HOMELESS AT HOME

A HUMAN RIGHTS ASSESSMENT OF SITUATION OF INTERNALLY DISPLACED PERSONS IN KENYA

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS AND THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

DECEMBER 2011
Contents

Acronyms and Abbreviations ....................................................................................................................... iv
List of Tables ................................................................................................................................................ vi
List of Figures .............................................................................................................................................. vii
Acknowledgements ...................................................................................................................................... ix
Preface .......................................................................................................................................................... x
Executive Summary....................................................................................................................................... xi

1. BACKGROUND TO INTERNAL DISPLACEMENT IN KENYA ................................................................. 1
   1.1. Introduction .......................................................................................................................................... 1
   1.2. Politically instigated violence and ethnic clashes .............................................................................. 1
   1.3. Natural disasters .................................................................................................................................. 1
   1.4. Resource based conflicts and insecurity ........................................................................................... 2
   1.5. Forced evictions .................................................................................................................................. 2

2. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR PROTECTION AND ASSISTANCE TO
INTERNALLY DISPLACED PERSONS ................................................................................................................ 4
   2.1. International and regional framework on internal displacement ...................................................... 4
       2.1.1. International and regional human rights law .............................................................................. 4
       2.1.2. Humanitarian Law .................................................................................................................... 4
       2.1.3. United Nations Guiding Principles on Internal Displacement .................................................. 4
       2.1.4. United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles) .............................................................. 5
       2.1.5. Great Lakes Pact and Protocols ................................................................................................. 5
       2.1.6. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) ........................................................................ 5
       2.1.7. Salient features of selected instruments of internal displacement.............................................. 6
           2.1.7.1. Responsibility to protect ..................................................................................................... 6
           2.1.7.2. Protection of human rights ................................................................................................. 6
           2.1.7.3. Protection of vulnerable groups ........................................................................................... 6
           2.1.7.4. Durable solutions ............................................................................................................... 7
           2.1.7.5. Property restitution and compensation ............................................................................. 7
           2.1.7.6. Role of humanitarian organization, civil society and other actors ...................................... 8
2.2. National framework on Internal Displacement ................................................................. 8
  2.2.1. National legal and policy framework ................................................................. 8
  2.2.2. National institutional framework ........................................................................... 9

3. KNCHR – UNHCR IDP MONITORING PROJECT 2011 ......................................................... 11
  3.2. United Nations High Commissioner for Refugees .................................................. 11
  3.3. Goal and Objectives of the IDP Monitoring Project ................................................ 12
  3.4. Methodology of the project ..................................................................................... 12

4. FINDINGS ........................................................................................................................... 14
  4.1. Trends and causes of internal displacement ......................................................... 14
  4.2. Protection ...................................................................................................................... 15
    4.2.1. Registration of IDPs ............................................................................................ 15
    4.2.2. Housing .............................................................................................................. 16
    4.2.3. Livelihood .......................................................................................................... 18
    4.2.4. Food .................................................................................................................. 19
    4.2.5. Education .......................................................................................................... 20
    4.2.6. Health ................................................................................................................ 23
    4.2.7. Water and sanitation ......................................................................................... 25
    4.2.8. Family separation ............................................................................................. 31
    4.2.9. Documentation .................................................................................................. 32
    4.2.10. Vulnerable groups ........................................................................................ 35
  4.3. Durable solutions ....................................................................................................... 36
    4.3.1. Return, resettlement and reintegration of post election violence IDPs .......... 36
    4.3.2. Durable solutions for other IDPs ..................................................................... 40
      4.3.2.1. Political violence in 1992 and 1997 ............................................................... 40
      4.3.2.2. Evictions .................................................................................................. 40
      4.3.2.3. Resource based conflicts and insecurity ................................................... 41
      4.3.2.4. Natural disasters ...................................................................................... 42
    4.3.3. Security, peace and reconciliation .................................................................. 42
  4.4. Compensation and restitution ................................................................................... 44
    4.4.1. Recovery of lost property ............................................................................... 44
4.4.2. Facilitation of post election violence IDPs ................................................................. 45

5. Conclusion and Recommendations ................................................................................... 47
   5.1. Recommendation 1: Policy, legal and institutional framework ........................................ 47
   5.2. Recommendation 2: Prevention of internal displacement ............................................ 47
   5.3. Recommendation 3: Protection .................................................................................. 48
   5.4. Recommendation 4: Durable solutions ...................................................................... 48
   5.5. Recommendation 5: Compensation and restitution .................................................... 49

ANNEX 1: List of IDP monitors for the year 2011 .................................................................. 50
Annex 2: List of selected IDP camps and collective settlement in Kenya ............................... 51
Acronyms and Abbreviations

ACHPR .........................African Charter on Human and Peoples Rights,
ACRWC  .......................African Charter on the Rights and Welfare of the Child
AIDS ............................Acquired Immune Deficiency Syndrome
ALRMP ........................Arid Lands Resource Management Project
AMREF ........................African Medical Research Foundation
ASAL ...........................Arid and semi arid land
AU ...............................African Union
CCCM ..........................Camp Co-ordination and Camp Management
CDF .............................Constituency Development Fund
ECOSOC ........................Economic, Social and Council
EMOP ............................Emergency Operation Programme
FAO .............................United Nations Food and Agriculture Organisation
GoK .............................Government of Kenya
HIV ..............................Human Immune deficiency Virus
IASC ............................Inter-Agency Standing Committee
ICCPR ..........................International Covenant on Civil and Political Rights
ICESCR .......................International Covenant on Economic Social and Cultural Rights,
ICRC ............................International Committee of the Red Cross
ICS ...............................Interim Coordinating Secretariat
ICT ..............................Information and Communication Technology
IDP ..............................Internally Displaced Person
IFRC ............................International Federation of the Red Cross and Red Crescent Societies
KNCHR ........................Kenya National Commission on Human Rights
MoSPAIS .....................Ministry of State for Provincial Administration and Internal Security
MoSSP ........................Ministry of State for Special Programmes
NHRI ...........................National Human Rights Institution
NSC .............................National Steering Committee on Peace building and Conflict Management
ORN .........................Operation Rudi Nyumbani
PEV ..............................Post election violence
PWGID ..........................Protection Working Group on Internal Displacement
SGBV ...........................Sexual and Gender Based Violence
SLDF ...........................Sabaot Land Defence Forces
TARDA ........................Tana and Athi River Development Authority
UDHR ..........................Universal Declaration on Human Rights
UN ...............................United Nations
UNDP ............................United Nations Development Programme
UNHCR ........................United Nations High Commissioner for Refugees
UNICEF ........................United Nation Children Fund
UNIFEM ........................United Nations Development Fund for Women
UNOCHA ........................United Nations Office for Coordination of Humanitarian Affairs
UNON ..........................United Nations Office in Nairobi
USA..................................United States of America
WFP ..................................World Food Programme
WHO ..................................World Health Organisation
WKCDD & FMP .............Western Kenya Community Driven Development & Flood Mitigation Project
List of Tables

Table 1: Summary of major displacement statistics ................................................................. 3

Table 3: Summary of data of school attendance ..................................................................... 20

Table 4: Documents lost and not recovered ............................................................................ 33

Table 5: Vulnerable groups ..................................................................................................... 35

Table 6: Sources of information on durable solutions for IDPs ............................................. 37
List of Figures

Figure 1: Interviewees profile by age group and sex ................................................................. 12
Figure 2: Displacement history ................................................................................................. 14
Figure 3: Causes of displacement ............................................................................................. 14
Figure 4: Registration by government ...................................................................................... 16
Figure 5: Type of housing ........................................................................................................ 16
Figure 6: Challenges relating to access to housing ................................................................. 17
Figure 7: Sources of livelihood ............................................................................................... 18
Figure 24: Children of school going age .................................................................................. 20
Figure 26: Challenges on access to education ....................................................................... 21
Figure 27: Reasons for non-attendance at school ................................................................. 21
Figure 28: Health facilities used ............................................................................................. 23
Figure 29: Challenges relating to access to health ................................................................. 23
Figure 30: Distance to the nearest health centre ................................................................. 24
Figure 31: Main sources of water ............................................................................................ 25
Figure 32: Challenges relating to access to water ................................................................. 26
Figure 33: Distance to the nearest source of water ............................................................ 26
Figure 34: Estimated daily average water used per household ......................................... 26
Figure 35: Sanitation facilities commonly used ................................................................. 27
Figure 36: Garbage disposal facilities commonly used ....................................................... 28
Figure 37: Sharing of sanitation facilities among households ........................................... 28
Figure 38: Availability of hand washing facilities ............................................................... 29
Figure 39: Distance to sanitation facilities .......................................................................... 29
Figure 40: Conditions of the facilities .................................................................................. 30
Figure 41: Challenges relating to access to sanitation ......................................................... 30
Figure 42: Documents lost and not recovered ...................................................................... 32
Figure 43: Challenges relating to recovery of lost documents .................................................................33
Figure 44: IDP settlement patterns ........................................................................................................36
Figure 45: Knowledge about government's return or resettlement process ........................................37
Figure 46: Frequency of communication of information on durable solutions ....................................38
Figure 47: Safety and security among IDPs .........................................................................................42
Figure 48: Property lost and not recovered .........................................................................................44
Figure 49: No of households that received IDP funds from government .............................................45
Acknowledgements

The Kenya National Commission on Human Rights (KNCHR) and United Nations High Commissioner for Refugees (UNCHR) extends special thanks to members of the two organizations who worked tirelessly to make the project succeed. The monitoring project was guided and supervised by a team comprising Commissioner Fatuma Ibrahim, Maina Mutuaruhiu, Collins Omondi (Project leader), Patrick Bonyonte (Project assistant), Abdia Kalla (Project Assistant), and Keavy Nahan (Project assistant/Intern from Georgetown University, USA) John Gathairu (ICT department) all of KNCHR and Igor Ivancic (Senior Protection Officer), Salaton Leteipan (Assistant Protection Officer), Johanne Hjort (Protection Officer) and Lorraine Ombech (Senior Protection Assistant) all of UNHCR.

We also express our sincere gratitude to the team of twenty five monitors who for nine months dedicated time and effort in the field monitoring IDPs some of who were in the most remote locations of the country. This publication would not have been possible without useful support, insight, guidance and critical comments of the following: Commissioner Wambui Kimathi, Louiza Kabiru, Rose Kimotho, Akademia Nanjala, and Ann Christine Brunborg. We acknowledge all other persons who provided useful feedback but have not been mentioned here.

Finally we thank Collins Omondi for compiling the final report.
Preface

The exact figure of Internally Displaced Persons in Kenya remains unknown. Following the 2007 post election violence (PEV) in Kenya, an estimated 663,921 people were reported to be internally displaced. About 350,000 persons sought refuge in 118 IDP camps, 313,921 were integrated within communities across the country and 640 households fled to neighbouring Uganda. Out of the 663,000 PEV IDPs, it is estimated that up to 50,000 IDPs still reside in a ‘camp like situation’. A total of 773 Kenyan refugees in Uganda have returned and presumably reintegrated into their areas of origin. Prior to that it is estimated that over 300,000 people were displaced as a result of politically instigated clashed from 1997-2007, unresolved land grievances, poor governance and socioeconomic insecurity. Many other people have been displaced as a result of other causes including floods, droughts and evictions.

The lack of comprehensive, reliable and disaggregated data on IDPs hampers effective interventions targeted at IDPs particularly the vulnerable groups such as women, children, the elderly and persons with disability. The specific protection concerns for the IDPs include: access to and appropriateness of the available durable solutions; limited or no access to land; prevalence of victims of sexual and gender based violence (SGBV), such as rape, and other forms of sexual violence and child protection risks; limited access to different types of documentation, limited access to livelihoods, shelter, insecurity and health care services. Lack of a national policy and legal framework on IDPs has largely contributed to the current situation.

This study is the first of its kind in Kenya to document human rights and protection concerns of IDPs in Kenya and provide comprehensive quantitative and qualitative data that is useful to both state and non state actors working with displaced persons. The study has also provided a raft of recommendations particularly to the Government of Kenya which we hope if adopted will lead to the improvement of human rights situation of IDPs. It is our sincere hope that state and non state agencies will find this report useful when they are designing interventions for displaced persons.
Executive Summary
This report presents findings of country wide project on monitoring situation of internal displacement in Kenya. The aim of the project was to document the human rights and protection concerns faced by IDPs from April to December 2011. It focused on all categories of displaced persons as well as persons with special needs among them women, children, the elderly and persons with disability. The report also makes appropriate recommendations to ameliorate the situation of IDPs.

Chapter one traces the background on internal displacement and unpackages the main causes of displacement in Kenya and their impact on the population.

Chapter two identifies the relevant human rights and humanitarian law framework that applies to situation of IDPs. It also traces the development of specific instruments focused on IDPs at international and regional level. Further there is an in-depth discussion of Kenya’s legal and policy reform process and institutional framework relevant to IDPs.

Chapter three provides the background to the IDP monitoring project. It outlines the overall goals and objectives and the methodology used in the project. Chapter four outlines comprehensive findings from the project presented in the form of both quantitative and qualitative data.

Chapter fives makes detailed recommendations to the Government of Kenya to ameliorate the situation of IDPs in Kenya.

Key recommendations:

1. The Government should adopt and implement the existing draft national policy and draft national legislation on IDPs.

2. The Government should undertake a comprehensive review of the situation of all categories of IDPs in Kenya with a view to determining the appropriate assistance required.

