenya.

Corinne Nziyumvira using Ugandan as a case study, analyzed International legal frameworks for protection of internally displaced persons versus international initiatives and state practice. She concluded that domesticating the Guiding Principles into national legislative or legal framework

¹⁴ Conor Foley and Barbara McCallin, “The Recovery of Personal Documentation. In Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges in Walter Kalin, et, al, *Incorporating the Guiding Principles on Internal Displacement into Domestic Law: Issues and Challenges*, The American Society of International Law and The Brookings Institution (Washington D.C, 2008), accessed on 15/9/2015, https://www.brookings.edu/wp-content/uploads/2016/06/0119_internal_displacement_complete.pdf.

¹⁵ Laurence Juma, “The Narrative of Vulnerability and Deprivation in Protection Regimes for the Internally Displaced Persons (IDPs) in Africa: An Appraisal of the Kampala Convention,” *Law, Democracy & Development*, Vol 16, (2012).

do not necessarily guarantee effective compliance. She argues that the real challenge comes in the actual and practical implementation of the frameworks. She recommended a more robust monitoring and accountability mechanisms at all implementation level to ensure effective implementation. Kenya domesticated the Guiding Principles through the IDP act of 2012. This study examined the challenges that were encountered in the implementation.¹⁶

Thomas G Weiss highlights the paradox that existed before the adoption of the GPID where refugees whose numbers were decreasing at the time had a legal framework (the 1951 Refugee Convention) and a special institution (UNHCR) to address their plight while nothing existed for IDPs whose numbers were rapidly increasing.¹⁷ Thomas conducted a review of the progress that had been made up to when he was writing and identified the gaps in coverage and protection of IDPs. He also provided the background for analyzing intergovernmental options that were under consideration at that time on how to better address the plight of IDPs. Weiss only confined himself to the theoretical developments of the legal frameworks but did not address the challenges that usually arise during the implementation of such legal frameworks.

Erin Mooney addressed the fundamental question of when internal displacement ends. He notes that any decisions that internal displacement has ended automatically leads to the termination of programmes addressing IDPs' needs and IDPs disappear as a specific category of concern. It is critical that those decisions are only made when they match the objective realities on the ground and not on an *ad hoc* and arbitrary basis. The GPID envisages three possible solutions to IDPhood; return to their home areas or place of habitual residence, (re)settlement in the localities where they go to once displaced and resettlement in another part of the country. Importantly, that return or resettlement should occur voluntarily and in safety and dignity.¹⁸

Additionally Mooney offers three criteria for determining the end of IDPhood. One is Cause-based criterion which involves focusing on causes of internal displacement and assessing if

¹⁶ Corinne Nziyumvira, "International protection of internally displaced persons: an analysis international initiatives and state practice," University of Nairobi, Unpublished M.A, diss, (2008).

¹⁷ Thomas Weiss, "Whither International Efforts for Internally Displaced Persons," *Journal of Peace Research* Vol 36, No. 3(May 1999).

¹⁸ Erin Mooney, "When Does Displacement Ends," accessed on 15/9/2015, <https://www.brookings.edu/on-the-record/when-does-internal-displacement-end/>.

circumstances have changed e.g. if a conflict has ended. Two is Solutions-based criteria which notes that while emphasizes is often placed on the ability of the displaced to either return to their home or resettle in another place, these initiatives are not always successful and may leave IDPs unable to establish livelihoods . Finally is a needs-based criterion which focuses on when the needs and vulnerabilities specific to IDPs no longer exist. However IDPs who have resettled or returned may still be in need due to poverty or disability caused by the displacement. This study sought to determine the criterion that was adopted by the government in resettling IDPs in Makongeni and if the IDPs still face challenges in meeting basic needs.

Walter Kalin gave the reasons for the wide acceptance of Guiding Principles despite being not binding in a legal sense as an authoritative guide on the obligations of states. Kalin gave examples of the many Regional intergovernmental organizations that have rallied behind the Guiding Principles. He notes that Africa leads the way with countries like Angola, Burundi, Liberia, and Uganda having made explicit references to the Guiding Principles. Kalin also added that Africa has taken the lead in efforts to come up with binding treaty law on IDPs. This is with the Great Lakes Protocol that oblige states to incorporate the Guiding Principles into their domestic law.¹⁹ There still exists a huge gap between what these legal protocols provide and the practice of the same by States. Why?

Olivia Kokushubila Lwabukuna focused on the situation of displacement in the Great Lakes Region of Africa. Lwabukuna discusses the prevalent reasons for internal displacement and how displacement has affected the region. He examines the regional, sub regional and national mechanisms that have been instituted to address displacement as well as the successes and obstacles that Africa has faced so far in addressing internal displacement. While internal displacement has existed for a while in Africa, Lwabukuna asserts that certain factors have recently given the issue prominence and internal displacement is today regarded as the new African dilemma.²⁰ He argues that resettlement of IDPs in Kenya faced many challenges because

¹⁹ Walter Kalin, "Proceedings of the Annual Meeting," *American Society of International Law*, Vol. 102, (2008).

²⁰ Olivia Kokushubila, "Internal Displacement in Africa: African Solutions to African Problems? Challenges and Prospects. *Journal of Internal Displacement*, Vol 1, No 1, (2011).

of unresolved land grievances. Were these political and tribal land grievances taken into consideration in the resettlement of IDPs in Makongeni?

Marea Grinvald studied the challenges that refugees and IDPs faced in Serbia while trying to integrate into the new communities. Grinvald also analyzed the effectiveness of humanitarian and livelihood development assistance that the refugees and IDPs received as well as the involvement of international and national actors in solving the displacement problems related to the two groups. Grinvald paid special attention to the level of integration achieved and the examination of the obstacles impeding further integration. Grinvald identified access to documents, housing, economic independence, education and healthcare as not only the main indicators of successful integration but also as the main challenges facing the two groups.²¹ How did these indicators identified by Grinvald impede the successful integration of IDPs resettled in Rongai?

Anna Lena Løsnæs identified the challenges that faced the resettlement and rehabilitation of IDPs in post-conflict Sri Lanka after the 2002 ceasefire agreement that was signed between the Liberation Tigers of Tamil Eelam (LTTE) and Sri Lankan government. Using a case study of a village called Vanni, Anna sought to find out why the Muslim communities that had been displaced from the village and had already resettled in another village called Puttalam had decided to gradually and voluntarily return to back to Vanni. She found out that the most prominent reasons for the return was that the living conditions in Puttalam had been poor and that there was no work. The IDPs struggle to find meaningful work and even when they did they were often underpaid. There were also constant tension between the IDPs and the host communities over issues of payment for work as the host community accused the IDPs of accepting to be underpaid thus outcompeting the local community for jobs.²² How did the IDPs resettled in Rongai sustain themselves economically?

Jean Pierre Maniraguha studied the Challenges of reintegrating returning refugees with regard to access to land and to basic services in Burundi after the end of the civil war. Maniraguha found

²¹ Marea Grinvald, "Problems of Integration of Refugees and Internally Displaced Persons in Serbia," Palacký University, Unpublished M.A, diss (2010).

²² Anna Lena Løsnæs, "Resettlement and Rehabilitation of IDPs in Post-conflict Sri Lanka: a case study of a village in Vanni," Lund University, Unpublished M.A, diss, (2005).

out that resettlement and reintegration of IDPs often fail to yield the desired results meaning that the resettled IDPs continue to experience displacement related needs even after their resettlement or integration. Maniraguha identified several factors that combine to make resettlement of IDPs ineffective and unsustainable. The main obstacles that face the IDPs even after resettlement and integration is inadequate basic services and unsustainable means of livelihoods. He argued that in post-conflict situations, these challenges may contribute to the recurrence of conflict.²³ Did the IDPs resettled in Rongai face the similar fate as their counterparts in Burundi?

Rebecca Horn examined how IDPs cope with displacement by studying IDPs in Kitgum, northern Uganda. Horn identified several coping strategies that IDPs in northern Uganda used to overcome the challenges accessioned by their displacement. Among others, she identified social support as the most basic and most effective coping strategy used by displaced populations. She argues that the IDPs were mainly concerned with the structural, social and economic challenges that faced them. The respondents frequently identified the fundamental matters of food, health and poverty, which according to Horn stem primarily from the way the camps were structured and resourced.²⁴ Does the situation change after resettlement?

Prisca Mbura Kamungi explored causes of violence and displacement in Kenya. She also identified that around 300,000 people were displaced by clashes in 1992 alone and by 2001 there were around 28, 593 displaced persons in Kenya. Kamungi also found that the human rights of the displaced persons were grossly violated because the perpetrators of the clashes that caused their displacement were not prosecuted and the displaced persons were not compensated. She identified issues and obstacles that hindered return. This was a landmark study on IDPs in Kenya but was carried out in 2001 long before the 2007/8 violence and massive displacement.²⁵

John O. Oucho discusses the role that ethnicity as a factor plays in internal displacement of persons in sub Saharan Africa. He argues that, the present African countries are a creation of colonialism whereby different nationalities and ethnic groups exist and exhibit ethnocentric

²³ Jean Pierre Maniraguha, "Challenges of Reintegrating Returning Refugees: a Case Study of Returnee Access to Land and to Basic Services in Burundi," University of Tromsø, Unpublished M.A, diss, (2011).

²⁴ Rebecca Horn, "Coping with displacement: problems and responses in camps for the internally displaced," *Intervention* 2009, Vol 7, No. 2, (2000).

²⁵ Prisca M. Kamungi, "*The Current Situation of Internally Displaced Persons in Kenya*", (2001), accessed on 15/9/2015, <http://jrs.net/Assets/Publications/File/ken-idp.pdf>.

behaviour in the event of conflict. Oucho traces internal displacement of persons back to the colonial period in countries like Kenya and Zimbabwe and ethnic based displacement subsequently after independence. He maintains that in sub Saharan Africa countries, all types of ethnic problems such as ethnic rivalry, tension, conflict and violence have permeated every fibre of society. In Kenya he gives the example of the tension that started in 1969 between the Kikuyu and Luos and still exists to date. While this study does not discuss how resettlement of displaced persons is done, it illuminates one factor that causes displacement and how resettlement of IDPs can further worsen the problem of ethnicity and therefore be an impediment to durable solutions for IDPs.

Samir Elhawary concurs that displacement is a recurring feature in Kenya's history. Just like Kamungi above, he traces displacement to land problem and argues that displacement began during the colonial period with the British land policy which favored white settler agriculture and entailed the alienation of indigenous land. The land problem was further aggravated after independence with series of resettlement schemes based on a willing buyer willing seller system that only favored those with the financial ability to buy land.

Patrick Githinji, Keffa Karuoya and Jacqueline M. Klopp discuss the link between internal displacement, local reconciliation and peace building. They argue that successful resettlement of internally displaced persons is a critical yard stick in measuring successful reconciliation and peace building. By conducting field research in Kuresoi, one of worst violence epicenter in Kenya's Rift Valley, they note that resettlement of IDPs is a key lens in analyzing Kenya's current peace building efforts as provided for by the national accord.²⁶ They argued that the measures taken cannot be sufficient and call for more, such as structural reforms that improve accountability and transparency at the local level. What Peace building measures were undertaken before the resettlement of IDPs in Kenya?

Jacqueline Klopp and Nuur Mohamud Sheekh acknowledge government's effort at resettling IDPs in Kenya. They argue that while there were some challenges with how the taskforce used

²⁶ Jacqueline M. Klopp, Patrick Githinji and Keffa Karuoya, *Internal Displacement and Local Peace building in Kenya: Challenges and Innovations*. United States Institute of Peace, (2010), accessed on 15/9/2015, <https://www.usip.org/sites/default/files/SR251%20%20Peace%20building%20in%20Kenya.pdf>.

the 1.3 billion Kenya shillings set aside for resettlement, it was a step forward nonetheless. They note that Kenya has signed several legally binding IDPs protection protocols, but still violated the GPID by cutting essential services as a way of putting pressure on IDPs who were unable or unwilling to return to vacate the camps. They argue that in implementation of government interventions, IDPs were not consulted on resettlement options. They suggest that there is need to have interventions that are guided by the GPIIP and IDPs voices.²⁷ This study sought to establish how the GPID guided the resettlement of IDPs in Kenya.

Oluwafemi Atanda, argued that if IDPs were to return, it should have been voluntary and government should not have coerced the IDPs. He argues that the Kenyan government coerced the IDPs to return to their homes and they were at some point given a 100 days ultimatum to vacate the camps. He concludes that government efforts to address the plight of the displaced was grossly inadequate and failed to meet the minimum standards.²⁸ The paper is important in analyzing how the government dealt with IDPs who resided in the camps the time. This study investigated how the government conducted the resettlement program of the IDPs in Kenya.

Barrack Muluka examined the reasons that prevented IDPs from returning to their homes even after the violence had ended. Muluka starts by tracing the settlement of persons in Kenya and particular in the displacement prone Rift Valley Province. He paints a grim picture of violence and displacement following the 2007/8 disputed election. He then conducts an extensive study of IDPs in the camps and attempts to unravel the reasons why IDPs chose not to return to their former homes despite the end of the violence. He identifies what he calls the push factors as being responsible for the displacement and inhibiting return. He finally suggested a raft of recommendations that should be addressed that could make it conducive for IDPs to finally return home. The study identifies reasons that made the IDPs not to return to areas that they had

²⁷ Jacqueline Klopp and Nuur Mohamud Sheekh, "Can the Guiding Principles make a difference in Kenya?" *Foced Migration Review*, accessed on 15/9/2015.

<http://www.fmreview.org/GuidingPrinciples10/klopp-sheekh.html>.

²⁸ Adeagbo Atanda, *Post-Election Crisis in Kenya and Internally Displaced Persons: A Critical Appraisal. Journal of Politics and Law*. Vol. 4, No. 2. (2011).

been displaced from.²⁹ This study investigated what happens when the IDPs are resettled in areas where such push factors still exist.

Fredrick Wakhisi investigated the existence of what he calls ‘invisible IDPs’ in Kenya with Kisumu as the case study. After establishing the existence of this category of IDPs he goes further to investigate the particular challenges that this kind of IDPs go through as compared to the regular IDPs who reside in the camps. While noting that this kind of IDPs do not receive assistance from either government or the humanitarian agencies, Wakhisi seeks to establish the kind of coping mechanisms that the ‘invisible IDPs’ adopted in order to survive. He concluded that this category of IDPs largely depends on their next of kin and the immediate social networks to survive and cope with the harsh reality of being internally displaced.³⁰ Wakhisi’s work is important as it is the most recent examination of the coping mechanisms of displaced persons in Kenya. This study determined the challenges resettled IDPs face and how they cope.

1.8 Theoretical Framework

This study was guided by the Basic Human Needs Theory (BHT). Basic Human Needs theory is an approach to understanding protracted social conflicts closely associated with John Burton.³¹ Although Burton did not initially develop the theory, there is consensus that he gave it its most elaborate explanation as he continued to refine and espouse it. The theory argues that there are certain universal needs that must be met by individuals if societies are to prevent, transform and resolve destructive social and political conflicts.³²

Basic Human Needs theory posits that, conflicts and violent struggles are occasioned when human needs such as protection, identity, recognition, participation and understanding are not met. Individuals and groups revert to violence when there is no other way to meet their needs, or

²⁹ Barrack Muluka, “Internally Displaced Persons and the Dilemma of the Right of Return: A case study of Vumilia Eldoret, Jikaze and Fumilia Narok IDPs in Maai Mahiu in Kenya's Rift valley province, 2007-2010,” University of Nairobi, Unpublished M.A, diss, (2010).

³⁰ Fredrick Whakisi, “Surviving Displacement: the Case of ‘Invisible IDPs’ in Kisumu County 1991-2011,” University of Nairobi, Unpublished M.A, diss, (2015).

³¹ Laureen Park, “Opening the Black Box: Reconsidering Needs Theory through Psychoanalysis and Critical Theory,” *International Journal of Peace Studies* 15, No 1(Spring/Summer, 2010), p.1.

