DURABLE SOLUTIONS TO INTERNAL DISPLACEMENT, RECONCILIATION AND RESTORATION OF HUMAN DIGNITY OF IDPs IN KENYA: A SITUATION REPORT

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Displacement as a result of conflict or natural disasters is not a one-off event; rather, the effects are usually prolonged and have a negative impact on the social, economic and even cultural lives of the affected populations. In order to effectively address the challenges that accompany displacement of populations it is essential to have a comprehensive framework of engagement. Towards this end, this research study is intended to inform policy to cover not only those displaced by conflict, but it can also inform approaches towards those who have lost their homes in the course of development activities or those who were forced to leave their homes as a result of the impact of climate change. This is particularly important given that Kenya is undisputedly exposed to the impact of climate change and already suffers its effects, such as through perennial drought and floods. In addressing the situation of those who are still in displacement, the report addresses their rights and looks at finding durable and lasting solutions for them, to ensure that displacement shall last no longer than required by circumstances – an issue which has not yet been holistically addressed and therefore requires urgent attention.

The UN is also strongly committed to supporting the Government and people of Kenya in prevention to avoid future displacement from occurring, for example through support to the National Steering Committee on Peace Building and Conflict Management by strengthening local conflict mitigation mechanisms at local levels, as well as support towards peace dividends through small grants and alternative livelihoods, which strengthens resilience of local populations. This contributes towards the broader goal of ensuring human security that comprises of not only survival but maintenance of dignity and livelihoods. Given that internal displacement is not a new phenomenon in Kenya and many internally displaced persons have suffered multiple displacement due to their increased vulnerability, preventing future displacement must lie at the heart of the durable solutions.

This report is timely and corresponds with the obligations the Government of Kenya has assumed with the ratification of the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons and further reflects the African Union Convention for the Protection and Assistance for IDPs in Africa, to which Kenya is signatory.

I assure you of the continued support of the United Nations in Kenya and I am confident that together we will reach the goal of having a comprehensive and effective approach that will mitigate the effects of displacement as well as provide a framework to address durable solutions, which will further contribute towards each Kenyan achieving their full potential and contribute towards the further development and growth of Kenya.

Aeneas Chapinga Chuma
UN Resident and Humanitarian Coordinator
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The views expressed in this report are those of the consultants and are not necessarily the views of UNDP and/ or OHCHR.

ABBREVIATIONS AND ACRONYMS

- CSOs: Civil Society Organizations
- DPCs: District Peace Committees
- GOK: Government of Kenya
- IDPS: Internally Displaced Persons
- LRF: Legal Resources Foundation
- MOSP: Ministry of Special Programs
- NCIC: National Cohesion and Integration Commission
- OHCHR: Office of the High Commissioner for Human Rights
- PSS: Psychosocial Social Services
- TJRC: Truth Justice and Reconciliation Commission
- UNDP: United Nations Development Programme
- UNHCR: United National High Commission for Refugees
- NDR: National Dialogue and Reconciliation Process
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EXECUTIVE SUMMARY

1. This study relating to 'Necessary Conditions for Durable Solutions to Internal Displacement, Reconciliation and Restoration of Human Dignity of Internally Displaced People' set out to survey IDPs and host communities to investigate how effective reconciliation has been in communities where IDPs have returned, the reasons for the persistence of resettlement sites, the conditions for security and reconciliation that will facilitate resettlement, the human rights situation and perception among IDPs and to identify prevailing human rights concerns among other issues as well as host community perspectives of returnees. The survey also examined the government initiated resettlement program as well as the experience of purchase of land by self help groups of IDPs, IDPs' relationship with their host communities, and the role of host communities in new areas where IDPs were resettled by the government. It sought to identify the threats to respect for human rights, peace and reconciliation in these different contexts and recommend how to ensure integration of the communities in order to facilitate viable and effective attainment of durable solutions for IDPs.

2. The survey was conducted in Rift Valley, Nyanza and Central Provinces. Rift Valley was selected for inclusion in this survey because it was the epicenter of post-election violence. Nyanza was identified as the province to which IDPs returned as their ancestral homes, while Central province experienced displaced communities of non-indigenous people. In addition, IDP camps were set up in this province.

3. The overall objective of the survey is to identify the necessary conditions, including security, reconciliation and human rights needs, to ensure durable solutions to internal displacement and the restoration of the human dignity of IDPs. The survey is important because the findings will inform development of a strategy and targeted initiatives that will contribute towards integrated and durable solutions regarding internal displacement owing to the post-election violence including increased peace and reconciliation among groups that have been fraught by inter-communal tension, violence and violations of human rights. It is hoped that the survey will be useful to the key actors: government; civil society organizations (CSOs); international organizations including relevant UN agencies as well as to IDPs and host communities themselves in the facilitation of policy dialogue, in finding durable solutions to the current challenge of internal displacement and in facilitating peace, security and reconciliation around the country.

4. The survey established that generally, the government and CSOs made efforts aimed at different forms of reconciliation with varying degrees of success. Personal reconciliation efforts were generally ineffective largely because they were short-lived and ad hoc in nature. The psychosocial support and counseling services provided lasted for less than three months; by the time they were withdrawn, most victims of post-election violence had not recovered from what they had gone through. Consequently, most of the IDPs surveyed expressed a feeling of bitterness with the perpetrators of violence. They had not accepted what they went through, which characterized poor personal reconciliation.

5. Most IDPs in Nyanza and Western provinces were not documented, perhaps arising from the fact that they quickly settled into their ancestral homes. They therefore did not largely benefit from the resettlement programmes by the government. This has generated resentment in these communities with the perception that the Government has been selective in the ethnic origins of the IDPs it has catered for.

6. The documentation of IDPs was largely begun when the government decided on a relocation programme. As a result, both recent and previous IDPs as well as other classes of landless people quickly submitted themselves for documentation as IDPs. It was therefore not possible for the government to correctly indicate the exact number of IDPs arising from the 2007/2008 post election violence. The late capture of information about IDPs opened the system to abuse with public officers allegedly inserting names of undeserving people so that they could benefit from the resettlement programme.

7. Interpersonal reconciliation (reconciliation between the victims and perpetrators of violence) too was poor. In the case of habitual home setting, the challenge was even more enormous given that IDPs were expected to return to their homes to reconcile with neighbors who had attacked them, killed their loved ones and looted or destroyed their property. Most of the IDPs surveyed reported that reconciliation with perpetrators of violence was not easy given the magnitude and nature of suffering they had experienced. In the anecstral home settings, interpersonal reconciliation was equally weak since efforts aimed at that were not strong. This was compounded by the fact that IDPs who returned to their ancestral home settings were geographically separated from the communities from which perpetrators of the post-election violence reportedly came from.

8. Intergroup reconciliation remained weak in the case of IDPs who returned to their ancestral home settings because of geographical separation between the two communities and weak reconciliation efforts on the ground. In the case of IDPs who returned to their habitual home settings, intercommunity reconciliation was weak because of suspicion and mistrust that existed among the communities despite having reconciliation programmes in place, albeit weak.

9. Human dignity in communities where IDPs had returned was found to be poor. The IDPs who had returned to the ancestral homes lived in squalid conditions. Most of the IDPs who returned to their ancestral home province, lived in slums around Kisumu; their residential areas were characterized with poor sanitation, insecurity and food insecurity all attributed to poor access to livelihood opportunities. The IDPs who returned to habitual home settings lived in shanties on their farms with make-shift latrines. In addition, their lives were characterized with perpetual fear of insecurity, poor access to water and livelihood opportunities.

10. The survey established that transit sites persisted for various reasons including delayed resettlement by the government and reported insecurity at their homes/farms.

11. Acquisition of land for resettlement of the IDPs was twofold; by the government and self-help groups. In the former case, the government looked for land through the Ministry of Land and settled the IDPs. The government did not consult the IDPs on where to settle them; neither did it consult the local communities. This approach by the government generally, resulted in backlash from the host community and the IDPs alike. In some cases, the host community resisted resettlement of the IDPs in their locality. Similarly, the IDPs too resisted being resettled in areas where they suspected hostility from the host community. In cases where the government managed to acquire land, IDPs from all ethnic backgrounds were resettled. Acquisition of land by self-help groups involved contribution of money by members of the self-help groups towards purchase of the land. The group leaders identified the land, consulted the members and the host community before sealing the deal of purchasing land. This minimized backlash from the host community. Consequently, the IDPs settled in their camps with little or no resistance from the host community. While some self-help groups had predominantly one ethnic group, many of them were of mixed ethnic composition. Most self help groups continue to see their camps as temporary until the government finally relocates them.

12. The bulk of the livelihood programmes implemented by the government were focused on agriculture while a substantial number of the IDPs were not agriculturists. A disaggregation of the skills of the IDPs and their livelihood needs would have enabled more effective targeting in terms of livelihood programmes for them.
13. The following is a summary of recommendations arising from this survey:

i. There is need to streamline the process of vetting IDPs to prevent bogus IDPs from benefitting from programmes targeting IDPs.

ii. Responses to internal displacement should be diversified and should respond to felt needs of the IDPs.

iii. The IDPs should be consulted over the kind of interventions that the government and CSO intends to implement for their benefit.

iv. Problems of IDPs relating to land should be addressed comprehensively in the broader land reform context.

v. The government and other stakeholders should carry out comprehensive reconciliation efforts.

vi. The government should promote economic integration of IDPs.

vii. The government should ensure that youth have access to livelihood opportunities to prevent them from becoming hirings of politicians to engage in violence during election period.

viii. The government should consider legitimizing self-help group initiatives and integrate these into the broader resettlement programme.

