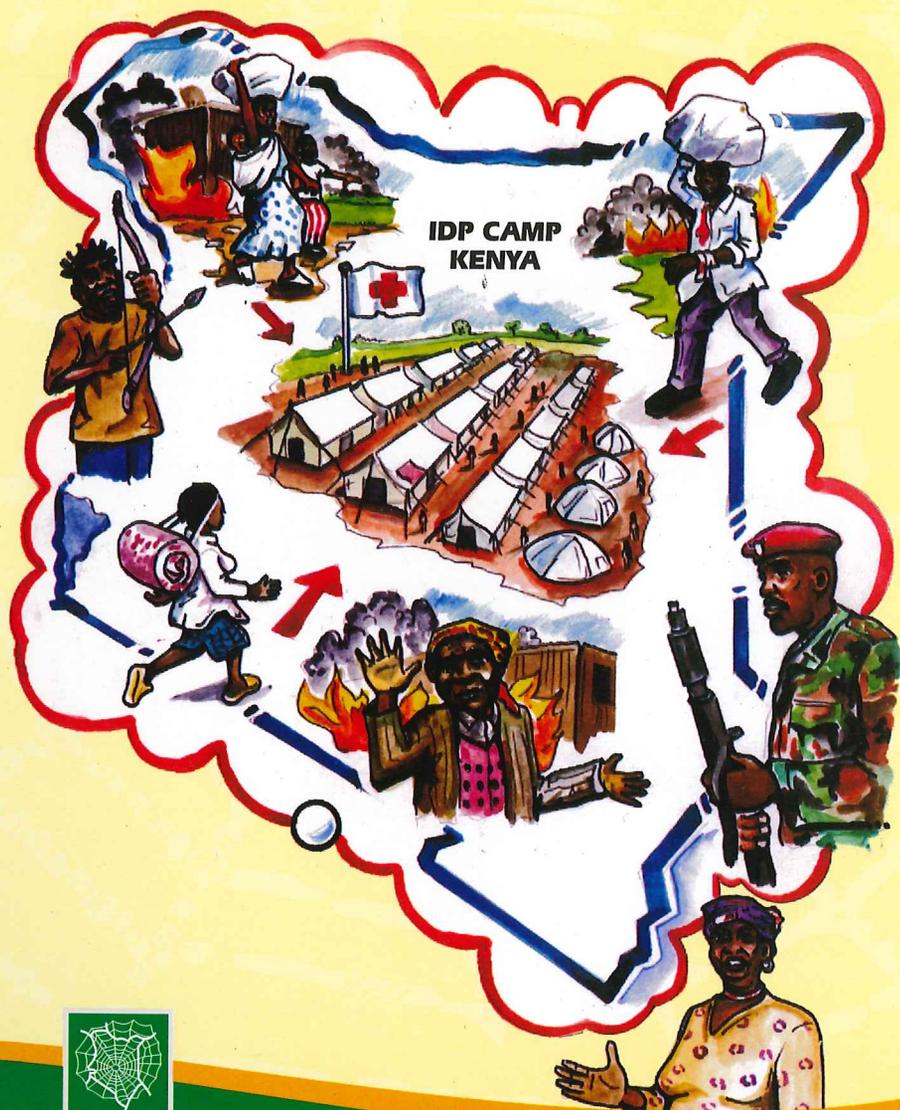


A REPORT OF RAPID ASSESSMENT OF POST ELECTION RECONSTRUCTION

Opportunities for Dialogue



PEACE AND DEVELOPMENT
NETWORK TRUST
(PeaceNet - Kenya)

May - June 2008



Humanitarian Assistance: Kakamega Police Station



Information about PeaceNet-Kenya

PeaceNet-Kenya is a national umbrella organization of NGOs, faith-based Organisations, CBOs and individuals committed to encouraging collaboration, facilitation and mobilization of local initiatives in peace building, promotion of justice, security sector reforms and conflict resolution.

The network has been in existence since 1992. At the time, it was called the Ethnic Clashes Network (ECN). Its mandate was limited to coordination of humanitarian assistance to the victims/survivors of ethnic violence in the Rift Valley.

In 1995, the name of the network changed to “Peace and Development Network (PeaceNet-Kenya)”. Its mandate also changed to incorporate the broader peace-building and conflict management interventions. This mandate was further broadened in 2002 to incorporate security sector reforms.

Vision

PeaceNet-Kenya envisions a pervading culture of peace, stability and security all over Kenya, where human dignity, equity and justice prevail

Mission

PeaceNet-Kenya is on a mission to sustain a broad based coalition of peace workers largely at the grassroots level, who strive to foster peace within their local communities as well as at the national level.

Objectives

PeaceNet-Kenya seeks to attain the following broad objectives through its programmes:

1. To galvanize practical action in government, political establishments and amongst other institutions and agencies for addressing peace issues and causes of conflict as well as dealing with incidents of violent conflict



2. To promote and encourage resource-sharing and voluntarism among agencies and people committed to establishing peace and security as a basis for development
3. To develop collaborative and collective efforts between NGOs, CBOs, donor agencies, faith based organizations, community institutions and individuals involved in peace work



About the Research

This Assessment was undertaken between March and June 2008 with a view to identify opportunities for dialogue, national healing and reconciliation within the displacement. It is hoped that the findings will initiate opportunities for a truth and justice process in as far as reconciliation of communities in affected regions of the country is pertinent. It was further anticipated that the assessment would provide critical information for national and community level advocacy to strengthen resettlement and reconciliation interventions undertaken by state and non-state actors.

Following the outbreak of post election violence in Kenya on December 29th 2007, members of the Partnership for Peace, hosted by PeaceNet Kenya convened and initiated an Electoral Violence Response Initiative (EVRI), consisting of over 34 civil society organizations. Since February 2008, The Electoral Violence Response Initiative began to support and advise rapid peace building initiatives particularly at the community level in the epicentres.