³²Rubenstein Richard, “Basic Human Needs: The Next Steps in Theory Development, “*The International Journal of Peace Studies* Vol 6, No. 1, 2001, p.1.

when they seek understanding and consideration for their needs. Proponents of Basic Human theory therefore argue that violence is a tragic expression of unmet human needs as all actions undertaken by human beings are attempts to satisfy their needs. Only by recognizing human needs as essential to the wellbeing of all human being can we be able to solve intractable conflicts.³³

According to this theory, the needs most prominent to understanding destructive social conflicts are those of identity, recognition, security, and personal development. Burton emphasized more on the failure of existing state systems to satisfy the need for identity as the primary source of modern ethno-nationalist conflicts. Accordingly in the perspective of Burton, this theory is important because it provides an objective basis that transcends local political and cultural differences in understanding the sources of conflict, designing conflict resolution mechanisms, and founding conflict analysis processes in areas experiencing protracted social conflicts such as Nakuru County.

The theory is therefore useful in this study because resettlement of IDPs in Rongai was an initiative to provide basic human needs such as shelter, identity, security, recognition and sustainable livelihoods order to resolve current conflicts and avoid future conflicts and therefore be can analyzed from this theory's perspectives. Conversely, the resettlement of IDPs in such areas of the country created unease among local communities who felt that their needs were being threatened by the resettlement of other groups in their area, a situation if not addressed might lead to future conflict.

1.9 Study Hypothesis

- (i) That the government of Kenya resettled IDPs in Rongai Sub-County.
- (ii) That there are challenges that faced the resettlement of IDPs in Rongai Sub-County.

³³Danielsen Gert, "Meeting Human Needs, Preventing Violence: Applying Human Needs Theory to the https://www.cnvc.org/sites/cnvc.org/files/NVC_Research_Files/NVC%20and%20Violence%20Prevention/Danielsen2005.pdf.

1.10 Research Methodology

This study utilized both primary and secondary sources of data. Secondary data was sourced from journals articles, newspapers reports, electronic data bases and library sources. Apart from the field interviews other primary data was sourced from reports by various commissions, non-governmental organizations and humanitarian agencies and archival reports from the Kenya National Archives.

Primary Data was collected from key stakeholder's including government officials, individual IDPs and civil society organization that deal with IDPs. The researcher began by approaching government officials responsible for the resettlement of IDPs and Provincial Administration Officials. Other respondents such as civil society and NGOs were identified from the secondary sources. The study utilized in-depth face to face interviews with IDPs, government and civil society's representatives as well as key informant interviews (KIs) with IDPs.

An interview guide with open ended questions was used to guide the face to face interviews. Open ended questions provided the respondents with an opportunity to express their experiences, feelings, ideas, values and beliefs on the topic under study. The researcher also utilized eye witness accounts and observation. The In-depth interview provided an opportunity for close scrutiny of the topic under study. The researchers took notes and also recorded the proceeding.

The Respondents were identified using stratified sampling. The researcher interviewed a total of 19 respondents. These included 15 IDPs who benefited from the land resettlement out of a total population of about 120 IDPs comprising of about 12% of the population. 3 key informants were government officials, and 2 officials were from the civil society organizations. The first respondent of the IDPs was identified from the government officials. The rest of the respondents in the category of IDPs were then identified through Snowball sampling technique where the first respondent suggested another respondent with similar knowledge or experience of the topic under study.

The data collected through face to face interviews was analyzed qualitatively using content and thematic analysis. The recorded data (in Kiswahili) was transcribed and translated to English. The data was interpreted using the Basic Human Needs theoretical framework. The descriptive data was then presented in narrative form.

CHAPTER TWO

HISTORY OF INTERNAL DISPLACEMENT IN KENYA 1963-2007

2.1 Introduction

As already alluded to in the previous chapter, internal displacement has become a common recurrent feature in Kenya's history. This chapter investigates the causes, the trends and the factors that have been at the center of internal displacement in Kenya from independence in 1963 to 2007. The chapter pays particular attention to displacement related to ethnicity and electoral violence right after independence through the tumultuous period of clamour for multi-party politics and culminating to the 2007/8 post-election violence.

The chapter documents how politics and ethnicity have been used to mobilize people around issues of land in the post-colonial period leading to massive displacement of people. The introduction of political pluralism in the early 1990s in particular provided an opportunity for ethnic based political mobilization and displacement. The *Majimbo* debate that was introduced during the clamour for multi-party politics in 1991 and again in 2005 during the clamour for a new constitution provided for an opportunity for politicians from certain parts of the country to call for the displacement of people they referred to as 'foreigners' in 'their' regions.

2.2 Land Re-distribution after Independence 1963-1991

During colonialism, white settlers displaced thousands of indigenous Kenyans from their land especially in areas with high agricultural potential known as the white highlands. After the end of colonialism, the principle of willing-seller/willing-buyer was adopted in the re-distribution of the former white highlands especially in the Rift Valley. With independence, Kenya's first government headed by President Kenyatta came up with the Million-Acre Settlement Program which was a way of rapidly transferring land from settlers who wanted to leave after independence to indigenous Kenyans.³⁴

³⁴ Gary Wasserman, "Politics of Decolonization: Kenya Europeans and the land issue 1960– 1965," African Study Series No. 17, Cambridge University Press, London 1976.

The scheme was based on the principle of willing-seller/willing-buyer. The government provided loans for individuals or groups to acquire the lands. The loans to buy the land from the departing settlers were given only to individuals or groups who had the ability to repay or otherwise who had the financial capability to pay in cash. The willing-seller/willing-buyer principle therefore ensured that only people with power and money mostly politicians and businesspeople with cash could manage to acquire large tracks of lands. These settlement schemes therefore created new African elite, where the rest who were the majority of the indigenous masses were left with no or tiny pieces of land.

The vast majority of people who benefited from the White Highlands were neither the original inhabitants of the land nor the landless people who had fought for the land. Instead the recipients were people who had amassed money or who sold the lands they had. This principle also allowed more Kikuyu from Central Province to easily sell their land in order to be able to afford cheaper and larger holdings in the Rift Valley.³⁵

Apart from individual land buying, Kikuyu farming communities of Central Province formed land buying companies to acquire land from the departing settlers. One such land company is said to have bought 21,050 acres in Njoro, 51,539 acres in Laikipia, 1,200 acres in Molo, 4,000 acres in Bahati and 1,400 acres in Mau Narok all regions former Maasai land. Equally, records show the Kiambaa Farmers' Cooperative bought a 500-acre farm in 1965 from one, Giuseppe Morat. This is the farm where scores of IDPs were burnt alive in a church during the 2007 PEV. Another farm bought by the land buying companies and has become synonymous with ethnic clashes since 1990s is the 1,636-acre Kamwaura Farm in Molo, purchased in 1976 from a Lionel Caldwell.³⁶

During colonialism, the settlers had occupied 20% of the best agricultural land in Kenya. After independence these lands was handed over to the new government and government officials and not to the communities who had initially occupied them. The new land laws drafted by the British did not recognize communal land ownership rights as it had been practiced by the

³⁵John Kamau, "How Prominent Kenyans Got White Settlements," *Daily Nation* Special Reports, p. 11–12, November 2009.

³⁶ *Ibid.*

indigenous communities. The introduction of private ownership of land further disregarded collective land rights which was a huge upset to the traditional arrangements of many traditional African communities whose livelihoods practices were based on their collective land occupation and use such as cattle keeping. The new laws by the colonial government deemed Africans as unable of holding land title and therefore land was held “on trust” for them by authorities.

Successive regimes starting with that of Jomo Kenyatta equally did not recognize customary land use in either in law or in practice. The government continued with land classification as it had inherited from the colonial government where there were crown land, private land and native reserves. With independence, crown land become government land and native reserves became ‘trust land’. Subsequently, the 2010 Constitution specified that land in Kenya be categorized as public land, private land and community land.

2.3 Multi-party Politics and Internal Displacement 1991- 1997.

Internal displacement in Kenya re-emerged with the introduction of multi-party politics in the early 1990s. KANU, which had ruled Kenya as a single party from independence in 1963, faced a spirited opposition to open up the democratic space and allow for political pluralism. However, KANU politicians in power were determined to maintain the status quo of a one-party political system of governance. The then President Daniel arap Moi rallying against the multi-party campaign ‘prophesied’ that the return to multiparty politics would lead to outbreaks of ethnic violence that would destroy the nation. Surprising enough, Moi’s prediction was fulfilled as the following two years saw the eruption of violent clashes between various ethnic groups.³⁷

According to a 1993 Human Rights Watch report however, the eruption of violent clashes was not a spontaneous result of the return to political pluralism. Instead the violence was deliberate government strategy to destabilize and sow division among the opposition parties before the 1992 general elections. To achieve that end, land and ethnicity became the major factors. Politicians exploited historical land grievances and instigated ethnic clashes in an effort to

³⁷ Human Rights Watch and Africa Watch, “Divide and Rule: State-Sponsored Ethnic Violence in Kenya,” (New York 1993), p. 9, accessed February 6th 2016
<https://www.hrw.org/reports/1993/kenya1193.pdf>.

establish loyal constituencies along ethnic lines.³⁸ The government was implicated either directly by provoking this ethnic violence for political reasons or indirectly by failing to take measures to mitigate the violent conflict. At least 1,500 people died and 300,000 became IDPs. Subsequently since multiparty politics, internal displacement became part of a political strategy used by politicians either to win or retain political power.³⁹

In 1991, KANU which had ruled since independence came under intense pressure from the other political parties, CSOs and the international community to adopt a multi-party system. To defeat the challenge, KANU adopted a strategy of using violence against population supporting or assumed to be supporting the opposition before the then upcoming 1992 elections. KANU politicians mainly from the Kalenjin and Maasai communities called for “majimboism” as a way to introduce a form “ethnic regionalism” where the ethnic majority in a region ruled.⁴⁰ According to a parliamentary committee formed to investigate the ethnic clashes in 1992 known as the Kiliku Commission, Rift Valley KANU politicians’ intentions were to advocate for a *Majimbo* constitution, which would have required other ethnic groups to move out of the Rift Valley.⁴¹

2.4 The Ethnic Clashes of 1992 and 1997

As internal and international pressure for a multi-party system was increasing, political emotions were running high too. On October 29, 1991, at Meteitei farm in Tinderet constituency Nandi District, ethnic clashes broke out.⁴² The government quickly dismissed the fighting as a simple

³⁸ Human Rights Watch, “Failing the internally displaced: The UNDP Displaced Persons Program in Kenya,” (New York 2008), p. 47, accessed 6/22/2016 <https://www.hrw.org/report/1997/06/01/failing-internally-displaced/undp-displaced-persons-program-kenya>.

³⁹ Prisca Kamungi, “The politics of displacement in multi-party Kenya,” *Journal of Contemporary African Studies* 27, issue 3, (July 2009), p. 345.

⁴⁰ Internal Displacement Monitoring Centre (IDMC) and Norwegian Refugee Council (NRC), “I am a Refugee in My Own Country’: Conflict-Induced Internal Displacement in Kenya,” (December 2006), p.13, accessed February 6th <http://www.internal-displacement.org/assets/publications/2006/200612-af-kenya-i-am-a-refugee-in-my-own-country-en.pdf>.

⁴¹ Government of Kenya, *Report of the Commission of Inquiry into ethnic clashes*, Government Printer (Nairobi 1993).

⁴² Jacquelin Klopp, "Ethnic Clashes" and Winning Elections: The Case of Kenya's Electoral Despotism,” *Canadian Journal of African Studies* Vol, 35, No. 3 (2001), p. 2-3.

land dispute. However, within days, the skirmishes had spiraled taking an ethnic component. The Kalenjin community was blamed for attacking the Luo community.

The victims of the attacks reported that the attacks were politically instigated and that the perpetrators vowed to displace non-Kalenjins and opponents of KANU from the Rift Valley. The victims also reported that the violence was the straight consequence of the *majimbo* rally that had been held at Kapsabet a month earlier. During and after the clashes leaflets had been dispersed in the area warning non-Kalenjins to leave the area by December 12, 1991, or "face the consequences." These warning leaflets had been written by a group calling itself the 'Nandi Warriors'⁴³

The clashes continued to spread as the elections drew nearer. Incidentally the clashes as it spread to other parts bore remarkable similarity. Mostly hundreds of Kalenjin "warriors," would attack farms, targeting non-Kalenjin houses. They dressed in uniform and they were always armed with bows and arrows as well as machetes. They also would disguise their faces with clay. The warriors were on a dangerous mission of looting, killing and torching houses, leaving a trail of death and destruction in their wake.⁴⁴

In November 1991 two MPs from one of the affected community tabled a motion in Parliament to discuss the clashes as a matter of national importance. However the government prevailed upon them to drop the motion promising to do all in its power to end the clashes. Despite that assurance, the clashes continued as the press reported that 10 people had been killed and around 50,000 displaced. By the end of that month, the violence had spread to the neighboring Kericho District where the "Kalenjin warriors" armed with bows and arrows conflicted with the neighboring Luos. The attacks and counter attacks between the two communities led to the death of 5 people.

The fighting continued to rage on in Nandi and Kakamega Districts as well as in Trans Nzoia in the New Year escalating dramatically by February 1992. In March 1992, the violence had

⁴³ Jacquelin Klopp, "Ethnic Clashes" and Winning Elections: The Case of Kenya's Electoral Despotism," Canadian Journal of African Studies Vol, 35, No. 3 (2001), p. 2-3.

⁴⁴ Ibid.

returned to the place where it had all began in Meteitei farm in Nandi District wreaking havoc for the second time. Not satisfied with displacing non-Kalenjins from their farms, the Kalenjin warriors attacked displaced families camping in Lakhoma Market in Trans Nzoia District.⁴⁵ In April fresh clashes broke out between the Kisii and the Maasai whilst violence escalated in Bungoma District between the Kalenjin and the Luhya. The Catholic Church approximated that within six months of clashes about 100,000 people had been displaced from their farms and had fled to the nearby market centers and church compounds in search of safety from the ranging conflict. An Africa Watch Report estimated that over 1,500 died in the clashes and approximately 300,000 more displaced.⁴⁶

In the run up to the 1997 general elections, politically motivated ethnic clashes broke out again in Rift Valley Province. The clashes followed a similar pattern to that had been witnessed during previous outbreaks of conflict in Kenya between 1991 and 1994. In the Rift Valley, the predominantly Kalenjin supporters of KANU viciously attacked members they perceived ‘pro-opposition’ ethnic groups. This time however for the first time, members of the ‘pro-opposition’ ethnic group, the Kikuyus, had organized themselves and were actively fighting back.⁴⁷

2.5 The 2007/8 PEV and Internal Displacement

The carnage and the horror that followed the 2007 general election shocked not only Kenyans but many across the world. In less than two months of politically charged and ethnic constructed violence, over 1,333 people died and up to 650,000 persons were internally displaced in a country that had hitherto been previously described as an island of peace in an a region characterized by turmoil. The 2007/08 crises was a culmination of successive post independent governments chronic failure to address long-standing grievances and structural inequalities that had entrenched deeper than just electoral politics.⁴⁸

⁴⁵ Human Rights Watch and Africa Watch, “Divide and Rule: State-Sponsored Ethnic Violence in Kenya,” (New York 1993), p. 9, accessed February 6th 2016 <https://www.hrw.org/reports/1993/kenya1193.pdf>.

⁴⁶ Ibid

⁴⁷ Article 19 Publication, “Kenya Post-election Political Violence” (April 2008, Nairobi), p. 5-7, accessed February 6th 2016, <https://www.article19.org/data/files/pdfs/publications/kenya-post-election-political-violence.pdf>.

⁴⁸ Human Rights Watch, “Ballots to bullets,” p. 11.

The violence laid bare the ethnic divisions in the country and was a clear consequence of anger derived from deep-rooted and endemic corruption by public officials. Indeed, the Commission of Inquiry on the Political Violence concluded that the violence was as result of decades of political mobilization of ethnic tensions, impunity and historical grievances over land and other issues.⁴⁹

The 2007/08 post-election violence was an inevitable consequence of a weak national constitution. In the first three decades of independence, several amendments were made to the constitution that systematically eroded the healthy system of checks and balances between the three branches of government and ended up strengthening presidential powers. The result was the centralization of political power around the presidency creating the perception of a winner-takes-all when it came to elections. The ethnic violence of 1992, 1997 and 2007 were therefore as result of poor governance and weak institutions as well as failure to respect and adhere to institutions a process that lead to an autocratic state.⁵⁰

An autocratic state a situation where there is lack of popular participation by the citizens in the governance process, ineffective political parties, lack of a well expressed ideology, and use of force or coercion in order to enforce political obedience, erosion of institutions of governance and personal rule creating a personal ruler synonymous with a demi-god.⁵¹ While Kenya considered itself a democracy after the re-introduction of multi-party politics, it continued to embody most of autocratic characteristics as identified by Mbai. Periodic elections have taken place but often accompanied by claims of rigging and violence. Short term individual based political parties, weak institutions and police brutality have been the norm.