INTRODUCTION

1.1 Context

While the phenomenon of internal displacement attributable to various causes has a long history in Kenya, the post election violence of 2007–2008 brought it into sharp relief the lamentable failure by successive governments to address root causes of conflict and displacement. The challenges experienced in implementing responses to the IDP problem, in particular the resettlement programme have also revealed the many unresolved issues around displacement and reconciliation. While there are multiple causes of displacement – natural disasters, cultural practices such as cattle rustling, resource conflicts among others – history shows that political violence, has generated a huge proportion of IDPs to date.

Patterns of displacement appear to follow the cycle of elections since the return of multiparty politics in 1992. The politically orchestrated violence witnessed in the lead up to the 1992 elections was repeated in subsequent electoral cycles in 1997, 2002 and 2007. For this reason, the PEV of 2007–2008 and the displacement that accompanied it was not as surprising as it was grand in scale and far reaching in its ramifications.

While historically political violence, sometimes known by its revealing euphemisms ‘ethnic clashes’ or ‘land clashes’ at first appears to revolve around cut-throat contests for power, it was underpinned by a multiplicity of claims, themselves reflective of common themes: undemocratic, centralized power; inequity in development patterns and resource allocation; marginalization of groups and regions, often based on ethnicity; a variety of ‘injustices’, including dispossession of means of production and survival in a largely agrarian economy (land), impunity and lack of accountability and; corruption.

This study suggests that the themes enumerated in the preceding paragraph not only provide context for current debates on IDPs, but must be central to attempts to find durable solutions to the problem. Two additional phenomena provide additional contextual framework for the current objective, that of finding durable solutions to the IDP problem, peace and reconciliation: history of the process of resettlement (in the immediate pre-independence era and post independence era) and; the National Dialogue and Reconciliation (NDR) process.

The history of displacement and resettlement

With respect to this theme, it has been suggested that history, especially history relating to settlement, provides a critical context. The idea is that it is important to understand settlement patterns in Kenya before any of the numerous resettlement programmes were initiated by government. The assertion is that it is only in doing so that claims relating to land can be placed – some of which can partly explain current conflicts – in their proper perspective. With the evidence available, few will dispute the fact that land related disputes are rooted in history. Current research and literature shows that references to ‘injustice’ and dispossession invariably point to resettlement programmes instituted by successive governments. These programmes – which began with the colonial administration – changed the settlement patterns in the country fundamentally. While most regions in the country, as did the original 47 districts (now counties) were historically settled by and thus associated with particular ethnic community majorities, these resettlement programmes altered these patterns.

The commercialization of land vacated by departing white settlers (from which groups had been forcefully removed to pave way for white settlers), coupled with skewed access to resources to purchase such land changed these patterns permanently while generating resentment among those perceiving themselves as excluded especially in the absence of consultation.

For our purposes, it is important to recall that this process, while in the long run altering voting patterns in affected areas produced a legacy of squatters and landlessness.


3 See IDMC Report
It created perhaps the second in a series of ‘historical injustices’ to which individuals and groups were subjected. This is a specter that continues to haunt current government initiatives relating to resettlement and reconciliation to resettle IDPs. As suggested later in the report, rather than learning from past failed resettlement programmes – in particular the ethnicization of settlement areas and associated problems –, the government appears to be repeating the mistakes made in the past.

The NDR process as a context

The NDR process and associated reforms provides context for our purposes at three levels. First, while recognizing (as part of Agenda Item IV) that there are long-term grievances that must be addressed to secure lasting stability, peaceful coexistence and development, the NDR process envisions and provides a blueprint for addressing them as foundations are laid for a new dispensation. These include constitutional and broad institutional reforms; accountability for past injustices and; justice for victims. Initiatives aimed at addressing the IDP issue and reconciliation as a broad objective – at least the structural aspects if it – must be seen in this light. Actors should therefore recognize that the challenges and opportunities attendant to the broad reform agenda therefore attach to the process of finding solutions to the IDP problem. Second, if it is assumed that the reform process and transitional justice in general is a contested process – as it clearly is –, we can better contextualize the evolving response to the issues we seek to address (lasting solutions to the displacement problem and reconciliation). We can develop strategies to ensure that these remain on the agenda, and that contest is minimized. On the basis of initial evidence, and as reflected in findings in this study, initiatives related to resolving the IDP problem have suffered because of political contestation and prioritization related to the broader reform process. Third, if one considers the next election (2012) as a transitional election, it is perhaps easy to see why the dynamics around 2012 have shaped responses (or lack of it) to the key questions related to IDPs and reconciliation. In a nutshell, the definitive resolution of the IDP problem (or failure of this) appears to generate political capital for one or other section of contesting political players. The logical conclusion that the current impasse and missteps in the resettlement programme are directly linked to 2012 calculations is thus not farfetched. Key questions can thus be posed: Does this suggest that a lasting solution to the IDP problem can only be sought after 2012, and that actors should resign or opt for this reality? Are the efforts of key actors thus rightly directed at more pressing questions of implementing the constitution? However, would postponing major action such as the IDP problem be an appropriate and prudent policy position to take in view of the fact that unresolved grievances could produce another 2007 violence scenario (or even worse)?

1.3 Current Interventions and Justification of Study

Since the measures that have been undertaken so far in response to the IDP issue, whether successful or not, provide a point of departure for proposed interventions, it is useful to outline these measures here in order to properly contextualize the objectives of this study: to contribute to identification and deployment of measures that will promote durable solutions to displacement, peace and reconciliation. On its own or together with partners, the government has undertaken various measures in response to mass displacement related to the PEV. Here, we also highlight, within the context of measures undertaken, the issues that still need to be addressed as durable solutions are sought. The recommendations proposed at the end of the study then attempt to make proposals in this regard.

Humanitarian assistance/relief

Humanitarian assistance/relief was provided in the aftermath of displacement. This included disincentives and water, temporary shelter (tents). This was temporary: as the need to do this was not only for those who remain in camps, but also for those who returned home or were resettled. While the IDP problem persists, the need to provide basic goods and services such as food, medical services and sanitation has acquired a certain permanency as long as IDPs remain in transit sites and detached from means of livelihood. But has the response been adequate to ensure the dignity and basic rights of IDPs?

Provision of transport

In the worsening situation in large camps in terms of security, law and order, sanitation, the government had decided to break up the large camps into smaller manageable ones. Transportation was provided to these individuals but also to those who wanted to return home – usually to ancestral homes or another location – as part of Operation Rudi Nyumbani.4 Transport was also provided to individuals who bought land (as self-help group) and needed assistance in securing that land and in other aspects of the process. Was there sufficient thought given to where the people were returning to? Would they be accepted back? Is there cause for rancour in host communities? Are they reconciled with their hosts? Are they still exposed to physical threats? What about their welfare beyond return?

Measures related to peace and security

With respect to security, two major steps were taken. First security personnel were deployed to areas with concentrations of IDPs, including creation of police posts in these areas and areas where IDPs returned (areas of habitual habitation). Security escort was also provided to transit camps but also for those willing to return home. Secondly, District Peace Committees were created. Accompanying this measure was the appointment of Special District Officers (SDOs). While the presence of security personnel on the ground has instilled a sense of security in IDPs, is this sustainable, sufficient? What other measures should be taken?

Reconciliation Measures

The institution of Truth, Justice and Reconciliation Commission is a relevant institution. While the TJRC is one of the Agenda Four Commissions charged with establishing a historical record of gross violations (including forced removals and displacement), several reasons appear to have excluded it as a viable mechanism of response: the controversy around the TJRC has affected its work while undermining its legitimacy and authority; the tools and means available to it do not permit quick responses to the IDP problem beyond publicizing the plight of IDPs; while the work of the TJRC provides a context within which responses to the IDP issue have evolved, these (responses) have proceeded in spite of the TJRC, yet recommendations from the TJRC will (or are likely) to touch on structural issues of relevance to displacement and reconciliation. District Peace Committees have been active in reconciliation efforts through inter-ethnic meetings and mediation of conflict. In the absence of a genuine reconciliation driven by the national government, reconciliation efforts initiated largely by clergy and some civil society groups have been undermined by national politics: issues around the succession, 2012 elections and the ICC debate. Failure to address victimization appropriately and perceived discrimination in government initiated assistance and resettlement programmes continues to inflame inter-community relations.

The resettlement programme

The government provided kick start/stabilization cash of KES 10,000 to approx 140,000 persons. Another KES 25,000 was given to those ‘whose houses were burnt’. Studies show that there are IDPs who did not receive any money, while there are those who received 10, 000 but not the 25,000. There are those who received multiple payments by registering in several places. Payment of the KES 25, 000 was stopped ‘in order to take stock’. There is no indication when payment will resume, if at all or whether better systems have been put in place to manage disbursement. Perceptions of bias and discrimination have emerged in relation to financial assistance and housing, Western and Nyanza regions though hosting many IDPs (integrated IDPs) have not benefited from the housing project. There are also many complaints of exclusion from the disbursement of the KES 10,000 kick-start capital. Reportedly, ‘integrated’ IDPs in Nyanza and Western were not considered for the KES 25,000. In all, IDPs were encouraged to return home. Some of those who returned home were also provided with seed and fertilizer. Stakeholders, (including government, UNHCR, Habitat for Humanity) formed the Shelter Forum to coordinate resettlement efforts. The programme, funded by African Development Bank is said to deliver 19,000 houses when complete.