One of the most unique consequences of this crisis in Kenya was the large and increasing number of Internally Displaced persons in the country particularly in Rift Valley who are temporarily sheltered in camps. This was as a result of physical eviction from the areas in Eldoret, and Nyanza provinces by the indigenous communities who feel that these communities have invaded their ancestral land. This was accompanied by torching of their homes and business premises thus destroying livelihoods of persons who have lived in these areas for more than three decades. In what seems to be a revenge strategy, communities from Nyanza, Rift Valley and Western who reside in Central Kenya and were continuously being threatened and evicted from Central Kenya and parts of Nairobi and ended up camps in Police stations in these areas.

While the immediate humanitarian crisis needs of the displaced communities continue to be met, Kenya as a whole has to grapple with the enormous challenge of resettling these communities, which will prove to be a daunting task. PeaceNet Kenya believes that dialogue amongst the communities needs to remain a critical pillar in all efforts to reconcile communities and in seeking non-violent approaches to dispute resolution.



The Researchers

PeaceNet Kenya contracted two competent researchers, Muganda Chvasu and Jonathan Wesaya Maina to undertake the study under the guidance of two programme departments of the network; Research, and Documentation Programme and the Membership, Networking and Advocacy Programme.

Mr. Muganda J. Chvasu is a (B:A Hons.) holder from the University of Nairobi. He started research work during his student days at the University; mainly for PHD scholars and professors on various projects. Jonathan Wesaya Maina is the Resource Mobilization Officer for Development Policy Management Forum (DPMF). He holds a Bachelor of Education (Hons.) in English Language and Literature. He also has a Post Graduate Diploma in Human Resource Management (Distinction) and a Masters in Development Studies with a bias to participatory approaches.



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PeaceNet Kenya extends heartfelt appreciation to all her Regional Co-ordinators and Trustees in the Central Rift, North Rift, South Rift, Coast, Nyanza, Lower Eastern and Western Regions who mobilized critical opinion leaders and stakeholders into the focus group discussions. Special mention to Jonathan Chesusio in the North Rift region, who went an extra mile to link the researchers to *Laibons* like Mzee Jackson Kibor for the interviews.

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Acronyms

UN-OCHA	United Nations Organization & Coordination Office for Humanitarian Assistance
UNHCR	United Nations High Commission for Refugees
UNDP	United Nations Development Program
WFP	World Food Program
IOM	International Office for Migration
FAO	Food and Agriculture Organization
UNICEF	United Nations International Children's Fund
WHO	World Health Organization
USAID	United States Agency for International development
IDPs	Internally Displaced Persons
FBOs	Faith Based Organizations
CBOs	Community Based Organizations
CSO	Civil Society Organizations
NGOs	Non Governmental Organizations
KRCS	Kenya Red Cross Society
ODM	Orange Democratic Movement
PNU	Party of National Unity
GOK	Government of Kenya



Map of Kenya



2008 Post Election Violence Epicenters: The Coast, Upper Eastern, Central, Nairobi, Rift Valley; Central Rift, South Rift and North Rift, Nyanza and Western provinces



Executive Summary

The study reveals that conflicts in Kenya are resource based. There are both man-made and ecology conflicts. The incessant confrontations between communities points to lack of a holistic focus on the root causes. The struggle over economic and political entitlements by all the actors can be well addressed through political will and responsive leadership. This rapid assessment narrows to the man-made internal displacements. The underlying factors have been inequitable distribution of resources at macro-level and micro-level. The key resources in this case being land and national development funds which are highly contested by the various actors.

The rapid assessment further reveals that a majority of the IDPs were unwilling to return and the host communities were not ready to acquiesce on positions held due to lack of a clear strategy to address the root causes of the problem. The general feeling on the ground across the country expresses readiness to resolve the conflict conclusively even though no real reconciliation programmes have been mounted. The lack of sustainable solutions was partly due to lack of coordination by various actors and non-inclusive government interventions. The national and international responses to the current conflict situation have been spontaneous, un-coordinated and lethargic. The lack of structured response and consistency has led to recurrence of these conflicts in the same epicenters.

In addition, the government interventions have been rejected by parties in the conflict. Most actors felt that the government should facilitate the process but let Civil Society Organizations (CSOs), Faith Based Organizations (FBOs), and Non Governmental Organizations (NGOs) implement the reconstruction and peace process. However, this should be properly coordinated and development partners should come in to complement the role played by local communities who understand the needs of a particular locale.

The rapid assessment found out that the resettlement process, dubbed Operation Rudi Nyumbani was rushed and people felt it should be suspended until real intercommunity dialogue takes place. Lack of basic facilities in transitional camps and farms was a pointer to the level of confusion in the resettlement process. The government arms such as the Provincial Administration have been accused of 'addressing people and not talking to communities'. This implies lack of community ownership of emerging and on-going interventions. The danger at the moment is that

these interventions could flop notwithstanding the investments already made.

The conflict situation in Kenya has salient features and needs to be well understood before interventions are developed. There is need to understand the basic factors, the dynamics involved, the conflict parties and the triggers to the violence. There are various dynamic forces behind the scenes, which shape the conflict situation. The ethnic cleavages; militia groups, political and economic dominance orientations or economic and political vulnerabilities and other factors have aggravated the conflict situation over the years.

The recent GEMA, KAMATUSA, ethnic radio and T.V stations, community militia groups such as Mungiki, Siafu, Sungu sungu, Msumbiji, Baghdad boys, Community business associations, among others are just but an expression of these cleavages. The situation is further aggravated by the trigger effect of the lack of cohesion in the coalition government, biased application of the rule of law, divergent youth amnesty positions from ODM and PNU, non-inclusive compensation policy, exclusion in development projects, unequal government opportunities and elections polarized along ethnic orientations or agendas.