2.6 Setting the stage for the conflict

While there is general consensus that the post-election violence in Kenya was as result of deep rooted and long-term grievances, the immediate catalyst for the massive violence was the alleged

⁴⁹ Government of Kenya, *Commission of Inquiry on Post-Election Violence*, (Government printer, Nairobi: 2008).

⁵⁰ Opondo.P. A, "Ethnic Politics and Ethnic Violence of 2007/8 in Kenya," *African Journal of History and Culture*, Vol 6, No. 4, (May 2013), pp. 59-69.

⁵¹ Odhiambo-Mbai, "The Rise and fall of Autocratic State in Kenya," In: Oyugi W, Wanyande, P and Mbai, O. *The Politics of Transition in Kenya: From KANU to NARC* (Heinrich Böll Foundation, Nairobi 2003), p. 52-54.

mismanagement of December 27th general election.⁵² The vicious conflict was a physical manifestation of long standing and underlying political manipulation and impunity that had been simmering for long time. The 2007/8 violence could also be traced to two major immediate political events. In 2002 when a coalition of opposition political parties joined hands to form NARC and subsequently drive KANU out of 39 years of power and the highly polarizing 2005 Constitution referendum campaigns.

In the 2002 the general elections, the major opposition political parties in Kenya united to form the National Rainbow Coalition Party (NARC) and supported one presidential candidate, Mwai Kibaki to face off KANU's presidential candidate Uhuru Kenyatta. The main parties in the coalition were the Liberal Democratic Party led by Raila Odinga and the National Alliance Party of Kenya (NAK) led by Mwai Kibaki. At the heart of the coalition was an agreed pre-election Memorandum of Understanding (MoU) between the two parties.⁵³ However, immediately after the coalition won the December 2002 election, major disagreements arose over the implementation of the Memorandum of Understanding that had been signed on 22 October 2002 and had formalized the merger between the NAK and the LDP.

These disagreements meant that it was just a matter of time before the coalition disintegrated. Just like in the previous elections, the formation of the NARC was in effect a coalition of ethnic groups where affiliate parties brought their ethnic and regional votes into the NARC basket. Therefore bitter disagreements and collapse of the coalition meant even worse hatred and division among the various ethnic groups.

The factionalism in the coalition began immediately after the election. The leaders failed to agree on the allocation of Cabinet posts where the LPD wing accused President Mwai Kibaki and his NAK wing of taking more positions at the expense of the other coalition partners which was

⁵² Kenya National Commission on Human Rights, "On The Brink of the Precipice: A Human Rights Account of Kenya's Post - 2007 Election Violence" (Nairobi 2008), accessed February 6th 2016 <https://kenyastockholm.files.wordpress.com/2008/08/pev-report-as-adopted-by-the-commission-for-release-on-7-august-20081.pdf>.

⁵³Odhiambo-Mbai, "The Rise and fall of Autocratic State in Kenya," In: Oyugi W, Wanyande, P and Mbai, O. *The Politics of Transition in Kenya: From KANU to NARC*. Heinrich Böll Foundation, Nairobi 2003), p.52.

contrary to the MOU. The LDP wing also accused the president of delaying reforms intended to provide for a new constitutional framework within 100 days as they had promised. More importantly was the agreement contained in the MoU, that Raila Odinga was expected to be appointed prime minister with the passage of that new Constitution. Close associates of the president in the government were also implicated in cases of grand corruption with a perception rife that they were raising campaign money crucial for the re-election bid of President Kibaki.⁵⁴

The referendum campaign for the Constitution in 2005 set the stage for the violent confrontations that preceded the 2007/08 chaos. During the campaigns, both sides of the political divide made inciting utterances that were meant to divide Kenyans along ethnic lines and sowed the seeds of ethnic hatred among the various ethnics groups in Kenya. Hate speech was deliberately used by the political elite as a tool of manipulating ethnic support bases to either support the proposed constitution or reject it. A Kenya National Commission on Human Rights (KNCHR) report titled “Behaving Badly” aptly described how various politicians on the two sides of the campaigns used unsavory language and engaged in subversive activities.

Even with all the cases of hate speech and open incitement, no one was arrested and those arrested were released without any charges or prosecution. In the Rift Valley province, the Kalenjin community was incited to believe that they had been marginalized by the Kibaki Government and that their people had been sacked from Government positions unfairly.⁵⁵ During the referendum campaigns, tensions were stoked as people were incited along ethnic lines. The re-introduction of the “*majimbo*” debate was the most divisive as it brought back the issues of recovery of ancestral land by the Kalenjins and removal of “foreigners” also referred to as *madoadoa* from their land.⁵⁶ The referendum campaigns divided the two former allies into two bitter protagonists. The LDP camp opposed the proposed constitution on grounds that it was not

⁵⁴ Kenneth Kwama, “Disputed MoU that denied Raila Odinga premiership in 2003” (August 13th 2013), accessed 6/2/2016 <http://www.standardmedia.co.ke/article/2000090853/disputed-mou-that-denied-raila-odinga-premiership-in-2003>.

⁵⁵ Barrack Muluka, “Internally Displaced Persons and the Dilemma of the Right of Return: A case study of Vumilia Eldoret, Jikaze and Fumilia Narok IDPs in Maai Mahiu in Kenya's Rift valley province, 2007-2010,” University of Nairobi, Unpublished M.A, diss, (2010), p.68.

⁵⁶ Government of Kenya, CIPEV Report, p.4.

progressive by still vesting a lot of powers on the presidency. They used orange as their symbol while NAK wing supported the proposed constitution with banana as their symbol.

After the referendum which Raila Odinga and his allies successfully rallied enough support to defeat, President Kibaki sacked all of the LDP ministers from government. The sacked LDP members then joined hands with KANU to form the Orange Democratic Movement (ODM). In the run up to the 2007 general election elections, Kibaki and his allies formed the Party of National Unity (PNU). Ethnicity once more became the basis upon which politics was premised. The result was a strong divide pitting Kibaki and his Kikuyu supporters on one hand against a formidable Kalenjin, Luo and other ethnic groups represented by Odinga in ODM on the other in what was famously referred to as “forty one against one.”

ODM campaigned hard to portray PNU as representatives of the inequitable status quo where the Kikuyus had benefited excessively from Kibaki’s government while Kenya’s forty-one other ethnic groups had marginalized.⁵⁷ The ODM’s message of anti- Kikuyu instantaneously resonated in areas with a history of severe land disputes such as the Rift Valley, the Coast and in urban informal settlements. The consequence was the rising ethnic tensions between Kikuyus and other ethnic groups in those areas where the “Majimbo” narrative was propagated to justify the displacement of certain ethnic groups from certain regions where they were considered foreigners or “madoadoa.”⁵⁸

2.7 On the Brink of Precipice

On the 27th of December 2007, Kenyans turned up in big numbers to vote often waiting for hours in queues that stretched miles long. In the course of the highly polarizing campaigns, opinion polls had suggested that Raila Odinga was likely to win the elections. One day after the election, the first phase of results to be released showed Raila Odinga with a clear lead in the presidential race. President Kibaki trailed him by more than one million votes. On December 29th ODM

⁵⁷ David Anderson and Emma Lochery, “Violence and exodus in Kenya’s Rift Valley, 2008: Predictable and preventable?” *Journal of Eastern African Studies* Vol, 2 No, 2 (May 2008), pp. 328-343.

⁵⁸ Abdullahi Halakhe, “R2P in Practice”: Ethnic Violence, Elections and Atrocity Prevention in Kenya,” Global Centre for the Responsibility to Protect *Occasional Paper Series* No. 4 (December 2013), p.7, accessed February 6th 2016 http://www.globalr2p.org/media/files/kenya_occasionalpaper_web.pdf.

declared Raila Odinga the winner of the election but as more results were announced on the same very day, his lead shrunk to only 38,000 votes with 90% of the votes counted.⁵⁹ On the 30th of December 2007, the Electoral Commission of Kenya chairperson Samuel Kivuitu announced Mwai Kibaki as the winner of the presidential election putting him ahead of Odinga by 232,000 votes. According to ECK, Kibaki garnered 51.3% of the votes while Odinga got 48.7% with a 69% of voter turnout. This was contrary to all the predictions and against most opinion polls carried out in the run up to the polls.

Allegations of vote rigging were immediately voiced by ODM who maintained that Raila Odinga had won the elections. Since the poll losers had no trust in the judiciary, they sought for justice in the streets with ODM calling for peaceful mass actions to protest Kibaki's declaration as the winner. The protesters were chanting "No Raila, No peace." What followed was an ugly orgy of violence witnessed across the country. The most violent conflicts were witnessed in Nairobi and in the Rift Valley because of the cosmopolitan nature in the ethnic composition, and therefore the close proximity between warring ethnic groups. Immediately the results were announced violence broke out in most part of the country. At the initial stages the violence largely seemed spontaneous.

In the Rift Valley however, inter-ethnic violence had broken out even before Mwai Kibaki was declared the winner in what seemed to be organized violence. The attacks were mainly directed at the Kikuyu ethnic group. Occasionally a series of ethnic-based reprisal attacks would take place with Kikuyu militias attacking other ethnic communities both in the Rift Valley and in other parts of the country who were seen to be supportive of the opposition. Rift Valley was the epicenter of the violence and displacement as members the Kalenjin community sought to displace and redistribute most or all land owned by Kikuyu to themselves. On the night

⁵⁹Stefan Dercon and Roxana Gutiérrez-Romero, "Triggers and Characteristics of the 2007 Kenyan Electoral Violence." *Center for the Study of African Economies (CSAE)* (Working Paper 2010-12), p.12, accessed on 6/2/2016 <https://www.csae.ox.ac.uk/workingpapers/pdfs/2010-12text.pdf>.

December 30th Kikuyu homesteads were set ablaze while its occupants immediately fled to police stations only to return the next day to find their torched.⁶⁰

One of the most horrifying days of the violence occurred on the 1st of January 2008 in a settlement scheme named Kiambaa in Eldoret where hundreds of ethnic Kikuyu families had fled and crowded into the Assemblies of God Church to seek refuge from the violence. In broad daylight a group of unknown attackers surrounded the church, blocked the exits and set the church on fire. While most of the Kikuyu families inside were able to escape and flee. At least thirty-five people out of the 400 people crowding in the church were not as lucky and were killed including a number of women and children who were burned alive among them a handicapped woman who burnt in her wheelchair. Thousands of displaced Kikuyus fled south from Western and North Rift towards the towns of Molo, Nakuru, and Naivasha in the Southern Rift Valley and into Central Province. As they arrived in these Kikuyu populated territories they brought with them the brutal narratives of burning, looting, rape and murder. Their stories provoked outrage among Kikuyu residents in these areas where self-defense was immediately organized.⁶¹ Daisy Rutto was displaced from Lanet in Nakuru;

I lived in Lanet and worked as a farmer. There was initially no violence in Lanet but when Kikuyus who had been displaced from Eldoret arrived, they incited the Kikuyus in our place. The Kikuyus started to attack us. They would come at night to burn our houses. On the first two days they came at night but on the third day they came out during the day. They burnt my house at night and also killed four people in our village. That when we decided to flee into an IDP camp in Lanet.⁶²

In Nakuru on January 25th large gangs of armed Kikuyu men armed with machetes, knives, and petrol bombs attacked non-Kikuyu homes in different areas of Nakuru town with a total of 56 being killed and thousands others displaced from the attacks and reprisal attacks by the other

⁶⁰ Human Rights Watch, "Ballots to Bullets: Organized political violence and Kenya's crisis of governance," (October 2008 Nairobi), accessed 6/2/2016, <https://www.hrw.org/report/2008/03/16/ballots-bullets/organized-political-violence-and-kenyas-crisis-governance>, p.43.

⁶¹ Human Rights Watch, "Ballots to Bullets: Organized political violence and Kenya's crisis of governance," (October 2008 Nairobi), accessed 6/2/2016, <https://www.hrw.org/report/2008/03/16/ballots-bullets/organized-political-violence-and-kenyas-crisis-governance>, p. 43-48.

⁶² Oral interview, Daisy Rutto, 30/9/2017, Makongeni Farm.

ethnic groups. In total, 52,611 houses were burnt down and a total of 21,749 people were displaced from their homes and accommodated in IDP Camps. Dominic Otieno explained;

I was a resident of Nakuru from 1975. In 2007 violence started in Eldoret and spread to Nakuru. Our landlord advised to flee because they were targeting Luos and Kalenjins. I could not flee because I owned a bakery. When they burnt down my bakery, I had to evacuate my family to Afraha stadium.⁶³

In Nyanza Province, residents spontaneously poured into the streets to demonstrate against what they called manipulation of votes. The demonstrations were peaceful until the police disrupted them with brutal force leading to unnecessary violence and deaths. According to Human Rights Watch, Kisumu was the most vivid example of excessive use of force by the police. The then Kisumu OCPD in an interview with the Commission investigating the violence argued that the situation could not allow for the control of the violence without the use of live bullets. By mid-February 2008, 102 people had been killed mainly from gunshot wounds while 40,000 non-Luos had been displaced from their homes. 2,886 of the displaced people sought refuge as IDPs within the town while the province received 126,821 returnees from outside Nyanza who had been displaced from other parts of the country.⁶⁴

In Central province, attacks and displacement were mainly aimed at people assumed to be anti PNU and Mwai Kibaki. The arrival of Kikuyu IDPs in Central province prompted counter attacks on members of those other communities, mainly Luos, Luhyas, Kalenjins and Kisiis forcing them to vacate their homes and camp in the various police stations. In total 8,889 persons were displaced from Central province.

The 2007/08 post-election violence led to the deaths of about 1300 people and the displacement of over 650,000 persons. 310,000 of the displacement persons were temporarily integrated by host communities for several months while the remaining 350,000 IDPs sought refuge in 118 IDP camps across the country. These camps were in churches, trading centers, chief's camps, administration police camps and police stations. However, even in these camps the IDPs were still at risk of further attacks by criminal gangs and marauding militia. In the camps IDPs were in dire circumstance as they largely depended on relief food and could not access basic facilities.

⁶³ Oral Interview, Dominic Otieno, 30/9/2017, Majani Mingi Farm.

⁶⁴ Human Rights Watch, Ballots to bullets, p. 27.

Temporary reprieve for the IDPs came on 28th Feb 2008 when the two Principals signed the Agreement on the Principles of Partnership of the Grand Coalition Government after successful mediation by Kofi Annan. The National Accord and Reconciliation Act contained four agendas which aimed at reforming and addressing both the immediate and underlying issues that had brought about the conflict. Agenda item 2 of the National Accord and Reconciliation Act required the government to implement measures to provide assistance and resettle the IDPs.⁶⁵

2.8 Conclusion

This chapter has investigated the factors that have been at the center of internal displacement in Kenya, how it has been perpetrated and by whom. Most importantly the chapter has explained why internal displacement has become endemic and protracted. The chapter identifies land, negative ethnicity and tribal political mobilization as the main factors responsible for perennial displacement the country has witnessed. The chapter finds that while the colonialist displaced Africans to acquire land for agriculture, it is in the post-colonial period that catastrophic cases of displacement has taken place often as a result of competition for land mostly in areas previously occupied by the colonial settlers. Centralization of state power has been the other reason for perennial displacement as ethnic groups compete to gain political power.

The KNDR Process which facilitated the mediation and reconciliation process recognized that for Kenya to avoid a repeat of what had happened in 2007/08, a fresh start was necessary thorough reforms of the institutions. These institutions include the judiciary, the police, land tribunals, and the electoral commission among others. After the PEV, the Truth, Justice and Reconciliation Commission and the Commission of Inquiry were formed to address the short term and long term causes of the PEV. Experts agree that it is important to hold accountable the perpetrators of current and previous episodes of political violence otherwise ethnic incitement, intimidation and political violence will remain a strategy for politicians in Kenya.

⁶⁵ Office of the AU Panel of Eminent African Personalities, *Back from the Brink: The 2008 Mediation Process and Reforms in Kenya*, (Nairobi 2014).