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4 For a description of
1.4 Terms of Reference

i. To survey the extent of reconciliation and restoration of human dignity in communities where the IDPs have returned

ii. To survey IDPs, host communities, state institutions and agencies, and civil society organisations to interrogate the reasons for the persistence of transit sites;

iii. To identify the necessary conditions for peace, security, reconciliation and respect for and the rights of IDPs among other factors that will facilitate durable solutions, including issues of shared economic opportunities and ventures; to restore their human dignity

iv. To survey host community perspectives of and attitudes towards returnees including the ethnicisation of IDP camps;

v. Make any additional recommendations that may be necessary.

vi. To interrogate IDP, host community, civil society and institutions of government perspectives where land was bought by self help groups or by the government and IDPs resettled;

vii. To identify threats to human rights, peace, security and reconciliation and access to service and make recommendations on how to ensure the integration of these communities including opportunities for economic integration.

viii. To make any additional recommendations that may be necessary.

1.5 Focus and Scope of the Survey

This survey involved visiting IDPs and host communities to investigate several things: how effective reconciliation has been in communities where IDPs have returned; the reasons for the persistence of resettlement sites; the conditions for security and reconciliation that will facilitate resettlement; human rights situation and perception among IDPs and, identify prevailing human rights concerns among other issues as well as host community perspectives of returnees. The survey also examined the experience of purchase of land by self help groups of IDPs and their relationship with their host communities, and the role of host communities in new areas where they were resettled by the government. It also sought to identify the threats to respect for human rights, peace and reconciliation in these different contexts and recommend how to ensure integration of the communities in order to facilitate viable and effective attainment of durable solutions for IDPs.

2.0 METHODOLOGY AND CONCEPTUAL FRAMEWORK

2.1 Research Sites and Basis for Inclusion in the Survey

This study was conducted in four regions namely: Rift Valley, Nyanza, Central and Coast. The regions were purposively selected to respond to the unique issues the study sought to address in line with the terms of reference. The following is a brief of each of the regions and the reasons for their inclusion in the study.

2.1.1 Rift Valley

Rift Valley was selected because it was the epicenter of post-election violence. Moreover, the region has always experienced election-related violence since the year 1992. The region is cosmopolitan; it is inhabited by the Kikuyu, Luo, Masai, Luhyia, Kisii and Kikuyu, among other ethnic groups. The region experienced the highest number of internal displacements following post-election violence. Currently there are efforts to return the IDPs displaced from their homes in Rift Valley to their homes and promote harmonious co-existence with host communities. Most of the IDPs displaced from the region were those who had bought land and settled there. The study interrogated the extent of integration of IDPs into their habitual home communities. Further, the study sought to gauge the attitudes of host communities’ towards the IDPs returning to their habitual homes in the region.

2.1.2 Nyanza

Nyanza region is predominantly occupied by the Luo and Kisii ethnic communities. The region experienced post-election violence and some incidents of displacements. Nyanza region was included in this study because a large number of people who were displaced from Rift Valley and Central regions returned to Nyanza as ancestral home. This cluster of IDPs, classified by the government as ‘integrated IDPs’, are missing in national debate and initiatives beneficial to IDPs. The study therefore assessed reconciliation, human rights conditions and, integration efforts targeting returnees to their ancestral homes. The narrative is representative of Western region, where returning IDPs, who sought refuge in their ancestral homes are classified as integrated and therefore have been unable to access any assistance.

2.1.3 Central Region

During the 2005/06 post-election violence, there were displacements from various parts of the region notably, Thika. Like in other regions, the people who were displaced were non-indigenous/Kikuyu communities. After the post-election violence, many IDP camps were set up in central region pending resettlement. At the time of this survey, a number of camps were still in place. The survey included Central region for purposes interrogating the persistence of IDP transit sites as well as assessing human rights situation in those camps.

2.1.4 Coast Region

Coast region is cosmopolitan. It is inhabited by the Mijikenda community, Taata, Taveta, Bajuni and Swahili communities, among others. In addition, Kamba and Kikuyu communities have settled in Shimba hills in south coast and Mpeketoni area in Lamu respectively. Coastal region experienced post-election violence in the years 1992, 1997 and 2007/2008. Since then, there have been cases of displacements arising from election-related violence. The region was included in this study for purposes of understanding local people’s perspectives on land issues with regard to resettlement of IDPs as well as ownership of land by the people ordinarily considered to be non-indigenous. Understanding these issues is very important in establishing lasting solutions to internal displacements.
2.2 Sampling of Respondents

i. Key Informants: These were sampled purposively. Purposive sampling involved identifying the respondents who were strategically placed to provide information on issues of interest to the study. The key informants were local provincial administrators, Civil Society Organization leaders, Community elders, IDP leaders,

ii. FGD respondents: These were IDPs. They were purposively selected in Rift Valley and Central Region sites

iii. Structured interview respondents: These were sampled purposively based on their availability. The IDP leaders assisted in identifying the IDPs to take part in the interviews.

2.3 Sampling of the sites in selected regions

2.3.1 Rift Valley

Both IDP camps and resettlement areas were subjected to simple random sampling for inclusion into this survey. The resettlement areas were either government-supported or IDP self-help initiated projects. They are as follows;

- Molo: Baraka Shalom, Mitoni Farm, Giteru Farm, Managu Farm
- Kuresoi: Rwangondu, DO’s Camp, Mosque Camp, Kamara Camp (IDP camps)
- Nakuru: Pipeline; Gicheha; Kapkures (IDP camps)
- Mae Mahiu (several settlements)
- Eldoret North: Gwatanenu,
- Eldoret South: LeMolok

2.3.2 Nyanza

Residential areas of returnees to ancestral homes were visited. These were Manyatta and Nyalenda areas in Kisumu city. These residential areas were purposively selected since most of the returnees to Nyanza settled around Kisumu where they could engage in livelihood activities and for those who were injured during the post-election violence, access to health services.

2.3.3 Central

IDP camps were visited. The following camps were purposively selected and visited; Mawingu and Muhuu camps in Nyandarua District.

2.3.4 Coast

The following areas were selected for visit:

i. Taita Taveta area: The government had reportedly identified land for resettlement of IDPs in this area.

ii. Mombasa (Likoni area): There were IDPs who had been integrated into the community.

iii. Lamu (Lamu Island and Mpeketoni): The government has previously settled people in this area (Mpeketoni). The local people believed that some IDPs from Rift Valley were secretly being resettled in Lamu, around Mpeketoni and Hindi area.

2.4 Sampling of Respondents

i. Key Informants: These were sampled purposively. Purposive sampling involved identifying the respondents who were strategically placed to provide information on issues of interest to the study. The key informants were local provincial administrators, Civil Society Organization leaders, Community elders, IDP leaders,

ii. FGD respondents: These were IDPs. They were purposively selected in Rift Valley and Central Region sites

iii. Structured interview respondents: These were sampled purposively based on their availability. The IDP leaders assisted in identifying the IDPs to take part in the interviews.

2.5 Data Collection Tools

The following data collection tools were used to collect data:

i. FGD Guides: Data on views of the respondents on issues of interest in the survey was collected through focus group discussions (FGDs). This tool was particularly used to collect data from IDPs at the transit sites. The FGD guides had probes to ensure that the research assistant guided the respondents into getting the data they needed.

ii. In-depth Interview guides: This tool was used to collect data from key informants. Semi-structured tools: Semi-structured questionnaire was used to collect quantitative data on the reconciliation and restoration of human rights conditions in areas where IDPs had returned and where they were resettled.

iii. Direct observation guide: This was used to collect data on phenomenon in their natural setting. The data was collected through taking photographs of residential areas of returnees and IDPs in transit sites.

2.6 Data Collection Process

The consultants recruited and trained research assistants. After training, they were assigned to various regions from which they collected data under the supervision of the consultants. Prior to the data collection exercise, the respondents including IDPs were mobilized by their leaders. Data was collected from IDPs, host and resettled communities, NGOs and other civil society organizations, international organizations, District Peace Committees, and government institutions. The research team visited respondents in the field to collect data using the data collection tools. Data collection involved interviews, focus group discussions, direct observation and taking photographs of the residential areas of the IDPs

2.7 Data quality assurance

Rather than seek the services of the translators, research assistants from the ethnic communities of the respondents were recruited to carry out data collection. Supervisors read through all the raw data to ensure that every item was correctly responded to.
2.8 Description of Data Analysis and Presentation

The survey generated qualitative data. The data was summarized under thematic areas and presented in narrative forms under relevant terms of reference of the survey.

2.9 Key Terms

For our purposes, the following meanings are ascribed to particular words:

IDPs: (as per the AU convention) ‘IDPs’ means 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.5

Integrated IDPs:
These are IDPs who have melted into the general population either by renting houses in different sites including urban and peri-urban areas or working in these areas. It also includes displaced people who returned to ‘ancestral’ homes to live with relatives. IDPs in Western and Nyanza regions fall in this sub-category.

‘Returnees’:
This is a term that is widely used among the IDP community. ‘Returnees’ are IDPs who have returned to their ancestral homes following displacement from places of habitual abode or those who have returned to places from where they were displaced.

Transit Sites:
These are temporary sites where those displaced settled/have settled awaiting resettlement or return to areas of habitual settlement from where they were displaced. Transit sites include IDP camps (wherever located: on public land, private land, show grounds etc) and other areas of temporary residence (including temporary rental abode for Integrated IDPs.

Host Communities:
This refers to communities from which individuals were displaced and to which some have returned following displacement. It also refers to communities that host transit sites, including areas where IDPs have become integrated.

Human Dignity:
Human dignity refers to the inherent right of an individual to be treated with respect and based on certain ethical standards. In human rights discourse, human dignity underpins all rights with which individuals are endowed. For IDPs, restoring human dignity touches on security; conditions in camps and other sites including water, housing, food, basic medical care and access to basic services in general.

Integration, including economic integration:
Integration refers to full participation in all aspects of life within communities. For IDPs, it would mean that they participate economically, politically and culturally in host communities.