3. The Government should establish a comprehensive data collection and IDP registration system that takes into account the needs and vulnerabilities of IDPs.

4. Through a participatory approach with IDP populations and host communities, the Government should undertake an assessment of the appropriate durable solution required by specific IDP population groups.

5. The Government should establish an appropriate compensation fund and assist to the extent possible returnees and IDPs to recover their land and property.
1. BACKGROUND TO INTERNAL DISPLACEMENT IN KENYA

1.1. Introduction

1. Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

2. The most common causes of displacement in Kenya are politically and ethnic violence, natural or man-made disasters, resource based conflicts, and evictions. For many years, displacement in Kenya has caused devastating consequences, untold suffering and violations of human rights of many IDPs. Unfortunately, accurate statistics on displacement are hard to establish.

1.2. Politically instigated violence and ethnic clashes

3. Politics of ethnicity existed during the colonial and post colonial era but became more intensified in the early 1990s with increased competition for political power under a multi party democracy. Major waves of political violence and ethnic clashes occurred in 1992, 1997 and 2007/8. Underlying the violence is the colonial legacy of land alienation and subsequent policy of land redistribution and resettlement under the independent government. In addition to this, the underlying feelings of injustice and marginalization among some communities and the exploitation of ethnicity by politicians, has led to violence conflicts among communities in Kenya.

1.3. Natural disasters

4. Disasters in Kenya occur from a number of hazards including, fires, floods, terrorism, development, technological accidents, diseases and epidemics. The climate change phenomenon has increased disaster risks due to floods and drought. This has increased the risk of displacement of persons living in areas prone to floods and drought.

5. Floods are common during the long rains season (which is experienced between March and May) and the short rains seasons (which are common from October to December). Flood plains are located in Western part of the country and Tana River County. Flash floods are common in arid and semi arid areas. Some of the worst floods in the country were recorded in 1961-62 and 1997-98. The specific areas that experience floods almost annually include: Kano plains, Nyakach area, Rachuonyo and Migori in Nyanza, Budalangi in Western, Kilifi, Kwale and the Tana River Basin in the Coast, Garissa, Wajir, and Ijara in North Eastern and Urban Centres such as Nairobi, Nakuru, Mombasa, and Kisumu.

---

1 UN Guiding Principles on Internal Displacement, Introduction, para. 2 and Kampala Convention article 1(k)
3 [http://www.meteo.go.ke/ranet/Wx/kmd_forecast.html](http://www.meteo.go.ke/ranet/Wx/kmd_forecast.html)
4 UNDP, *Kenya National Disaster Profile*
6. Almost 70% of Kenya’s land mass is affected by drought and 88% of the country is categorized as arid and semi arid lands (ASALs). Kenya experiences drought on a cyclic basis. The major ones coming every ten years and the minor ones happen almost every three to four years. Previous cycle of severe droughts that affect the country every decade were experienced in 1974, 1984 and 1994 with the 1983-84 being the worst. In the year 2011, the country has faced the worst drought in sixty years which affected persons estimated to be 3 million persons.

7. Landslides and mudslides occur mostly during the rainy season and are accelerated by flooding. They affect parts of the country like Western, Nyanza, North Rift, Central regions, Kisii and Mombasa Island. Most of these are areas with annual rainfall of over 1200 mm and steep slopes. On 30th April 2010, 13 people were killed and 600 displaced when a landslide occurred in Kitony Village in Marakwet District.

1.4. Resource based conflicts and insecurity

8. Resource based conflict take various forms depending on the location. Conflict over access to water and pasture are common in the pastoralists’ areas in Northern parts of Kenya. Cattle rustling and banditry are more pronounced in the North Rift region, parts of the Eastern and North Eastern regions of Kenya. The raids are mainly for purposes of replenishing herds depleted by severe droughts, disease, raiding or other calamities but some incidents are believed to be driven by hatred, political instigations, unscrupulous commercial activities, general crime, and availability of firearms.

9. Other types of conflicts include cross border conflicts which are common particularly along the Kenya -Ethiopia border, Kenya - Somalia border and Kenya-Uganda. Agro-pastoralists conflict is common in areas where pastoralists border agro-pastoralists and farmers in Rift Valley, North Eastern, Coast, Western and Nyanza regions. Most ranches and national parks in the country are also found in this environment. A common feature of this agro-pastoralist interface is stock theft which involves the stealing of livestock and is usually carried out by a lesser number of raiders than cattle rustling. Internal conflicts related to boundary disputes between adjoining administrative units often arising during the creation of new administrative or political units.

1.5. Forced evictions

10. The practice of forced eviction involves the involuntary removal of persons from their homes or land, directly or indirectly attributable to the State. It is the permanent or temporary removal of individuals, families or communities, against their will, from their homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. Forced evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, the clearing of land for

---

5 Overview of the Drought Situation in the Horn Of Africa, 25th August 2011, African Union
6 Floods and Landslides Update, May 2010, UNOCHA
7 United Nations Committee on Economic, Social and Cultural Rights General Comment No. 7 on the Right to Adequate Housing
agricultural purposes, unbridled speculation in land, or the holding of major sporting event\textsuperscript{8} and environmental purposes\textsuperscript{9}. Recent cases of evictions in Kenya are related to the conservation of the Mau Forest Complex, creation of Chyulu Hills National Park, construction of hydro-electric power dams along River Tana, and evictions of slum dwellers from informal settlements and private conservancies.

11. The table below presents some of the major recorded incidents of displacement.

\textbf{Table 1: Summary of major displacement statistics}

<table>
<thead>
<tr>
<th>Cause of displacement</th>
<th>Year</th>
<th>Population affected</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floods</td>
<td>2011</td>
<td>100,000 persons</td>
<td>Kenya Red Cross Society</td>
</tr>
<tr>
<td>Forest evictions</td>
<td>2002-2009</td>
<td>7,527 families</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>Post election violence</td>
<td>2007/8</td>
<td>600,000 persons</td>
<td>Government of Kenya</td>
</tr>
<tr>
<td>Flooding, cattle rustling, development projects</td>
<td>1997-2007</td>
<td>300,000 persons</td>
<td>UNOCHA</td>
</tr>
<tr>
<td>Political violence</td>
<td>1997-2007</td>
<td>380,000 persons</td>
<td>UNOCHA</td>
</tr>
<tr>
<td>Political violence</td>
<td>1992-1993</td>
<td>300,000 persons</td>
<td>UNDP, IDMC, KHRC</td>
</tr>
</tbody>
</table>

\textsuperscript{8} \textit{Ibid}

\textsuperscript{9} OHCHR, Basic Principles and Guidelines on Development-based Evictions and Displacement
2. NORMATIVE AND INSTITUTIONAL FRAMEWORK FOR PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS

2.1. International and regional framework on internal displacement


2.1.1. International and regional human rights law

13. International and regional human rights frameworks provide protection to all human beings equally regardless of their status in society. The relevant instruments include the International Covenant on Economic Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR) together with the various thematic human rights instruments and their related protocols, the African Charter on Human and Peoples Rights (ACHPR), African Charter on the Rights and Welfare of the Child (ACRWC), and the Protocol to the African Charter on Human and Peoples Rights relating to the Protection of the Rights of Women in Africa. These instruments define various rights to which all human beings are entitled to irrespective of their status in society and impose obligations on States to respect, protect and promote human rights.

2.1.2. Humanitarian Law

14. Humanitarian law applies in situations of armed conflicts and binds states and non state actors. Common article 3 of the four Geneva Conventions and article 17 of the Additional Protocol II to the Geneva Convention protect civilians caught up in a non-international armed conflict against arbitrary displacement unless it is necessary to evacuate them for safety or imperative military reasons. Under Article 8(2) (e)(viii) Statute of the International Criminal Court, “ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand,” constitutes a war crime.

2.1.3. United Nations Guiding Principles on Internal Displacement

15. The United Nations Guiding Principles on Internal Displacement of 1998 (Guiding Principles), were adopted by the United Nations (UN) in 1998 to provide guidance to states and other relevant actors on providing protection and assistance to IDPs. They are not binding upon States but reflect and are consistent with international human rights and humanitarian law.

10 They include Convention on the Rights of the Child (CRC), Convention on Elimination of Discrimination of all forms of Discrimination Against Women (CEDAW), International Convention for Persons with Disability (ICPWD)
and analogous to refugee law\textsuperscript{11}. They are an important tool and authoritative framework for the identification of right, guarantees and standards relevant to the protection of IDPs\textsuperscript{12}.

\section*{2.1.4. United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (The Pinheiro Principles)\textsuperscript{13}}

16. The Pinheiro Principles were adopted by the UN Sub Commission for the Protection and Promotion of Human Rights in 2005. They are not binding on states but are only intended to provide practical guidance to States, UN agencies and the broader international community on how best to address the complex legal and technical issues surrounding housing, land and property restitution\textsuperscript{14}. They augment the international normative framework in the area of housing and property restitution rights, and are grounded firmly within existing international human rights and humanitarian law.

\section*{2.1.5. Great Lakes Pact and Protocols}

17. Kenya is a state party to the Great Lakes Pact adopted under the auspices of International Conference for the Great Lakes. The Pact together with its ten Protocols and four Programmes of Action is one of the few international agreements that address internal displacement in a comprehensive and holistic manner. It covers not only conflict induced displacement but also displacement caused by natural disasters and induced by development projects. The two protocols that are particularly relevant to situation of IDPs are the Protocol on the Protection and Assistance to Internally Displaced Persons and Protocol on Property Rights of Returning Persons.

18. The Protocol on the Protection and Assistance to Internally Displaced Persons establishes a legal framework for the protection of IDPs through incorporation of the Guiding Principles into domestic law while the Protocol on the Property Rights of Returning Persons obliges member states to provide legal protection for the property of IDPs and establish legal principles according to which states shall ensure that IDPs are able to recover their property with the assistance of the local traditional and administrative authorities.

\section*{2.1.6. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)}

19. The Kampala Convention was adopted by the AU Member states on 23\textsuperscript{rd} October 2009 at an AU Special Summit in Kampala Uganda. It is the first continent-wide treaty adopting human rights protection embodied in the UN Guiding Principles on Internal Displacement. The treaty requires 15 ratifications to enter into force but as of August 2011 only seven states

\begin{flushleft}
\textsuperscript{11} Guiding Principles on Internal Displacement, Introductory Note by the Representative of the Secretary General on Human Rights of Internally Displaced Persons
\textsuperscript{12} The Protection of Internally Displaced Persons and the Role of UNHCR, para. 18, p.5 February 2007
\textsuperscript{13} Named after Sergio Pinheiro, a former Special Rapporteur on Housing and Property Restitution for Refugees and Internally Displaced Persons
\textsuperscript{14} Principle 1, Pinheiro Principles
\end{flushleft}
had ratified the convention and 32 out of 53 member states had signed it. Kenya has not yet signed or ratified the treaty.

2.1.7. Salient features of selected instruments of internal displacement

2.1.7.1. Responsibility to protect

20. Under the UN Guiding Principles, the Great Lakes Protocol and the Kampala Convention the state bears the primary responsibility for preventing or avoiding conditions that might lead to displacement.

21. The state also has the primary responsibility to protect IDPs and their property during flight, in places of displacement and upon return, resettlement or local reintegration.

2.1.7.2. Protection of human rights

22. IDPs are entitled to enjoy their human rights during the displacement phase and when finding durable solutions. States are obliged to prohibit in particular threats and incitement to commit acts that violate the right to life, right to dignity and physical, mental and moral integrity. IDPs are also entitled all other rights including the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health is at risk, right to know the fate and whereabouts of missing relatives, right to respect of his or her family life, right to an adequate standard of living, right to recognition everywhere as a person before the law, right not to be arbitrarily deprived of property and possessions, political and civic rights, right to education and the right to non-discrimination.

2.1.7.3. Protection of vulnerable groups

23. States should pay special attention to the most vulnerable or groups with special needs including children, persons with disabilities, person living with HIV/AIDS, the elderly, pregnant mothers and women generally. Women and girls should be able to enjoy these

16 Principles 5 – 9 UN Guiding Principles, Art 3.1 Great Lakes Protocol and Art 4 Kampala Convention
17 Principles 3, 25, 28 UN Guiding Principles, Art.3.3 Great Lakes Protocol, Art 5.1, 9.1 and 11.1 Kampala Convention
18 Principles 10 and 11, UN Guiding Principles, Art 9.1.(b) and (c) and Art 9.2.(a) Kampala Convention
19 Principle 15 para (d) UN Guiding Principles, Art 9.2.(e) Kampala Convention
20 Principle 16 UN Guiding Principles
21 Principle 17 UN Guiding Principles, Art 4(h) Great Lakes Protocol, Art 9.2.(h) Kampala Convention
23 Principle 20 UN Guiding Principles
24 Principle 21 UN Guiding Principles, Art 9.2. (i) and Art 12 Kampala Convention
26 Principle 21 UN Guiding Principles
27 Art 9.1.a Kampala Convention
28 Principle 19 UN Guiding Principles, Art 4 para (d) and (f) Great Lakes Protocol, Art 9.2.(c) Kampala Convention
rights on an equal basis with men and boys. Needs assessment must be conducted and in some cases it may be appropriate to extend assistance to host communities.