Recommendations

The Government of Kenya

- There is need for dialogue initiatives at the grass root level before real resettlement and reconstruction is undertaken. The government, together with stakeholders should fast track the structures for community reconciliation. The process should ensure direct community, IDP and stakeholder involvement.
- The community ownership of interventions will ensure truth, justice, and real reconciliation is sustainable.
- It is imperative to recognize displaced populations according to the UN principles on internal displacement.
- It would also be appropriate for the government to carry out an IDP survey in the country to be able to categorize emerging scenarios of IDPs. This will ensure equal protection and assistance.
- There is need for a national policy on IDPs, to enable assumption of responsibility and provide guidelines to government authorities at various levels. It will also enable easy coordination of humanitarian assistance and reconstruction without duplication of duties with various actors.
- The government of Kenya has the best structures in the form of Provincial Administration that reaches to the grass roots; such structures would facilitate the reconstruction and peace building exercise. However as the government leads, it should delegate duties and involve the community-based organizations, local NGOs and faith based organizations, IDPs and community representatives. It has been accused of 'addressing people rather than talking to people'.
- The government in conjunction with other actors should coordinate the reconstruction and peace building process through properly constituted structures such as the Security Assessment Committee for Resettlement (SACR) and the Technical Committee on Resettlement and Reintegration (TCRR) at the National Level. Whereas at the district level which may trickle down to the location level, the District Resettlement Assessment Committee (DRAC) and District Resettlement and Reintegration Committee (DRRC) should be in place to coordinate structures, develop policies at national and district levels, take decisions, share information, and formulate joint plans according to their respective terms of reference.
- The Technical Committee for Resettlement and Reintegration Components should comprise of the Special Programmes ministry, Internal Security ministry,



- the Provincial Administration, UN-OCHA, UNHCR, UNDP, UNFPA, WFP, IOM, FAO, UNICEF, WHO, USAID, DFID, representatives of women, youth, IDPs, FBOs and CBOs. This stakeholder approach would be comprehensive enough to tackle the gravity of the complexity of the conflict situation.
- There is need for sustainable humanitarian assistance and protection of all categories of IDPs. Besides, there is need for a comprehensive plan targeting the attainment of sustainable peace and development such as provision of safety nets for the youth, women and vulnerable groups. The youth and women need credit facilities, capacity building and an urgent recovery strategy. It is the responsibility of government to source for funds from development partners and develop such deliberate programmes.
 - Provide sensitization and training on IDPs management and their rights to both civil servants of central government and local government.
 - The government should encourage and support initiatives by CBOs, FBOs, NGOs and other stakeholders in order to fast track reconciliation and development. It should play a supervisory role and facilitate easy peace development process.
 - At provincial, district and locational level, the government should ensure IDPs are provided with protection through the deployment of increased numbers of police who should observe high professionalism.
 - Encourage and promote formation of location and district peace committees where the government facilitates as other stakeholders implement the humanitarian and peace building exercise. As alluded to earlier, the involvement of FBOs, CBOs, Women and Youth groups among other actors is imperative.
 - Prosecute perpetrators of human rights abuses, both in government, the community and in the IDP fraternity. All should face due process without perceived impartiality.
 - The government and the stakeholders may develop a centralized information system where information flow is coordinated in a top-down to bottom-up participatory process. Conflicting information on the grassroots distorts the peace process leading to delayed healing. Uncoordinated information flow is detrimental to peace process.
 - Finalize the land policy and redistribute land to the landless, with reference to Akilano Akiwumi Commission and the Ndung'u Land Commission reports. It is time to be decisive on the land issue.
 - A national policy on nationhood and integration is necessary to emphasize on our strengths in diversity rather than treat differences as weakness.
 - A comprehensive and holistic development strategy is necessary to address the root causes of the violence and foster sustainable peace process.

International Government Partners

- Provide support and advice to the Kenya government on the best way to implement the national peace accord.
- Complement government efforts to source for funds targeting peace and development initiatives.
- Foreign missions and other international actors may pressure the government to strengthen institutions in Kenya for accountability and good governance.

International NGOs

- Develop an independent monitoring mechanism to inform all the stakeholders involved in the humanitarian assistance.
- Conflict areas should be mapped and efforts should concentrate on empowerment structures in the communities. There is a tendency of international organizations to neglect the IDP situation until a conflict arises
- Assist the government of Kenya to develop comprehensive and holistic peace and development plans that would foster sustainable peace and development.
- Offer coordinated and sustainable expertise in psychosocial, food and non-food item provision, and other services.
- Support and collaborate with local and national stakeholders on IDP issues.
- Support studies into IDP issues whether conflict or non-conflict related and provide sustainable solutions.

National NGOs

- Ensure any actions taken on IDP issues are well coordinated and representative of IDP interests.
- Provide guidance and leadership in land issues through research and consultancy to the government and other stakeholders. This will foster the development of long lasting solutions.
- Take a lead role in implementation of the dialogue and reconstruction process at grassroots level by setting up sustainable structures and identifying entry points for dialogue process. Maintain neutrality in the peace process with regard to IDPs, government and the host communities.

Local Initiatives

(Local level government, Faith Based Organizations (FBOs), Community Based Organizations, local NGOs, IDP and Community representatives)

- The local leaders such as chiefs, opinion leaders, business people, farmers, IDP



and community representatives among others may collaborate with CBOs, Youth groups, Women groups and FBOs on grass root peace initiatives

- Assist in developing a monitoring peace and development mechanism to foresee the peace process.
- Coordinate information flow to the grassroots, this will avoid information distortion.
- The local structures may advise the Provincial Administration on sensitive or unique issues.
- May assist in development of IDP inventory and valuation of destroyed property process.

The United Nations

- Support efforts by the government and other stakeholders on IDP survey to determine real IDPs
- Support a comprehensive and sustainable IDP Humanitarian Assistance Program
- Support development, formulation and dissemination of a national policy on IDPs to all stakeholders.
- Conduct training and sensitization on IDP protection and UN guiding principles on internal displacement for UN staff, the government, national and international NGOs.
- Support CSOs in effort to foresee government commitment on the National Peace Accord; ensure implementation of all the phases of the accord.
- Foster coordination and collaboration of all actors on IDPs issues through the UN-OCHA.
- Regular assessment and reporting on conflict based issues



Background to Displacement & Resettlement in Kenya

The British colonialist invaded and subsequently alienated African land that was fertile and well watered. In 1902, the promulgation of the Crown lands ordinance and the 1915 conferment of enormous powers to the British Administration then, to control crown land through the Governor forms the root of the structural land and poverty problem in Kenya today. The 'white highlands' as they were referred to, were annexed from Africans and subsequently the government pursued policies that directly affected the indigenous people. This led to internal displacement of African landowners.