CHAPTER THREE

RESETTLEMENT OF IDPs IN RONGAI SUB-COUNTY

3.1 Introduction

This chapter examines the specific initiatives that the Government of Kenya undertook to address the plight of Internally Displaced Person in Kenya following the displacements discussed in the previous chapter. The chapter starts with a brief analysis of legal frameworks that put in place regulations that provide for the protection and assistance of IDPs. These legal instruments obligate states with the primary duty of protecting and providing assistance to IDPs. The chapter incorporates the views of stakeholders to examine the various initiatives undertaken by the government of Kenya from 2008 to 2014 to address both the short term humanitarian crisis occasioned by the displacement as well as the long term programs meant to provide durable solution to the internally displaced persons.

The initiatives discussed in this chapter include *Operation Rudi Nyumbani*, which was the first effort taken to encourage and facilitate the displaced persons be able return to their homes, the second was *Operation Ujirani Mwema* and *Operation Tujenge Pamoja*, the third was the Ksh 10,000 start-up kitty and Ksh 25,000 reconstruction fund and other assistance to help the IDPs. All the above initiatives were however taken to facilitate the return of IDPs who first had places to return to and secondly accepted to go back to their former homes. There was another category of IDPs who had nowhere to return to or were not willing to return fearing for their safety.

Finally the chapter examines the resettlement of that last category of IDPs who either had nowhere to return to or were unwilling to go back to the places that they had been displaced from. This category of IDPs was resettled on land purchased by the government and subdivided among the IDPs in different parts of the country with the resettlement in Makongeni farm as our case study. Through the resettlement of these of IDPs, the government was implementing an initiative to provide durable solution to the perennial problem of internal displacement.

3.2 Legal frameworks that Provide for IDPs Protection and Assistance

As stated earlier, legal frameworks place the responsibility of providing durable solutions to problems of internal displacement squarely on the shoulders of states. The GPID provides that states bear the primary responsibility of assisting the IDPs within their jurisdictions. While the Principles themselves are not legally binding, they emphasize provisions that already exists in law that is already binding. The Principles provide for prevention, protection and assistance of IDPs not only during and after displacement but also during return, resettlement and re-integration.⁶⁶

While all the 30 Guiding Principles aptly apply in the case of IDPs in Kenya, this study draws close attention to Principles 28, 29 and 30 that relate to return, resettlement and reintegration of IDPs. It emphasizes that states bear the primary responsibility of assisting IDPs to return voluntarily or voluntarily resettle in another area with dignity. Principle 29 provides that IDPs who have either returned to places that they had been displaced from or have been resettled in a different place have the right to fully participate in all matters of the country and should not be discriminated from accessing any service.

Regionally, Kenya is signatory to the Great Lakes Protocol. The regional IDP protocol requires member states to not only domesticate the Guiding Principles but also to lay down practical frameworks upon which the Principles can be implemented. Furthermore the protocol requires member states to create specific organs responsible for protection and assistance of IDPs. Apart from requiring that IDPs be involved in the planning and implementation of IDP legislations, the protocol also contains other progressive elements such as requiring that communities hosting IDPs also benefit from the protection and assistance just like the IDPs do because they also play a role of supporting displaced persons.

The protocol also recognizes the traditional attachment that communities have to land and requires that property disputes involving the displaced are addressed through both the

⁶⁶ Walter Kalin, Introduction to the Guiding Principles: Scope and Purpose. *The American Society of International Law*. (2000), accessed on 15/9/2015, https://www.brookings.edu/wp-content/uploads/2016/06/spring_guiding_principles.pdf.

administrative channels but also through the traditional channels. Importantly, the protocol recognizes the special attention that women and children require after displacement. It obligates member states to put in place legal measures of holding property in trust for the returning children and orphaned children as well as streamlining laws on succession and inheritance so that children can be able to seamlessly access their deceased parent's properties.

While conflict and displacement of persons has been a recurring theme Kenya's history, this study has drawn its motivation from the events that followed the disputed 2007 general election. The scale and the intensity of displacement after the 2007 PEV was one that the country had not witnessed before. In fact the term IDP became a household name in the country after 2007 due to the massive number of persons that had become IDPs.

The conflict ended after the signing of an Accord. Agenda item number 2 of the National Accord and Reconciliation Act provided that immediate measures be taken to address the humanitarian crises, promote reconciliation as well as promote healing and restoration. To achieve this end the government had to implement measures not only stop the violence but also provide assistance and resettle the IDPs who were in dire need of assistance. The then newly created Ministry of Special Programs swung into action to address the humanitarian crisis that was unfolding. The government introduced various initiatives that were intended to address the crisis. At that time, these initiatives were largely uncoordinated and somehow haphazard. There was no legal framework in place to guide the process and no particular government agency to implement the process. The government at those initial stages of the resettlement process was desperate to remove the IDPs from the camps and was without any framework or proper coordination among the implementing agencies.

In 2012, parliament passed the IDP Act, which was assented to on 31st December 2012. The Act was to give effect to the Great Lakes Protocol on IDPs and the United Nations Guiding Principles. The IDP Act 2012, article 9 (1) provides that;

The government shall create the conditions for and provide internally displaced persons with durable solutions in safety and dignity and shall respect and ensure respect for the right of internally displaced persons to make an informed decision on whether to return, locally integrate or resettle elsewhere in the country.

Article 9(b) sets the conditions under which the search for the durable solutions should apply.⁶⁷

The 9 conditions are;

- Long-term safety and security;
- Access to employment and livelihoods;
- Access to effective mechanisms that restore housing land and property;
- Access to justice without discrimination;
- Enjoyment of an adequate standard of living without discrimination;
- Equal participation in public affairs among other;
- Access to documentation;
- Family reunification and the establishment of the fate and whereabouts of missing relatives;
- Full restoration and enjoyment of the freedom of movement.

Just like the Guiding Principles and the Regional Protocol, Article 9(4) of the Act provides for the participation of IDPs in the whole process. It says that during the formulation of the durable solutions, the Government shall ensure that consultation is made with internally displaced persons. The enactment of the IDP Act of 2012 come into existence after much criticism and recommendations from various stakeholders that the lack of a legal framework was a major impediment to providing lasting solutions to IDPs. The IDP Act therefore was supposed to provide the guidelines within which internal displacement in Kenya was to be addressed going forward.

3.3 Operation *Rudi Nyumbani* (Operation Return Home)

After the end of the violence, it was initially estimated that there were about 350,000 people who had been displaced. However after further profiling in July 2008, the government found that the actual number of the displaced persons was 663,921.⁶⁸ Additionally 80,000 houses had been burnt down and 1,300 people had lost their lives. However that figure did not include victims of displacement from the previous cases of displacement from 1991 to 1997 who were dispersed across the country and integrated among the communities. The figure also did not include the 12,000 Kenyans who had fled across the border and became refugees in Uganda. A total of

⁶⁷ Government of Kenya, The Prevention, Protection and Assistance to Internally Dispalced Persons and Affected Communities Act 2012, (Nairobi: Government Printer, 2012), p.10.

⁶⁸ Prisca Kamungi. The politics of displacement in multiparty Kenya, *Journal of Contemporary African Studies*, Vol 27, (2009), p. 355.

350,000 IDPs were residing in 118 IDPs camps while another 313,921 IDPs had integrated among communities in the country.⁶⁹

On the 5th of May 2008, the government kicked off *Operation Rudi Nyumbani*. The aim of the operation was to facilitate return of IDPs who were residing in camps across the country back to their homes.⁷⁰ A big number of the displaced were ready to voluntarily go back to their homes. Others were unwilling to return, owing to either the fear of insecurity while some did not own any land to return to. After the peace agreement was signed, the government was determined to demonstrate that indeed peace and normalcy had returned to the country. Continued presence of IDPs in camps was however not painting a good picture for the government. The government was criticized of applying force to have the IDPs vacate the camps through measures such as disrupting essential services such as water and food rations as well as limiting assistance from humanitarian organizations such as the Kenya Red Cross.

To facilitate the return of the IDPs, the government offered to transport the IDPs back to where they had been displaced from. Provincial administration officials were under firm instructions to declare camps officially closed even when some IDPs were reluctant to leave. In some instances the camps were forcefully closed and the IDPs threatened with ejection with a promise of compensation.

By the 13th of May 2008, the Kenyan government had raised Ksh 1.46 billion out of a total of about Ksh 30 billion that it hoped to raise for implementing the return initiative. The resources were required for the reconstruction activities as well as replacement of household items for the returning IDPs.⁷¹ The then president Kibaki emphasized that the operation was first targeting those who were living in difficult conditions in the camps but would also be extended to those

⁶⁹ Barrack Muluka, "Internally Displaced Persons and the Dilemma of the Right of Return: A case study of Vumilia Eldoret, Jikaze and Fumilia Narok IDPs in Maai Mahiu in Kenya's Rift valley province, 2007-2010," University of Nairobi, Unpublished M.A, diss, (2010), p. 53.

⁷⁰ Glory Kamungi, "Factors Influencing the Implementation of 'Operation Rudi Nyumbani' Project in Nakuru District, Kenya," University of Nairobi, Unpublished M.A diss, (2010).

⁷¹ Rescue Kenya, Kenya: *Govt raises funds, resettlement ongoing despite hitches*, Accessed on 12/9/2016 <https://rescuekenya.wordpress.com/2008/05/27/kenya-govt-raises-funds-resettlement-ongoing-despite-hitches/#more-293>.

who had integrated into local communities. The government also emphasized that the safety and security of the returning IDPs was ensured.

The government also maintained that the operation was voluntary and no one was being coerced to return to a place they never wished to return. The government rolled out the operation by first targeting IDPs in Trans Nzoia and Molo districts. By the 9th of May 15,000 IDPs had been transported back to the areas they had been displaced from. The second phase of the operation targeted IDPs from Uasin Gishu and Naivasha Districts. To create confidence in the process, the two Principals Mwai Kibaki and Raila Odinda on the 2nd of April had embarked on a three day tour of the Rift Valley Province to encourage the warring communities to reconcile and to allow the displaced go back to their farms.⁷² Despite the assurances by the government that their safety and security was guaranteed, many IDPs were reluctant to return to their homes. Many IDPs were still fearful that the push factors responsible for their flight were still prevalent.⁷³

3.4 The Ksh 10,000 Startup and 25,000 Re-construction Funds.

In the financial year 2007/08 and 2008/09, the government allocated Kshs 1.0 billion and Kshs. 750 million respectively for the resettlement of IDPs. In addition to the funds allocated by treasury, the two Principals of the coalition government presided over fundraisers (*Harambees*) to mobilize for resources to facilitate the program. The fundraisers managed to raise close to half a billion Kenya shillings.⁷⁴ The money was used to implement a pilot project where each returning household would receive Ksh.10, 000 each. A total of 170,349 households ended up receiving the 10,000 startup kitty.⁷⁵ The Ksh 10,000 was meant to enable the returning families re-construct their livelihoods. A beneficiary Julius Omondi confirms;

I used to live in Njoro where I owned a plot. When the chaos erupted we (Luos) decided to relocate because the local community (Kikuyus) was becoming very

⁷² Rescue Kenya, OCHA Kenya Humanitarian Update Vol. 18, 1 – 9, May 2008, accessed on 12/9/2016, <https://rescuekenya.wordpress.com/2008/05/13/ocha-kenya-humanitarian-update-vol-18-1-9-may-2008/#more-282>.

⁷³ Oral interview, Daisy Rutto, 30/9/2017. Makongeni Farm.

⁷⁴ Esther Ng'ang'a, "Evaluating Efforts to Resettle internally Displaced Persons: a Case study of Molo Conflict Area, 1990-2012," University of Nairobi, Unpublished M.A, diss, (2013), p. 32.

⁷⁵ Oral interview, National Government Official, 22/11/ 2016, Nairobi.

hostile. We went to Ogilgei and camped in a nursery school from where each household received Ksh 10,000.⁷⁶

Apart from the Ksh 10,000, the government also provided Ksh 25,000 to 37,843 households for the construction of houses that had been destroyed during the violence. Those IDPs who had their names registered, had national Identity Cards and could show proof of their destroyed houses qualified for the money. There were alleged massive irregularities in the distribution of these funds. There are many claims of IDPs who did not receive any money. There are IDPs who received the Ksh10, 000 and missed the Ksh25, 000. There are those IDPs who did not receive anything at all while others received either the Ksh 10,000 Or 25,000. Alfred a beneficiary laments;

I received the Ksh 10,000 but when the Ksh 25,000 was being disbursed I was not around so I missed the cash.⁷⁷

To ensure that the money disbursed was used for the proper and intended purpose, the government through the Provincial Administration officials made sure that the money they gave out to the IDPs was actually utilized on building of new houses. In some cases they would not give the cash to the IDPs but would directly pay for the reconstruction materials so that the returning IDP would pick the construction material instead of money. They would then give the balance to the IDP to buy households items. They went even further to supervise the reconstruction of houses that had been destroyed.⁷⁸

Even after receiving part or all the Ksh, 10,000 and the 25,000, many IDPs still could not leave the IDP camps. Most of them had been displaced from urban areas where they been engaged in business as a means of livelihood. Since that means of livelihood had been obliterated and everything had been lost during the violence they had nothing to return to. Dominic summarized the despair facing many such IDPs.

I used to live in Nakuru. When the violence broke out in 2008, I did not want to leave because I owned a bakery where I used to bake mandazi. When they burnt

⁷⁶ Oral interview, Julius Omondi, 20/6/2016, Njoro Trading Center.

⁷⁷ Oral interview, Alfred Asifuna, 30/9/2017, Makongeni Farm.

⁷⁸ Oral interview, Senior Provincial Administration Official, 21/6/2016, Rongai.

down my bakery and I was given a warning to leave, I evacuated my family to a nearby primary school but even the primary school was not safe, so I evacuated them to Afraha Stadium. My entire livelihood was destroyed, I was wondering how I would re-establish my livelihood. I had a family of 12.⁷⁹

Even for the IDPs who returned to their farms, the relationship between returning IDPs and the communities that had displaced them was not very good. The government had to engage in reconciliation and peace building activities to assure them of their safety but still some of them developed cold feet and chose not to return.

3.5 Operation *Tujenge Pamoja* and *Ujirani Mwema* Peace building Initiatives

In an effort to create a harmonious environment and foster reconciliation among the warring communities the government embarked on various reconciliation and peace building efforts. These peace building efforts were aimed at creating peaceful and safe environment for the returning IDPs to be accepted back by the communities that were responsible for their flight. Restoration of harmonious coexistence was necessary for long lasting peace to be established that would allow not only the returning IDPs re-establish their livelihoods but also have long term durable solutions.

The first to be rolled out was *Ujirani Mwema* which followed *Rudi Nyumbani*. The main purpose of the initiative was to re-establish the neighborliness between the different communities that were warring at the time. The program was implemented with the help from The United Nations Development Program (UNDP) and involved supporting the Neighbourhood Volunteer Scheme to train District Officers and the youth on peace building efforts. The District Peace Committees were actively utilized in reconciliation efforts through inter-ethnic meetings and mediation of conflicts. The Peace committees meetings which were chaired by the District Officers were also attended by a cross section of other stakeholders who included the chiefs, District steering groups, civil society organizations and community elders.⁸⁰

⁷⁹ Oral interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

⁸⁰ Ng'ang'a, Esther "Evaluating Efforts to Resettle internally Displaced Persons: a Case study of Molo Conflict Area, 1990-2012," University of Nairobi, Unpublished M.A, diss, (2013), p. 34.

The major challenge that faced this initiative was inadequate funds and low community participation. The host communities in many parts of the country held the perception that the returning or resettling communities were benefiting with a lot of government support while they were also in need and were not getting the support. As a result, participation of the locals in peace activities was low.

On the other hand, *Operation Tujenge Pamoja*, was an effort meant to encourage communities to reconstruct not just their destroyed properties but also their livelihoods together. Since majority of those who were returning were mainly agriculturalists, the government also provided the returning IDPs with farm inputs such as seeds, fertilizers, farm tools and land preparation to assist the returning or resettled IDPs start their livelihoods.⁸¹ The government in conjunction with local and international NGOs such as Habitat for Humanity joined hands in most parts of the Rift Valley to reconstruct the houses that been destroyed during the violence. However just like the other initiative targeting the IDPs, the host communities complained that the IDPs were benefiting unnecessarily and were being favored by the government.⁸²

Apart from the reconciliation and the peace building initiatives the government also undertook a project of constructing new police stations in areas which were violence hotspots and people had been displaced in 2007/8. Most of the 30 new police stations were constructed in violence hotspots in the former Rift Valley province. They were also meant to assure the returning communities of their long term safety and security.