2.1.7.4. Durable solutions

24. There are three main types of durable solution namely: voluntary return, sustainable local integration or resettlement of IDPs. IDPs have the right to voluntarily choose whether to return and reintegrate in their original homes, locally settle and integrate at the place of displacement or refuge or resettle and integrate elsewhere in the country. It is the primary responsibility of the State to establish conditions and provide means that allow IDPs to return voluntarily, in safety and dignity, to their homes or places of habitual residence or to resettle voluntarily in another part of the country.

25. The full participation of IDPs in the planning and management of their return or resettlement and reintegration is key in ensuring that a sustainable and durable outcome is achieved. Upon return or resettlement, the IDPs shall not suffer discrimination either as a result of them being displaced or for any other reason that may have led to their displacement including as is the case in Kenya discrimination on the basis of one’s ethnicity or political affiliation. Further, they have a right to participate fully and equally in public affairs at all levels and have equal access to public services.

2.1.7.5. Property restitution and compensation

26. Property disputes arising from claims by IDPs can hinder attainment of durable solutions. IDPs have a right to have restored to them any housing, land and property that they were arbitrarily denied or unlawfully deprived. It is the duty of the Government to assist IDPs who have returned to their homes or resettled elsewhere to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement.

27. Where recovery of property or possession is not possible, the Government must provide or assist them in obtaining appropriate compensation or another form of just reparation. Pinheiro’s principles urge States to demonstrably prioritize the right to restitution as the preferred remedy for displacement and as a key element of restorative justice and the right cannot be prejudiced by either return or non-return of IDPs.

---

29 See for instance UN Guiding Principles, Principle 11.2 against gender-specific violence, Principle 18.3 on full participation of women in the planning and distribution of basic supplies, principle 20.3 on equal right of women and men to obtain relevant identification or registration documents and also to have them issued in their own names, and Principle 23.3 on full and equal participation of women and girls in educational programmes.

30 Principle 28.1, UN Guiding Principles, Art 11.1 and 11.2 Kampala Convention

31 Principle 28.2, UN Guiding Principles, Art 11.2 Kampala Convention

32 Principle 29.1, UN Guiding Principles

33 Principle 29.1, UN Guiding Principles


36 Principle 2.2. Pinheiro’s Principles
28. States are required to provide simplified, affordable and accessible legislative and judicial mechanisms including alternative and informal community based process to facilitate property recovery by IDPs.\(^{37}\)

29. The right to restitution, without discrimination, for women, children and communities such as pastoralists or other groups with special attachment to land is also guaranteed.\(^{38}\)

2.1.7.6. **Role of humanitarian organization, civil society and other actors**

30. Humanitarian organizations, civil society organizations and other relevant actors have an important role in protecting and assisting IDPs during displacement and return or resettlement.\(^{39}\) Where states are unable or unwilling to provide humanitarian assistance to IDPs, humanitarian actors should be granted unimpeded access to the IDPs and such assistance should be interpreted as an unfriendly act.

31. When providing protection and assistance to IDPs, the needs of host communities in similarly placed circumstances should be considered. Host communities should also be supported to enable IDPs achieve sustainable durable solutions.

32. Both the Great Lakes Protocol and the Kampala Convention call for the establishment of suitable legislative, policy and institutional framework on the protection and assistance to IDPs.\(^{40}\)

### 2.2. National framework on Internal Displacement

2.2.1. **National legal and policy framework**

33. There is no specific legal, policy or effective institutional mechanism that has been put in place to comprehensively address the problem of internal displacement.\(^{41}\) Currently relevant legal and policy framework include the Constitution of Kenya, general laws such as the Penal Code, and the Sexual Offences Act.

34. The Bill of Rights in the Constitution secures fundamental rights of all persons in Kenya including IDPs. Some of the rights enshrined in the Bill of Rights that are key to the protection and assistance to IDPs include: the right to property, freedom of movement, right to recognition as a person before the law, social and economic rights like the right to highest attainable standard of health, the right to adequate housing, freedom from hunger, and social security among others. The rights are to be enjoyed without discrimination of the basis of any outlawed ground of discrimination. The Constitution has also provided for special protection of women, children, the elderly, the youth and minorities and marginalized communities.

---

\(^{37}\) See Section V, Pinheiro’s Principles and Art 4.3 Great Lakes Protocol on the Property Rights of Returning Persons

\(^{38}\) See Section III, Pinheiro’s Principles and Arts 5, 6 and 7 Great Lakes Protocol on the Property Rights of Returning Persons

\(^{39}\) Principle 30, UN Guiding Principles, Art 11.3 Kampala Convention

\(^{40}\) Art 6 Great Lakes Protocol and Art 3.2 Kampala Convention

35. The Constitution provides that any treaty that has been ratified by Kenya becomes binding as a source of law\textsuperscript{42}. There some of the rights that of specific to IDPs but recognized under any ratified treaty such as the right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health is at risk\textsuperscript{43}, right to know the fate and whereabouts of missing relatives\textsuperscript{44}, right to respect of his or her family life\textsuperscript{45}, right to an adequate standard of living\textsuperscript{46} may be applied to IDPs in Kenya.

36. It provides the best legal protection to IDPs. The State is obligated to promote and protect all rights recognized under the law applicable in Kenya. Everyone in Kenya is obligated to observe the bill of rights. In case of human rights violation anyone can file a case in the High Court or any other court empowered by law to hear and determine cases touching on the bill of rights. The relief that may be granted include order for compensation, declaration of rights or an injunction.

37. Kenya country is undertaking numerous reforms which are institutional, policy, legal and administrative frameworks and systems to strength its delivery of service to the citizens. Some of the relevant initiatives include the national land policy, the draft bill and draft policy on internal displacement, national policy for disaster management in Kenya, national disaster response plan, draft policy on peace building and conflict management policy, and the draft national guidelines on evictions and resettlement.

38. The National Land Policy binds the Government to establish legal policy and institutional framework for dealing with issues that arise from internal displacement\textsuperscript{47}. The draft national policy of on internal displacement was prepared by the government with the support of stakeholders in the protection working group on internal displacement (PWGID) on March 2010. It is informed by the existing regional and international framework on IDPs.

39. Parliament has also set in motion the process of adopting a national legislation on internal displacement. In December 2011, Parliamentary Select Committee on Resettlement of IDPs worked with stakeholder in the PWGID to prepare a draft a bill on internal displacement.

\textbf{2.2.2. National institutional framework}

40. There is no specific focal point to address the problem of internal displacement in Kenya. The Ministry of State for Special Programmes (MoSSP) is the only institution with specific mandate on IDPs. However, the mandate is limited only to addressing resettlement of PEV IDPs only by facilitating their return or resettlement, providing counseling, and providing ex gratia funding to the PEV IDPs through the National Humanitarian Fund. The fund has supported initiatives such \textit{operation rudi nyumbani} and the ongoing IDP resettlement process. The ministry has also initiated livelihood projects for IDPs\textsuperscript{48}.

\textsuperscript{42} Article 2 (6)
\textsuperscript{43} Principle 15 para (d) UN Guiding Principles, Art 9.2.(e) Kampala Convention
\textsuperscript{44} Principle 16 UN Guiding Principles
\textsuperscript{45} Principle 17 UN Guiding Principles, Art 4(h) Great Lakes Protocol, Art 9.2.(h) Kampala Convention
\textsuperscript{46} Principle 18 UN Guiding Principles, Art 4(f) Great Lakes Protocol, Art 9.2.(b) Kampala Convention
\textsuperscript{47} \textit{Ibid} para 208(c), p.48
\textsuperscript{48} See for instance MoSSP, \textit{IDP Status Update}, July 2010
41. The Ministry coordinates the resettlement efforts together with the Ministry of Lands, Ministry of State for Internal Security and Provincial Administration and the Ministry of Finance.

42. The ministry also coordinates the formulation and implementation of policies and institutional framework for disaster management, and mobilization of resources for disaster management.

43. Other institutions that are relevant to internal displacement include the National Disaster Operation Centre, National Secretariat for Peace Building and Conflict Resolution, and Kenya Red Cross Society.
3. **KNCHR – UNHCR IDP MONITORING PROJECT 2011**

3.1. **Kenya National Commission on Human Rights**

44. The Kenya National Commission on Human Rights (KNCHR) is an independent National Human Rights Institution (NHRI) established under Article 59(1) of the Constitution and operationalized through the Kenya National Commission on Human Rights Act No. 14 of 2011. It is an independent National Human Rights Institution (NHRI) established in line with the Paris Principles on NHRI. It has a dual mandate of advising the Government of Kenya on matters concerning human rights and monitoring compliance with its human rights obligations.

45. The functions of the Commission are provided under section 8 of the KNCHR Act 2011 which include to promote the protection and observance of human rights in public and private institutions; to monitor, investigate and report on the observance of human rights in all spheres of life in the Republic; investigate or research on a matter in respect of human rights and make recommendations to improve the function of state organs and to act as the principal organ of the State in ensuring compliance with obligations under international and regional treaties related to human right.

46. In the exercise of its mandate, the Commission has since its establishment prioritized programming to enhance the protection and awareness of the rights of special groups such as internally displaced persons, persons with disabilities and persons living with HIV/AIDS. These groups often remained on the margins of law and policy formulation and implementation despite being the most vulnerable to human rights abuses. KNCHR programming on internal displacement is aimed at protecting and promoting rights of internally displaced persons through monitoring and documenting human rights situation of IDPs in Kenya; lobbying and advocacy for legal and policy reforms to protect IDPs, and capacity building for targeted State and Non State actors working on internal displacement.

3.2. **United Nations High Commissioner for Refugees**

47. The Office of the United Nations High Commissioner for Refugees (UNHCR) was established on December 14, 1950 pursuant to General Assembly Resolution 428(V) to pursue protection, assistance and solutions for refugees. UNHCR’s mandate has been subsequently expanded by numerous United Nations General Assembly and the Economic and Social council (ECOSOC) to include other persons of concerns such as asylum seekers, returnees, stateless persons and in some situations, Internally Displaced Persons (IDPs) or those threatened with displacement.

48. General Assembly resolution 53/125 of December 1998 reaffirmed the role of UNHCR in providing humanitarian assistance and protection to IDPs. Under the collaborative approach within the framework of the Inter-Agency Standing Committee (IASC), UNHCR is the global lead agency for the Protection Cluster and in conflict induced displacement, the global lead agency for both the Camp Co-ordination and Camp Management (CCCM) and Emergency Shelter Clusters.
3.3. **Goal and Objectives of the IDP Monitoring Project**

49. The overall goal of the IDP monitoring project is to promote and protect human rights of internally displaced persons through enhanced monitoring and reporting. The specific objectives are:

1. To monitor and document trends on internal displacement in Kenya
2. Identify key human rights and protection concerns among displaced population in Kenya
3. Make recommendations for the protection and promotion of human rights of IDPs in Kenya

3.4. **Methodology of the project**

50. The Commission and UNHCR recruited, trained 25 IDP monitors to monitor the situation of IDPs in the country. Each monitor was assigned specific zones to monitor over a period of nine months from April to December 2011. The list of zones monitored is attached at the end of this report as Annex 3. The monitors conducted random protection assessment with IDP households, held group interviews with displaced communities and conducted key informant interviews. They also monitored and reported on incidents that occurred in their zones.

51. A total of 3,994 interviews were conducted with IDP households. An almost equal number of male and female were interviewed.

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Total</th>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-30</td>
<td>478</td>
<td>255</td>
<td>223</td>
</tr>
<tr>
<td>31-40</td>
<td>1,384</td>
<td>687</td>
<td>697</td>
</tr>
<tr>
<td>41-60</td>
<td>1,640</td>
<td>770</td>
<td>870</td>
</tr>
<tr>
<td>61+</td>
<td>486</td>
<td>220</td>
<td>266</td>
</tr>
<tr>
<td>Not indicated</td>
<td>6</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

**Figure 1: Interviewees profile by age group and sex**

52. 78% of the interviewees were living with nuclear families while 22% lived with extended families. 61.5% of the households had a maximum of six members while the remaining 38.5% had more than six members. Adult female headed households accounted 28% while adult male headed household were 71.8%. Child headed households formed 0.2% of 7 households and six of these were headed by girls. 70% of the households live in rural areas while the rest live in urban centers and towns.
53. Every month, at least one group discussion and 3 key informant interviews were conducted in each zone. Each group discussion had a minimum of 8 to 12 participants carefully selected to ensure gender balance and representation of all social groupings among IDPs population targeted including people displaced from outside and within the target areas. The people targeted included formerly displaced persons who had returned to their homes, IDPs who opted to resettle elsewhere or integrated with the local community and IDPs who have been resettled by the Government.

54. The key informant interviews were conducted with IDP leaders, community leaders, local administration including regional commissioners, district commissioners, district officers, chiefs, assistant chiefs and village elders. Other key informants were drawn from non state actors working with IDPs. The monitoring exercise also monitored media report and incidents relating to internal displacement.

55. The next chapter presents a summary of findings from the household survey, focus group discussions, key informant interviews and incidents reports.
4. FINDINGS

4.1. Trends and causes of internal displacement

56. Interviews with IDPs and key informants revealed that there are many people who still remain displaced. Some of them were displaced as early as 1970s while others as recently as 2011. From figure two below, it is evident that high number of cases of internal displacement seem to be reported hotly contested general elections of 1992, 1997 and 2007. Interviews with some displaced persons in various parts of the country, particularly the Rift valley and coastal regions reveal that there are still fears that the forthcoming general election may lead to violence and displacement.