The Africans were confined to land reserves as the Kenya highlands in Central, Rift Valley; parts of Western, Nyanza and the Coastal strip were reserved for White settlers or Arabs. The British policies in force changed the agrarian system, which later resulted into peasantization of the African population. The natives in reserves later on became dependable for labor in the Kenyan highland farms. The communities that suffered most were the Maasai (lost Laikipia and were confined in Kajiado and Narok) Kamba (lost Masaku- now Machakos) Kikuyu (most of Mount Kenya region) Nandi (lost 3,200 Km² of Rift Valley), Kipsigis (lost Kericho) and Mijikenda (lost 10 Km² along the Coastal strip). The total land occupied by the British settlers was 21,000 Km², out of 356,000 Km² of Kenyan area, with 243 000 Km² being a desert, it meant 74% was out of reach for Kenyans.

There are increasing concerns over sustainable environmental management, with conflicts between advocates of 'conservation' and advocates of 'sustainable use'. Conflicts centers around control over and access to land, competing land uses, multiple historical claims to land, gender and inter-generational relations. The colonial policies pursued in certain districts have had far reaching effects to the Kenyan peoples. The imposition of fixed internal divisions (for example, northern Kenya was a closed district in colonial times) and international borders without regard to livelihood systems of pastoral communities had devastating results. It is clear that colonial borders – and the way they have been administered since then – are a crucial factor behind conflicts in border areas. Therefore, Pastoral conflict and violence in the sub-region is historically linked to the violence that accompanied state formation in the colonial era.

¹GOK, 2004, Report of The Commission of Inquiry Into The Irregular /Illegal Allocation of Public Land. Government Printer, Nairobi. Pp 1-22.

²John Ouko, 2002, Undercurrents of Ethnic Conflict in Kenya. Leiden, Netherlands,

³Africa Center for Technology Studies (ACTS), Ecological Sources of Conflict in Kenya: Linking Theory to Practice. Nairobi, Kenya. 2002 Conference.

⁴See Ludeki in Mwakumi Mwangiru, 2004, African Regional Security in the Age of Globalization. Heinrich Bboll Foundation, Nairobi.



The colonial borders drawn during the scramble for Africa transected existing communities and prepared ground for future conflicts. Some communities cut across into countries, although they belong to the same nation-state. For instance the Maasai in Tanzania and Kenya, The Pokots in Kenya, Uganda and the Somali in Somalia and Kenya have waged conflicts against other communities over pastures and livestock. The Somali case was the cause of irredentist claims and banditry (Shifta) in Northern Kenya during the early 60s. Disputes erupted between Somalia and Ethiopia over Ogaden in the late 70s. There was disputes between Kenya and Sudan over Elemi triangle occupied by Turkana of Kenya but claimed by the Toposa of Southern Sudan.

Civil wars that have taken place over the years in Ethiopia, Sudan, Somalia, and Uganda have led to proliferation of small arms and light weapons. The wide availability of arms, apart from being devastating in terms of human loss has altered the cultural foundations of many communities – erosion of traditional conflict-resolution mechanisms in the face of arms-bearing youth being one of the most significant examples. Given this precarious livelihood, insecurity in border areas is due to availability of arms, which has provided the means for communities to seek alternative livelihoods (inevitably violent ones) such as livestock rustling and banditry.

This situation is prevalent among Kenyan neighbors, most notably, Sudan, Uganda border areas (particularly in the Pokot and Turkana communities). In Kenya, the Pokot have raided the Tugen, Market, Turkana and Keiyo; internationally they have raided the Karamojong communities of Uganda. The Turkana often raid and are raided by the Toposa of Sudan and Nyang'atom of Ethiopia. The conflicts between Ethiopia and Northern Kenya communities over pastures are still alive. The conflicts have taken a new ecological shape; Rebel activities along the Kenya-Ethiopia border further complicates the situation. The frequent tensions along the Kenya-Ethiopia border are largely rooted in the belief that the Oromo Liberation Front (OLF) often uses Kenya as a base for retreat from Ethiopian forces following armed engagements. In response, Ethiopian militias often cross over into Kenya in hot pursuit of OLF rebels and end up in violent clashes with communities in Kenya.

The post independent state has in the last four decades perpetuated the colonial legacy and even aggravated the injustices committed to the people. According to Colin Leys, 'the structure of the economy where a small group owned fertile land, controlled industry, were biggest employers of labor, owned 90% of nations income and monopolized political power, characterized Kenya in colonial and post colonial times. The only difference being that in post colonial times the power elites were Africans in

⁵Mwaura Ciri, 2005. Kenya Uganda Pastoral Conflict, Human Development Occasional Paper, UNDP.

⁶Collin Leys, 1973., Neo-Colonialism in Kenya: The Political Economy of Under-development. Heinemann, Nairobi.

collaboration with an enclave of Asians in commercial and manufacturing sectors, Europeans in financial and industrial sectors'. The situation has been complicated by the politicization of land issues by the previous regimes. Particular areas were identified as pro or anti government and received preferential or unfair treatment as a result. The 'undemocratic and ubiquitous' state manipulated the land rights system for political ends and individual enrichment. One of the worst examples of this tendency was the ethnic cleansing of opposition-associated communities from agricultural land during the so called 'land clashes' of 1992, and 1997-1998.

Transformation of state from multi-parties to one party state system during the Kenyatta and one party state to multi-parties during Moi era has not been an easy process. In some situations Kenyatta and Moi regimes used force to suppress certain sections of the people in order to perpetuate their position of power for the advancement of their personal interests. In most cases such conflicts were characterized by divisive ideologies of ethnicity, regionalism and some times religious antagonism. The two governments were authoritarian; therefore there was no significant departure from the past. The peasants have remained largely untransformed, except that the frontiers of private property in land and agriculture was opened to a limited number of rich, middle and poor peasantry through settlement schemes and land buying companies after independence that Kenyatta and Moi favored as manifested below:

'Today when we look at the top jobs in government, we find that most ministries including co-operatives, practically all these have been taken by people from Central province, if Kikuyu tribe alone can take 75% of Kenya jobs and are less than 2 million people, how can you expect 25% jobs to go to more than 8 million people who belong to other tribes'.

