

The IDPs Framework for Peace and Reconciliation for Resettlement: An Overview

A. Background

On December 27, 2007, Kenya held local, parliamentary, and presidential elections. Though voting day itself was largely peaceful and orderly, serious irregularities occurred in the tabulation of results for the tightly contested presidential election, which pitted incumbent president Mwai Kibaki, leading the Party of National Unity (PNU) ticket, against challenger Raila Odinga, of the Orange Democratic Movement (ODM). Delays in the announcement of results provoked some protests, and when Kibaki was proclaimed the winner on December 30, these violent demonstrations multiplied, sending the country into turmoil. Because Kenyan politics appeal to ethnic identity, outrage over a political issue quickly took on an overtly ethnic character. Over one thousand people have died and over three hundred thousand have been displaced in the resulting violence (some believe the number of internally displaced persons could exceed six hundred thousand). The Kenyan police force, long viewed with skepticism by many Kenyans, has in some cases been accused of ethnic bias and of the inappropriate use of force in its attempts to control the unrest. In addition to the humanitarian toll and the damage done to the integrity of Kenya's political institutions, the crisis has resulted in serious economic setbacks for Kenya and the surrounding region.

Kenyan civil society and much of the business community responded quickly to the mayhem, calling for reconciliation and a political solution to the standoff. A series of international efforts to help mediate between the Kibaki and Odinga camps eventually culminated in broad support for the work of former UN secretary-general Kofi A. Annan. Annan laid out a four-point agenda for the negotiations, consisting of (1) measures to bring an immediate halt to the violence and to restore the rights and freedoms of the Kenyan people; (2) measures to address the humanitarian crisis and to promote reconciliation; (3) a political solution to the Kibaki-Odinga standoff in the form of some transitional government that incorporated both factions; and (4) fundamental institutional reforms to address underlying grievances in Kenyan society.

While some of the IDPs left the camps to live with relatives in the countryside or to look for alternative livelihoods, a good many of them still remained in the camps under deplorable conditions where they faced health risks, insecurity, food shortages and disruption of education of their children among other hardships. It is of paramount importance that the IDPs are resettled and reintegrated with host communities as a

matter of priority for the country to return to normalcy and recover from the ravages of post election violence.

B. The IDPs Phenomena and Responses in Kenya

The concept of internally displaced persons has been defined comprehensively by various international laws. The Draft National

Policy on IDPs in Kenya has looked into all these and adopted the following definition 'Internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or man-made disasters, and who have not crossed an internationally recognized State border'.

The phenomenon of internal displacement is a historical issue. While displacements have taken the manifestations captured above from the colonial to post-independence eras, it is the politically instigated violence which has taken a centre stage from 1991 to 2008. Reports by various actors have indicated that the 1991-1997 election related clashes displaced more than 600,000 people in the Coast, Rift Valley, Nyanza and Western provinces. However, it is the December 2007 to February 2008 post election violence (PEV) which created the biggest number of IDPs and within a short time-frame of two months. More than 600,000 and 1,000 people were displaced and killed respectively notwithstanding the massive lost of property, livelihoods and opportunities. These displacements led to massive human rights violations and humanitarian crises which forced the international community to intervene. Consequently,; **1. Ending violence;** **2. Provision of humanitarian support to IDPs and restoration of fundamental rights;** **3. Ending the political crisis;** **4; Addressing the long term underlying issues.** It is the second agenda item (National Accord which a was signed in February 28 2010 along among other four agenda items) made the government and other partners to initiate support to IDPs from March 2008 to date within four main operations.

The first *Operation for Voluntary Return* (with food rations only) was mooted in February 2008 and the Second *Operation Rudi Nyumbani* (with Ksh. 10,000 and Ksh. 25,000; food, tents among other provisions) initiated from May 2008 and has since been in force. *Operation Ujirani Mwema* (Good Neighbourliness) and *Operation Tujenge Pamoja* (Let's Build Together) were subsequently implemented to promote reconciliation and reconstruct destroyed homes and infrastructure. All these operations were conceived and enforced within the government's strategy for Emergency Social and Economic Recovery which had envisaged that all IDPs would return home and re-

establish their lives and livelihoods by June 2008. The government has employed a number of strategies during these operations and support programme including:

- a) IDPs profiling to get the accurate number of the affected;
- b) Assistance to IDPs return to their homes and farms;
- c) Start-up funds of Ksh, 10,000 to each IDPs household;
- d) Provision of Ksh. 25,000 for reconstruction of houses;
- e) Provision of food to IDPs until they harvest their crops;
- f) Provision of farm inputs;
- g) Reconstruction of infrastructural facilities e.g. schools;
- h) Peace building and reconciliation to create harmony amongst communities;
- i) Psychological counselling of IDPs to heal post-election traumas;
- j) Relief provision to IDPs by Government of Kenya and World
- k) Food Programme.