![Figure 2: Displacement history](image)

57. According to the data from household interviews, the leading cause of internal displacement is politically instigated violence which accounted for 74% of displacement among the households. Evictions, resource based conflicts, drought, famine, cattle rustling and other causes accounted for the remaining 26%.

![Figure 3: Causes of displacement](image)
58. Some of the IDPs have been victims of multiple cases of displacement such as election related violence in 1992, 1997 and 2007. In Tharaka. Some of the displaced persons were evicted from their homes in early 1970s to pave way for the creation of Meru National Park. In Nandi, where there about 750 families living on road reserves within tea estates and edges of Serengonik forest, it was reported that in 1981 some families were evicted by the State from Serengonik and Kapkurere forest and resettled at a place called Kapsangany. However, they were later allowed to move back into the forest until 2005 when Government evicted them again. The story is similar to that of people who of Masongaleni and Kiboko area in Kibwezi who were evicted to pave way for creation of Chyulu forest in the late 1980s.

59. Incidents of displacement and threats of potential displacement continued to be reported in the year 2011. In November 2011 violence between Gabra and Borana communities in Moyale led to displacement of over 10,000 people. While in April 2011, 2000 person were displaced from Todonyang after a group of Merille from Ethiopia attacked them and occupied their land. Flooding led to displacement of more than 100,000 people in the last quartery of the year. Furthermore in some places some collective settlements for IDPs were flooded leading to further displacement. Settlers in forests like Marmanet in Nyahururu and Kipini wildlife conservancies live under constant threat of eviction as are many slum dwellers in urban areas.

4.2. Protection

4.2.1. Registration of IDPs

60. In order to provide adequate protection to all IDPs during and after displacement it is important to have a comprehensive system of data collection and registration that includes a needs assessment of displaced population with respect to their vulnerabilities. 69% of the interviewees said that they were registered by the Government. This figure comprises mostly of people who were displaced in the year 2007 and 2008. In Baringo and Mbeere families who were evicted to pave way for the construction of Tambach Teachers College and some of the Kiambere Dam respectively were also registered for purposes of compensation.

61. However, all over the country the registration process is suffering from controversies about tampering of the list of genuine beneficiaries and registration of fake ones. For instance in many parts of the country, victims of the post election violence claim that they were not registered by the Government while others claim that although they had registered with the Government their names were missing from the final list of IDPs. The problem is also compounded by the fact that the Government had set out 31st December 2008 as the final date that MoSSP would receive all lists of registered IDPs in Nairobi. Any lists that were

49 Vulnerabilities include women, children, female headed households, child headed households, unaccompanied or separated children, older persons, chronically ill persons including those living with HIV/AIDS, persons with disabilities, socially marginalised groups
forwarded after this date by members of the provincial administration who were overseeing the registration process were rejected.

62. The registration process is in most cases not transparent making verification based on any set criteria difficult. It is important to note that about 7% of the respondents indicated that they were not sure whether they were registered by the Government.

![Figure 4: Registration by government](image)

**Figure 4: Registration by government**

### 4.2.2. Housing

63. Only about 11% of the households lived in permanent structures while 66 percent lived in semi-permanent structure such as mud walled and grass thatched houses. 11% of the households lived in makeshift structures made of twigs, polythene papers or boxes while another 10% lived in tents.

![Figure 5: Type of housing](image)

**Figure 5: Type of housing**

64. 60.5% of the households lived in houses or structures that they own themselves while 30.7% are renting houses. 66.8% of the households lived in houses of structures that they
describe as small while 26.7% lived in what they describe as a standard houses. Only 4.5% live in houses they describe as large.

65. In 53.7% of the households adults and children are forced to share common sleeping places while in 31.3% of them children and adults sleep in separate places. 12.6% of the households reported that the sleeping arrangement is partly shared. Further, 59.1% of the households reported that boys and girls share common sleeping places while in 23.9% of the household girls and boys sleep separately. In the remaining 14.8% the arrangement is partly shared.

66. The main problem facing most of the households is congestion at 42% followed by poor quality of housing at 27%. Many families are forced to share tiny rooms or tents. Following their displacement many families are finding themselves sharing common sleeping rooms with their children. The same case applies to boys and girls. This is considered culturally inappropriate for many of them.

![Challenges relating to shelter](image)

**Figure 6: Challenges relating to access to housing**

67. Congestion is a problem faced by IDPs in camps and similar collective settlement as well as those who have rented houses or integrated with their relatives and friends. Some IDPs who returned to their ancestral homes have not been welcomed back by their relatives. In Homabay some have been alienated by their family members who see them as intruders who abandoned their ancestral land long ago and have returned to cause problems. Integrated IDPs in places like Ikonge in Nyamira are unable to meet the high rental charges and are under constant threat of eviction for nonpayment of rent.

68. In Pipeline camp in Nakuru, ALKO IDP resettlement site in Kwanza, ALKO IDPs in Rongai, NAKA self help group, Zea IDP camp in Kwanza and Male transit camp some IDPs have been living in tattered tents since 2008. In Kibwezi about 50 households have been living in makeshift structures from over a quarter of a century since they were evicted from Chyulu hills while in Suguta Marmar in Samburu another 600 households have been forced to live
in collective settlements called *manyattas* since 2006 when they were displaced due to fighting between Pokots and Samburus.

69. The ongoing IDP shelter construction project for victims of post election violence in Molo and Uasin Gishu is facing widespread complaints that some of the genuine IDPs have been left out while fake ones have been included in the list of beneficiaries. The shelter construction project was not extended to other places where there are many integrated IDPs such as Homabay, Nyeri, Thika, Baringo among other places. This is breeding resentment among IDPs in these areas who feel that they have been ignored by the Government.

4.2.3. Livelihood

70. Displacement did not only disrupt sources of livelihoods of many people it has also negatively impacted on their ability to reestablish them. Many of the IDPs rely on sources of income that are not sustainable. Some families lost their breadwinners while others suffered grievous injuries that rendered them incapable to earning a living. About 45% of the households relied on casual labour to earn a living, while less than 22% engage in some form of subsistence farming. 12% still rely on food aid donation as their main source of livelihood.

![Sources of income](image)

**Figure 7: Sources of livelihood**

71. 56% of the households earn a monthly income of not more that 3000 shillings per month while 26.9% of them earn an income of between 3001 and 6000 shillings per month. Only 0.5% of the households earn a monthly income of above 30,000 shillings.

72. The over reliance by some IDPs on donations, is creating dependency syndrome. Integrated IDPs in some places have resorted to setting up camps in order to attract attention to their plight. One such camp is Neema camp in Mai Mahiu. Attempts by some IDPs to return to their farms in places like Molo and Elburgon have been thwarted by people who have invaded their farms or by security concerns. In Nairobi some displaced landlords in places like Kibera and Mathare have lost rent income as some tenants have refused to pay rent.
73. Displaced Small scale traders who operated in urban centers have found it difficult to adjust to new operating environments. Some IDPs are facing an uncertain future as financial institutions are pursuing them to recover loans that were advanced to them before the PEV. Due to the failure by the Government to prevent cyclic displacement due to politically instigated violence some IDPs are apprehensive about restarting their business before the forthcoming elections.

74. Others have been forced to seek alternative sources of livelihoods which are illegal or immoral. In other places IDPs suffer stigma and discrimination in employment due to their status as IDPs. In Lanet in Nakuru, IDPs complained that they are perceived to be the cause of increase in crime in the area. IDPs are sometimes derogatively referred to us the “tent people”. Displaced children are forced to engage in child labour in order to supplement family income. In some cases, families hosting IDPs exploit children and women for labour.

75. However, in some places IDPs reported that they have been able to reestablish their livelihoods. Government supported livelihood programmes for returnees in Kipkelion and Burnt Forest enabled many of them to register bumper harvest. In Kisumu, the United Nations Development Programme (UNDP) Post Election Violence Recovery Programme carried out follow ups and empowerment programme for IDPs to help them recover their livelihood. According to one administrator in the area, twelve households have been supported with farm inputs.

4.2.4. Food

76. More than half of the IDPs are surviving on less than three meals a day. Only 28% of the households reported that they have three meals a day. 47% of the households purchase their own food while 24% of them relied on subsistence farming. Food aid and begging is the main source of food for 21% and 8% of the households respectively.

77. 43% and 30% of the households cited cost and lack of regular supply of food as their main impediment to accessing food. Quality of food and distance to markets or other sources of food is a concern for 18% and 7% of the households respectively.

78. Only IDPs in officially recognized camps receive monthly relief food supplies from MoSSP. Integrated IDPs are largely excluded from the programme. A humanitarian worker in Nakuru lamented that there is no well established criteria to establish who qualifies for famine relief among IDPs and that the programme is usually faced with irregularities.

79. In Migori, about 400 IDP households have on several occasions demonstrated against the government for failing to provide them with adequate relief food. In February 2011, only 10 bags of maize, 3 bags of beans and 2 cartons of oil were supplied to the IDPs in this area. This was enough for 40 households only. In April 2011, the IDPs rejected 20 bags of maize, 4

50 See MoSSP Junne 2011 relief food allocation report
The households interviewed had about 11,536 children of school going age. 47% of them were girls.

80. Gwakung’u IDP camp in Nyandarua was not targeted for famine relief food allocation. In April there were reports that a family of eight was taken ill after they slaughtered and fed on a cat due to lack of food. After the incident the Government supplied to the camp one hundred bags of maize and fifty bags of beans.

81. Relief food supplied by Government is unreliable, inadequate, lacks in variety, of questionable quality at times and does not cater for the needs of special groups like children, lactating mothers, the elderly and persons living with HIV. During a group discussion in Ruai in the month of May, the IDPs reported that the last time they received food supplies was four months earlier a fate shared by IDPs in Embomoss in Konoin where they receive food supplies once in every four months.

4.2.5. Education

82. The households interviewed had about 11,536 children of school going age. 47% of them were girls. About 2,731 or a quarter of the displaced children of school going age were not able to attend school regularly and out of this number, 1,325 were girls and the rest were boys.

Figure 8: Children of school going age

<table>
<thead>
<tr>
<th></th>
<th>Girls</th>
<th>Boys</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>School going age</td>
<td>5,459</td>
<td>6,077</td>
<td>11,536</td>
</tr>
<tr>
<td>Regularly attending school</td>
<td>4,134</td>
<td>4,671</td>
<td>8,805</td>
</tr>
<tr>
<td>Not attending school</td>
<td>1,325</td>
<td>1,406</td>
<td>2,731</td>
</tr>
</tbody>
</table>

Table 2: Summary of data of school attendance

83. Financial constraint was cited as the biggest impediment to access education followed by distance to school. Lack of adequate facilities at school was cited as the third main constraint to access quality education by displaced children.
84. Households with children who are unable to attend school regularly or have dropped out of school cited lack of funds as their main challenges. Other challenges include early pregnancy, household chores and distance have prevented many displaced children from accessing education.

85. Many parents are unable to meet their financial obligations to educate their children in secondary schools. Further even where education is free at primary school there are still incidental costs that arise include school uniforms, purchase of books, development levy, and levy for teachers hired by parents’ teachers association to supplement those posted by government. In some places like Thika West, it was reported children from poor and needy IDP families are unable to get access to school bursaries since the bodies responsible for allocating school bursaries do not consider them as residents of the districts. They are instead advised to apply for their bursaries from the areas where they were displaced from.

86. Congestion is a common problem particularly in schools located in area where IDPs have resettled. Mawingu Primary School had a population of about 270 pupils and 7 teachers
before October 21\textsuperscript{st} 2008. When the IDPs moved into the area, the student population grew exponentially by over a factor of seven to 2000 pupils. Shortage of teaching staff is a challenge in many schools in Kenya and the situation gets worse in areas that experience influx of IDPs such as Mawingu, Mai Mahiu and Gilgil.

87. Lack of documentation is hampering education. Children without birth certificates are still finding it difficult to enroll in some schools. Further, those who lost their educational documentation do not have proof of their past academic records to enable them to enroll in new schools in places where they have resettled. However in Mawingu, it was reported that all pupils in their final year were fully registered for the national examinations for primary and secondary school in the year 2010 and 2011.

88. Where there is no school feeding programme, it has been reported that lack of food has affected attendance to school and concentration levels among IDP children.

89. In many places IDPs have been forced to start temporary structures for their children to learn. This problem is especially worse for children in kindergarten or nursery school level. In Kwanza ALKO IDPs established a makeshift/open air nursery school in the camp for children between 3-7 yrs who cannot walk long distances. It only has one volunteer teacher from the neighbourhood. Similarly in Lodwar, IDPs have established a nursery school for their children.

90. The IDP resettlement process is negatively affecting education to some extent. Children are transferred to new schools where they have to settle and play catch up. In Mawingu, it was reported that some parents who have been resettled in other areas have been forced to leave behind their children to continue with education without any disruption. For IDPs whose parents returned to their ancestral lands in Kisumu many had to enroll in new schools and go through a fresh orientation of their new environment. Some children have been transferred from more than three schools from the time of displacement in 2007 to present when their families are being resettled by the government.

91. For some IDPs the imminent resettlement by the Government has made them not to take their children to local schools as they hope to enroll them in new schools after resettlement. However the promise of resettlement sometimes takes longer than planned to be realized. For instance, evictees in Lessos no longer consider education as a priority as they wait for government to resettle them.