Moi's era was a turn for his own tribesmen, in 1983 Kikuyus were excluded from the Moi government – the fall of Njonjo, expulsion of Matiba from KANU which rekindled ethnic sentiments and formed a persecution mania, Moi was replacing Kikuyus with Kalenjins. To the Kalenjin community it was 'our turn to eat'. This explains the resentment of Kikuyu and Kalenjin communities by other tribes because they are viewed as having occupied presidency and 'have therefore had their Cake'. The historical injustices from colonial times have been swept under the carpet for long. The internally displaced persons during the Colonial, Kenyatta, Moi and Kibaki administrations have continued to pose a threat of intra-state conflicts especially in the electioneering period. The land question therefore remains central in the nature of conflicts that ensue.

¹National Assembly Hansard xiv Sixth Session 27th February 1968 column 66



The structures for political transition remained static and were characterized by extreme economic inequalities where oligarchic interests tended to rely essentially on monopoly of violence to maintain political order and stem the tide of political changes towards democracy and an open society. According to Nyong'o, regime change should involve political break with the past as well as economic break. However, in such times various forms of resistance and conflicts will occur during transition period, tempting those in power to resort to repressive tactics of yester years to maintain what they regard as political stability. In most cases authoritarian regimes are conflict and violent prone. Conflicts thrive because economic, social, cultural and political injustices historically pre-dispose people to such conflicts.

In Kenya for instance, any individuals that were perceived to be a threat to status quo were decimated through political assassinations. In 1974 J.M Kariuki was assassinated for challenging the authoritarian Kenyatta regime. A series of detentions without trial, involving university lecturers, journalists, priests and trade unionists were common, a situation that continued in the Moi reign. Dr. Robert Ouko was assassinated for investigating corruption from within and threatening to communicate to the Western capitals. The 1982 aborted coup d'etat was an expression of mounting dissent which characterized the entire decade. Early 1990-1991 was a climax of the growing pressure for regime change.

The wave of multi-parties in Kenyan politics was interpreted differently by every community. Among the Luo, Kikuyu, and Luhya multi-party system was most preferred because they had been excluded from the government for long. But among the Kalenjin, Maasai, Turkana and Samburu, it was a threat to small tribes by larger tribes. Hence they rejected multi-parties vehemently. However, ethnic ideology has been used by politicians as a symbol of solidarity in pursuit of political power and perceived community ascription. Ethnic relations have been based on access to state resources and other opportunities characterized by political patronage of the incumbents.

The repeal of section 2A of the Kenya constitution which ushered in multi-party democracy was interpreted differently by various ethnic groups that coalesced. The various forms of campaign messages from the incumbents and the opposition explained the level of ethnic tensions that ensued thereafter and the subsequent ethnic clashes. In the period 1991-1993, the majimbo debate was a topical issue. Its rationalization and interpretation was shaped by political leaders who masqueraded as defenders of their ethnic community. For KANU, their aim was to swoop and become the victors in the

³See John Ouko, 2002, *Undercurrents of Ethnic Conflict in Kenya*. Leiden, Netherlands



1992 general election in the Rift valley but painted a picture that 'Kalenjins would be stopped from eating'. The means was to drive away outsiders (madoadoa) from their ancestral land so that the sons of the land would go un-opposed. Indeed, KANU won 18 seats unopposed. The outsiders (Kikuyu, Luo, Luhya and Kisii) were edged out through violent clashes along their borders with Rift valley.

On October 29th 1991, the first ethnic clashes broke out at Meteitei farm in Tinderet, Nandi district on the border of Rift valley, Nyanza and Western provinces. Leaflets were distributed in the area warning non-Kalenjins of dire consequences if they did not leave. In February – march 1992, clashes escalated in many areas (Nandi, Trans Nzoia, Bungoma and West Pokot). The rational thinkers were labeled as traitors and were told not to set foot in Rift valley. This was a calculated move by the status quo operatives to retain the regime.

On the contrary, in the 1992 general elections, the Luo voted overwhelmingly for Jaramogi Oginga Odinga on Ford Kenya ticket, with expectations of civil service jobs and state resources in Luo Nyanza. The Kikuyu in Meru, Embu, and Nyeri voted for DP's candidate Mwai Kibaki, while Kiambu, Murang'a and Nairobi voted for Ford Asili's Stanley Matiba. The Luhyas voted for Ford Asili with expectations that Martin Shikuku who was the Secretary General would assist them to eat when in government. The smaller tribes (Kalenjin, Maasai, Turkana and Samburu) – KAMATUSA on the other hand voted for KANU's Moi whom they looked at as one to safe guard their tribal interests in terms of distribution of resources.

It is noteworthy to underscore the fact that the indigenous Africans had a land tenure system that regulated rights to access and use through rules, usages and practices. There existed a central authority controlling those rights mainly vested in the traditional chiefs. The authority exercised the rights depending on needs and status of individuals. The rights to land were guaranteed by the political authority through reciprocal duties performed by the rights holder or the community. The public land was regarded as common land which included path ways, watering points, grazing fields, recreational areas, meeting venues, ancestral or cultural grounds.

The Mortimer Committee established to look at the land question in 1939 recommended review of the system of allocation of commercial plots of a general nature in townships and municipalities. The commercial plots were initially allocated through public auction system, while the residential plots within municipalities were allocated through public tender system. The committee recommended abandonment

⁸See Ndung'u Report 2004.

⁹Ibid



of the public auction system and introduced the direct grant system with assistance of the local committee, which would be subject to development conditions.

The commercial plots of general nature would be allocated through a tendering system instead of public auction system. This change of policy had far reaching effects to date. The public auction system was in disrepute for falling prey to a syndicate of wealthy individuals and corporations for prime land. This led to discontent in the settler community. This meant that the government had more powers to decide on land matters, the post-colonial government would later on inherit the same policy to date.