Reconciliation:
Reconciliation is both a goal and a process. As a goal, it is a long term goal. Key actors initiate dialogue but provide basis and lay the groundwork for the long term processes of reconciliation. As a process, rather than an event, reconciliation should occur in various sites and activities driven by numerous actors including individuals, faith groups, elders, District Peace Committees, politicians and national institutions, whether permanent or temporary.

Reconciliation can be personal, inter-personal or inter-community:
Personal reconciliation refers to the situation where an individual arrives at an accommodation with their situation and circumstances after the violation. For a victim, knowing the truth can bring closure, in some cases (eg disability brought about by a violation), the understanding that they find themselves with a new situation that they have to cope with and move forward.

5 Definition provided in AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
3.0 FINDINGS AND DISCUSSIONS

3.1 Introduction:
The Findings of this study are presented under the guiding terms of reference. Discussions of the findings involve explaining the findings with a view to exploring the possibility of arriving at durable solutions in the context of Kenyan situation.

3.2 Extent of Reconciliation among Returnees
3.2.1 Reconciliation among returnees to Ancestral Homes

In the context of this study, returnees to ancestral homes are the victims of the post-election violence who were living or working outside their ancestral home regions/regions and when violence erupted, they had to go back to their native regions. This study addressed itself to returnees to Luo Nyanza region.

i. Personal Reconciliation
Most of the returnees to ancestral home have not gone through personal reconciliation to accept the situation they went through. Consequently, they still remain in denial about the suffering they suffered. This is typified by the feeling by most of them that they cannot forgive those who wronged them. This state of affairs can be attributed in part to absence or poor counseling services provided to them. Returnees received counseling services shortly after post-election violence. However, it is apparent that the services were withdrawn too early. The import of this is that counseling services provided were not effective assisting victims dealing with psychological harm suffered.

ii. Inter-personal Reconciliation
Most of the returnees to ancestral homes have not gone through inter-personal reconciliation, largely because of absence of spaces where victims and perpetrators can meet to dialogue, confront each other or to tell their stories. Because the returnees were violated in areas far away from their ancestral homes to which they have now returned, it is practically difficult to initiate inter-personal reconciliation. While the majority of IDPs interviewed had heard of or had some contact with the TJRC (by recording statements relating to violations suffered) and the NCIC, it is doubtful how much these two institutions can contribute in this regard. In addition, the fact that IDPs still languish in transit sites, or continue to live in difficult circumstances without any form of reparation explains the bitterness and unwillingness of most returnees to forgive the people who had violated them. One cannot realistically expect reconciliation in such conditions.

iii. Inter-community Reconciliation
Under the inter-community community reconciliation sub-theme, the study sought to determine extent of reconciliation between members of the returnee to ancestral communities and the communities that were perceived to have authored attacks they suffered (returnees to ancestral homes). Generally, there are no efforts aimed at inter-community reconciliation particularly between returnees’ ancestral community and the communities that are perceived to have violated them.

Among the returnees to ancestral homes, reconciliation efforts have been compromised by governments’ compensation and resettlement approach. Most of the returnees to ancestral homes were paid Kshs 10,000.00 to restart life. However, other victims of violence who lost property and houses were paid an additional Kshs 25,000.00. In Nyanza (Kisumu) where most of the returnees to ancestral homes are currently living, some ‘non-native’ victims (Kikuyus and Kambas) were paid Kshs 10, 000.00 and Kshs 25,000.00 for loss of property and house. This has caused a feeling of discrimination against the native Luos. There was a feeling among the Luos that the government was discriminating against them and favoring non-Luos particularly, the Kikuyus with regard to compensation. Other government efforts such as the resettlement programme are also perceived to be favoring non-Luos. Reconciliation is further constrained...
by the fact that the victims who lost their property to neighbors still see their property at their neighbors, and yet they find themselves unable to reclaim it. Moreover, reconciliation efforts are rendered elusive owing to the fact that people who were violated continue to wait for justice.

i. Integration into local community

It would be expected that repatriation of IDPs to their ancestral homes would lead to smooth integration into their communities. However, this has not been the case. Cases were encountered where the returnees were received well by their relatives and supported through the difficult process. For instance, in one case the returnee family with a husband, whose backbone had been injured during the attack in Nakuru, was supported by his family members in his Kisumu rural home to rent a house in Nyalaenda slum in Kisumu. This was done to make it convenient for him to seek health services at New Nyanza General hospital. Although, a number of the returnees were welcomed well by their relatives, integration into their ancestral community still presents a challenge. This is because, a good number of the returnees led comfortable lives before the post-election violence, but were now living in slums with little or no livelihood. This upheaval has caused them enormous psychological anguish. This in itself is a source of difficulty in integration into their ancestral community.

Some returnees were not received well by their relatives. This particularly happened to the returnees who had either lived for long without visiting relatives in their ancestral homes, or those who had (‘migrated’) bought land and settled in Eldoret town was attacked and in the process lost the property before being evicted. When the family returned to the ancestral home in Kisumu, the relatives would not allow them back into the ancestral home because they had allegedly migrated. The returnee family was unable to get a site to bury their dead. It took the intervention of a neighbor to get a place to bury the returnee family’s dead member as the rest of the family members rented a house in Nyalaenda slum.

In some cases, the returnees who had rented houses in the slums had a challenge raising rent on regular basis. This set them on a collision course with landlords. The narrative is the same for most integrated IDPs encountered, including those who did not return to their ancestral homes but settled in towns and cities. What became abundantly clear from similar cases was that integration to ancestral home communities was largely hampered by lack of livelihoods for the returnees and rejection by their family members. Programmes aimed at enhancing integration were scanty and not well organized. Clearly, the need for counseling services and livelihood programmes cannot be overemphasized under these circumstances.

3.2.2 Reconciliation among Habitual Returnees

i. Personal Reconciliation

Like returnees to ancestral home settings, some returnees to habitual homes have been taken through counseling services to accept their situation and live positively. However, the services have not had significant impact on them. This could be attributed to the short-lived and uncoordinated nature of the services. Most of the returnees to habitual home settings are still bitter about what they went through. This can be confirmed from the feeling by most of those interviewed to the effect that it may take them long to forgive those who violated them. For those who still live in tents, most of them in very bad conditions, this is a constant reminder of the violence they went through. For instance, a prominent business family that had bought land and settled in Eldoret town was attacked and in the process lost the property before being evicted. The returnee family was unable to get a site to bury their dead. It took the intervention of a neighbor to get a place to bury the returnee family’s dead member as the rest of the family members rented a house in Nyalaenda slum.

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3.3 Status of Restoration of Human Dignity among Returnees

3.3.1 Returnees to Ancestral Homes

i. Access to food, water and sanitation

Most of the returnees to ancestral homes had difficulties with finding for their families. This was largely attributable to low availability of livelihood opportunities for them in their ancestral homes. This partly explains why most of the returnees to ancestral homes settled in slums. Nyanza, around Nyalaenda and Manyatta in Kisumu. Generally, water and sanitation conditions in the slums are poor while the mud-walled houses the returnees live in are crowded and have poor ventilation. There are communal latrines, most of them full and not covered, hence predisposing the users to diseases. The drainage systems are poor leading to water-logging, which provides a conducive environment for mosquito breeding, leading to persistent malaria attacks on children and adults alike.

ii. Access and Affordability of school and health care services

Generally, the returnees who live in slums in Kisumu have access to schools for their children and healthcare for the families. However, the challenge they face is affordability of these services. Most of the interviewees indicated that they could not afford school levies and charges for medical services. Some of those interviewed were previously well off financially, having been displaced from areas where they were involved in high income livelihoods that enabled them take their children to relatively high cost schools and also get health insurance schemes. Struggle to fend for their family now characterizes their existence.

iii. Livelihoods

Most of the returnees had their livelihoods destroyed where they were displaced from. As a result they had to start life afresh. This became difficult, given that they did not have access to credit facilities. Some of the returnees lost businesses worth millions of shillings. Lack of capital has hampered their ability to restart their businesses. The survey encountered some livelihood skills enhancement programmes initiated by some NGOs. However, the main challenge is lack of access to credit facilities. Some livelihood programmes such as that initiated by UNDP and the Ministry of Trade does not appear to benefit IDPs who complained of their inability to benefit. According to IDP leaders who sat on community development funds, the IDPs were expected to provide title deeds to get the credit facilities. Since the IDPs did not have title deeds, they were unable to benefit from this programme.

District Peace Committees have been initiated to spearhead intercommunity dialogue forums. Moreover, the government has deployed security personnel to most of the areas where there experienced post-election violence. Thanks to these peace-building efforts, there is relative calm in parts of Rift valley where the survey was carried out.

However, events at the national level have resonated at the local level. Political alliances and statements by politicians pose great threat to the relative calm currently prevailing in the habitual home settings in Rift valley. For instance, there was a general feeling that political alliances being formed between some national leaders had eased tension between two communities (largely Kikuyus and Kalenjin) living in Rift valley that fought each other during post-election violence. The situation in habitual home settings can only be described as calm, because so far the efforts to address the root cause of conflicts in habitual home settings especially around election time remain unsatisfactory and are by nature long-term in nature. One of these issues is land. There are multiple narratives of injustice — ‘historical injustices’ — revolving around land in the Rift valley and Coast regions in particular. Other issues include prevalent unemployment of youth in the Rift valley and elsewhere in the country which renders them vulnerable to easy recruitment into violent activities.