92. School dropout due to poverty is widespread. At Kikopey some of the girls drop out of school due to child marriage and early pregnancies. In other places like NAKA self help group in Wareng, the children accompany their parents to look for work to supplement family income.

93. In many other places, Government moved in to ensure that there is smooth transition for IDP children who were being resettled and provide facilities where there was huge influx of IDPs. Mawingu example has already been alluded to above.
4.2.6. Health

94. 72% of the households monitored accessed health services from public health facilities while private health clinics and traditional medicine is used by 11% of the households while 6% use self medication.

95. Cost of health care and shortage of drugs and equipment was reported to be the biggest challenges faced when accessing health services. Distance, lack of adequate personnel and lack of specialized care are also major concerns.

Figure 11: Health facilities used

Figure 12: Challenges relating to access to health
Figure 13: Distance to the nearest health centre

96. About a quarter of the households access health services from facilities which are more than ten kilometers. Where transport and communication infrastructure is poor, timely access to healthcare services particularly during an emergency becomes a challenge.

97. Immediately after the post election violence, many of the violence were given waiver on their hospitals bills in public health facilities. However their was confusion among IDPs whether the waiver was still in force. For instance in Nyeri and Ndargawa, integrated IDPs reported that the waiver was lifted and they are required to pay for medical services. However in Leshau, location in Ndargawa, one local administrator reported that the waiver is still in force at Kheamba dispensary. At Endebess in Kwanza the area district commissioner and district officer were reported to have negotiated with a health centre at Kapkoi to treat IDPs who were recently resettled by Government free of charge.

98. Some of the displaced persons were victims of heinous crimes like rape during post election violence and they still suffer from the trauma from that experience. An IDP women’s group in Kisumu comprising victims of rape during PEV was still seeking for appropriate medication and counseling, educational support for their children and resettlement of their members.

99. A dispensary was put up at pipeline self help group in Nakuru but it does not have adequate staff and does not operate on a daily basis. Government had constructed a dispensary for forest dwellers in Serengonik Forest in 1981 but following their eviction in 2005, the evictees no longer access the facility.

100. Cases of persons living with HIV were reported at ALKO in Kwanza, Mawingu in Nyandarua, NAWAMU camp in Gilgil, Vumilia self help group in Kapseret, Wareng. At ALKO, PLHIV are not able to get anti retroviral drugs (ARV) and there is no provision for special nutrients that they require in the relief food supplied by the government. It is suspected that the high number of deaths at NAWAMU in Mbaruk, Gilgil is due to HIV. The elderly evictees at Ruiru are unable to access health facilities due to distance. At Kikopey in Gilgil, the nearest hospital is over ten kilometers away and IDPs including expectant women in labour have to walk all the way to the hospital. The IDPs are unable to access family planning services within the camp and they have to travel to the hospital for such services.
which are usually costly hence many are forced to use traditional family planning methods. Further according to one key informant at the camp some men desert their wives in camps in the event of unexpected pregnancies.

101. According to one key informant from the ministry of public health in Nyandarua, many IDPs are traumatized and need psycho social support. The need for such support was also emphasized in Mawingu. During group discussions with IDPs in Migori, they reported that they had received any psychosocial support service. In Ruai a woman whose husband was killed in almost similar circumstances in Molo looked visibly traumatized during an interview at the camp. Psychosocial support seems to be lacking in most areas where IDPs integrated.

4.2.7. Water and sanitation

102. The main sources of water for displaced persons are rivers and streams (at 29%) and unprotected boreholes and wells (at 22%). Piped water and protected boreholes and wells follow at 15% and 14% respectively while water vendors are at 13%.

103. The displaced cite quality of water and distance to the source of water as their main challenge at 30% each. About 28% of the household travel more than one kilometer in search of water. The cost of water and water rationing follow at 23% and 13% respectively. Almost 50% of the household access between 0 to 15 litres of water per day for their domestic and other personal use.

Figure 14: Main sources of water
Figure 15: Challenges relating to access to water

Figure 16: Distance to the nearest source of water

Figure 17: Estimated daily average water used per household
104. At Yamumbi, Kenya Red Cross Society had initially connected piped water to the tank but it was disconnected by government on account of maintenance cost. IDPs at ALKO in Chepchoina in Endebess reported that they required more boreholes within the resettlement to resolve the problem of water. Water is supplied once per week and the alternative. A nearby borehole cannot easily be accessed by the elderly. Water rationing, a common occurrence in Kenya during dry weather was reported in Mai Mahiu. IDPs at kikopey would trek some eight kilometers to look for water while elderly evictees in Ruiru are unable to access water points due to distance.

105. General poverty among IDPs is hinders access water. As one leader of community based organizations of formerly displaced persons in Kibera noted, water is available and sold at manageable cost but at times it is unaffordable. At Gilgil some IDPs purchase water at six shillings per 20 litres jerry can.

106. The most common sanitation facilities available to many families are latrines (69%) and bathrooms (19%) while toilets are least available (10%). Other families rely on open spaces and bushes (2%) where some or all of these facilities are unavailable.

107. Garbage is mostly disposed in open area (56%) or compost pit (33%) while refuse bin is forms a paltry 7%.

![Sanitation facilities used](image.png)

**Figure 18: Sanitation facilities commonly used**
95% of the households monitored share most of the available sanitation facilities like latrines and bathrooms while 92% of them lack access to hand washing facilities.
Most of the sanitation facilities are within premises (44.7%) or within 10 ten minutes walking distance from the premises (40.2%). The facilities are described as fair by 52.3% of the household and good by 7.7%. 33.6% of the household describe their facilities as bad.
The main challenge facing many households is lack of adequate facilities (68%), followed by security concerns (14%) particularly when accessing these facilities at night. Distance is cited as a concern by 11% of the households.

As a result of poor sanitation the threat of water borne diseases is noted as a concern in Lessos, Turkana, Embomoss in Konoin and Tharaka. Evictees at Nandi hills lacked sanitation facilities and an appeal was made to well wishers to supply mobile toilets. The evictees rely on forests. In Mai Mahiu, Neema and Kikopey, bathrooms are either unavailable or inadequate. At Kikopey the tents are used as bathrooms by some IDPs.

Latrines at pipeline camp were reported to be full. However as one humanitarian worker noted no one in Government was willing to take responsibility for draining them.
Similarly at Ruiru, the latrines are full and the evictees do not have proper waste disposal mechanism. The poorly constructed makeshift toilets made of polythene bags at Chepchoina resettlement site are not safe for children. In many places including Kapomboi in Kwanza and NAWAMU hope in Gilgil the dugout latrines flood during the rainy season.

113. Neema camp has one latrine serving an entire population of twenty five households while at Gwakung’u camp in Nyandarua four pit latrines and two bathrooms serve three hundred and fifty households. IDPs at Ruai camp use polythene papers to construct their latrines while at Zea camp in Kwanza,

114. Due to poverty, many parents at kikopey and Mawingu are unable to afford sanitary pads for their girls. At Kikopey it is reported that some of the girls use mattresses or worn out pieces of clothes. Sometimes they are unable to attend schools.

115. Lack of space in Lessos and Gathatha is preventing IDPs and evictees from putting of sanitation facilities. In Kibera, sanitation is very unsafe for children.

116. However, there some positive developments worth noting. A borehole was dug for IDPs in Turkana by the Catholic Church. In Kipsaranam in Baringo some dams were built in order to avoid resource based conflict among the neighbouring communities while in Mai Mahiu, UNHCR constructed a latrines for each household in the camp. Shalom B/Giwa in Rongai and pipeline camp in Nakuru have sufficient supply of water. Water tanks were provided with support of government and humanitarian organizations respectively. The water also serves the neighbouring community. During the post election violence period UNICEF provided water tanks to displaced persons in Kakamega. At Mawingu, more toilets were constructed at the school to cater for increased population.

4.2.8. Family separation

117. Cases of family separation and breakdown of marriages as a result of displacement are widespread. Poverty and inability to cope with life in IDP camps are the main causes of family breakdown. In many cases, men who were mainly bread winners of their families could not cope with the new harsh realities and have abandoned their wives and families in camps in search of better life. In few other cases women have left their husbands in search of a better life. In cases where displacement was due to politically instigated ethnic violence, couples that had intermarried were separated. Young men and women have left their parents and grandparents in camps in search of better lives. Some families have sent their children to live with relatives and friends. Some men have abandoned their wives who were raped during the post election violence.

118. In Gilgil there are reports that children from displaced families have turned into street children. In Kibera although no issues of family separation were reported, it was observed that some of the displaced families have decided to send their children to live with some of their able relatives to enable them pursue their education. In Kisumu East, it was reported that some children ran away from their families to live in the streets. It was further reported that some men have abandoned their wives who were raped during the post election violence. Consequently, some of the women have been forced into prostitution.
119. In Ndaragwa, it was reported that in cases where spouses have split, some of the children are faced with the dilemma of who to choose between their father and their mother. In many places it was reported that families that were separated during the post election violence were later reunited through tracing undertaken by Red Cross and in a few cases with the support of local media. In Thika West, the area District Children Officer confirmed that many of displaced children were reunited with their parents and relatives. However there are a few children who could not be reunited with their families because they lost their parents to the violence in 2007 or were not claimed by anyone. Some of them were placed in different children’s home in Thika such as Kigumo, Zabibu centre, and Kustawi.

4.2.9. Documentation

120. 1,022 households reported that they lost national identification cards. Birth certificates, educational certificates, land title documents, immunization cards, death certificates and marriage certificate are some of the main documents that displace persons lost. Other documents include records of financial transactions, business licenses and baptismal certificates.

121. Recovery of documents is a major challenge among displaced persons. While over half of persons who lost national identification cards were able to recover them, there is no significant improvement with regards to other documents particularly birth certificates, educational certificates and land title documents.

![Figure 25: Documents lost and not recovered](image_url)
Table 3: Documents lost and not recovered

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Lost</th>
<th>Recovered</th>
</tr>
</thead>
<tbody>
<tr>
<td>National identity cards/passports</td>
<td>1,022</td>
<td>526</td>
</tr>
<tr>
<td>Birth certificates</td>
<td>932</td>
<td>744</td>
</tr>
<tr>
<td>Educational certificates</td>
<td>825</td>
<td>695</td>
</tr>
<tr>
<td>Title deeds/allotment letters</td>
<td>327</td>
<td>273</td>
</tr>
<tr>
<td>Immunization cards</td>
<td>219</td>
<td>215</td>
</tr>
<tr>
<td>Death certificates</td>
<td>123</td>
<td>93</td>
</tr>
<tr>
<td>Marriage certificates</td>
<td>91</td>
<td>80</td>
</tr>
<tr>
<td>Others</td>
<td>163</td>
<td>140</td>
</tr>
</tbody>
</table>

The main impediment to the recovery of documents is the financial implications (49%) followed by the distance one has to travel to the nearest government office to process the replacement (25%). Lack of awareness about how to apply for replacement is at 6% while insecurity is at 4%.

Figure 26: Challenges relating to recovery of lost documents

Due to their inability to replace these documents, displaced persons are facing many challenges. In education, the government policy to require all students who are due to sit for their national examinations to produce their birth certificates during registration almost locked out many IDP children from sitting their final examinations. Although it was waived, there are still reports that some students who lack birth certificates have been unable to attend or get admission to schools.
124. Loss of national identity cards has exposed some of the displaced persons to the risk of being arrested by the police in places like Isiolo, Likoni and Diani. Other IDPs are unable to access credit facilities and financial services necessary for them to reestablish their livelihood.

125. The process of replacing some of the lost documents is faced with challenges. To replace an identity card or birth certificate, an applicant is asked to go back to their original homes and get a letter from their area chief or local administrator. In addition one may be required to present other supporting documents such as the parent’s identity cards for one to apply for a birth certificate. These supporting documents may be unavailable as they were lost during flight. Other IDPs are afraid of going back to places where they were displaced from. There are reports that some local administrators in the original homes are uncooperative or in some cases hostile. In Gilgil and Kikopey, some IDPs who attempted to apply for their identity cards in their districts of origin were told by the local chief that they were not wanted back and they should return to where they ran away to. Some IDPs have resettled in areas which are far away from their original homes hence it becomes costly for their to seek replacement of their documents from their original homes.

126. The cost of replacing documents such as title deeds presents is prohibitive to some IDPs. In Shieywe in Kakamega, replacement fee for a title deed costs approximately three thousands Kenya shillings. In addition to this, corruption in land offices across the country has been a major impediment to some of the IDPs who are asked to bribe officials at the lands office.

127. Due to lack of national IDs and educational certificates the youth and other able bodied persons in Lanet, Isiolo and Diani are unable to get employment.

128. Some post election violence IDPs have not been paid their start up or resettlement package by the government to date due to lack of identity cards. Replacing identity cards and other documents is also a cumbersome process fraught with long delays. Some displaced persons in Kwanza, Mai Mahiu and Gilgil have been waiting for over three years to get their national identity cards.

129. In Tambach some parents who were issued with allotment letters for their land at Sergoit settlement scheme have passed away leaving behind children who are now fighting over the land.

130. Ignorance about the replacement process is also a challenge. Those who lost educational certificates and clinic cards do not know of the procedure to be followed.