3.6 Land Allocation

As I have already alluded to, many IDPs even after receiving the Ksh 35,000 startup and reconstruction funds were still reluctant to vacate IDP camps. They were not ready to go back either because they still feared for their safety or because most of them did not initially own farms and therefore had nowhere to return to. This group of IDPs continued to remain in the

⁸¹ Oral interview, National Government Official, 22/11/2016, Nairobi.

⁸² Oral interview, George Odhiambo, 20/6/2016, Njoro Trading Center.

camps until the time the government declared all IDP camps to be officially closed and even forcefully evicted them out of the camps.⁸³

After the closure of the camps this group of IDPs formed Self Help groups, pooled together the payment of Ksh 10,000 they had received during *Operation Rudi Nyumbani* and bought small pieces of land in various places like Naivasha, Nakuru, and Nyandarua. In the small pieces of land the IDPs bought, after sub-division each IDP household got a small piece to erect their tents. They were therefore still living in congested, inhuman conditions in now what was referred to as the Transitional Camps.⁸⁴ Samuel Nderitu explained;

We were displaced from Makongeni in Nakuru County; we went to camp at the showground in Nakuru. After we received the money from government and the showground IDP camp was officially closed we bought a piece of land in Pipeline, Nakuru County. While the government and the Red Cross would still give us food rations such as maize, the livelihood in that place was really difficult. There was nowhere you could get firewood, water and the food we got was also not enough. I personally had a family of seven people and the food I received certainly could not be enough, there is nowhere you can get a casual job apart from in construction sites which is backbreaking especially for an old man like me. I am 74 years old.⁸⁵

The lives of the IDPs in the Transitional camps were even much more difficult because the much needed support they had been receiving when they were in camps was cut. It is from that point that the government decided that it was going to purchase land in several parts of the country to resettle the suffering IDPs. For example government acquired lands in places such as in Njoro, Mau Narok, Rongai, Trans Nzoia etc to resettle and provide long term provide durables solution to landless IDPs.

This work is a critical examination of the land resettlement program using the resettlement in Makongeni as a case study. This study focuses on IDPs resettled in Makongeni farm, a former sisal farm purchased by the Government of Kenya from a European sisal farmer on the North West part of Nakuru County in 2013 to resettle IDPs. The farm is comprised of two villages

⁸³ The Standard Team, *We didn't order brutal evictions of IDP, says PS*, accessed on 12/9/2017, <https://www.standardmedia.co.ke/business/article/1144026545/we-didn-t-order-brutal-evictions-of-idp-says-ps>.

⁸⁴ Government of Kenya, *Report of the Select Committee on the Resettlement of Internally Displaced Persons*, (Government Printer, April 17, 2012), p.19.

⁸⁵ Oral interview, Samuel Nderitu, 21/6/ 2016, Njoro, Trading Center.

namely Lomolo A and Lomolo B. Administratively the farm is located in Makongoni location, Rongai Sub County in Nakuru County along the border with Baringo County. In 2014, about 1,096 families were resettled in the 3,200 acres farm comprising of two categories of IDPs. The first category of IDPs comprised of persons who were evicted by the government from the Mau Forest Complex in 2009 and constituted the biggest majority of beneficiaries in the farm. The second category comprise of IDPs who were displaced by the PEV that followed the disputed 2007/8 general election who are a minority in the farm. This study confines itself strictly to the resettlement of the latter.

The IDPs under this study were displaced from various parts of Nakuru County. Majority of the victims were displaced from Nakuru Town, Njoro and Rongai Sub Counties. Their ethnic composition is mainly Luo, Luyha and Kalenjin.⁸⁶ After their displacement from their various places of habitual residence in early 2008, they moved to several IDP camps within Nakuru County. The IDPs that this study focuses on is a section of IDPs from four primary IDPs camps. These are IDPs from Afraha, Lanet, Kapkures and Ogilgei IDP camps (ALKO). After *Operation Rudi Nyumbani*, these IDPs had nowhere to go to after their individual IDP camps were closed. They therefore formed a self-help group and named it ALKO, which is an abbreviation of the four IDP camps that had been closed. They contributed Ksh 1,500 each and bought a 3.2 acres piece of land in Salgaa in Rongai, Nakuru County. They then subdivided the 3.2 acres piece of land among the 729 members of ALKO Self Help Group and erected their tents.⁸⁷

Some ALKO members lived in this transitional camp while others moved out to towns to find a source of livelihood. The government in a bid to resettle the ALKO IDPs searched for available tracts of land to resettle the IDPs. The first bunch of ALKO IDPs to be resettled was taken to Kitale in Trans Nzoia County. That land however could only accommodate about 250 IDPs. Others ALKO members were resettled in other various places and the last bunch comprising of about 177 members who were resettled together with a huge number of forest evictees in Makongeni and Majani Mingi Farms, in Rongai in 2013. Each household was allocated a two-acre piece of land for cultivation and a quarter acre piece of land for building a house. This study

⁸⁶ Oral Interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

⁸⁷ Oral Interview, Haron Salamba, 30/9/2017, Makongeni Farm.

focuses on about 120 post-election IDPs resettled in Makongeni Farm only. George Odhiambo explained;

I had lived in Njoro trading center peacefully from 2001 to 2007 when violence erupted. A Luo man was killed here at Njoro trading center and we the (Luos) decided to move because the neighboring community (Kikuyu) had become very hostile. We sought refuge at Ogilgei in a nursery school where we camped for several months. When we were given the Ksh 10, 000 each, we formed the Ogilgei IDPs self-help group where each member contributed 1500 and we bought a piece of land in Belba in Salgaa Rongai sub-county.⁸⁸

This study established that while the government had provided assistance to the IDPs including allocating them land, most beneficiaries of the land resettlement felt that the government had not done enough to address their plight. The beneficiaries accused the government of not keeping most of its promises to them. For example the IDPs argued that the government had committed to provide reconstruction materials such as iron sheets and poles as well as pay the *Fundi* to construct the house. The government also had promised to till the land for the IDPs and provide initial farm inputs to enable them kick start their lives.⁸⁹ Other Resettled IDPs were even more critical of the land resettlement arguing that it did nothing to address their situation.

Others on the other hand defended the government and argued that the government had done the best it could have done under the prevailing circumstances, Odaba Sidonde's opinion;

You know people like to blame the government for everything, the government cannot resettle each person where they want. It is impossible.⁹⁰

It is obvious that the resettlement program encountered several challenges that impacted on the overall effectiveness of the program. The challenges and the impact of the challenges are exhaustively discussed in the next chapter.

3.7 Conclusion

This chapter explored the various initiatives that the government of Kenya formulated and implemented in a bid to not only address the humanitarian crisis that had had been occasioned by

⁸⁸ Oral interview, George Odhiambo, 20/6/2016, Njoro Trading Center.

⁸⁹ Oral Interview, Haron Salamba, 1/10/2017, Makongeni Farm.

⁹⁰ Oral Interview, Odaba Sidonge, 1/10/2017, Nakuru.

the internal displacement witnessed after the 2007/8 post-election violence but also to provide long term solutions to the IDPs. The chapter first examined, the international, regional and national legal frameworks that have been put in place to provide assistance and protections to IDPs. This frameworks offer guidance on how initiatives taken to address the plight of IDPs should be designed and implemented. Most importantly the frameworks task national authorities with the responsibility to address IDPs issues while at all times putting the rights of IDPs at the forefront of any measures taken.

The initiatives discussed included the short term interventions to address the short time needs of the IDPs as well as the long term interventions to provide sustainable durable solutions to internally displaced persons for the long term. The short term interventions were aimed at first of all facilitating the displaced persons to leave the camps and go back to their farms farms. This included offering transport to the IDPs to return back homes, providing Ksh 10,000 start up cash and additional Ksh 25,000 for reconstruction fund. There was also the provision of farm inputs such as seeds and fertilizers to help IDPs re-establish their livelihoods.

The long term initiatives included peace building and reconciliation efforts to ensure harmony and peaceful co-existence among warring communities and to address issues that had caused displacement in the first place. The government also constructed police posts in areas that were conflict hotspots in order to ensure safety and security to the returning IDPs. The last initiative was the provision of land to landless IDPs or IDPs who were unwilling to return to their former homes owing to fear for their safety. Each IDP household benefited with a piece of land on which to re-build their houses as well as their lives. While most IDPs criticized the resettlement as inadequate, there are those who felt that the government did the best it could have done to alleviate their situation. While it is important to acknowledge government's commitment in designing and implementing all the mentioned resettlement programs with a view of addressing the most immediate and the long term needs of the IDPs, it faced several challenges while rolling out the initiatives. The challenges are examined in detail in the following chapter.

CHAPTER FOUR

CHALLENGES AND COPING MECHANISMS OF IDPs RESETTLED IN RONGAI SUB-COUNTY

4.1 Introduction

This chapter focuses on the specific challenges that faced the resettlement of IDPs in Rongai Sub-County. The chapter identifies two broad categories of challenges. First are the challenges that faced the government of Kenya during the design and implementation of the various initiatives taken to address internal displacement and second are the livelihood challenges that faced the IDPs during and after their resettlement. The chapter also assess the impacts of those challenges on the resettlement process and the livelihoods of the resettled IDPs.

The chapter also examines the coping strategies adopted by the resettled IDPs to overcome the challenges identified. Studies on IDPs and Refugees have established that displacement related needs do not just disappear abruptly after IDPs or refugees return home or resettle in other localities. Returnees or resettled IDPs continue to face a myriad of challenges that hinder their capacities to establish sustainable livelihoods long after the provision of durable solutions initiatives.

Research on coping mechanisms of displaced persons has identified several resources leveraged by the displaced to deal with their situations. These include social support, community structures, spiritual support, material resources, and constructive activity. Social support has been singled out in many situations as being the most important and most effective coping strategy used by displaced persons for both children and adults. This is because it serves a number of functions. The first one is emotional support. It also serves as a means of economic and material assistance.

4.2. Challenges Faced during and After the Resettlement of IDPs in Rongai

This section examines the challenges that the government of Kenya encountered during the design and implementation of the initiatives taken to address the plight of the internally displaced

persons in Rongai Sub-County. It also examines the livelihood challenges that faced the resettled IDPs during and after the conclusion of resettlement process.

4.2.1 Inadequate Funds for Resettlement

Lack of sufficient funding was the greatest challenge that the government faced in its effort to address the needs of IDPs in Kenya. The implementation of programs intended to provide durable solutions to IDPs problems often require a lot of resources and proper utilization of those resources. It was the intention of the government to provide the IDPs with facilitation to return to their homes, startup capital, reconstruction resources, social amenities, farm inputs such as seeds and fertilizers as well as provide psycho-social support to the returning or resettled IDPs.

By December 2009 however, 24,709 of IDP households had not yet received the Ksh 10,000 startup capital while another 55,725 households had not received the Ksh 25,000 for the reconstruction.⁹¹ By July 2010, out of the 6802 IDPs households who had nowhere to return to and had formed 19 self-help groups, only 789 household had benefited from the 2 and quarter acres of land. As of July 2010 the government had disbursed Ksh, 2,380,170,000 to IDPs and still required a more Ksh 1,161,390,000 to at least address the cash disbursement.⁹²

By the end of 2016 the government had provided the Ksh 10,000 startup capital to 170,349 households and the Ksh 25,000 reconstruction fee to 37,843 households. A total of 122,245 persons had also benefited from the psycho-socio initiatives. A further 8,784 households had been resettled on 20,630 acres of land purchased by the government. The government had also supported the resettled IDPs with tents, relief food, drilling of boreholes and construction of houses, schools and other basic infrastructure.⁹³

The disbursement of the startup and reconstruction funds was however not as transparent as it should have been. The process was faced by many challenges and has been heavily criticized by both the IDPs and civil society as a process that lacked transparency and accountability. There

⁹¹ Kenya National Commission on Human Rights, *Kenya's IDP Crisis: An urgent Solution Needed. Nguzo Za Haki*, (Nairobi, 2009), p.5.

⁹² Government of Kenya, *Ministry of State for Special Programs IDP Status Brief as at July 2010*. (Nairobi, 2010), p.2.

⁹³ Oral interview, National Government Official, 22/11/2016, Nairobi.

were allegations that some government official misappropriated cash meant for the benefit of IDPs. In one case it is alleged that government officials used the names of genuine IDPs to siphon funds meant for IDPs camping in Pipeline transitional camp in Nakuru.⁹⁴ The IDPs argued that the government officials used various excuses to deny them their funds such as informing them that their names were not in the government records or they did not have the necessary documentation.

IDPs resettled in Makongeni interviewed for this study however did not accuse any government official of corruption or misappropriating funds meant for them. On the few cases where IDPs missed out on a benefits such as funds, land or construction material they placed the blame on IDP officials who they accused of being greedy and misinforming the government officials.

While indeed there are IDPs who received all the intended payments, most of the IDPs received just part of the payment. Majority received either the Ksh 10,000 or the Ksh 25,000 with some not receiving anything at all. Dominic Otieno's take;

In my household we received Ksh 30,000 that is for me, my wife and my son. However I am the only one who received the 25,000. The others did not get the Ksh 25,000.⁹⁵

While lack of enough funds was the main reason why some IDPs received the funds and others missed out, there were other factors like lack of clear figures and actual names of IDPs also contributing to the phenomena.

4.2.2 Unclear Profiling of IDPs

Lack of proper records on the exact number of IDPs was also a major stumbling block in the implementation of the initiatives especially early on in the process. Before the displacement in 2007/08, the term IDP was not very common in the country and the government had not been

⁹⁴ The Standard Digital, *How officials used IDPs' names to siphon Sh200m meant for victims*, accessed on 5/10/2017, <https://www.standardmedia.co.ke/article/2000000781/how-officials-used-idps-names-to-siphon-sh200m-meant-for-victims> See also; The Zimbabwean, *Kenya: State officials probed over Sh100 million IDP cash*, accessed on 10/10/2017 <http://www.thezimbabwean.co/2009/10/kenya-state-officials-probed-over-sh100-million-idp-cash>.

⁹⁵ Oral Interview, Dominic Otieno, 30/9/2017, Majani Mingi Farm.

keen to keep an updated record of displaced persons. Therefore, immediately after the 2007/8 displacement the government did not have any clear records on who genuine IDPs were and who were not. When it came to addressing the plight of IDPs therefore, the government faced an obvious challenge of differentiating genuine IDP from fraudsters posing as IDPs. That confusion provided room for fake IDPs to benefit including others who were genuine IDPs and owned farms in places where normalcy had returned but chose not go back and instead hang in IDP camps waiting to benefit with money or another piece of land.⁹⁶

The National Consultative Coordination Committee on Internally Displaced Persons the government agency in charge of IDPs affairs in the country admits that at the beginning of the resettlement program there was no clear consolidated records that were used during the compensation of the IDPs. The justification was that at the time the government was frantically trying to get IDPs out of camps and therefore the initiatives were not properly coordinated. The Director confirmed;

Yeah it is possible that some people might have benefited more than once from the kitty as some people would register themselves in one place and then after receiving the payment rush to another place and register and receive the money. At that time, the aim of the government was to get people out the camps where various government agencies was handling the tasks without proper coordination and clear records at the time. They were kind of groping in the dark.⁹⁷

In the opinion of a local Provincial Administration Officer, the government should have first and foremost conducted a thorough audit of all the people claiming to be IDPs and prepared a comprehensive and accurate record of the displaced persons and where they had been displaced from before any efforts were implemented. He argued that it would have been possible to use the Provincial Administration structures that stretch all the way to the village level, thus if an IDP claimed to have been displaced from a village X, the government should have contacted that village's chief who would ascertain that claim to be either true or false. His sentiments;

⁹⁶ Magdalene Wanja, "Council threatens to sue fake IDPs at Nakuru's Mumoi camp", Daily Nation, Monday, 18/4/2016.

⁹⁷ Oral interview, National Government Official, 22/11/2016, Nairobi.