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The impact of the scanty livelihood opportunities has taken its toll on families. There are reported cases of marriages breaking down and families being separated because of inability of parents to provide for and exercise authority over their children. Cases of IDPs resorting to menial jobs, petty crime and in some cases prostitution were recorded. The returnees averred that on the whole, the government had done very little to address their livelihood issues. Failure to do so and lack of opportunities for youth increase their vulnerability to criminal activity and violence. Hence, livelihood issues must be given high priority in efforts to address post-election violence issues.

iv. Security and shelter
Generally, the government has beefed up security in most areas that were affected by the post-election violence. This has contributed to control of crime in these areas. However, as noted earlier, most of the returnees live in poor-condition slum shelters that are a source of insecurity for them. Rents in slums for a single room range between Kshs 300 to Kshs 600, which is still unaffordable for many returnees with unstable sources of income. There were reportedly several cases of house-breaking at night in the slum areas. The returnees reported that the government’s security focus was on controlling youth who engaged in violent behaviour rather than crimes targeted at the vulnerable returnees in the slums.

3.3.2 Returnees to Habitual Homes

i. Access to food, water and sanitation
Returnees to habitual homes appear to do better in terms of access to basic necessities and sanitation, especially those who have managed to reconstruct their houses and to engage in farming activities. In some cases, returnees who remain food insecure have benefited from government and NGO assistance with food and basic necessities.

ii. Access and Affordability of school and health care services
With relative calm having returned to most parts where habitual homes were found, the returnees could send their children to school and also seek health services at local facilities. However, the returnees reported that on the whole, affordability of the services was a problem because of their limited financial resources occasioned by diminished sources of livelihood. For most pupils who were to join form one in areas that had experienced post-election violence, this became a big problem. In some areas, local bursary programmes have become ethnicised leading to some deserving cases missing out.

iii. Livelihoods
The returnees to habitual homes suffered immense loss to their livelihoods. Most had their houses burnt, livestock raided, crops and businesses destroyed. Others had secured bank loans for their farming businesses but were unable to repay due to destroyed livelihood. This notwithstanding, a number of returnees to habitual homes were engaged in livelihood activities particularly involving small-scale business and farming. Access to credit facilities for the returnees to habitual homes who were involved in farming would greatly improve their livelihood opportunities.

iv. Security and Shelter
Generally, security in the areas where habitual homes are found has been beefed up. This is characterized by the heavy presence of police in those areas. The reconciliation efforts that were started and maintained in the areas have contributed to security in the area. However, the survey encountered IDPs who, remaining unconvinced that their security is guaranteed if they returned, only ‘sneak’ back to their farms during the day to cultivate but then return to towns where they rent, to sleep.

For most of those who have returned, tattered tents are the only option available as shelter. The tarpaulins are worn out and the agencies that donated them, UNHCR, has stopped doing so. In some cases, the returnees use old polythene bags as their shelters. Although the government is currently building houses for the returnees whose houses were burnt, the pace is slow. Moreover, there is concern from some of the returnees that the government is constructing two-room houses for the affected families irrespective of the size of the house that was destroyed. The other challenge that the government has faced is that of identifying the genuine returnees.

While the programme of building houses for habitual returnees is a laudable one, it is likely to open another front of intercommunity conflict. For instance, host communities in which habitual returnees live have expressed discomfort about this alleged preferential treatment since some of them also lost their houses and property. Among the returnees to ancestral homes, there are those who lost houses where they had settled but not received any assistance to date.

3.4 Status of Conditions Necessary for Peace, Security and Reconciliation among Returnees

3.4.1 Ancestral Homes
Among the returnees to ancestral homes, conditions exist to promote peace, security and reconciliation. Generally, the government has beefed up security in various parties of the country where post-election violence took place. This has resulted in relative calm in these areas. However, conditions that would promote reconciliation in the ancestral home settings are scanty. For instance, counseling services that would enhance personal reconciliation are not adequate and are provided on ad hoc basis. Similarly, efforts aimed at promoting interpersonal and inter-community reconciliation remain wanting. The CSOs and government agencies mounted programmes aimed at inter-community reconciliation through talk shows and mass media. However, the ad hoc nature of these programmes has rendered them ineffective in achieving the intended objectives. There is need for national institutions notably, TJRC and NCIC to step up programmes at the grass-roots level aimed at promoting reconciliation. This must be accompanied by well resourced broad-based reparation programme. A genuine attempt at resolving historical injustices that is partly responsible for the inter-community conflict must be made.

3.4.2 Habitual Homes
In most habitual homes visited, conditions necessary for peace, security and reconciliation were scanty. For instance, whereas, there the government deployed policemen to most of the areas to ensure security, this was not accompanied by a targeted and genuine process of reconciliation. There were several initiatives such as community dialogues aimed at forging peace initiated by the District Peace Committees and community elders but they have to be sustained for a longer time to yield any tangible results. For instance, at personal level, many people still harbour revenge feelings: a condition that is likely to undermine reconciliation efforts. It was reported that most people knew the perpetrators of the post-election violence in their community but merely wanted to pretend that all was well. In the Rift Valley, what makes reconciliation and peace difficult to attain is the fact that two communities – the Kikuyu and Kalenjins – each feel that they were wronged and thus deserve an apology. In view of this kind of situation, it would be advisable to maintain peace building efforts targeting the Kikuyu
and Kalenjin community with a view to realizing reconciliation and peace as a long term result rather than short term. For this to be effective, peace-building efforts must aim at taming the politicians from inciting people to war particularly around election times. Moreover, the government's conduct in addressing the post-election violence must be seen to be impartial. Each of the two communities must be supported by the government based on the nature and magnitude of suffering experienced.

3.5 Host Communities’ Attitudes towards Returnees

3.5.1 Ancestral communities

The host communities’ attitude towards the returnees is evident in the way the two parties relate. In the cases of returnee to ancestral homes, the attitude was generally positive with most of the host community members welcoming the returnees and also supporting them to get established. The family members were particularly supportive to the returnees. There are numerous cases of relatives paying rent for a returning member. A case has already been mentioned of family members that supported the returnee to rent a house near Kisumu with a view to accessing health services from New Nyanza General hospital. In another case, a woman who lost a business worth two million shillings was accommodated and supported by her close relatives and family members. However, there have also been cases of hostile reception of returnees.

3.5.2 Habitual Communities

Returnees to habitual homes faced a bigger challenge because the host community was not always their native ethnic group. Moreover, the returnees were going back to people who they perceived had attacked them. However, from the host communities’ perspective, their gesture was reportedly positive. Most of those interviewed indicated that they would welcome the returnees. After years and sisters back to their ancestral homes. However, there were indications that host communities were not as receptive as most of them reported. The first indication was that at the core of the conflict were unresolved historical injustices that host communities felt they suffered in the past. The impression about the feelings of the host communities is perhaps better teased not from the responses of members of the host communities but from the returnees to habitual homes. In one key informant interview, the informant reported that Kalenjin felt that Kikuyu should be relocated to their ancestral Central region. This was a clear indication that land was at the centre of the election violence. This kind of tension remains unaddressed.

3.6 Restoration of Human Dignity in Resettlements

Some of the settlements surveyed suggested that a lot remains to be done to improve conditions. Social infrastructure was found to be wanting; quite a few settlements are characterized by tattered tents, poor sanitation (sourcing of water from distant seasonal streams, mobile toilets); inadequate learning facilities for children; low livelihood opportunities, lack of schools for children and among others.

3.7 Perspectives on Land Acquisition for Resettlements

3.7.1 Perspectives on Land Acquisition for Resettlement by Government

The team visited Government resettlement areas in Rift Valley and Central Regions. Areas visited include Rwangondu Farm in Kuresoi, Baraka Shalom, Managu Farm and Gituru Farm in Molo, Shalom farm and Sonmark camp in Rongai. In Central Region, the following Government resettlements were visited: Muhuru Farm, Mawingu Camp and Kiambaga Camp in Ol Kalau. In all the Government settlements, every family owns 2 and 1/4 acres, 2 acres allocated for farming and 1/4 acre for constructing a house. In all the government settlements, there are more women than men. The key informants reported that IDPs were not consulted when the land on which they were settled was being purchased: they were just informed that they would be resettled in any part of the country where land was available. According to a government official, the procedure followed is as follows: once the Government identifies land it is paid for them. IDPs are resettled. The latter communities equally were not consulted before land was purchased. Neither were they informed of the government’s plans, and the reality that IDPs would settle among them. Host communities – among whom lived a considerable number of squatters and other landless peoples – would awaken to the news that land had been purchased for IDPs or to the arrival of IDPs. As the experience of planned resettlements in Mau Narok, Kitale, Eldoret and Burnt Forest show, the result has invariably been rejection of IDPs by host communities leading to cancellation (Mau Narok) or suspension of (Kitale, Eldoret) of the planned settlement to ‘pace way for consultations’.

Although there are concerns about ethnicisation of resettlement schemes, key informants reported that the resettlements were of multiethnic composition. It was reported that most of the IDPs liked the areas in which they had been settled because of the following reasons: the land is arable, the climate is good, there is security and infrastructure however a few of the IDPs who were not and have never been farmers reported that they would have preferred capital to start businesses as opposed to receiving land. Most of the IDPs expressed satisfaction because they did not have any land at all before they were displaced, others said that they had either a 1/4 of an acre, others 1/2 an acre therefore they were happy the Government had given them 2 and 1/4 acres of land. There were however those who ran small businesses in urban and peri-urban areas and were not particularly excited about settling on a farm in a remote part of the country. Many of these preferred to be facilitated to restart their businesses. The general view was that had they been consulted, they would have requested for financial assistance rather than resettlement on agricultural land.

An inspection of some of the settlements showed that there is adequate planning in the settlements. Land had been reserved for burial sites, open air market, school, hospital, church, police post, road reserve and cattle dip. In Managu farm, 13 acres have been reserved for these social amenities. In Rwangondu no land was reserved for a school because there is a school nearby.