131. Forest evictees in Embomoss who lost their identity cards could not be registered by the government. In Shika Adabu in Likoni it is reported that some of the displaced children who were orphaned do not have details about their parents as no documents were left behind during the violence.

132. In Gilgil some displaced persons want to return to their original homes and sell their land but they are unable to do so due to lack of title documents. In Kisumu some IDPs were unable to vote due to lack of identity cards while in Salawa in Kabarnet, some of the
displaced persons could not be recruited into the military because they did not have their identity cards. At Kipsaraman in Baringo North the displaced person did not know the procedure to replace their title deeds and allotment letters and some of them have never been able to recover their land.

133. However in many parts of the country, government has facilitated IDPs to replace their documents through the normal administrative channels. Local administrators were instructed to support the displaced population by issuing letters that confirmed their status as IDPs from the areas of jurisdiction. In Mawingu camp all candidates for national exams in the year 2010 and 2011 were able to register for their examination without any hitches.

4.2.10. Vulnerable groups

134. There are significant populations of vulnerable groups among displaced persons. Out of the 3994 households interviewed 18.03 percent of them had older persons among them while 17.7% had orphans and other vulnerable children. The third largest group of vulnerable persons comprises persons living with HIV/AIDS at 8.1%. Persons living with disability and pregnant women were reported from 7.0% and 5.9% of the households respectively.

<table>
<thead>
<tr>
<th>Vulnerable groups</th>
<th>No. of households</th>
<th>Percentage of total households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Older persons</td>
<td>720</td>
<td>18.03</td>
</tr>
<tr>
<td>Orphans and vulnerable children</td>
<td>707</td>
<td>17.7</td>
</tr>
<tr>
<td>Persons living with HIV/AIDS</td>
<td>325</td>
<td>8.1</td>
</tr>
<tr>
<td>Person living with disability</td>
<td>278</td>
<td>7.0</td>
</tr>
<tr>
<td>Pregnant women</td>
<td>237</td>
<td>5.9</td>
</tr>
<tr>
<td>Others</td>
<td>107</td>
<td>2.7</td>
</tr>
</tbody>
</table>

Table 4: Vulnerable groups

135. It is evident from the discussions above that many of the vulnerable groups are facing a lot of challenges accessing their rights. The older persons have to travel long distances to access basic services or have to shelter in conditions that are a danger to their health. Persons living with HIV/AIDS have problems accessing special diet and ARVs while there is not provision for special diet for infants in some of the relief food supplied. Pregnant women have been forced to deliver and raised their infants in worn out and leaking roofs while persons living with in some cases have to fight for relief food supply like everyone else.

136. Despite their significant numbers among displaced populations, interventions targeted at these groups are either non-existent or *ad hoc* and inadequate.

---

51 Refer to discussions on registration, housing, livelihood, education, health, food, documentation, water and sanitation and family separation above.
4.3. **Durable solutions**

137. Only 22% of the displaced persons interviewed are returnees. About 3% have returned near their homes and are living in transit camps. Majority of them have resettled in other parts of the country. 57% of them have resettled in other parts of the country. These are mainly integrated IDPs. A further 7% of the displaced persons have resettled in other parts of the country and are living in IDP self help groups while 3% are living in government established resettlement sites. 4% of the displaced persons are still living in main camps. Many of them are victims of recent evictions from forests.

138. It is obvious that most IDPs have opted to resettle rather than return to their original homes. Cumulatively 71% of the displaced persons have either locally integrated where they ran to or have resettled in other parts of the country. 25% of them have returned to their homes or are living near their homes while the remaining 4% are still in IDP camps.

![Figure 27: IDP settlement patterns](image)

**Figure 27: IDP settlement patterns**

4.3.1. **Return, resettlement and reintegration of post election violence IDPs**

139. About 2462 households interviewed were persons displaced by post election violence. During the process of finding durable solutions for the displaced, the government did not give displaced persons an opportunity to choose which of the three available durable solutions was suitable for them. Instead, after the end of the violence the return option through *operation rudi nyumbani* was the only available option for the IDPs. Unfortunately this option mainly targeted IDPs who were in camps and other collective settlement and ignored many IDPs who were integrated in the community. Even for IDPs who were in camps many of them could not return home due to fear, insecurity or other reasons. Many of them resettled in other parts of the country when the main IDP camps were closed or they moved into collective settlements in self help groups or transit camps. It is evident from the data on settlement patterns above that few IDPs were able to return home.
140. The self help groups became congested and turned into camp like settlements doting many parts of the country. This forced the government to pursue a resettlement process for the IDPs in these self help groups only. Again, integrated IDPs were left out as well as returnees who could not reintegrate into their societies. No prior needs assessment for the targeted families was undertaken. All of them were assumed to be farmers hence the decision by the government to resettle each family on a two and a quarter acre piece of land to enable them construct their house and engage in farming.

141. One parameter used to assess how the IDPs were involved in their return or resettlement was access to information about the process. 97% of the PEV IDPs reported that they had prior knowledge about Government’s return or resettlement process. Their main source of information for many of them was the radio (62%) and IDP leaders (48%). The participation of IDPs in the process is through their leaders. Local government administrators were the third main source of information (36%). Newspapers, televisions and other sources were relied upon by less than 10% of them. It is important to note that for many of them households, they relied upon more than one source of information.

![Figure 28: Knowledge about government’s return or resettlement process](image)

### Table 5: Sources of information on durable solutions for IDPs

<table>
<thead>
<tr>
<th>Sources of information</th>
<th>No. of households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio</td>
<td>1,533</td>
</tr>
<tr>
<td>IDP leaders</td>
<td>1,190</td>
</tr>
<tr>
<td>Government officials</td>
<td>886</td>
</tr>
<tr>
<td>Newspapers</td>
<td>222</td>
</tr>
<tr>
<td>Television</td>
<td>219</td>
</tr>
<tr>
<td>Others</td>
<td>94</td>
</tr>
</tbody>
</table>


142. 40% of the IDPs reported that the information was provided regularly while 33% said it was irregular. 15% received the information on a need basis while 12% received it not more than once.

![Figure 29: Frequency of communication of information on durable solutions](image)

143. According to some of the IDPs, the start-up fund that the Government gave IDPs during operation rudi nyumbani was used to entice or coerce IDPs to return to their homes. It appears that the government’s main concern was to shut down tented camps which was an eye sore and embarrassment to the nation rather than help IDPs find durable solutions. In some places IDPs who were paid but refused to vacate camps were issued with an ultimatum to vacate them or be forcefully evicted. IDPs at Zea camp in Endebess were forcefully removed from their camp near a government premises immediately after being paid their start up fund. In burnt forest IDPs were violently evicted in 2009 as they were termed as fake IDPs.

144. Many of the displaced persons are unwilling to return to their original home. In Migori, the IDPs prefer to be resettled within their ancestral home districts rather than return to where they were displaced from.

145. The manner in which the resettlement process is conducted is a concern among IDPs. The process is very slow and is already two and a half years behind schedule. Various deadlines issued by the government have never been met.

146. Integrated IDPs and returnees feel discriminated against for not being considered by government in the ongoing IDP resettlement process. They perceive that those who did not heed the call to return to their home and opted to remain in camps and collective settlements are benefitting more that themselves. Some are contemplating returning to these collective settlements if that will ensure that they get help from the government. It is for this reason that camp like settlements are mushrooming in the rift valley.

147. Due to the chaotic nature of the IDP initial registration process, some IDPs and key informants feel that some genuine IDPs in camps have been left out of the resettlement process while masqueraders are benefiting as IDPs.
148. IDPs leaders want to be engaged in the resettlement process from the start, instead of being invited at the point at which land is to be identified. In Gilgil, one IDP leader faulted government for planning to resettle some of the IDPs on land which is not arable.

149. There is fear among IDPs is that government may not be able to settle all of them before the next general election. Politicians may politicize the issue or politics may override resettlement.

150. On several occasions attempts by government to resettle IDPs in some parts of the country have elicited resistance from local communities who perceive the displaced persons as strangers in their community. Others claim that it is unfair to resettle outsiders in their community whereas they are grappling with squatters, local IDPs and other landless people who are facing similar predicaments as the IDPs. There are also those who perceive the resettlement process to be a deliberate ploy by the government to alter voting patterns in certain areas in favour of candidates from a given community.

151. To avoid the controversy and hostility from the community, IDP leaders in affected areas are calling upon government to pursue dialogue with host community before resettling IDPs. They are calling upon the government to consider integrating local squatters and other similarly placed persons when resettling IDPs.

152. However some key informants prefer that all IDPs should be taken back to where they were displaced from. They argue that by resettling IDPs away from their original homes, the government is admitting that it has failed to provide adequate security to its citizens. Such action also advances the original intentions of those who unleashed violence on the displaced persons. They also point to the fact that due to strong opposition to the resettlement process in some areas, the government has opted to resettle some of the IDPs in areas which are close to their ancestral homes are have a significant population of persons from their ethnic community. This, according to some key informants, Balkanizes the country further along ethnic lines.

153. At ALKO, IDPs who were resettlement recently in Kwanza noted that the resettlement process does not incorporate are livelihood component that is suited to their ways of lives. Most of them were casual labourers and traders but they are now expected to engage in farming.

154. Some IDPs and other stakeholders would prefer that IDPs are given money so that they can identify land in areas that they would want to settle.

155. There has been no resettlement of IDPs living within towns. IDPs camping at Ruai in Nairobi’s Embakasi constituency are not sure whether they will be resettled.
4.3.2. Durable solutions for other IDPs

4.3.2.1. Political violence in 1992 and 1997

156. During the displacements of 1992 and 1997 no official efforts were made to assist IDPs secure durable solutions other than many ad hoc peace building initiatives particularly in the rift valley. The efficacy of these initiatives has been called to question by many of the IDPs some of who have been victims of multiple displacements from 1992 to 2007/8 upon returning to their homes. Others permanently resettled in other parts of the country. As a result of the ongoing interventions for victims of 2007/8 violence, victims of the earlier violence in places like Kwale and Nakuru are hoping that the government will extend the interventions to them. At Huruma village, in Kieni forest along Thika-Naivasha highway about 500 households of IDPs who were displaced from the rift valley in 1997 are still camping in makeshift structures on a parcel of land that was temporarily set aside for them as they wait for the day they will be resettled. Unfortunately for them, they were not considered for assistance during operation rudi nyumbani and the ongoing IDP resettlement exercise. Many are hoping to be resettled under government’s programme for resettling squatters.

4.3.2.2. Evictions

157. In situations where persons are evicted from their land in which they have proof of ownership and title is not contested, no major problems arise as many of the families are usually compensated with cash or they are given alternative land to settle as was the case with people who were evicted to pave way for construction of Kiambere dam or Tambach Teachers college. However, complaints about delays in payment of compensation and corruption particularly against members of the provincial administration involved in preparing lists of beneficiaries or overseeing payment of compensation to affected families are widespread. In some cases the disputes erupt into violence that lead to further displacement of the people who were resettled.

158. Evictions become complex when the persons affected lack formal legal title to land or the title is contested. Some of them come from communities such as the Ogiek and Ndorobo who do not have legal title to land. Some evictions were occasioned by government land acquisition for purposes of development. In other cases, land was temporarily allocated to individuals who then resold the land to other persons for further development. In such circumstances the original beneficiaries are forced to return to their homes.

Case Study 1: Development Based Evictions in Tambach, Keiyo

In 1985, Government compulsorily acquired land in Keiyo for construction of Tambach Teachers College at Tambach. In 1993, 95 persons were to be allocated land as compensation at Sergoit Crown Land Settlement Scheme but only 65 people were allocated land. It is alleged that about 30 parcels of land in the scheme were allegedly irregularly allocated to powerful and connected people.

After several complaints from the affected families the irregularly acquired title were revoked and the parcels land repossessed by the government. However the matter ended up in court in 2002 as Case Number 589/2003 at Chief Magistrate Court, Eldoret. It is alleged that the individuals who had illegally acquired title to the land incited the local community against those who resettled at the scheme and in June 2003 their houses and farms forcing them to go back to Tambach where most are living with relatives while a few are living some small parcels of land they had left behind.

hold any formal documents to their land although they have lived on the land for generations. Others are squatters and landless people who have also lived on the land for generations and have known no other home while others are people who have legal title to land but it is disputed on mainly on the grounds of forgery or corrupt dealings. In such cases, where evictions are undertaken, the affected persons are presumed to have encroached on land that does not belong to them. More often than not, there are no measures put in place to assist them find durable solutions. They are usually violently evicted from their homes and on very short notice. Other than evictees from Mau forest, about 68 households in Kiboko in Makindu have never found an alternative place since they were evicted together with others from their homes in Chyulu hills in 1986. They continue to live as squatters in makeshift structures on public land hoping that they will be resettled.

159. Despite these challenges the Government has also resettled evictees on alternative land regardless of legality of their claim to land. In January 2009, about 575 households that were evicted from Mt Kenya and Aberdares Forests in the year 2003 were resettled by Government at Solio Settlement Scheme in Lamuria, Laikipia Central. The Government is planning to resettle evictees from Mau forest.

4.3.2.3. Resource based conflicts and insecurity

160. The protracted nature of resource based conflict and displacement due to insecurity is making it impossible to find durable solutions for the affected communities. The government has been engaging local communities to find lasting peace through peace building initiatives and livelihood support programmes. The durable solution often preferred by the Government is to encourage affected families to return to their homes once calm is restored. However, sometime peace does not last due to attacks and retaliatory attacks by the warring communities.