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 genuine IDP were and who were not.⁹⁸

Lack of proper record on IDPs not only allowed the process to be infiltrated by individuals who should not have benefited from the process but it also allowed the issue of internal displacement in Kenya turn into a never ending circus with new IDPs claiming compensation almost on a daily basis. Even complicating the problem further are calls for compensation and resettlement from all kind of squatters and even encroachers who have been evicted from forest land such as those evicted from the Mau Forest Complex.

While it is important to acknowledge that even the forest evictee or indeed the so called illegal squatters are equally Kenyans who require government help to attain permanent places to reside, lumping them together with IDPs who were victims of ethnic and electoral violence obscures the special needs such IDPs have and hence the special consideration they require. In fact, this is a fact that seemed to irk most of the IDPs resettled in Makongeni because by including forest evictees in their resettlement, they felt as if they were being treated like forest evictees and not IDPs; George Odhiambo Lamented;

Another challenge is that we were lumped together with forest evictees from the Mau Complex. There is a big difference between a forest evictee and an IDP. We were not considered as IDPs.⁹⁹

It was the feeling of many IDPs that persons who had abandoned their pieces of land and went to invade forest land should not be compounding problems of IDPs in Kenya and should not be considered for resettlement. They should go back to the farms they occupied before they invaded the forests. Inclusion of such groups in the process of searching durable solutions for IDPs who have been displaced as a result of ethnic and political violence waters down the seriousness of the problems associated with political and ethnic based internal displacement by blurring what durable solutions would actually entail for a victim of political and ethnic violence. For instance Rongai is in the Kalenjin Rift Valley, all the forest evictees from the Mau were Kalenjins. The

⁹⁸ Oral interview, Senior Provincial Administration officer, 22/6/2016, Rongai.

⁹⁹ Oral Interview, George Odhiambo, 21/6/2016, Njoro Trading Center.

resettlement of the Kalenjins forest evictees in Rongai was therefore perfectly fine for them. The problem however arises when a few Luos and Luyhas are resettled among the Kalenjins in Rongai. What happens? Dominic Otieno a Luo explained;

The Mau Complex evictees say they are very comfortable here. It is because they were resettled within their community, but what about me? Even if they said lets go and beat up Dominic, I won't know what they are saying.¹⁰⁰

The problem of not having clear definitions of who IDPs were as well as lack of proper profiling and records of genuine IDPS has allowed the issue of IPDs in Kenya to keep on spiraling into a never ending circus. Another provincial administrator added,

Nobody knows the system that was used for compensation in this area. We endorsed over twenty lists of beneficiaries and we don't even know which one was used to compensate. Sometimes individuals who should have not benefited actually benefited while some genuine IDPs who should have benefited did not.¹⁰¹

The issue of the never ending claims of compensation from IDPs is a real challenge to the government officials on the ground who often have to deal with the many claims of compensation from persons claiming to be genuine IDPs who claim that they have never been compensated or have not received this or that benefit.

These lists of claims continue coming to our offices, people who were displaced in 2008 as minors are now adults and are now eligible for compensation. If we keep talking about compensation, people will keep on coming up. If the president said the issue of IDPs is over, we will only deal with emerging issues. You will not see this lists coming to this office.¹⁰²

Martin Mavenjina from the Kenya Human Rights Commission also wondered;

There was no clear framework as to how people were being compensated. When you looked at the money that was being given, there was no uniformity. You then wonder, if all are IDPs then there should be some equal standard or some way

¹⁰⁰ Oral Interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

¹⁰¹ Oral interview, Junior Provincial Administration Officer, 22/6/ 2016, Rongai.

¹⁰² Ibid.

through which you arrive at the conclusion that so and so is entitled to this much while so and so is entitled to this much.¹⁰³

Even the local provincial administration did not seem to understand the criteria that were being employed in the disbursement of the funds. They equally maintained that when it came to the issue of compensation, there should have been a common standard applicable to all the IDPs.

4.2.3 Alleged Inequality in the Resettlement Process.

There is a widespread perception that the government discriminated against IDPs from most parts of the country in the resettlement process and paid more attention to IDPs from one ethnic group displaced from the Rift Valley.¹⁰⁴ A resettled IDP, George Odhiambo explained;

When the fracas erupted, majority of our people (Luos), went home (Nyanza). They were therefore not compensated. Us who were compensated are just a drop in the ocean. If you investigate you will see how our people did not benefit, honestly speaking. For example my brother lost all his property here and he got nothing. If you go to where Kikuyus were allocated you will see how we were neglected. Honestly speaking it was very much skewed.¹⁰⁵

The government however refuted such allegation and asserted that the first priority had to be given to IDPs who were at the camps and not the ones who had travelled back and integrated within their communities. While acknowledging that indeed most of the IDPs who were stranded in IDP camps were disproportionately from one ethnic group, the government official interviewed maintained that all IDPs will be compensated and the government had set aside around Ksh 6 billion in the financial year 2016/17 for the compensation of integrated IDPs.

4.2.4 Lack of Consultation in the Resettlement Process

As we established in the previous chapter, various legal frameworks provides guidelines that are critical during the design and implementation durable solutions initiatives. The most important condition is involvement and participation of IDPs in the planning and implementation of durable solutions initiatives. However, majority of internally displaced persons resettled in

¹⁰³ Oral Interview, Martin Mavunjina, KHRC, 11/9/2017, Nairobi.

¹⁰⁴ 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: Flawed Practices Stoke Communal Tension as Elections Near," accessed 15th July 2016, <https://www.hrw.org/news/2013/01/17/kenya-discrimination-against-rift-valley-displaced>.

¹⁰⁵ Oral interview, George Odhiambo, 21/6/2016, Njoro Trading Center.

Makongeni farm in Rongai interviewed for this study insisted that that they were neither consulted nor involved by the government at any time before, during and even after the resettlement. George Odhiambo complained;

I got the Ksh10, 000 and the Ksh 25,000 and I was resettled in Makongeni but I decided to come back here (Njoro). Makongeni is a very dry area, arid. In fact my land neighbors Baringo County. 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 social amenities. I hear they are now building schools and commissioning electricity. People should be consulted on where they should be resettled and the place they want. 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 counselled that the place you are being taken is pathetic.¹⁰⁶

The government official responsible for resettlement however dismissed such allegations and maintained that the resettled IDPs ought to be thankful for all the efforts the government undertook to address their plight instead of always complaining. According to him, the government did the best it could to help the IDPs at the prevailing circumstances despite all the challenges.

Do not listen to such arguments my friend, some of those complaining that they were not consulted and that the land they were given is not good did not even own land in the first place, instead of them being grateful for the piece of land which they now can sell and get money to do other business they are complaining.¹⁰⁷

The civil society also insisted that the government should not only consult the IDPs but all the other stakeholders interested in the protection of the rights of IDPs. This is to ensure that the process of the resettlement is not done unilaterally and is more effective in the long run. Martin Mavenjina from KHRC reiterated;

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?¹⁰⁸

¹⁰⁶ Oral interview, George Odhiambo, 21/6/2016, Njoro Trading Center.

¹⁰⁷ Oral interview, National Government Officer, 22/11/2016, Nairobi.

¹⁰⁸ Oral interview, Martin Mavenjina, KHRC Official, 11/9/2017, Nairobi.

The government's argument however was that it is not easy or even practical to resettle all the IDPs in places where each one of them would want. Subsequently after the land resettlement faced serious challenges, the government opted to give money to IDPs so that each IDP can go and buy land in the places that they wished.

It is a big challenge getting a big and fertile arable land because the process of buying land is based on the willing buyer willing seller Principle.¹⁰⁹

While most IDPs lamented that they were not consulted and involved in the resettlement process, there are IDPs who argued that it is not within their purview to direct the government on what to do or not. They insisted that they had no choice but be contented with whatever was offered as they did not have it in the first place. They commended government for doing something to address their plight. Odaba Sidonge defended the government;

Consultation with everybody is not possible. The government is a like a father with several sons. If he decides to allocate land to his sons he does not need to ask them where they want to be allocated. He just allocates them and they have to take without any arguments.¹¹⁰

From the criticisms the government received, it is the finding of this study that failure of the government to involve and allow the participation of IDPs in the resettlement process rendered the search for durable solutions for the IDPs grossly inefficient. Most the IDPs believe that there is still no much difference between now and when they were displaced persons in the camps. Some even claim that they are actually worse off after resettlement than they were in the camps.

4.2.5 Politicization of the Resettlement Process

Politicization of the resettlement was a big challenge to the effective implementation of the resettlement program across the country. Politicians either supported or opposed the resettlement of IDPs in various regions for various political reasons. Where they perceived that the resettlement of IDPs would be beneficial to their political interests they supported but where they perceived the resettlement would threaten their political interests they opposed. They would go as far as inciting the host communities against accepting the settlement of IDPs in certain areas.

¹⁰⁹ Oral interview, National Government official, 22/11/2016, Nairobi.

¹¹⁰ Oral interview, Odaba Sidonge, 1/10/2017, Nakuru.

Politicization of the resettlement process and continued political incitement was a major challenge that hindered the process and is still a huge factor that continues to threaten durable solutions for the resettled IDPs. Political incitement was identified as a key factor in undermining the effectiveness of the resettlement initiatives and durable solutions for IDPs resettled in the larger Rift Valley. Most of the respondent interviewed felt that most of the issues responsible for their displacement in the first place were still there and political incitement only serves a catalyst to ignite the problem.

Resettlement of IDPs in places with such environment is therefore counterproductive and does not offer any long term solution. Most of the respondents interviewed for this and other studies on internal displacement in Kenya derive their fear from the fact that they have been displaced from their homes more than once in previous years by the same kind of ethnic armed militias during electioneering period. Instructively, for the initiatives to be effective and inspire confidence among the IDPs, the government needs to be firm and hold all those responsible for political incitement to account. A Provincial administrator recommended:

The warmongers should be arrested, charged and prosecuted. The government should put in place measures that ensure you are protected by law wherever you are.¹¹¹

Francis Deng argues that conflicts and displacements of people is often associated with ethnic, religious or cultural identity which usually create severe differences amongst people, therefore when victims of displacement who merit assistance and protection from national authorities receive that assistance and protection, they are viewed as being favored by authorities thus creating even more resentment in the other groups and are therefore possible victims of persecution.¹¹² While the Kenyan constitution guarantees the right of any Kenya to own land and live in any part of the country, this study's respondents suggested that for there to be durable solutions for IDPs, government should consider resettling IDPs in areas they consider save because harmonious coexistence among certain communities in certain regions of Kenya seemed

¹¹¹ Oral interview, Senior Provincial Administration Officer, 21/6/2016, Rongai.

¹¹² Francis Deng. The Global Challenge of Internal Displacement, *Washington University Journal of Law and Policy*, Vol 5, No. 141, (2001), p.155.

to be a mirage especially when the newcomers were being given free land amongst landless people in the host community. Dominic Otieno suggested;

I wish they resettled me in Muhoroni. If I had been resettled in Muhoroni I would not be going through all these problems.¹¹³

This study recommends that if the government is incapable of addressing political interference and ethnic incitement during the resettlement of IDPs in the country, then it should consider resettling IDPs in areas that they are safe from political incitement and ethnic fear of displacement every political season which would entail resettling IDPs in areas that they consider to be their ancestral areas of origin.

4.2.6 Inadequate Reconciliation and Peace Building Efforts

Before the government decides to resettle IDPs in any particular place, it is important to not only involve the IDPs but also the host communities in the areas they intend to resettle IDPs. When host communities are not involved, the study found that resettlement will not be successful as the host communities will seek to block such resettlement. For example, according to Kamungi, 61% of the respondents she interviewed cited fear of fresh attacks as the reasons why they were reluctant to go back to where they had been displaced from during *Operation Rudi Nyumbani*. Muluka also found out that IDPs were reluctant to return because the push factors that made them to flee was still unaddressed, the most pressing push factor being the hostilities between warring communities.¹¹⁴

The Neighborhood Volunteer Scheme, a government initiative meant train Districts Officers and the youth on peace building as well as the District Peace Committees chaired by the District Officers involving District steering groups, chiefs, civil society and elders did their best in calming down the tensions and promoting harmony. However the initiative was faced by three serious challenges that rendered the initiative inadequate.

One was lack of enough funding which hampered its efficiency and two, while the process tried to include as many stakeholders as it could, it was not entirely inclusive since there was low little

¹¹³ Oral Interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

¹¹⁴ Barrack Muluka, "Internally Displaced Persons and the Dilemma of the Right of Return: A case study of Vumilia Eldoret, Jikaze and Fumilia Narok IDPs in Maai Mahiu in Kenya's Rift valley province, 2007-2010," University of Nairobi, Unpublished M.A, diss, (2010), p. 82.

participation by women and youth. Finally the initiative faced serious credibility issues as some of the persons participating in the process were known to the victims as the perpetrators of the violence that had displaced them so they didn't have faith in it.

For a reconciliation to be successful, such processes ought to be more inclusive and taking place in the grassroots not in hotels in towns. Women and youth should be involved as this is the category that is most affected by the violence and the displacement. Funding and support from NGOs, Churches and civil society organizations is also crucial for such a process as all the stakeholders need to join hands and ensure that the peace Building and reconciliation is wholesome and all inclusive. Most importantly the actors spearheading such process must be people who are credible, non-partisan and not considered to be perpetrators of violence. Such actors make the process lack credibility and render such initiatives a futile exercise.

The study found out that even the land resettlement initiated by the government suffered the same challenge as there was hostility between the IDPs and the host communities in the places the resettlement took place. The tension between the two groups puts the resettled IDPs in a constant fear of fresh attacks and displacement. It is very important for government to ensure that all communities will live in harmony and address all the issues that could threaten the peaceful co-existence of communities and therefore threaten durable solutions for IDPs.¹¹⁵

More importantly the government should be careful not create situations that foster mistrust and hatred among the resettled IDPs and the host communities. To create harmony between host community and the IDPs, the government argued that it had allocated 40% of the land to the local community and 60% to the IDPs.¹¹⁶ However, respondents argued that, that did not happen and that the local community got only 20% of the land and the IDPs got the 80%. This feeling of betrayal by the government was quickly gaining traction within the local community and the resettled IDPs were fearful that the host community could use it as an excuse to instigate chaos. If such issues is not adequately addressed, they could threaten peace and even contribute to the displacement of the resettled IDPs from Makongeni in the future as John Ngugi worried:

¹¹⁵ Ng'ang'a, Esther "Evaluating Efforts to Resettle internally Displaced Persons: a Case study of Molo Conflict Area, 1990-2012," University of Nairobi, Unpublished M.A, diss, (2013), p. 42.

¹¹⁶ Oral interview, National Government Official, 22/11/2016, Nairobi.

Such cases should be solved fast because some people might use such small misunderstanding to cause chaos.¹¹⁷

In Rongai, there were no peace building initiatives taken before or after the resettlement of the IDPs. In fact this study found out that there IDPs who were allocated land but could not settle in the land because of either direct threat from local individuals who were also laying claim to the same piece land or threats from general members of the host community. The worst affected are the IDPs whose pieces of land were next or stretched into Baringo county. Communities in Baringo County refused the resettled IDPs settle into those pieces of land.¹¹⁸

4.2.7 Hostility and Insecurity

The resettlement of IDPs in many parts of the country faced stiff resistance from the local communities who rejected the resettlement of IDP communities in their areas. I have cited the examples of Trans Nzoia and Mau Narok where host communities blocked the resettlement of IDPs on land that the government had purchased in those areas.¹¹⁹

The resettlement of IDPs in Makongeni faced almost a similar challenge of hostility from the local community who were mainly workers working in the former sisal farms. When the government purchased the land from the private farmer, the workers became squatters on the land and started claiming that they should also get the share of same land. Together with the local communities they argued that the government cannot resettle people from other regions while there were landless people also residing in the area. Julius Omondi explained;

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 Luyha, 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.

To avoid the problem of hostility from the local community and for the local community to allow the IDPs, the government designed a formula that would see the host community also gets a share of the land. In Makongeni the government came up with a 60%-40% formula where the

¹¹⁷ Oral interview, John Ngugi, 30/9/2017, Makongeni Farm.

¹¹⁸ Oral interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

¹¹⁹ Simon Siele, "Plan to resettle IDPs opposed", The Daily Nation, 21/10/2012, See Also Samuel Karanja, "IDPs settle on disputed land after talks with local people", The Daily Nation, 13/3/2010.