The relationship between newly those resettled and the host communities is complex. At the beginning, the relationship was tense. The host community felt that the IDPs were poor and could steal from them. Relations between the two groups – host community and the IDPs – are improving day by day. There is a perception among the host community that IDPs are treated as a special group, receiving free land and houses at the exclusion of locals. The economic interaction between newly resettled people and locals largely through the provision of cheap labour by the former has improved relations.

3.7.1.1 Case of Baraka Shalom resettlement in Molo, Rift Valley Region

Baraka Shalom presents a good case scenario for understanding the perspectives on land acquisition for resettlement by the government. Baraka Shalom settlement is situated in Molo constituency in Rift Valley Region. The IDPS were resettled on the land on 24th December 2009. The size of the land is about 400 acres. The settlement is composed of 850 people from different tribes that is Kikuyu’s, Luhya, Kisii & Kamba with women being more than men. Each family owns 2 and 1/4 acres, 2 acres are for farming and the 1/4 acre for constructing a house. The IDPs were brought from the Mawingu camp. They were from different parts of the country: Usain Gishu, Kisumu, Koibatek and Kiplenok districts. The resettled IDPs like the land because it is arable and the climate is good. They have reserved land for a burial site, schools, an open market, church and an arboretum. The resettled IDPs and the host community relate well because the IDPs provide cheap labour in the farms of the host community. The local community gives them water and they fetch firewood from the same forest as members of the host community. Social relations are generally good: those settled and members of the host community help each other in times of need especially during funerals.
3.7.1.2 The case of Rwangondu Farm resettlement in Kuresoi in Rift Valley Region
Rwangondu farm settlement is situated in Kuresoi constituency in Rift Valley Region. The size of the land is 200 acres and the IDPs were resettled in January 2010. There are 68 households comprising of two tribes: Gusii and Kikuyu. The IDPs came from Mawingu and Rongai camps. The IDPs like the area because the land is arable, the climate is good and there is security. There was adequate planning, land was reserved for burial site, open air market and church. Land was not reserved for a school because there is a school nearby. The relationship between the host community and the IDPs is improving day by day since there is now unhindered trade, they attend the same churches and they fetch water from the same man-made dam.

3.7.1.3 The case of Muhuru farm resettlement in Olkalau in Central Region
The settlement is situated in Olkalau in Central Region. The informant reported that he did not know the size of the land because they were not told. About 100 families have settled in this farm, most of them being kikuyus and few kisisis from the Mawingu shalom camp. The Government is yet to sub divide the land and also construct houses for the IDPs. Even though the IDPs were not consulted before the land was purchased, they like the area because it is arable, there is peace and security and availability of spring water during rainy seasons. The Government did not consult the host community before purchasing either. The relations between the host community and the IDPs are good, they all get involved in social gatherings e.g. weddings and burial and their children go to the same school. The relations amongst the IDPs are good but there are petty conflicts that arise which are solved at the camp level.

3.7.1.4 Case of Mpeketoni resettlement in Lamu East; Coast Region
The case of Mpeketoni is a good case study for understanding the perspectives on land acquisition for resettlement by the government. This scheme was established around 1974 and has reportedly created a feeling of dissatisfaction among the indigenous people in the area. The indigenous people accuse the regime of former President Kenyatta of having allocated the majority of the Mpeketoni scheme to his indigenous Kikuyu community members and ignored the indigenous inhabitants of Lamu who were landless. The indigenous inhabitants of Lamu who lived in Kiunga, Mvamboire, Rubu, Mkokoni, Ishakani and Mvundeni areas that border Somalia had fled these areas due to persistent invasion by Somali shiltas against which the government did not provide protection. These people became the internally displaced people of Lamu in the early to mid 1960s. Some of them migrated to as far as Tanzania while others were temporarily accommodated by their relatives in various parts of Lamu. Some people who fled formed villages such as Kashmir, Bombay and Kandahar in Lamu. It was therefore expected that when the government created a settlement scheme in Mpeketoni, the IDPs of Lamu would have been the first people to be resettled by the government. This, according to the locals did not happen. Instead, people from other parts of the country were given the first priority. This has led to disappointment and a sense of immense bitterness among locals who decry their ‘oppression’ by successive post independence regimes.

At the time research, people from upcountry (ie not from the coast) were reportedly grabbing chunks of land in Lamu, strategically positioning themselves to exploit commercial opportunities that would arise from the new harbour to be constructed in the area. Among the people involved in the grabbing of land were reportedly provincial administrators at the District Commissioner (DC) and District Officer levels (DO). To the locals, this act exacerbates an already dire land situation in the area. The very government officials that the locals could have thought of turning to for help in this matter were the alleged perpetrators. What was clear from the discussions with local people was that they would at one time have to put a stop to the ‘exploitation’ by the ‘upcountry people’. Declarations to the effect that they would sit back and see their land continue to be ‘stolen’ once again by ‘outsiders’ should worry the government and other actors. It is clear that in Lamu, as in other parts of Coast Prince (eg Taita Taveta) where the survey was conducted, levels of inter-ethnic hatred are very high. Addressing the valid claims of locals should be an immediate intervention.

3.7.2 Self Help Group Settlements
The self help group resettlements visited are in Central and Rift Valley region. In Rift Valley Region, the following self help group settlements were visited: Mitoni Tuinuane self help group in Molo, Makongeni camp in Lanet, Alkoo camp, pipeline camp, Ebeneza IDP camp and Minto camp. In Central Region, the following self help group settlements were visited: Kambi IDP camp, Kidipa IDP camp, Molo new hope and Maau self help group.

In these settlements, the IDPs registered self help groups then contributed money from the money given by the Government as compensation (10,000 or 25,000 Shillings) to buy land. For instance in Mitoni self help settlement each IDP/household contributed 7,000 out of 10,000 they were given by the Government. They purchased 19 acres in 2008 and the land holds 177 families. In Kambi camp each household contributed Kshs 3000 out of 10,000 they were given by the Government. They also took a loan of 1.2 million from Family Bank and purchased 20 acres of land which holds 189 families. Most of the self help group settlements are composed of people from different ethnic groups e.g. Mitoni self help group settlements is composed of kikuyu, Gusii and Luhyia. Kidipa camp is composed of kikuyu-614 families, Kisii-10 families, Kalenjin-1 family.

The leaders consulted the IDPs before purchasing the land. In most of the self help settlements, land would be purchased after reaching a consensus, for example, in Molo new hope in Ol Kalau constituency, Nyandarua county the IDPs held a meeting while still at Molo camp and members resolved to buy land in Kasuku in early 2009. In some of the resettlements the host community was consulted and in some there was no consultation. Most of the IDPs like the land and are satisfied because they bought the land from an area of their choice. The land is fertile, there is security and in some areas have never been affected by post election violence. In most of the resettlements there was no adequate planning to allow for access to roads, schools, hospitals etc because the land bought is small and the IDPs to be resettled were many. In Kambi and Mitoni farm for example land was reserved for a nursery school only. In Kidipa camp 5 acres were reserved as utility land. In most of the resettlements relationship between the host community and the IDPs is good though it was not good immediately the IDPs settled. For example, in Mitoni Farm the IDPs are employed as casual labourers by the host community to work on their farms. In Kambi IDP camp, the relations between the host community and the IDPs is good.

3.7.2.1 Case of Minto Camp in Rongai in Rift Valley Region
Minto IDP camp was established when the IDPs were sent home during the Radhi Nyumbani Operation. The Minto group leaders teamed up, contributed money and bought this 1 acre piece of land in Rongai. The first group of IDP’s was brought to the land on 28th February, 2008. The second group was brought on 4th April, 2008. The plot was sub-divided by a private surveyor and each IDP family head was given a plot. The IDPs stayed in their tents and thatched huts. This was an informal settlement because most basic amenities were not included in the plan and the IDPs did not like this place apparently because of insecurity.

Last year (2010), some IDPs were taken by the government and resettled in Kiamondo in Kuresoi. The procedure used to settle the 25 family heads in Kuresoi was riddled with corruption, according to one of the key informants. The chairman of the camp allegedly hand-picked his friends. The camp had no water while tents in which the IDPs lived were old and worn out. At the time of the survey the camp had 79 family heads.
3.7.2.2 Case of Alko Camp in Rongai in Rift Valley Region

The host of ALKO came about as a result of where the IDPs had been displaced from that is Afraha, Lanet, Kapkures and Ogilgey. The IDPs were given Ksh 10,000 some of which they contributed and used to buy land. The land is 3.2 acres, it holds 729 households and it cost Kshs 560,000. The IDPs settled on the land on 20th January 2009. The camp is of mixed ethnic groups of about 9 tribes: Luo, Kisii, Kalenjin, Boran, Turkana, Teso, Luhya, Kikuyu and Kamba. The land was not subdivided because the surveyor said it was too small. There was also no adequate planning because the land is small and therefore the IDPs walk for long distances to access basic needs. The land has one common title which is still in the seller’s name. The leaders did not consult the IDPs before buying the land and the host community was not consulted as well. Irrespective of this, the IDPs and the host community relate well; they buy and sell goods to one another. The IDPs do like the area but are still waiting for the Government to settle them.

3.7.2.3 Case of Molo New Hope in Oi Kalau in Central Province

The 8 acre piece of land was bought on 2001/2009 at a cost of Kshs 125,000 per acre. The IDPs/household contributed Kshs 7000 from the Kshs 10,000 that they were giving by the government. They raised paid Kshs 1 million and are still to pay a balance of Kshs 328,000 and Kshs 21,000 for title deeds. The land was subdivided into 88 plots. It holds 85 families with 3 plots reserved for a bore hole, nursery school and recreation. The IDPs had met in 2009 while at Molo camp and resolved to buy land in Kasuku. A team of four members went to identify the land, they approved it and also the land is arable. There were no consultations between the host community and the IDPs before purchase of the land. Despite this, they relate well with the host community because they attend social gatherings together e.g. fellowship, weddings, thanksgiving ceremonies and funerals together.