By around 1940s the British government had started settlement programmes. The first Government settlement scheme was in Olenguruone, which absorbed mainly Kikuyus. In 1955 the settlement by the British rewarded loyal farmhands. After independence the Kenyatta government took over the colonial legacy and in May 1963 to August 1978, after negotiations with British authorities, White settlers and African nationalists, the government agreed to buy land from the White settlers on willing-buyer willing-seller basis.

The government fast tracked land distribution, and provided soft loans to squatters, and local landless people and squatters from other areas. It bought White High lands from the settlers and started the state enterprise policy through Agricultural Development Corporation (ADC) with joint ventures or independently on its own. Under this scheme individuals, co-operatives and family groups bought land and later sub-divided it to themselves. Most of this land bordered the Kalenjin, Maasai or Kipsigis and other indigenous peoples' ancestral land. It also established the One Million Acre Settlement Scheme project, which was started in 1962 to 1966.

The Settlement Funds Trustees (SFT) under the Ministry of Lands and Settlement, was created to fund the resettlement programme. Most of the land was bought from former squatters in scheduled areas. Ol Kalou for instance was bought for purposes of turning it into large-scale cooperative farming. The Nandi Salient was bought by the government at the cost of 179,563 pounds for the same purpose.

The GOK initiated the squatter settlement scheme, irrigation settlement scheme, high-density schemes and low-density schemes. The land distribution was to be through Settlement Fund Trustees under the trusteeship of cabinet minister for lands. As land redistribution went on, contention ensued over how to distribute it, which led to disagreements between Jomo Kenyatta, Oginga Odinga and Bildad Kaggia. Odinga and Kaggia preferred equality in distribution while Kenyatta preferred proportionality.



Through SFT, land buying companies were established by community associations to enable accessibility to land. The scenario continued even during the Moi era. The criteria of distribution lacked clarity and were riddled with patronage. The shaping political elites were struggling over the means of production at the detriment of the real landless people who were poor. Land accessibility became limited to a few.

By 1960 the Minister for Agriculture acknowledged that there were 130,000 unsettled IDPs. The colonial government settled loyal home guards and chiefs. Land that was bought during Kenyatta times gave advantage to Kikuyu in Rift valley who bought as individuals and land buying companies assisted by the government. The Moi government also rewarded friendly elites and a few fellow tribesmen. The real landless IDPs in the Colonial, Kenyatta, Moi and Kibaki administration were left unattended and in abject poverty, right from Coastal strip of the Mijikenda, Rift valley, Central, Machakos and other areas.

In 1993-1995 the clash torn period, pressure on the GOK from the civil society organizations to resolve the IDP problem yielded the UNDP/GOK Displaced Persons Program - 1993-1995, that was estimated to cost about \$20 Million. It aimed at integrating IDPs, preventing renewed tensions and promotion of reconciliation. The monitoring by the UNDP country representative found out that the programme was successful because it had decreased ethnic violence, improved security and cultivation of crops had resumed. Although, it acknowledged about 20% IDPs would never return on their farms without realistic political intervention.

The programme was criticized for allowing the government to deflect the attention of the international community, did not address durable long-term solutions to avert future violence, and that its joint intervention with the government affected the credibility and objectivity of UNDP. The Kenya Human Rights Watch chapter criticized it for ignoring the role of NGOs and other civil society structures in place and worked with government structures only. There was a growing need for continued relief efforts and conflict resolution.

Moreover, a Parliamentary Select Committee headed by Hon. Kennedy Kiliku made recommendations on among other things, the need to resettle IDPs and investigate the perpetrators and bring them to justice.

In 1999, the then president Moi, appointed the Justice Akilano Akiwumi led commission to:

- a) **Investigate tribal clashes that have occurred in various parts of Kenya since 1991 with a view to establishing and/or determining:**
1. Origin, the probable, the immediate and underlying causes of such clashes.
 2. The action taken by the police and other law enforcement agencies with respect to any incidents of crime arising out of or committed in the course of the said clashes and where such action was inadequate or insufficient
 3. The level of preparedness of law enforcement agencies in clashes and preventing the occurrence of such tribal clashes in future
- b) **To Recommend:**
1. Prosecution or further investigations against any person or persons who may have committed offences related to such tribal clashes.
 2. Ways, means and measures that must be taken to prevent, control or eradicate such clashes in future;
 3. To inquire into any other matter that is incidental to or connected with the foregoing.

This deliberate government effort to understand the root causes of the violence was one of the first initiatives to understand clashes comprehensively. The government hoped to solve land issues adequately. The commission recommended prosecution of key persons who had a role in planning the violence.

It further recommended deliberate government interventions with economic projects in marginalized areas like North Eastern Kenya. Projects such as investment in water resources for the pastoralist communities, improvement of road and telecommunication infrastructure, improved marketing outputs for their livestock, expanding educational opportunities in the region and deliberately stamping out banditry which contributed to tribal animosity. The police and provincial administration were adversely mentioned for failing to take action and instead fuelling tribal animosity.

The commission recommended de-linking the Police force from the Provincial Administration and the latter should avoid engagement with politics and remain neutral. Politicians and opinion leaders from communities were identified as having incited the violence through inflammatory utterances. The government had a big role of reversing colonial effects of tribal consciousness pursued by the colonial government in its divide and rule policies. It was important for the government to instill a culture of nation building through cultural integration policies.

¹See John Ouko, 2002, Undercurrents of Ethnic Conflict in Kenya, Leiden, Netherlands

²GOK, 1999, Report of The Judicial Commission Appointed To Inquire into Tribal Clashes in Kenya, Government Printer, Nairobi, Kenya.



The land issue was another cause of the clashes; there was need for the government to allocate land to all landless squatters and IDPs created by the violence. It would also be prudent to issue title deeds and protect private rights over land. The report also recommended an end to tribally based settlement that further perpetuated tribal consciousness. Community education on land and sanctity of the constitution would reverse widely held traditional beliefs by tribes; this could be done through community sensitization seminars. The Akiwumi Commission's recommendations were not fully implemented. However, it succeeded in pointing out the way forward on reconciliation.