161. Security operations by the military and the police such as the “shifta war” of the late 60s, operation *oka maisha* in Mt Elgon, disarmament operations among pastoralists communities and the ongoing operation *linda nchi* have had the unintended consequences of displacing communities caught up in the operations. There have been no deliberate efforts to facilitate

*Case study 2: Ngiriyoi village in Suguta Marmar, Samburu County*

Ngiriyoi village is a collective manyatta settlement of about 210 households from the Samburu community. Many of them were displaced in 2006 following a cattle rustling incident between the neighbouring Pokots and Samburu. The conflict led to loss of lives and property including livestock and displacement of thousands of people from Lol Molok area. Many of them fled for safety in Kisima near Maralal town. The area is prone to many frequent incidents of cattle rustling and bandit attacks. As a result of numerous peace building initiatives in the area, calm has returned allowing families to return. However many of them did not return to their original homes but gathered together in collective manyatta settlements for security reasons. Ngiriyoi is one such camp. Many of the resident are still unable to go back to their lands and no efforts have been made to assist them to access their land. Many of them are living in abject poverty in the remote village after they lost their livestock ot the attackers. No one has been able to recover their property. Some families have never returned to the area.
durable solutions for the displaced since it is assumed that after the operations life will return to normal. However there is evidence that some people remain displaced long after the operations have ended. In Bungoma for instance there are people who have been unable to return to their homes in Mt Elgon. Some slums in Lamu Island are home to people who fled the Shifta war.

4.3.2.4. Natural disasters

162. With regards to natural disasters like floods, drought and landslides, the main initiatives undertaken are flood and drought mitigation measures among the affected communities. This may include building dykes, creating alternative livelihood programmes and relocating people affected by landslides to safer grounds.

4.3.3. Security, peace and reconciliation

163. 51% of the IDPs feel that they are safe secure in their present location.

164. Many victims of election related violence and who have resettled in or near their ancestral lands in places like Nyandarua, Kakamega, Kwanza, Kisumu, Migori, Nairobi, Nanyuki, Gilgil, Nyeri, Kiambu, Baringo feel safe in their present location. The concerns raised are general security incidents that affect the broader community such as banditry in Isiolo, livestock theft in parts of Mai Mahiu and Kikopey, attacks by wild animals for forest evictees and displaced population in Ruai.

165. Although some returnees have also reported that they feel safe back at home, it is evident that the underlying causes of displacement are still preventing other displaced persons to return to these areas hence the reasons why many of them have resettled
elsewhere. For example, although returnees in Burnt Forest report that there security situation is good and tension has calmed down, there are still IDPs from these areas who have refused to return citing insecurity and the possibility of recurrence of violence in the next general elections. The fact that integrated IDPs in Kisumu, Nyeri and Baringo for example have not returned to their original homes also underscores this point.

166. Furthermore there are concerns being raised touching in parts of South Coast such as Likoni, Shika Adabu and Msambweni, concerning insecurity and fear of fresh cycle of violence and displacement. Returnees at Zea in Kwanza report that there is perceived discrimination against them by the locals who blame them for everything bad that happens in the community. According to one IDP, whenever a crime is committed they say it is “the tent people”. In Nyanza, IDPs who returned to their ancestral land are perceived as potential trouble makers especially when they return after a long period away from home. Land disputes are simmering among neighbors and relatives. It is reported that in such cases, elders have intervened to help in the recovery of land that may have been sold irregularly. The IDPs are forced to seek residence elsewhere as the dispute is being resolved.

167. There are feelings among people displaced by post election violence that peace and reconciliation in this nation has not been achieved. This feeling is borne out of the fact that perpetrators of the post election violence have not been brought to book.

168. The ongoing IDP resettlement process by the government has also exposed the real challenges touching on security, peace and reconciliation due to the vehement opposition to the resettlement process by local communities and politicians in places like Mau Narok, Trans Nzoia and Eldoret.

169. The displaced persons at Kikopey admitted that they have not yet fully integrated with the local community as the non displaced persons isolate themselves even in social gatherings but the situation is gradually improving with time. Matters concerning insecurity are reported to the nearest police station. At Lane t, IDPs integrated with relatives, friends and well wishers complained about physical and sexual abuse suffered at the hands of those who are offering them shelter.

170. Some returnees at Kakamega expressed fear and their reluctance to free interact with their neighbours as was the case before the post election violence due to what they term as the trauma suffered from what their neighbours did to them at the time. The returnees who are engaging in business said that they prefer conducting their trade near Government facilities where their security is assured. In Mathare where some landlord have been unable to enforce rent payment by their tenants their fear is that violence may recur in 2012 election year.

171. It is clear that genuine peace and reconciliation process is lacking in areas hosting integrated IDPs. The impact of peace building initiatives is yet to be tested.
4.4. Compensation and restitution

4.4.1. Recovery of lost property

172. It is evident that many of the IDPs have been unable to recover property they lost during flight. More than half of them lost household furniture, livestock and their houses were burnt down while a significant number lost their land. Many of them would like to recover their property but a few have given up and prefer to move on. Those who attempt to recover their property have to use self help mechanism, seek intervention of the court, or if they are lucky the local administrators. Others have to rely of the “goodwill” of their neighbours to return what they stole from them. Even when one possesses title documents, it is not a guarantee that the property will be surrendered to the owner. One major challenge facing people who lost their land is that in some places they are forced to sell their land to people who have invaded it at a throw away price and sometimes under threats of further violence.

173. Unfortunately the government has not adequately addressed the issue of property compensation and restitution for person displaced by violence.

174. Some returnees in Kakamega were able to trace some of their property at their neighbour’s homes but they were unable to claim them. In Kisumu, some displaced persons report that some of the people who evicted them from their homes have occupied them. However, in other areas such as burnt forest, there are reports that some neighbours are voluntarily returning property that was taken away from the displaced persons.

175. Some IDPs have not been able to return to their original homes to recover their property. A few have attempted to go back and recover their property with varied outcomes. Some in Mai Mahiu have faced death threats while others from Ruai and Gilgil have reportedly been killed when they followed up on their property. Others have sought assistance from the local administrative official and police but no action was taken.

176. Others IDPs in places like Ndundori in Nakuru swop their parcels of land with other people who hail from their original homes but own land in areas where IDPs have resettled.
177. For evictees, compensation is easily availed where title to property is not questioned. However as noted earlier corruption and other factors can delay payment of the compensation. The question of property restitution and compensation is rarely addressed particularly where the issue of title to property is questioned.

178. IDPs displaced by other causes may receive humanitarian assistance only.

4.4.2. Facilitation of post election violence IDPs

179. While there was no deliberate effort by the Government to assist persons displaced by the violence in 2007/8 to recover their property, it none the less made commendable efforts to assist them by giving each displaced family 10,000 Kenya shillings to rebuild their lives. It also gave families that whose houses were burnt down 25,000 shillings each. The concern has been that these amounts are inadequate compared to the losses incurred by many of the IDPs. The Government has also assisted IDPs who were in self help groups acquired two and a quarter acre land on which to settle.

180. However payment of money to the IDPs has been faced with a lot of challenges. Out of the 2462 families monitored, only 49% of them (1,213 households) had received their start up funds while 17% (412 households) had received reconstruction fund.

<table>
<thead>
<tr>
<th>Paid</th>
<th>Not Paid</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1213</td>
<td>1249</td>
<td>2462</td>
</tr>
<tr>
<td>412</td>
<td>2050</td>
<td>2462</td>
</tr>
</tbody>
</table>

Figure 32: No of households that received IDP funds from government

181. Perceived reasons for the delayed payment of the start-up fund include delays in disbursement of funds and perceived corruption. Others have not been paid because they were not registered by the government by the time the registers were closed. Many of them were not aware that the process was open. Similar reasons were given for the delay in
payment of reconstruction fund. However other IDPs were also aware that not everyone was eligible to receive this amount.

182. The payment process has generated controversies. In Migori conflicting figures were given by the provincial administration and the IDP leaders about the genuine numbers of IDPs who are yet to be paid. The IDP leaders insist that the number the government did not register some of them by the time it closed its register and this concern was communicated to the area DC who has no powers to reopen the registration process.

183. Some IDPs have faulted the Government for not including them in the payment of twenty five thousands shillings. In Kipsaranam in Baringo, the IDPs claim that the provincial administration sent the wrong information to MoSSP that none of them lost property. IDPs have also faulted the payment of that package to only those whose houses were burnt or destroyed forgetting people who were living in those houses and whose belongings were burnt. For instance, IDPs at Gathacha village in Endebess reported that they were told that twenty five thousands shillings would be paid to the land buying company since it is their houses that were burnt.

184. Some genuine IDPs have not been paid any money from the Government due to delay by government in disbursing funds to the districts. The provincial administration officials have been advising the IDPs to wait until they receive communication from Ministry of State for Special Programmes. Others have not been paid for they lacked proper identification documents. Most of them are people whose documents were burnt, lost or destroyed as they were fleeing for safety. In Nandi some IDPs were not captured in the official government register because by the time profiling was conducted, they had not returned to their homes. Most of them returned in 2009 whereas the IDP register for payment was closed December 2008. The closure of the register also affected those who may have registered at the district by December 2008 but their names were forwarded to the ministry late.
5. Conclusion and Recommendations

185. From the findings above, it is evident that Kenya has a long way to go in securing rights of internally displaced persons and helping them secure durable solutions. The major impediment is the lack of an adequate policy, legal and institutional framework for the protection and assistance to IDPs, and lack of a coordinated voluntary return and resettlement programming that includes both IDPs and host communities in the decision making process. The other areas of weakness are prevention of displacement due to cyclic causes and provision of humanitarian assistance to all categories of displaced persons in Kenya. KNCHR and UNCHR makes the following recommendations

5.1. Recommendation 1: Policy, legal and institutional framework

186. The Government of Kenya should strengthen the institutional and operational capacity of Ministry of State for Special Programmes to deal with all matters of internally displaced persons including persons affected by natural disaster, resource based or other conflicts and evictions. It should ensure the allocation of sufficient financial and human resources with knowledge in technical aspects such as registration, data collection, and assistance and protection programme management, prevention and mitigation of internal displacement and durable solutions.

187. The Government of Kenya should ensure the speedy adoption of the draft national policy on internal displacement and draft Bill on internal displacement IDP bill, ratification of the African Union Convention for the Protection and Assistance to Internally Displaced Persons.

188. The Government of Kenya, through the ministry responsible for land should adopt and implement fully the draft national eviction and resettlement guidelines.

189. The Government of Kenya should ensure that implementation of the Great Lakes Pact is strengthened, more specifically the protocols dealing with protection of IDPs and the restitution of their property.

5.2. Recommendation 2: Prevention of internal displacement

190. The Government of Kenya should strengthen overall national capacity with regard to national disaster and the prevention and mitigation of internal displacement including though enhanced: peace-building and reconciliation activities, early warning monitoring systems, disaster risk reductions, operational and policy responses including the adoption of a national disaster management framework and maintain and strengthen inter-agency and coordination structures such as the protection working group on internal displacement (PWGID), district disaster committees and the Inter-cluster groupings.

191. The Government of Kenya should mainstream work on internal displacement in all operations relating to disaster mitigation and response, conflict management and peace building, and security.
192. The Government of Kenya should adopt and implement recommendations of all past reports relating to ethnic clashes and politically instigated violence including the Akiwumi Report, Kiliku report, and Waki report.

193. The Government of Kenya should investigate and prosecute all individuals who have been linked with violence that have led to displacement of people in the past. This should include politically instigated violence as well as resource based conflicts and boundary disputes.

194. The Government of Kenya should identify all potential hotspots of violence that leads to displacement in the country and establish monitoring and early warning systems and take timely and appropriate action where necessary. This should include areas prone to political violence and ethnic clashes as well as resource based conflicts.

195. The Government of Kenya should undertake a comprehensive and human rights based approach to disarmament in areas prone to cattle rustling and banditry. This should be complemented with livelihood support mechanisms and deployment of adequate security personnel in the area. The current system of Kenya Police Reservists should be reviewed with a view to either abandon it or reform it to meet the demands of the communities.

196. The Government of Kenya through the ministry responsible for disaster management should explore lasting solutions to prevent displacement in areas afflicted by cyclic disasters like flooding and drought.

197. The Government of Kenya should implement a moratorium on forced eviction in all public lands. Similarly the Government of Kenya, through the Kenya National Commission on Human Rights and security agents should supervise any planned evictions by private developers to ensure that they comply with human rights standards. Private developers and state actors should be required to notify the relevant state security personnel and KNCHR of any impending evictions.

5.3. Recommendation 3: Protection

198. The Government of Kenya, through MoSSP and with the support of the international community and civil society, should develop accurate, efficient and disaggregated data collection and database/registration systems which are comprehensive and inclusive of all categories of IDPs to facilitate assistance, protection and durable solutions.

199. In relation to IDPs who were displaced but are not currently in the database such as those evicted from the forests, those who were time barred and those who are referred to as integrated, the government should undertake a comprehensive review with a view to considering how to best identify, assess and respond to their assistance, protection and durable solutions needs with particular attention to vulnerable groups.