IDPs would get a 60% share of the land while the local community would get a 40% share of the land. A National government official admitted;

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.¹²⁰

While the local Provincial administration seems to be aware of the hostility between the resettled community and the local host communities the National government officer downplayed such hostility and argued 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. He added

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.

The provincial administration however maintains that it is doing all that it can to ensure that there is peaceful co-existence between the local host community and the resettled persons.

There is conflict between the resettled IDPs and the local community, the local community is mainly pastoralists while the newly resettled persons are farmers. Those are reactions that we are dealing with. The Provincial Administration is using its structure to make sure that law and order is maintained and peace prevails.¹²¹

The land sharing formula however turned out to be the new source of conflict. The host community claimed that they actually did not receive the 40% percent that they were promised but received a mere 20% and are demanding that the government meets its side of the bargain. What compounds the problem is the fact that there is no local administration office that can quickly address such cases if they arise. Alfred Asifuna argues;

The D.C only comes here or sends the D.O when there is a lot of tension. The chief's office is very far from here, if anything was to happen he comes when it has already happened. There is no security, they just set aside a piece of land for the construction of a police station which has not been constructed¹²²

Another issue that was raising tension between the IDPs and the host communities is the procedure to be followed in the allocation of plots in the area earmarked as the trading center.

¹²⁰ Oral interview, National Government Official, 22/11/2016, Nairobi.

¹²¹ Oral interview, Junior Provincial Administration Officer, 22/6/ 2016, Rongai.

¹²² Oral interview, Alfred Asifuna, 30/9/2017, Makongeni Farm.

There was no clear framework as to who was to be allocated the plots in the trading center. Some of the resettled IDPs felt that the plots should only be reserved to those who owned business before they were displaced while others including the host communities felt that they should also benefit.

4.2 Coping Mechanisms of IDPs Resettled in Rongai Sub-County

This section examines the coping strategies devised by the resettled IDPs in Rongai to deal with the challenges discussed above. IDPs in Kenya have adopted several coping mechanism strategies to deal with their displacement. Fredrick Wakhisi studied the coping mechanisms adopted by ‘invisible IDPs’ in Kenya. He identified the strategies that the IDPs employed not only to make ends meet but also to make sense of their situation. Their coping mechanisms included, engaging in small scale trade like buying and selling vegetables, second hand clothes and shoes, food items, fuel (paraffin, charcoal, firewood), others engaged in sports, small retail shops and boda-boda transport. Others engaged in petty farming, fishing, and even evangelism.¹²³ The following are the coping strategies adopted by IDPs resettled in Rongai.

4.3.1 Access to Food and Water.

While the IDPs were still in camps, they received regular food supply, water, clothes, health services etc from the government and other non-governmental organizations. However immediately after they were allocated their pieces of land, the food aid was cut and they were left to their own devices. The sudden suspension of food aid devastated the IDPs as they had not established sustainable sources of livelihoods. They complained that the government just abandoned them and forgot about them. George Odhiambo stated;

Immediately we were resettled here, the food aid that we had been receiving was abruptly stopped. We thought they were stopping the food aid so that they can provide us with what they (government) had promised. They had promised to provide us with some money for us to sustain ourselves because in the first year we came here we did not cultivate our farms. How could we cultivate and we had nothing. We didn’t have money to plough the land, we didn’t have seeds we didn’t have anything. We thought they will give us some money but we never got that money.

¹²³ Fredrick Whakisi, “Surviving Displacement: the Case of ‘Invisible IDPs’ in Kisumu County 1991-2011,” University of Nairobi, Unpublished M.A, diss, (2015), p.89.

The IDPs complained that the region they were resettled in is perennially dry and rarely rains. In much as the IDPs would have liked to engage in subsistence farming to produce food, they couldn't do that because first, the farms they received was a sisal plantation and uprooting all the sisal plants was a big challenge and took time and secondly, the IDPs didn't have the necessary requirements such as seeds, fertilizer and the money to plough the land.

Access to safe drinking water is also huge problem not just for the resettled IDPs but even for the rest of the general population residing in the area. Communities are forced to use unsafe sources of water or have to travel far in search of safe drinking water. The only source of water provided for the IDPs resettled in Makongeni area is an open dam which collects rain water. The water from the dam is not safe for human consumption. The resettled IDPs are therefore forced to buy water which is very expensive. Daisy Rutto laments:

The most pressing challenge for us as the IDPS resettled here is lack of clean water to drink. The only source of water is an open dam that was dug by the government. The water in the dam is not safe for human consumption. This is because it is also the source of water for animals. We are therefore forced to buy water from water vendors who source for fresh water from a lengthy distance mostly in Mogotio. You have to pay with Ksh 170 for 100 litres of water transported by boda boda.¹²⁴

While a few of the resettled IDPs households can afford to buy water for about KES 30 per 20litre of water, many households cannot afford to buy the water and have no choice but depend on the dam water for their household water needs. Most of the communities who depend on the water from the dam do not even have any method of treating the water to make it safe. Naomi Chelagat admitted:

This is the water that we use. We use it as it is. We cannot afford to buy water from Mogotio. This water is very dirty. In fact, when we use it to make ugali instead of the ugali being white it is usually brown because the water is brown.¹²⁵

To the communities living in the arid parts of Rongai both the IDPs and the host communities, the biggest challenge they face is that of water and food. Without the two, livelihoods has become very difficult for them. The government needs to urgently provide sustainable water sources for drinking and also for irrigation since it is an area with huge agricultural potential.

¹²⁴ Oral Interview, Daisy Ruto, 30/9/2017, Makongeni Farm.

¹²⁵ Oral Interview, Naomi Chelagat, 30/9/2017, Makongeni Farm.

4.3.2 Access to Basic Services and Amenities

Access to basic service and infrastructure is a key benchmark used to measure the success of any return or resettlement initiative. In most cases however, returnees or resettled persons face serious challenges to accessing basic services. Jean Pierre Maniraguha in his study of challenges of reintegrating refugees in Burundi identified access to basic services as the one of the biggest hindrance to effective re-integration of returning refugees in Burundi.¹²⁶

The IDPs resettled in Rongai accused the government of having reneged on the promises it had made with them regarding the provision of basic amenities and infrastructure. They argued that as part of the resettlement process, the government had agreed to provide the IDPs with all the basic social services and infrastructure that would have been necessary for the resettling IDPs seamlessly kick start their livelihoods in the new locality. However the government did not meet it side of the bargain and the IDPs had to do without schools, hospital, road, electricity, housing, security etc. Dominic Otieno complained;

We had an agreement with the government. The government had promised to construct houses for us, construct the roads, provide us with water and connect electricity for us. That is something they promised while were still in the Camp I even have the documents to show you. But nothing of the sort was done. We were just brought here and the only thing that the government provided was an open dam where we are supposed to fetch water.¹²⁷

The IDPs argued that what government did can never be termed as resettlement but the government just dumped the IDPs in area. All the IDPs resettled fell like that the government just abandoned them immediately after they were resettled. They claim that the government has not made any follow up to see if the IDPs were able to build sustainable livelihoods. They claim that they had suffered a great deal trying to cope with the new environments virtually with no availability of basic human needs and important social amenities. Alfred Asifuna argued

They just put me here and abandoned me here. If the government resettles people in a new place they need to follow up and see if you have been able to re-establish your livelihood but they left us here to survive on our own. They ought to have followed up

¹²⁶ Jean Pierre Maniraguha, “Challenges of Reintegrating Returning Refugees: a Case Study of Returnee Access to Land and to Basic Services in Burundi,” University of Tromsø, Unpublished M.A, diss, (2011), p.3.

¹²⁷ Oral interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

and made sure as individuals we were able to establish sustainable livelihoods but they did not do that ¹²⁸

Lack of basic social amenities and infrastructure rendered most of the resettled IDPs unable to reestablish their lives in Makongeni and had to move new areas where live would be much better. John Ngugi added

You know the most important things for a human being is water, food, hospital, school, security and road. Those are the basic. If you have those ones then the rest are not important. Here there is no road. If it rains while you are on this side, you will not be able to get out. If you are on the other side you will not be able to come back home. ¹²⁹

With the absence any economic activity to engage in that can generate income and the lack of important social services, the IDPs livelihoods are greatly compromised. The IDPs claimed that the government has not made any follow up to see if they were able to establish sustainable livelihoods. They suffered a great deal trying to cope with the new environments virtually with no basic human needs and social amenities, no roads, no school, no hospitals, no water, no security and all other important social needs. Children are forced to walk long distances to school. Women are forced to look for casual jobs that do not pay much. They are forced to buy drinking water and those that cannot afford the water are forced to consume unsafe water. The sick cant access medical care and pregnant women often have to deliver at home.

4.3.2.1 Education

Basic education is key for an individual's self-sustainability. Access to employment opportunities and engagement in many economic activities are often hinged on individual capacities and competencies. Without education, individual's self-reliance is compromised. In Kenya from 2002, the government has implemented a policy of free and compulsory primary education and from 2017 the government is rolling out a program of free secondary day education. Despite the free primary and secondary education, attending school for many children is still hampered by several hindrances.

While such free programs benefits all citizens, IDPs children and other poor families benefit from it the most due to their vulnerabilities. However, parents' vulnerability still affects their

¹²⁸ Oral interview, Alfred Asifuna, 30/9/2017, Makongeni Farm.

¹²⁹ Oral interview, John Ngugi, 30/9/2017, Makongeni Farm.

children's education because of their incapability to buy school uniforms and other school materials. There is also the issue of the quality of education provided. The free basic education has massively increased the numbers of children attending schools. Classrooms are often overcrowded and the teachers-student ratios greatly reduced affecting the quality of learning. Even with free basic education being provided, children from poor families such as IDPs still miss school as they are needed as laborers in order to supplement their family's income. They are often employed either as housemaids for girls and herds boys for boys.

During the resettlement of IDPs in Rongai, the government did not provide any school for the resettled IDPs. IDP children either chose to stay at home or had to trek to trek to the next village called Majani Mingi for school a distance of more than ten kilometers to and fro daily. Others were studying in a shanty under the sun or rain. An NGO called Volunteer International Community Development Africa (VICDA) an NGO has been constructing schools for the Makongeni communities. The NGO started with a nursery school, two primary schools and a day secondary school.¹³⁰

The nursery school serves children from the ages of 3 years to 7 years and was funded by Caring for Children of Africa in Australia. The NGO also runs a school feeding programs for the kids also fully funded by Caring for Children of Africa. Were it not for the NGO's work the children wouldn't have attended school since their families couldn't provide meals for themselves because they have not yet settled and they had no source of income within the area.¹³¹

With funding from Kids Initiatives Canada, the NGO also implements an irrigation farming projects for the two Primary schools to achieve sustainable school feeding program. The irrigation project produces maize, beans, cabbage and onion which ensures that the students stay in school even with severe drought and hunger which tends to keep the children away from schools. The irrigation project serves around 800 schools children.¹³²

¹³⁰ VICDA Website, accessed on 15/10/2018 <https://vicdakenya.com/2016/02/10/18-women-groups-recruited-by-vicda-have-benefited-with-women-enterprise-fundwef-at-lemolo/>.

¹³¹ VICDA Website, accessed on 15/10/2018 <https://vicdakenya.com/2014/06/24/project-profile-lemolo-camps-a-b/>.

¹³² VICDA Website, accessed on 15/10/2018 <https://vicdakenya.com/2015/10/29/irrigation-farming-for-lemolo-a-b-schools-for-sustainable-feeding-program/>.

The NGO has also completed the construction of Bright Hope High School to serve the community. The construction of the school started in 2016 received 73 students who joined Form one in 2016 most of them coming from 2 public primary schools (Kimugul and Sinendet) which were also constructed by VICDA, Kenya with others coming from the nearby surroundings. The Primary schools currently serves more than 700 students from the local community. The fully fledged Bright Hope High school have two laboratories and charges affordable school fees of around Kshs.5,000 per term. Naomi Chelagat;

Before this school was constructed I used to walk 10km to school and back. In fact those in form four this year still have to walk the 10km to Majani Mingi and back which is like 15 km. They have to wake up at 3 am in the morning to make to school at 7am.¹³³

Without the NGO and other international donors, most of the resettled IDPs children would have been forced to walk for long distances in order to access education or would have been forced to forego education. The government is also supporting the school initiative by sending teachers through the Teachers Service Commission to serve in the area.

The NGO in an effort to economically empower the women had trained 18 out of the 32 women groups on how to start and run business and provided each group with Ksh 100,000 from the Women Enterprise Fund to run their business. The NGO was targeting to train and fund the remaining 14 women groups in the second phase.

4.3.2.2 Health Care

Good health is as an important factor for active engagement in a new community. However if you get sick in Makongeni there are no hospitals in the area, you have to be transported by boda boda on very rugged terrain to the nearest hospital in Mogotio which is about 10kms away. In Makongeni there is no road network. It is almost inaccessible by motor vehicles only motorbike can access the area. The paths are in poor conditions and when it rains it is completely impossible to access the area. When it rains the sick cannot be able to seek medical attention. Domic Otieno paints a grim picture;

When you get sick you have to travel to Mogotio to find the nearest dispensary. From here to Mogotio and back is KES 300. When you to Mogotio you are told there is no medicine you have to go to Nakuru where you have to spend another KES 400. Where do

¹³³ Oral Interview, Naomi Chelagat, 30/9/2017, Makongeni Farm.

you get that kind of money? Pregnant women usually delivers at home here you can't take her anywhere. In fact there is a lady who gave birth and she had to be rushed to the hospital but unfortunately she did not make it. She have left the infant to the husband.¹³⁴

The communities living in this part of Nakuru County undergo a lot of trouble when seeking medical attention. From the poor infrastructure to lack of basic medical services the government as well as other stakeholders such as the NGOs needs to invest in a health center to serve these communities.

4.3.2.3 Housing

The government provided the resettling IDPs with construction materials so that they can construct new houses. IDPs however complained that there was discrimination when it came to the quality of the materials that they were provided with as it was not similar to the materials that were provided to the other groups of IDPs. The government also provided a mason to construct houses for the IDPs. The IDPs also complained that the mason was of no help and they eventually had to do the construction themselves.

Lack of government support after the resettlement meant that IDPs endured a very difficult time when trying to rebuild not only their houses but their livelihoods as well. The government provided the IDPs with iron sheets and construction poles and left. Women had to hire labour to help in the building of the houses. It took some up to a year to construct the houses. Mary Jelimo was one of them.

The person provided to construct the house argued that his job was to just put up the roof. The rest of the work we did it ourselves. Immediately we were allocated the pieces of land here, we were asked to vacate the camp and move to our lands. When we first came here we had to sleep outside in the bush as it took some time to construct the houses. It was very difficult to construct the house. I employed more than six people and all of them could not be able to construct the house. In the end I decided to do it myself. It took me almost one year to construct all that while I was still living in a tent. This place is very rocky and just digging the foundation of the house takes time. The Government just gave me the land and the materials and disappeared. It is up to you to decide either to construct or not. Very many people decided not to construct all those plots you see they decided not to.¹³⁵

¹³⁴ Oral Interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

¹³⁵ Oral Interview, Daisy Ruto, 30/9/2017, Makongeni Farm.

The government had also promised to follow up and help the IDPs uproot the sisal plants and plough the land as well as provide them with farm inputs to kick start agriculture. The government however did not do this. It took the IDPs up to a year to uproot the sisal plants that were on the farms all this time with no source of livelihood. Most IDPs who have not constructed houses have to rent houses other in Rongai or have moved to other places. There are other IDPs who are yet to receive their pieces of land. David Manga is such IDP whose land was still having balloting problems.

I got my 2 acre land last year (2016) since there was a problem balloting between me and another person. I have not constructed a house because I have not received my quarter acre piece of land and the construction material. When I receive those I will construct a house. Right now I am renting a house.¹³⁶

Some IDPs were not able to construct houses and move in because as they told me, their pieces of land were stretching into Baringo County. They would not construct out of fear because they argued that the communities across the county border would not like them to settle there.

4.3.3 Casual Work

Majority of the men resettled in Rongai have moved back to towns to look for employment. Most of those left behind are mainly women, children and the elderly. While the children attends school and the elderly are left at home often taking care of the small children, women are therefore forced to either work on the farms when there is rain and mostly find for casual labour. Daisy Ruto is one such woman.