In 2004 the Kibaki Administration set up the Ndung'u led commission to mainly:

- a) Inquire into allocation to private individuals or corporations, of public lands/land reserved for public use, collect and collate evidence and information available from ministry's committees and other sources relating to the nature and extent of unlawful/irregular allocations of such land, prepare a list of all lands unlawfully or irregularly allocated specifying particulars of lands and persons to whom allocated, date of allocation, subsequent dealings and current ownership and development status.
- b) Identify any persons whether individuals or bodies corporate to whom lands were allocated through irregular means, identify public officials involved, carry out investigations into matters incidental to the foregoing illegal allocation of public land to private individuals and corporations in total disregard of public interest.

This was another attempt by the government to understand the land problem and redistribute land. The main discovery of the Ndung'u commission was the excess powers vested in the presidency and the lands commissioner - which were subject to abuse. Section 3 of the lands Act confers powers upon the president to make grants of freehold/leasehold of un-alienated government land to individuals or corporations.

Other powers are delegated to the commissioner of lands, although section 7 of the act denies the commissioner authority to make such grants without consent of the government. The commissioner has powers to execute for and on behalf of the president any conveyance, lease or license, for occupation of government land, but only the president has powers to make grants/dispositions of any un-alienated land.

The practice of irregular land allocations became an official norm from 1980s to 1990s. The commission found that there were illegal surrenders of state corporations' and ministries' land. There were invasions of government and trust lands and subsequent acquisition of title deeds contrary to the law. The land reserved for public purposes, land reserved for riparian reserves and sites was also allocated. This was a clear pointer to



how lack of land policy and state incapacity can bring down a country.

The powers of the presidency to make grants had been abused by the president and commissioner of lands. It had led to unjust allocation of land to individuals. This worsened the accessibility to land by the landless. The local authorities on the contrary had breached public trust as it allocated local land to Councilors and Civil servants. Lands officers had used fictitious companies as conduits for illegal allocation of public land.

In addressing the land management and administration problem, the commission recommended that all allocations of public utility were illegal and should be nullified. Besides, repossess road reserves and demolish developments on it, revoke illegal allocations to individuals, revoke current letters of allotment issued as a consequence of illegal allocation of public land. It further recommended investigation and prosecution of all officials who performed the illegal allocations, it stressed on the need to repossess all state corporation lands, revoke and reissue new terms and conditions, repossess public utility land sold illegally, repossess all ministry lands allocated to individuals and companies, where necessary revoke title deeds.

The Ndungu report made damning revelations of how land was mismanaged through corruption and denied all the right of access to land to deserving landless people. The Settler Fund Trustee (SFT) in this light had been misused adversely. The rightful squatters earmarked for resettlement were short-changed by Lands officers, Councilors and Politicians.

The commission recommended that all land which was allocated to public officials, Members of Parliament, area councilors and other undeserving people be revoked and re-allocated; it further recommended a formula of allocation based on 60% to 40% locals and people from other tribes, would be resettled to avoid tribal settlements in one area. One point that would aim comprehensive redress of land issue was the government setting up a sessional paper setting out objectives, policy guidelines for establishment, allocation and management of settlement schemes, which would then be anchored into an act of Parliament.



Data Analysis and Interpretation

Opportunities for dialogue

The conflict that rocked the country provided an opportunity for reflection and dialogue over issues that had been glossed over for years. This opportunity will help the nation to address transitional justice and mend the intricate social fabric.

At the local level this is an opportunity to establish sustainable structures for symbiotic existence and appreciation of diversities. The local communities have indeed discovered unequivocally the need for co-existence. At the regional levels, organizations and individuals have already initiated activities towards national reconstruction and peace building.

At the coast SUPKEM, and the Council of Imams led by Sheikh Dor (nominated M.P) and Ujamaa Center were on the ground attempting peace efforts. In Narok, the Catholic Church had initiated its own community activities. In Nyanza; CBO network, CSO network, SACRENA Kenya, Clean up Kisumu and Social Needs Network, the Lutheran World Federation and the Catholic Church, ACK and Church Bishops from various denominations were present.

The Western province region had FBOs such as Catholic Justice and Peace Commission, Bishops, ACK, SUPKEM and Muslim Women Leaders, whereas CBOs and NGOs such as Development Maternal Child organization, the Kenya Red Cross Society (KRCS), Muungano Youth group Malaba, Women Self Help Groups, Kenya Internally Displaced Persons Association, Busia District Tax Payers Association and Boda Boda Association among others.

The North Rift region had the local NGOs such as PEACENET-Kenya, Center for Human Rights and Development, Poverty Eradication and Community Empowerment, Crisis Group, Shalom Relief Organization, Macharia Self Help Group, Uasin Ngishu Youth Initiative and Moi University, while the FBOs such as the Catholic Church, ACK, Reformed Gospel Church, PCEA, SUPKEM, Anglican church - Eldoret Diocese, Kalenjin Laibons, local leaders and the Provincial Administration had hit the ground. In Central region, the Catholic Church and Africa Inland Church among others had rolled out their programmes.



In Nairobi, there were no peace initiatives on the ground neither by the government nor CBOs. More attention had shifted to the Rift valley and other violence epicenters. In the upper Eastern region, the SUPKEM, CJPC, PEACENET-Kenya, had at least initiated peace forums.

Apart from local initiatives, the government led – Ministry of Special Programmes and the Office of the President (Provincial Administration) and Internal Security ministries had started their own programmes as well. However local community leaders and elders, women and youth leaders' knowledge and contribution was untapped and could form part of the entry points for dialogue.