5.4. Recommendation 4: Durable solutions

200. The government should ensure that it adopts a broader and more flexible approach to durable solutions which includes but is not limited to land based solutions with a greater emphasis on livelihoods, documentation, and access to basic services.
201. The Government of Kenya should fast track the ongoing resettlement of IDPs and the planned resettlement of Mau evictees.

5.5. Recommendation 5: Compensation and restitution

202. The Government of Kenya should establish an IDP compensation fund for purposes to facilitate compensative to deserving cases. The fund can be financed through appropriation from parliament, grants and donations as well as property forfeited by any person found guilty of planning or inciting violence that leads to displacement.

203. The Government of Kenya should assist returnees and other IDPs to recover to the greatest extent possible their land and other property. It should provide simplified, affordable and accessible legislative and judicial mechanisms including alternative and informal community based process to facilitate property recovery by IDPs.

204. The Government of Kenya should fast track the payment of funds meant for victims of PEV.

205. The Government of Kenya and TARDA should assist members of the Thaala clan in Kiambere to get their just compensation.

206. The Government of Kenya should establish an open, transparent, participatory and accessible compensation system whenever it undertakes to compensate displaced families. An independent oversight institution such as the Kenya Anti Corruption Commission should be invited to supervise any compensation or payment made to displaced persons.
## ANNEX 1: List of IDP monitors for the year 2011

<table>
<thead>
<tr>
<th>NAME</th>
<th>REGION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Joseph M. Thoyah</td>
<td>North Coast</td>
</tr>
<tr>
<td>2. Martina Shigadi</td>
<td>South Coast</td>
</tr>
<tr>
<td>3. Ayub Omar</td>
<td>Lower Eastern</td>
</tr>
<tr>
<td>4. Eric Munene</td>
<td>Central Eastern</td>
</tr>
<tr>
<td>5. Hussein Salesa</td>
<td>Upper Eastern</td>
</tr>
<tr>
<td>6. Noor Abdow</td>
<td>Upper North Eastern</td>
</tr>
<tr>
<td>7. Mohammed Yusuf</td>
<td>Lower North Eastern</td>
</tr>
<tr>
<td>8. Ezekiel Macharia</td>
<td>Upper Central</td>
</tr>
<tr>
<td>9. Anne Mungai</td>
<td>Lower Central</td>
</tr>
<tr>
<td>10. Stephen Maina Njenga</td>
<td>West Central</td>
</tr>
<tr>
<td>11. Alice Ngari</td>
<td>Nairobi</td>
</tr>
<tr>
<td>12. John Kibui</td>
<td>Central Rift</td>
</tr>
<tr>
<td>13. Moureene Koros</td>
<td>Central Rift</td>
</tr>
<tr>
<td>14. Beth Wambui</td>
<td>Central Rift</td>
</tr>
<tr>
<td>15. David Nyansikera</td>
<td>South Rift</td>
</tr>
<tr>
<td>16. Raphael Eyanai</td>
<td>North Rift</td>
</tr>
<tr>
<td>17. Emmanuel Kiplagat</td>
<td>East Rift</td>
</tr>
<tr>
<td>18. Timothy Malel</td>
<td>West Rift</td>
</tr>
<tr>
<td>19. Phineas Muthomi</td>
<td>Turkana</td>
</tr>
<tr>
<td>20. Patroba Odungo</td>
<td>Central Nyanza</td>
</tr>
<tr>
<td>21. Hurchins Nyakwara</td>
<td>South Nyanza</td>
</tr>
<tr>
<td>22. Immaculate Onkoba</td>
<td>Eastern Nyanza</td>
</tr>
<tr>
<td>23. Mercy Wabomba</td>
<td>Lower Western</td>
</tr>
<tr>
<td>24. Eliud Anyika</td>
<td>Lower Western</td>
</tr>
<tr>
<td>25. Lily Nekesa Kundu</td>
<td>Upper Western</td>
</tr>
</tbody>
</table>
Annex 2: List of selected IDP camps and collective settlement in Kenya

<table>
<thead>
<tr>
<th>No.</th>
<th>Name of camp</th>
<th>District</th>
<th>Estimated population</th>
<th>Cause of displacement</th>
<th>Recognition status</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Muhu</td>
<td></td>
<td>100</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>4.</td>
<td>Gwakung’u</td>
<td>Nyandarua North</td>
<td>500</td>
<td>PEV 2007/8</td>
<td>Official for purposes of relief food only</td>
</tr>
<tr>
<td>5.</td>
<td>Mbuyu</td>
<td></td>
<td>42</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>7.</td>
<td>Kerathimo</td>
<td>Nyandarua Central</td>
<td>100 (IDP rep)</td>
<td>PEV 2007/8</td>
<td>Official (Part of Mawingu camp)</td>
</tr>
<tr>
<td>8.</td>
<td>Wanjoji</td>
<td>Kipipiri</td>
<td>197</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>10.</td>
<td>GIWA</td>
<td>Rongai</td>
<td>444</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>11.</td>
<td>ALKO</td>
<td>Rongai</td>
<td>479</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>12.</td>
<td>MINTO</td>
<td>Rongai</td>
<td>70</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>14.</td>
<td>Moroto</td>
<td>Rongai</td>
<td>23 (IDP Representative)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>15.</td>
<td>Pipeline</td>
<td>Nakuru Town</td>
<td>916</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>16.</td>
<td>Pipeline Airstrip</td>
<td>Nakuru Town</td>
<td>45 (IDP Representative)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>17.</td>
<td>Solai</td>
<td>Nakuru North</td>
<td>63</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>19.</td>
<td>Fumilia</td>
<td>Mai Mahiu</td>
<td>60</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>No.</td>
<td>Name of camp</td>
<td>District</td>
<td>Estimated population</td>
<td>Cause of displacement</td>
<td>Recognition status</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
<td>--------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>23</td>
<td>Gakonya &amp; Kivunja</td>
<td>Molo</td>
<td>237</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>24</td>
<td>Baraka</td>
<td>Molo</td>
<td>142 (IDP Representative)</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>25</td>
<td>Tumaini/mitoni farm</td>
<td>Molo</td>
<td>177 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>26</td>
<td>Managu farm</td>
<td>Molo</td>
<td>62 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>27</td>
<td>Shadera Farm</td>
<td>Molo</td>
<td>21 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>28</td>
<td>Mosque</td>
<td>Molo</td>
<td>110 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>29</td>
<td>Kurpanyat</td>
<td>Kuresoi</td>
<td>347</td>
<td>D.C Kuresoi 2009</td>
<td>Official</td>
</tr>
<tr>
<td>30</td>
<td>Kipkorongor</td>
<td>Kuresoi</td>
<td>853</td>
<td>Mau Forest Evictees 2009</td>
<td>Official</td>
</tr>
<tr>
<td>31</td>
<td>Kapkembu</td>
<td>Kuresoi</td>
<td>625</td>
<td></td>
<td>Official</td>
</tr>
<tr>
<td>32</td>
<td>Chebukoborot</td>
<td>Kuresoi</td>
<td>198</td>
<td></td>
<td>Official</td>
</tr>
<tr>
<td>33</td>
<td>Kipkoris</td>
<td>Kuresoi</td>
<td>128</td>
<td></td>
<td>Official</td>
</tr>
<tr>
<td>34</td>
<td>Tiriti</td>
<td>Kuresoi</td>
<td>145</td>
<td></td>
<td>Official</td>
</tr>
<tr>
<td>35</td>
<td>Kosumek</td>
<td>Kuresoi</td>
<td>403</td>
<td></td>
<td>Official</td>
</tr>
<tr>
<td>36</td>
<td>Rwang’ondu</td>
<td>Kuresoi</td>
<td>37 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>37</td>
<td>Keringet Next to DC Office</td>
<td>Keringet</td>
<td>35 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>38</td>
<td>Ndatho farm</td>
<td>Subukia</td>
<td>113</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>39</td>
<td>Ebenezer</td>
<td>Gilgil</td>
<td>165</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>40</td>
<td>Vumilia</td>
<td>Gilgil</td>
<td>107</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>41</td>
<td>Jerusalem</td>
<td>Gilgil</td>
<td>37</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>42</td>
<td>Nawamu Hope</td>
<td>Gilgil/Mbaruk</td>
<td>205</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>43</td>
<td>Lamuria</td>
<td>Lakipia Central</td>
<td>40</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>44</td>
<td>Melwa</td>
<td>Lakipia West</td>
<td>41</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>45</td>
<td>Solio</td>
<td>Laikipia</td>
<td>575 (Evictees representatives)</td>
<td>Forest evictees from Mt Kenya and Aberdares forests</td>
<td>Official</td>
</tr>
<tr>
<td>46</td>
<td>Naka</td>
<td>Wareng</td>
<td>242 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>47</td>
<td>Sakasaka</td>
<td>Eldoret West</td>
<td>51 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>No.</td>
<td>Name of camp</td>
<td>District</td>
<td>Estimated population</td>
<td>Cause of displacement</td>
<td>Recognition status</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------</td>
<td>---------------</td>
<td>----------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>48.</td>
<td>Embobut</td>
<td>Markwet East</td>
<td>2,964</td>
<td>Forest eviction</td>
<td>Official</td>
</tr>
<tr>
<td>50.</td>
<td>Laini Moja</td>
<td>Nandi</td>
<td>100 (Evictee Rep)</td>
<td>Forest eviction - Kipkurere, Serengonik &amp; Kapchorua forests</td>
<td>Not official</td>
</tr>
<tr>
<td>51.</td>
<td>Soko Moko</td>
<td>Nandi</td>
<td>200 (Evictee Rep)</td>
<td>Forest eviction - Kipkurere, Serengonik &amp; Kapchorua forests</td>
<td>Not official</td>
</tr>
<tr>
<td>52.</td>
<td>Cherobon</td>
<td>Nandi</td>
<td>56 (Evictees rep)</td>
<td>Forest eviction - Kipkurere, Serengonik &amp; Kapchorua forests</td>
<td>Not official</td>
</tr>
<tr>
<td>53.</td>
<td>Kapkurere</td>
<td>Nandi</td>
<td>511 (Evictees Rep)</td>
<td>Forest eviction - Kipkurere, Serengonik &amp; Kapchorua forests</td>
<td>Not official</td>
</tr>
<tr>
<td>55.</td>
<td>Kapkoi</td>
<td>Kwanza</td>
<td>338</td>
<td>35(IDP Rep)</td>
<td>Official</td>
</tr>
<tr>
<td>57.</td>
<td>Zea</td>
<td>Kwanza</td>
<td>42 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>58.</td>
<td>Kapomboi</td>
<td>Kwanza</td>
<td>44 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td></td>
</tr>
<tr>
<td>59.</td>
<td>Teldet</td>
<td>Trans-Nzoia West</td>
<td>392</td>
<td>388 (IDP Rep)</td>
<td>Official</td>
</tr>
<tr>
<td>60.</td>
<td>Pakwaka</td>
<td>Trans-Nzoia West</td>
<td>123</td>
<td>123 (IDP Rep)</td>
<td>Not official</td>
</tr>
<tr>
<td>61.</td>
<td>Kanamkerer</td>
<td>Turkana Central</td>
<td>610</td>
<td>700 (IDP Rep)</td>
<td>Official</td>
</tr>
<tr>
<td>62.</td>
<td>Lodwar</td>
<td>Turkana</td>
<td>554(IDP Rep)</td>
<td>Cross border conflict &amp; insecurity</td>
<td>Not official</td>
</tr>
<tr>
<td>63.</td>
<td>Napetet</td>
<td>Turkana</td>
<td>306 (IDP Rep)</td>
<td>PEV 2007/8</td>
<td>Not official</td>
</tr>
<tr>
<td>64.</td>
<td>Nakwamekwi</td>
<td></td>
<td>186</td>
<td>397(IDP Rep)</td>
<td>Official</td>
</tr>
<tr>
<td>65.</td>
<td>Lokichar</td>
<td>Turkana South</td>
<td>764</td>
<td>1200(IDP Rep)</td>
<td>Official</td>
</tr>
<tr>
<td>66.</td>
<td>Katilu</td>
<td>Turkana</td>
<td>246</td>
<td>1015(IDP Rep)</td>
<td>Official</td>
</tr>
<tr>
<td>No.</td>
<td>Name of camp</td>
<td>District</td>
<td>Estimated population</td>
<td>Cause of displacement</td>
<td>Recognition status</td>
</tr>
<tr>
<td>-----</td>
<td>----------------</td>
<td>-----------------</td>
<td>----------------------</td>
<td>-----------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>67.</td>
<td>Lokori</td>
<td>Turkana East</td>
<td>340</td>
<td>PEV 2007/8</td>
<td>Official</td>
</tr>
<tr>
<td>68.</td>
<td>Chebugen &amp; Kusemek</td>
<td>Konoin</td>
<td>544</td>
<td>Evictions</td>
<td>Not official</td>
</tr>
<tr>
<td>69.</td>
<td>Chepyuk</td>
<td>Cheptais</td>
<td>2,084</td>
<td>PEV</td>
<td>Official</td>
</tr>
<tr>
<td>70.</td>
<td>Ngiriyo</td>
<td>Samburu East</td>
<td>201 families (IDP leader)</td>
<td>Cattle rustling</td>
<td>Not official</td>
</tr>
<tr>
<td>71.</td>
<td>“Boma five”</td>
<td>Makindu</td>
<td>68 families (IDP leader)</td>
<td>Evictions</td>
<td>Not official</td>
</tr>
</tbody>
</table>