Currently I am working as a casual laborer picking French beans in a farm in Alphega. I have to wake up at 4 am in the morning and I come back home at 10 pm at night. For somebody with a small baby like me what do I do? If you are a woman and you have a small baby you have to look for an elderly lady with whom you leave your child. Like my baby I usually leave her with one lady who I have pay when I get paid. We are paid twice a month on 16th and 30th. I get KES 2000 after every two weeks. I give the old lady KES 500 every two weeks. I use the rest to buy milk and other household needs.¹³⁷

The casual labour is not so easy to find and when it is available resettled IDPs are often underpaid. Since the IDPs are often vulnerable they are forced to work under poor condition and

¹³⁶ Oral Interview, David Manga, 1/10/2017, Makongeni Farm.

¹³⁷ Oral Interview, Daisy Ruto, 30/9/2017, Makongeni Farm.

poor pay which breeds hostility between them and the host communities. The host communities are driven out of work by the IDPs because they are usually willing to work even while being underpaid. In Sri Lanka, Muslim inhabitants in Puttalam had initially welcomed and helped the Muslim IDPs in the beginning but that conflicts gradually developed between the groups because Muslim IDPs were offering services for a lower price than the usual.¹³⁸

4.3.4 Subsistence Farming and Small business

While many IDPs in camps or in urban areas would engage in income-generating activities such petty trading or small business, for many IDPs resettled in the rural settings, subsistence farming is usually the only source of income. However Rongai is a dry place where farming is generally not very successful because of drought. There is no irrigation system in place and farming is solely dependent on rain which is very unreliable. The respondent argued that since their resettlement in 2013, have not been able to plant and harvest anything from their farms because of drought. However 2017 seemed to be a good year for the IDPs as they were expecting to harvest a bumper harvest of maize. Dominic Otieno cautioned;

We lived here for the first 3 years without producing anything. This is going to be the first year (2017) that we are going to harvest maize since we resettled here in 2013. You might think that this place is always like this because you have come to this place when this place is doing well. This is the first maize we are going to harvest¹³⁹

While subsistence farming scale farming produces mainly maize or sorghum, most of the other basic household needs such as vegetables have to be bought. Daisy Ruto operates a small *Kibanda* where she sells fruits and vegetables mostly in the evenings.

These vegetables you see here come from very far in Solai. It does not rain regularly here so if you plants vegetable they will just dry because of the sun. Currently I don't have a lot of customers because there is a lot of *managu* in people's farms but in January when it is very dry I am going to have a lot of customers.¹⁴⁰

Other IDPs operates kiosks where they sell household items such as sugar, salt etc. others sell second hand clothes. Men are usually riding boda boda and also working as quarry workers and construction workers.

¹³⁸ Anna Lena Løsnæs, "Resettlement and Rehabilitation of IDPs in Post-conflict Sri Lanka: a case study of a village in Vanni," Lund University, Unpublished M.A, diss, (2005), p.18.

¹³⁹ Oral interview, Dominic Otieno, 30/9/2017, Makongeni Farm.

¹⁴⁰ Oral Interview, Daisy Ruto, 30/9/2017, Makongeni Farm.

4.3.5 Re-location

Anna Lena Løsnæs identified the challenges that faced the resettlement and rehabilitation of IDPs in post-conflict Sri Lanka after the 2002 ceasefire agreement that was signed between the Liberation Tigers of Tamil Eelam (LTTE) and Sri Lankan government. This was after years of vicious conflict between the majority Sinhalese-dominated Sri Lankan Army and the minority Tamil that saw the displacement of approximately 800,000 people. At the height of the conflict the Cristian Tamils displaced hundreds of Muslims from a region called Ealam who settled in other parts of Northern Sri Lanka with the help of the Sri Lankan government. However, following the 2002 agreement and the cessation hostilities most of the resettled persons gradually returned to places that they had initially been displaced from.¹⁴¹

Anna used a case study of a village called Vanni to find out why the Muslim communities that had been displaced from the village and already resettled in another village called Puttalam had decided to gradually and voluntarily return to back to Vanni. The most prominent reasons for return was that the living conditions in Puttalam had been poor and that there was no work. Unsustainable livelihoods are the main challenge that continues to face IDPs even after they have been resettled. Most Resettled IDPs struggle to find meaningful work and even when they do they are often underpaid.

The situation in Rongai was not any different from the experiences in Sri Lankan case. This study found out that most of the resettled IDPs in Rongai have since decided to go back to the places that they had been displaced from or moved to other places all together in search of better sources of livelihoods. Lack of economic activities to engage in was the main reason for their decision not to settle. Respondents interviewed for this study argued that the place they were resettled in was dry and could not support any form agriculture. The area is also without any basic infrastructure such as trading centers or markets and therefore no economic activities can be carried out.

A respondent, George Odhiambo was displaced from Njoro trading center during the 2007/8 PEV. After living in several IDP camps, he was eventually resettled in Makongeni village in

¹⁴¹ Anna Lena Løsnæs, "Resettlement and Rehabilitation of IDPs in Post-conflict Sri Lanka: a case study of a village in Vanni," Lund University, Unpublished M.A, diss, (2005), p.14.

Rongai Sub-County. Shortly after receiving his piece of land in Rongai, he decided to return back to Njoro. He told me why he had opted to go back:

I used to sell shoes here in Njoro before I was displaced. I could not continue with my shoe business in Rongai, all I want is a conducive environment for my business to thrive. There is no business there that is why I decided to come back here because here I can sell shoes and feed my kids.¹⁴²

Just like Odhiambo, many IDPs opted not to settle in Rongai and decided to move to other towns in search of employment. Most of the respondents had moved back to Nakuru town where they engage in small scale trading such as selling of second hand clothes, riding boda boda and other means of livelihoods.

4.4 Conclusion

This chapter has discussed the challenges that were encountered during the resettlement of internally displaced persons in Kenya and specifically in Rongai. It is the conclusion of this chapter that while the government of Kenya tried the best it could to address the plight of IDPs in the country, the implementation of the various initiatives encountered numerous challenges that negatively impacted on the overall effectiveness of the programs.

The challenges discussed included inadequate resources to facilitate the resettlement, alleged discrimination of IDPs in compensation, alleged misappropriation of funds meant for IDPs compensation, lack of a proper standards in the allocation of the compensation money, lack of political will, hostility from local host communities, lack of proper coordination, political interference, lack of proper records of IDPs as well as lack of consultation with all the stakeholders who ought to have been involved in the resettlement process. The chapter has also discussed the livelihood challenges that the IDPs face due to lack of sustainable sources of income and lack of basic services such as water, health facilities, school etc.

The chapter argues that 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 internally displaced persons. The chapter also established that the needs of IDPs do not just disappear immediately after resettlement or after IDPs have been given cash or given land. IDPs

¹⁴² Oral interview, George Odhiambo, 20/6/2016, Njoro Trading Center.

continue to face difficulties with establishing livelihoods even after resettlement due to lack of social amenities such as schools, hospitals and infrastructure.

More importantly the chapter has attempted to offer suggestions and recommendations on how such initiatives could be implemented in the future to make search for durable solutions for IDPs more effective. The chapter concludes that, the search for durable solutions for IDPs is a process and not an event. It requires proper strict adherence to the legal provisions, consultation and involvement of all the stakeholders, seamless coordination among the agencies as well as adequate funding. The study found that just allocating IDPs land and leaving them to their devices is not enough. There should be follow ups to check if indeed the resettled individuals are able to re-establish their livelihoods in the new place that they have been resettled.

Lastly, any political, economic, socio-cultural or logistical factors that are likely come in the way of the resettlement process should first be addressed before such any initiatives are implemented. Failure to address such hindrances often render the initiatives implemented to address the situation inefficient if not creating new conditions where the resettled IDPs find themselves facing real danger of future displacement

The chapter has established that IDPs resettled in Rongai continued to encounter displacement related needs even after initiatives to address their displacement were implemented. To deal with the challenges, the resettled IDPs had to develop various coping mechanism. While majority of IDPs decided to relocate to other places in search of employment, those who opted to remain employed a variety of coping mechanism ranging from social support from one other to NGOs support, small scale enterprise such as subsistence farming, small scale business activity such as selling vegetables and casual employment all in an attempt to eke out meaningful livelihoods.

CHAPTER FIVE

5.1 Conclusion

The consequences of the disputed 2007 general election in Kenya were dire. Over 1,300 Kenyans lost their lives in an orgy of violence and lawlessness that was witnessed. Wanton destruction of property and arson led to the massive displacement of over 600,000 Kenyans from their homes into internally displaced camps. This study drew impetus from the fact that immediately after the violence came to an end and calm was restored, the government of Kenya rolled out several initiatives to address the humanitarian crises that had been occasioned by the massive displacement. The study evaluated these initiatives with an aim of determining the extent to which they were effective in providing durable solutions to the victims.

This chapter summarizes the findings of the study and offers general recommendations to all the stakeholders dealing with internally displaced persons. The study identifies gaps and offers suggestions on best practices with regard to the formulation and implementation of initiatives designed to address issues of internal displacement and provide durable solutions to internally displaced persons.

The study established that there are several factors that have made internal displacement in Kenya become intractable. Key among these factors is land ownership, politics and negative ethnicity. It was the finding of this study that displacement of people in Kenya goes way back to the pre-colonial times when various Kenyan communities displaced one other during their migration and settlement in the territories they currently reside. It is however with the advent of colonialism that systematic displacement of populations took place. In search of fertile land for agricultural activities, the European settlers who streamed into the country in late 19th century adopted policies that displaced Natives Africans and confined them to the African Reserves.

The end of colonialism and the dawn of independence in Kenya did not mean an end to internal displacement. Politics around land allocation and utilization as well as ethnicity have become the key factors responsible for intermittent displacement of population. Apart from displacement related to natural disasters such as floods or famine, conflicts over land and ethnic political

mobilization is responsible for the most of the displacement witnessed in Kenya mostly during electioneering periods. Internal displacement became particularly rampant after the introduction of multi-party politics in 1991. In fact, after the introduction of multi-party politics, it is only the 2002 and 2013 general elections that were not marred by violence and displacement.

Violence was witnessed before, during and after the 1992 general election leading to the displacement of over 300,000 people. In the run up to the 1997 general elections, violence was witnessed in Likoni in the former Coast province where communities perceived to be ‘foreigners’ were targeted for displacement. The 1997 election ethnic violence led to the deaths of over 100 people and the displacement of over 100,000 more. Ethnic competition for political power reached its peak in 2007. After a largely peaceful election in 2002 which had witnessed the formation of the Rainbow Coalition which brought together opposition politicians to remove KANU from power after 24 years, a bitter fallout between Mwai Kibaki and Raila Odinga in the first two years of the NARC government set the stage for the tragic events of 2007/8. A 2008 report by the Kenya National Commission on Human Rights noted that the 2007/8 violence resulted in the deaths of 1162 people and the displacement of 663,921 others.

The first objective of the study was to examine the initiatives that the government of Kenya took to address the situation following the massive displacement. These were the efforts taken to address the immediate humanitarian needs of IDPs in camps as well as the long term initiatives to provide durable solutions to the IDPs. The various initiatives were implemented by various government agencies at different times through the period under study. The short term initiatives included Operation Rudi Nyumbani which was an initiative meant to facilitate IDPs return to their homes, second was the provision of the Ksh 10,000 startup fund and the Ksh 25,000 reconstruction fee to assist the returning families re-start their livelihoods, third was the Peace building initiatives that sought to reconcile the warring communities to allow for safe return of IDPs back to their farms. Fourth was the provision of basic farm inputs to help the returnees re-establish their means of livelihoods mainly farming and finally the provision of psycho-social support to help the IDPs deal with the trauma of being displaced.

The long term initiatives included long term peace-building efforts to establish lasting peaceful and harmonious co-existence between the previously warring communities, construction of police stations in violence prone areas to re-assure the returning IDPs of their long term security and safety and finally the acquisition of land for the resettlement of IDPs who had no land to return to.

The second objective of the study was to examine the challenges that were faced during the design and implementation of the resettlement initiatives and to assess how those challenges impacted on effectiveness of the initiatives with regard to addressing the plight of the IDPs in Kenya. The study found out that there were various challenges that were encountered which impacted negatively on the overall effectiveness of the initiatives. These challenges were experienced in all the phases of the resettlement process. The study categorized the challenges into two broad categories. One category is the challenges faced during the resettlement process while the second category is of those experienced after the resettlement process.

This study concludes that the government of Kenya was determined to address both the immediate humanitarian crisis and provide long term solutions to IDPs. However a myriad of challenges experienced in all stages of the process posed a serious blow on the overall effectiveness of the resettlement process. The major challenges that hindered the process included inadequate funds to implement the resettlement programs, poor profiling and lack of a proper record of genuine IDPs. The lack of the proper records provided loopholes for fake IDPs to also benefit from the process. Additionally lack of records allowed the problem of IDPs to become protracted with never ending claims of compensation. The other challenge was the politicization of the resettlement process where politicians either supported or opposed the resettlement process depending on their political interests.

The process was criticized by the IDPs and the Civil Society Organizations as being unilateral and non-participatory. IDPs argued that they were not consulted and involved in the implementation of the resettlement process. CSOs argued that some aspects of the resettlement process were carried out in flagrant disregard of legal provisions that ought to guide such

processes. These legal frameworks include the Guiding Principles on Internal Displacement, The Constitution of Kenya 2010 and the IDP Act of 2012 among others. The other challenge was hostility that was experienced between the IDPs and the host communities of either the places that the IDPs were returning to or even worse in the new places that they were being resettled in. The hostility arose from the fact that in areas where IDPs were being resettled, there existed landless people within those communities and therefore they would not just allow new people to be brought in without them also having to benefit.

Other challenges included allegations of discrimination of IDPs based on their ethnic background, allegations of misappropriation of funds meant for IDP's compensation, lack of proper coordination between the different stakeholders among other challenges. The study also examined the coping mechanisms adopted by the resettled IDPs to deal with the challenges that they were facing. The study found out that IDP's displacement related needs do not abruptly disappear after their resettlement. IDPs continue to face displacement related challenges even long after their resettlement. The IDPs are therefore forced to develop several coping strategies to deal with the challenges. The coping strategies include opting to relocate to other places, engaging in small scale farming or entrepreneurship and engaging in menial jobs to make ends meet.

The study found out that if certain factors had been taken into considerations, some of the challenges experienced would not have been experienced and the process would have been more effective. Three factors should have been key. The first is strict adherence to the legal frameworks that provide guidance on the design and implementation of resettlement initiatives. Any disregard of the guidelines often leads to unsatisfactory results. The second is consultation with all stakeholders and mostly with the IDPs on what will constitute durable solutions for them. Any attempts to address their problem without their input obviously becomes inadequate. Lastly the issue of compensation. It was the feeling of many IDPs that whatever the government was doing was insufficient as long as they have not been compensated for the properties they lost during their displacement.

The study tested two hypotheses. The first hypothesis was that there were various initiatives taken to address internal displacement in Kenya. The study established that indeed the government and other stakeholders implemented various initiatives both short and long term aimed at addressing the humanitarian situation and providing long term durable solutions to the IDPs. The study took an in-depth look at those initiatives and more specifically the resettlement of IDPs on a government purchased farm in Makongeni, Nakuru County.

The second hypothesis was that the initiatives taken to resettle IDPs faced numerous challenges that impacted negatively on the effectiveness of the resettlement process. The study concluded that challenges such as lack of consultation with IDPs, hostility from host communities and lack of enough funding among others had a negative impact on the effectiveness of the initiatives in as far as provision of lasting solutions to IDPs was concerned. The resettled IDPs felt that the initiatives taken were inadequate as they continued to face challenges re-establishing their livelihoods even after their resettlement. Finally the study found out that the IDPs combined a number of coping mechanisms with most opting to relocate to other areas some even to the places that they had been displaced from.

The study was anchored on the Basic Human Needs Theory. The theory argues that human needs are at the core of social conflicts. The theory was important to this study because the resettlement of IDPs was aimed at providing basic human needs to the IDPs. These needs included shelter, ownership of property, security etc. Satisfactory resettlement of IDPs is an important index in the assessment of society's success in peace building after violent conflict. This is because addressing the underlying factors that lead to violence and displacement is crucial before the resettlement of IDPs. When the basic needs of IDPs and the potential host communities are not met, the danger of violent conflict recurring remains alive. It is therefore important to bring all concerned parties together and understand what their needs are before the implementation of any resettlement initiative.

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