3.8 Status of Conditions Necessary for Peace, Security, Reconciliation and Enjoyment of Human Rights in Resettlements

3.8.1 Government Resettlements

The government resettlements visited were Rongai and Kuresoi. In these areas there was a feeling that it was the Kalenjins who were displaced that should have been resettled here and not the Kikuyu. There was a general feeling among the Kalenjins that if Kikuyu should be resettled then it should be in their ancestral Central region but not Rift Valley. The Kalenjins feel that the Kibaki government was favoring Kikuyu IDPs and discriminating against Kalenjin ones. These sentiments are captured in the following verbatim statement by the Kalenjin key informants: Why are they being given land in new areas especially in Rift Valley? This is a political move to affect voting patterns in the near future to favor Kikuyu candidates. What allegedly confirmed the Kalenjin fears was the fact that in areas like Lanet occupied by Kikuyu and Kalenjin, the latter were allegedly denied ID cards. The need for a genuine truth telling process appears necessary in an environment where denial and revisionist narratives about the PEV are taken root. Some Kalenjins insisted that Kikuyu must first apologize to them for allegedly accusing them of stealing and destroying their property, yet that did not happen. The Kalenjins averred that kikuyu were escorted to their farms by the security personnel, packed their belongings and left during post-election violence. Later, they went back to their farms set them ablaze, some sold them and ran back to the IDPs camps only to ask the government to resettle them.

All this suspicion and pent-up hatred between the Kalenjin and the Kikuyu in the government resettlement areas merely serve as a recipe for violence rather than reconciliation. It could be concluded that the conditions that exist around these settlements does not in any way favor peace and reconciliation. Reconciliation efforts in these areas point to numerous inadequacies: focus on the symptoms of conflicts rather than the root cause; leaders appear to want to rush people into superficial reconciliation without investing the resources and time required. Reconciliation should be a process and a product to be achieved over a period of time.

3.8.2 Self Help Group Settlements

The name ALKO came about by the places where the IDPs came from that is Afraha, Lanet, Kapkures and Ogilgey. After receiving compensation of Ksh 70,000 each the IDPs contributed and bought 1.2 acre piece of land on which 729 family were settled. The land cost about Kshs 560,000. The camp has different ethnic groups namely: Luo, Kisii, Kalenjin, Boran, Turkana, Teso, Luhya, Kikuyu and Kamba.

The camp was not subdivided because it was too small. Because of that, no land was reserved for schools, healthcare, roads, and burial sites. The IDPs therefore, had to walk long distance to access these essential amenities. They accessed water from a distant seasonal river. The food supplied by the government was inconsistent and not adequate and some times, the IDPs had to sell it to raise money for medical care, among other things.

The IDPs lived in make-shift tattered tents. The IDPs had one latrine which was almost full. One pastor donated a tank for clean water that they use.

3.9 Persistence of Transit Sites

The government has been making efforts to address the problem of IDPs ever since the post-election violence occurred. One of the steps taken by the government was to return the IDPs to their homes so that normal life could resume. The government has also been involved in resettling IDPs who had been in the transit sites. However, despite these efforts, a number of transit sites persist for some reason or the other.

Some IDPs especially around Nakuru, Gilgil and Mawingu remained in their camps because of insecurity at their homes/farms. In addition, some IDPs remain in the camps because the government had not constructed houses for them at their farms while others were waiting for the government to give them Kshs 10,000 to start life on their farms. The other reasons for the persistence of the transit sites include slow resettlement process allegedly attributable to corruption in the entire process. Some IDPs reported that they remain in the transit sites because the government officials corruptly removed their names from the list of the beneficiaries of the resettlement programme. They were therefore waiting for the government to correct that mistake and resettle them. Some IDPs believed that the 2012 succession politics was bearing on the resettlement programme. The politicians were using resettlement as a political game; this meant that few were genuinely keen on resettling the IDPs. Some IDPs feared that succession politics could ignite a bigger scale of post-election violence. This has prompted IDPs to adopt a ‘wait-and-see’ approach.
4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Introduction

In this part, conclusions are drawn from analysis of findings under relevant terms of reference. Recommendations are then made in light of corresponding conclusions.

4.2 Recommendations

This part consists of proposals that address immediate and pressing consequences of displacement as well as long-term (largely structural) interventions.

4.2.1 Recommendations relating to resettlement and land

General recommendations

1. Principles: The resettlement programme should be underpinned by principles of voluntary relocation; non-discrimination; equity; sustainability both of the programme and the socio-economic occupation within the IDP population needs to be acknowledged. Diversity in terms of socio-economic occupation within the IDP population needs to be acknowledged. Some of these IDPs have developed businesses, and have no farming skills whatever! Those interviewed expressed that if they were consulted, they would have suggested that they be provided with capital to restart their businesses rather than being resettled. There is a possibility that those resettled in rural areas are likely to sell their land and move into urban areas. This fear has triggered a problematic response from government: retention of Title Deeds for ten years. Apart from exposing beneficiaries of land dispossession by corrupt officials (governments also change), this means those settled in settlement areas and; ethnic diversity among IDP (settlement) community.

2. Vetting Process: There is an urgent need to revisit the vetting of IDPs. It emerged that genuine IDPs are being excluded from lists. Some IDPs have benefited from assistance to obtain seeds and are locked out of any subsequent assistance programme.

3. Diversify responses to displacement: There is an urgent need to diversify responses to the IDP problem. The single-track approach of buying agricultural land and resettling IDPs, and sometimes assisting them to build houses is not feasible. The diversity in terms of socio-economic occupation within the IDP population needs to be acknowledged. Some of these IDPs have businesses, and have no farming skills whatever! Those interviewed expressed that if they were consulted, they would have suggested that they be provided with capital to restart their businesses rather than being resettled. There is a possibility that those resettled in rural areas are likely to sell their land and move into urban areas. This fear has triggered a problematic response from government: retention of Title Deeds for ten years. Apart from exposing beneficiaries of land dispossession by corrupt officials (governments also change), this means those settled in settlement areas and; ethnic diversity among IDP (settlement) community.

4. Consult IDPs and leaders with respect to interventions to be made: There is a need for IDPs to be consulted with respect to a range of issues including: what assistance they need; with respect to land, in identifying land for resettlement; establishing who settles where etc. This would solve some of the challenges experienced in the rollout of the current resettlement program (IDPs rejecting land for instance).

5. Structural changes: It is acknowledged that some of the aspects of displacement can only be comprehensively dealt with within the context of broader reforms related to the land sector. For instance, the estimated thousands (probably hundreds of thousands) of squatters around the country (re Coast, Rift Valley) cannot be attended to in a woefully inadequate framework such as the one being deployed in the resettlement of PEV IDPs.

a. Such a broad based reform/resettlement initiative would require a re-look at tenure system; an investigation and regularization of past injustices related to dispossession; and accommodating competing narratives and claims relating to land (eg those at the core of conflict in the Rift Valley). This logically entails the operationalization of the constitutional framework on land, including the creation of the National Land Commission (NLC), which has a mandate of regulating ownership and investigating historical injustices. It follows logically that unless the future process by NLC will legitimize current resettlement efforts, then they must be regarded as temporary, and treated as such. If the government were to understand and acknowledge this, then it can better plan how to deal with the current cases, some of which entail a level of urgency.

b. It is thus proposed that the relevant government agencies re-think strategy in view of this reality: they can either either assign permanence to current initiatives, regard them as stop-gap (this would justify retaining Titled Deeds for instance and settling people for short period in and around forests through the shamba system proposed below). However, there is a need for a broad conceptual framework going forward sufficient (Policy on IDPs and its relevance to already completed resettlement is questionable) and a recognition that victims (IDPs) must be allowed to reconstruct their lives and to move on as quickly as possible.

6. Genuine reconciliation efforts: Resettlement programmes must be accompanied with genuine efforts to reconcile communities. If one considers that return to sites of displacement is ideal (eg cost effective), buying land to resettle IDPs could be regarded as anachronistic and amounts to the government running away from difficult reconciliation issues. If there is of course, and the distinct possibility that the exercise especially where there is significant opposition from host communities is creating new theatres of future conflict. Other than defeating and rendering as mere rhetoric the national project of national unity and reconciliation and appearing to ‘reward’ authors of displacement, the land buying exercise undermines the constitutional view that any Kenyan can settle anywhere in the territory.

7. Promoting the Economic Integration of IDPs: A lasting solution to displacement is not attained solely by the physical return of IDPs to their land or resettlement of the landless on new land. Measures must be taken to ensure (re)-integration into the local economy. This has various dimensions: re-establishment of residence (housing); the ability to earn a livelihood through farming and related economic, activities which in turn depends on their acceptance into local host communities. Evidence shows that while a few resettled IDPs have benefited from assistance to obtain seeds and other farming equipment, the majority of returnees and those resettled have received no assistance since return. This has slowed or hampered their economic reintegration. Some IDPs have benefited from assistance from NGOs, religious groups and international organizations (including UNDP) although such assistance targets a specific group of IDPs. The lack of regulation or some form of supervision of income generating activities especially those initiated by self-help groups have been subject to mismanagement and embezzlement by group officials.
8. **Consultation and Awareness (host communities):** Consultation should be a major pillar of the process of resettlement. It is crucial to consult or at least carry out awareness campaigns in host communities. Opposition by host communities to resettlement of IDPs on land purchased by government can be attributed in part to lack of awareness of the planned resettlement among the host communities. This was made clear in a report by the Ministry of Lands, that the government settles people forcefully (irrespective of protestsations from local communities and IDPs themselves) is counter-productive. It breeds resentment among host communities and does not offer a durable solution to displacement. It creates future theatres of violence: it renders those resettled vulnerable to insecurity, future displacement and heightens inter-ethnic conflict hence hurting reconciliation. This is worsened where settlements are homogenous ethnically and where significant land-related injustices remain unresolved. The reaction of residents in Taita-Taveta to a rumor that ‘outsiders’ had been seen in the vicinity as well as the opposition to government initiated invasion of Chemusian Farm (Eldoret), Tipis Farm (Mau Narok) and Trans Nzioa by squatters are instructive.