To date, despite the Government initiative, through the responsible line Ministries, most IDPs demanded compensation as a precondition to leave camps, claiming that they were being forced to go home without anything, derogatively terming the resettlement initiative *'Operation Rudi Nyumbani bila Kitu*. It is on this background that while recognising efforts and previous work of the KHRC and IDPs Network and the Protection Working Group on Internal Displacement (PWGID) that compliments the efforts by the Ministry of State for Special Programmes (MOSSP); Kenya National Commission on Human Rights (KNCHR); United Nations High Commissioner for Refugees (UNHCR-Kenya); United Nations Office Coordinating Humanitarian Affairs (UNOCHA-Kenya) and other partners within the PWGID; that FES in partnership with NPI-Africa is organizing a national symposium to provide space for constructive critique of the periodical reports by the Government of Kenya on the IDPs displaced as a result of the post election violence and policy positions that could help address the crisis. The symposium targets key policy makers, policy implementers, non-state actors working.

Objectives

- I. to assess the current situation of those still displaced nine-ten years after the clashes
- II. Draw the nexus between IDPs resettlement and the question of national cohesion and integration
- III. To assess the present peace situation in previously affected areas, highlighting danger/warning signs of violence in future.
- IV. Provide policy and legal framework proposals addressing the IDPs crisis in Kenya.

C. Emerging issues for interrogation

1. Conflict Sensitive Principles for Resettlement

To achieve sustainable resettlement it is important to recognize the different categories of IDPs in Kenya at the moment, not just those arising from post election violence. These include: post 2007 electoral violence IDPs in about 100 camps across the country or hosted by families and friends; IDPs as a result of long- term conflicts in pastoral areas; IDPs as a result of colonial displacements; IDPs as a result of the 1990s clashes; IDPs caused by other disasters and IDPs arising from forest, park and other evictions. Different categories of IDPs will require different interventions; therefore it is important that the resettlement programme is comprehensive to take into account the different kinds of IDPs and their special needs.

Resettlement programme should be based on a comprehensive needs assessment and contextual understanding of IDPs and host communities. Further, resettlement and reintegration process in Kenya must note that IDPs shall be returning to communities, not farms. Hence the process must be sensitive to the needs and concerns of the returnees as well as host communities. This understanding should inform the interventions and would include:

- Underlying causes of grievances and tensions (historical and current) in Kenya and particularly in the epicentres of post elections violence.
- Understand local context of host communities and IDPs through intra and inter community dialogues particularly to understand their needs and also incentives for resettlement and reintegration.
- Policy framework to guide the resettlement process of the IDPs and the Evicted

2. Community agreements through mediation/dialogue processes

IDPs and host communities should negotiate conditions for resettlement and reintegration through facilitated dialogue processes. Agreements arrived at should be endorsed by all the parties to ensure they are binding on the parties. Such agreements should promote accountability for positive coexistence.

Resettlement and reintegration should observe the International Guiding Principles for IDP Return, Resettlement and Reintegration. Of utmost importance is the need to ensure full participation of IDPs in the planning and management of their return, resettlement and reintegration.

Recognize and clarify the role of different actors in the resettlement and reintegration process, and create an agreeable mechanism at national, regional and local levels to coordinate and harmonize interventions by different actors.

Time frame to accomplish resettlement should be elastic no fixed, for it will depend on many factors not least a conducive environment on the ground. Thus, resettlement and reintegration should not be forced. If necessary to decongest the IDP camps, temporary resettlement areas could be set up to allow ripe conditions for resettlement and reintegration.

3. Humanitarian assistance

Evidence has emerged that humanitarian aid can unintentionally contribute to conflict. Hence, conflict sensitivity has an important role in ensuring that humanitarian assistance fulfils its humanitarian objectives and does not inadvertently fuel conflicts. Humanitarian actors also face an increasing politicization of their work. The main risk of politicized humanitarian assistance lies in fuelling war economies and undermining local coping strategies particularly where the assistance is provided over years and even decades.

A conflict-sensitive approach to humanitarian assistance recognizes the political nature of assistance and incorporates a contextual understanding through:

- Political neutrality informed by an in-depth understanding of the global and local conflict environment
- Conflict prevention perspective (Do Some Good) – an understanding of underlying tensions and latent conflict to help agencies respond to these more effectively
- Do No Harm approach which attempts to monitor the intended and unintended impact of their work to avoid contributing to instability and violence
- Coherence and complementarity – development of structures that allow agencies with different mandates (humanitarian, development, peace building) to complement each other's work. This may involve joint assessments and planning. This was particularly evident in the emergency response to the post-electoral violence.

4. Successful enactment of National Accord and Reconciliation Agreement

Resolutions through constitutional, legal and policy formulations to enhance confidence building of Kenyan people and restore the integrity of public institutions, which is critical

to successful resettlement, reintegration and positive coexistence. As such, there is need to:

1. Draw lessons from resettlement programmes of countries coming out of violent conflict in the Africa region such as Rwanda, Burundi, Mozambique, Sierra Leone and Ivory Coast among others.
2. Lobby and/or initiate public debate on the need to fully implement the four agenda of the National Accord

5. Conditions for Resettlement and Reintegration

Contextual analysis of post election violence epicentres is necessary in the identification of dividers and sources of tensions between IDPs and host communities in their context as well as connectors and opportunities for positive coexistence. Structured dialogue leading to agreements between IDPs and host communities to promote peace, reconciliation and healing is critical and necessary prerequisite for constructive resettlement, reintegration and peaceful coexistence. Confidence and trust building among and between IDPs and host communities that resonates with governance structures at all levels to facilitate and encourages voluntary return of IDPs to their farms.