9. **Comprehensive resettlement programme:** Part of the problem of the current resettlement programme, as has been the case with previous ones, is that they target a specific cluster of IDPs to the exclusion of other IDPs, squatters and other landless people around the country. There is a need to urgently expand the current programme to include not only PEV IDPs but also IDPs from other cycles of electoral violence (1992, 1997 and 2002), squatters and other landless people. The reaction of locals in Mau Narok, Trans Nzioa and Eldoret (they prevented resettlement of IDPs on identified land) where there are significant grievances and landlessness could only complicate as it did the resettlement efforts. The profiling exercise proposed above must include squatters and other landless individuals.

10. **Land swaps and land buy-outs:** To supplement buying of land for IDPs, land swaps should be considered. Although this may have limited impact, encouraging such exchanges between individuals could offer part response to resettlement needs. Land buy-out, which can be considered as an iteration of land swap offers better prospects and answers some of the more difficult questions associated with the current resettlement programme: is it not fundamentally unfair for government to offer land to people for free? What happens to land extensively vacated by IDPs? Doesn't this practice encourage the “fake IDP” phenomenon since individuals have nothing to lose and a lot to gain by assuming the identity of IDPs?

11. Here, it is proposed that the government should buy-out all land of those displaced and are unwilling to return. This will partly finance the resettlement effort. It is understandable that there may be reluctance on the part of government to appear to endorse the displacement but this approach has its merits: only individuals with genuine fears of return will offer their land for sale in order for them to be resettled. This will also contribute to vetting because then those who sold their land or claim to have lost imaginary land can be exposed.

12. **Exploring the Shamba System as a Stop-Gap Measure:** The Shamba system, where the landless are encouraged to cultivate crops on previously cleared forest land on condition their crops alongside tree seedlings was practiced in Kenya since the early 1900s. It was introduced by colonial government and extended under the Moi government until it was stopped in the mid 1990s. Although it is a controversial system, when properly practiced, the system can promote sustained, optimum production of food crops along with forestry species.

The suggested approach, ie where the government buys out all land of those displaced who sold their land or claim to have lost imaginary land can be exposed. This approach, if properly implemented, has much potential and avoids the possible problems associated with land swaps. The government has not explored the possibilities of resettling IDPs on such farms, either by buying parcels of the land or exercising the rights of reversion based on its title. The new constitution and national land policy provide a framework within which such measures can be undertaken.

13. **Tapping into large scale farms:** Evidence suggests the problem of displacement appears to disproportionately affect peasant (small scale) land holders. Large-scale landowners are rarely affected by violence even when they are located in sites of such violence. In fact, evidence suggests that large scale landowners whose land had been occupied by squatters profited from the chaos during the PEV by orchestrating removal of squatters. It appears that so far, the government has not explored the possibilities of resettling IDPs on such farms, either by buying parcels of the land or exercising the rights of reversion based on its title. The new constitution and national land policy provide a framework within which such measures can be undertaken.

14. **Legitimizing self-help initiatives:** It appears that settlements initiated by self-help groups are regarded as a temporary measure, pointing to the view that unless you receive land from the government then you are still an IDP. While it is true that some of the self-help settlements are mere transit sites (e.g. Mawingu), there are those where a level of permanence is presumed and thriving communities have begun to form. In these cases, it would be expensive and disruptive to relocate them (Habitat for Humanity settlements in Mau Mahiu are a perfect example). It is proposed that possibilities of keeping such settlements subject to “viability assessments” and other forms of assistance to such community (business capital, skills, social infrastructure). The suggestion here is that the comprehensive response to IDPs that is proposed includes this as an element.

15. **Self-Purchase of Land:** In cases where buying land for IDPs remains an option, it is proposed that with respect to choice as to where to settle, government should consider giving money to IDPs to purchase land for themselves. This would bring immediate benefits: it subjects the exercise to market forces (perhaps eliminating or reducing corruption associated with procurement); reduce the ethnicisation of settlements; limit resentment directed against those resettled who receive a share of the land and hence reduce risk of inflaming ethnic sentiments; and, actualising the constitutional provision that one can settle anywhere. The idea is to eliminate government agency together with the force and arbitrariness associated with it.

16. **Basic considerations in purchasing land:** Where the government finds it necessary to lead the resettlement effort through land purchases, the following factors should be considered in the selection of land: productivity of the land (ie Gilgil scenario where IDPs rejected parched land); security; take measures to eliminate or limit ethnicisation of settlements (including the 60:40 rule); consult and involve IDPs in the process; consult and create awareness among the host communities before settling IDPs.

**Recommendations Respecting Self-Help Settlements**

The manner in which self-help groups acquired land for resettlement (a group of people contributing and acquiring land from willing sellers) could provide a model. Other than the absence of controversy such as that which accompanied government initiated settlements (re rejection of IDPs by locals) in Trans Nzioa and Eldoret, the IDPs themselves do not feel compelled to live in particular places. In addition, the IDPs have been received better by the host community.

17. If permanence for at least some self-help settlements (after viability assessments suggested above) is envisioned, urgent measures should be taken to regularize the process including surveying, parceling, allocation and issuance of title documents. While the potential for corruption and...
abuse is less, the survey disclosed a number of scenarios that need urgent attention: some of the leaders of self-help groups have been economical with the truth on the process; the legal status of the collective land remains unclear, the process of acquiring title having been ‘stuck’; cases of influential land owners (some in the Provincial Administration). Although the transaction between the group and the seller is private, there is national interest in ensuring that the situation is regularized. There is a risk, as expressed by some of those contacted that such influential sellers could evict them in future. In any case, the fate of land bought by self-help groups when vacated (after resettlement by government) remains unclear. As part of a comprehensive resettlement plan, some of those on the land could be retained. In this case, the government would reimburse contributions by IDPs that went into the purchase.

4.2.2 Recommendations relating to peace and security

Broad framework for security interventions: While increasing presence of security personnel on the ground is important (as a response to immediate security threats), over reliance on such presence is not sustainable. If one takes the view that addressing root causes of conflict and fostering genuine reconciliation is perhaps the only way to secure lasting peace and security, then efforts must be made in this regard.

18. Broad based, non-discriminatory security measures: Security measures should not only have as objective securing IDPs, but also host communities in areas where insecurity manifested in burglary and vandalism have increased.

19. Providing livelihood opportunities for youth: large numbers of unemployed youth provide a massive pool from which criminals (including organized crime), terrorists and agent of violent and divisive politics can easily recruit. Providing economic opportunities for the youth must be a key pillar in any programme aimed at establishing durable peace and security.

4.2.3 Recommendations relating to reconciliation

The process reconciliation is linked conceptually and practically to restoration of rights, property (including land) and providing some form of remedy for injury and loss suffered by victims of displacement. While public utterances by leaders matter (at least in not inflaming ill-sentiment), ‘talk-shop reconciliation’ will not work. There is need for genuine popular national process of reconciliation. While some immediate steps could be taken to initiate or support ongoing reconciliation efforts by disparate parties (including TJRC), in the long run, durable peace and reconciliation is linked to undertaking structural reforms in many sectors, including land.

20. Both the government and civil society should initiate serious civic education for Kenyans to embrace the spirit of co-existence and acceptance. While some initiatives have been undertaken in this regard, these are largely by private entities (eg churches and elders) and remain isolated from any national process. There a need to link these initiatives to the national process in ways that validate and lend support to these initiatives.

21. Measures should be taken to curb hate speech. Leaders (political and religious) should stop negative ethnicity that whips up hate and identifies new targets for violence. It appears that the fragility of the situation around the country is not fully appreciated, or if so is ignored for political reasons.

22. The government should renew its efforts in relation to the implementation of the new constitution. The constitution establishes a new paradigm of inclusion while strengthening existing mechanisms or creating new ones that provide a structural framework to address causes of conflict.

4.2.4 Recommendations relating to restoration of human dignity

23. As long as IDPs remain in transit sites, the government should take responsibility for their welfare. The food programme does not appear to work as it should: IDPs complain that distribution is irregular and appears to be done on discriminatory basis. The food distributed is basic (dry maize, beans and oil), leading to malnourishment among children and adults alike. This diet is particularly not suitable for the aged and those with HIV&AIDS. There is a clear need to diversify the diet.

24. There is a clear need to invest more money in the general assistance programme. There are tragic stories of IDPs starving and those dying of curable diseases and exposure to cold (especially children and the aged). Some parents have withdrawn their children from schools because of weakness brought on by hunger.

25. With respect to healthcare, it is recommended that the programme in terms of which IDPs would receive free medical care in public hospitals needs to be taken seriously. It appears that the programme has worked in some places than others. The general complaint is that public hospitals have refused to treat IDPs unless they pay. Funding and better coordination between relevant ministries is clearly required. In view of relocation or dwindling numbers of IDPs from transit sites, proper application of the programme will require fresh vetting of IDPs. It is suggested that there are reasons to extend the programme, at least for a limited period of time, to returnees and resettled IDPs who remain economically vulnerable.