Situation Analysis

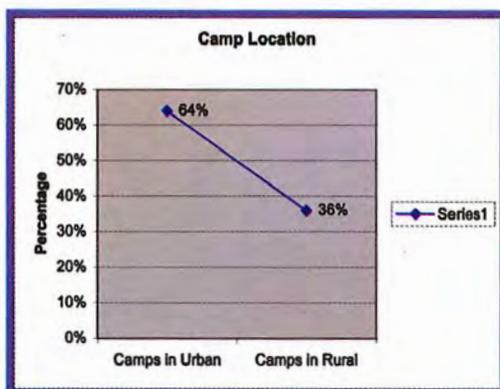
A rapid assessment of the post election reconstruction and peace building process was conducted in the eleven regions of the violence epicenters. This included mainly the North Rift, South Rift, and Central Rift regions, other areas were Western, Nyanza, Central Kenya, Upper Eastern and Coast regions.

Demographic Data

There were 119 interviewees and participants. The majority of them were men (66%) while the minorities were women (33.7%). This was an indication that most IDPs concentrated in urban areas and a small percentage were in the rural.

Most official camps (64%) were located in urban areas while a slightly larger number were located in transitional camps and unofficial camps and a few (36%) were located in rural areas. However, as transitional camps soar in rural areas, urban camps are bound to reduce.

Figure 1: Camp Location.



Majorities (28.3%) of those interviewed were aged between 26 and 35 years, slight majorities (26.4%) were between 36 and 45, 22.6% were aged above 56 years while a few (16.9%) were aged between 46 and 55 and the least (5.6%) were 18 to 25 years old. The IDPs cut across all ages suggesting that all age categories felt the effects of the violence.

Definition of IDP

According to the respondents, an IDP was defined as; 'Somebody removed from one dwelling place to another place for specific reason within the country', 'Someone away from home due to violence', others saw it as 'people removed from farms, land, property and went to police stations for safety', 'people forced out of land that can be verified by identification as their own', 'IDPs that are squatters after land was alienated in the colonial times', 'from rental houses and business premises', 'migrants to an area', 'Insecure population that lost settlement', 'Those that lost homes, businesses' and 'those displaced by government investment projects'.

The government recognized IDPs as those 'who were landowners', 'business owners', 'those cultivating others land' and 'those with nothing to return to'. This definition left many other categories of IDPs unattended.

However, there were other categories as well such as, those occasioned during the colonial period, landless out of government projects, the IDPs out of ecological factors; natural disasters, pastoralist and farmers' conflicts, government planned evictions from forest land e.g in Mau forest, government military operation in M.t. Elgon and IDPs occasioned by corrupt government officials.

It is worth noting that, the government had not established a clear definition of an IDP. There was need to carry out a survey on the exact number of IDPs in the country, their location and categorization. Moreover, there was no policy guidance on IDP related issues, which is why various government levels tackled IDP issues without coordination.

Location, Size and Number of Camps

According to the KRCS records, the initial IDP camps were 296 in the country during the month of January 28th to 14th February 2008. The IDP populations have been dropping marginally. In the month of February 29th, it dropped to 247, March 28th it had dropped to 235, April 14th to 182, April 28th, to 157, May 6th to 151 and May 20th to 123 camps, countrywide. There were 84,752 IDPs in 123 official camps country wide as at May 27th. The figures however fluctuated depending on the situation on the ground.



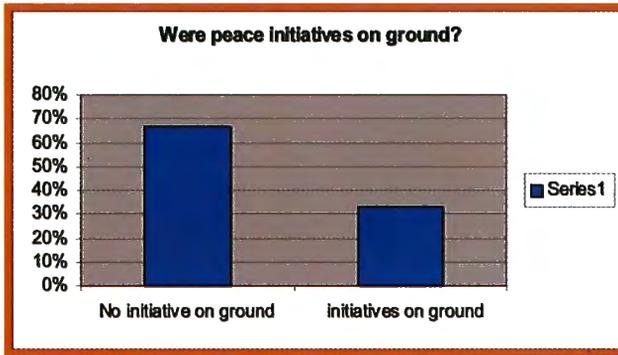
Likewise, IDP populations were at 301,643 people in the month of January but it had dropped significantly to 101,458 by May 20th 2008. The drop in camp size was occasioned by relocation of returnees to their ancestral homes, accommodation of some by relatives and friends into their households or group rental by IDPs who pooled resources together. Besides, the resettlement exercise - where major camps were phased out as IDPs returned to transitional farms close to their farms, also reduced the numbers.

According to the KRCS records, there were 121,926 IDPs in 139 camps countrywide. This contradicts government assertion that there were only 60,928 IDPs. It also asserted that about 117,365 IDPs had been returned to farms or transitional camps, which contradicted KRCS's 45, 000 only. About seventeen camps had been closed due to official government RUDI NYUMBANI Operation. The government estimated about Kshs. 32.417 billion (approximately 0.5 Billion US\$D), was required for the resettlement and reconstruction process.

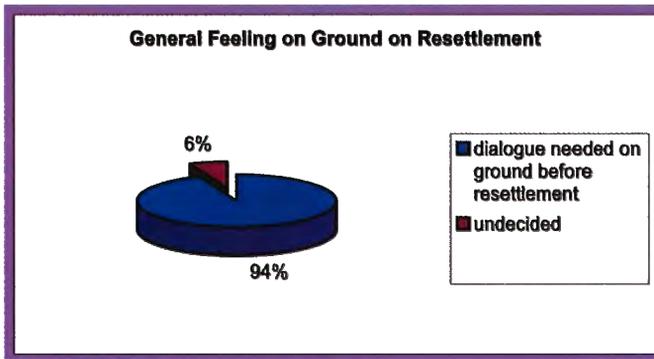
As IDPs left larger camps, the smaller camps soared around farms. According to UN-OCHA reports, IDP camps by province showed that, North Rift had the highest camps of between 100 -150, - while other regions had camps less than 50, by the Month of May 2008. The exact location of camps remained either in urban areas or rural areas on farms or near the farms. For instance there were transitional camps in Trans Nzoia and Molo, which were the first target of Operation Rudi Nyumbani, about 53,330 IDPs had settled in 75 camps.

Dialogue Process

The respondents were asked if any dialogue and peace initiatives had been undertaken on the ground. A majority felt peace initiatives were not on the ground (67%) while a slight majority (33%) felt otherwise. It can be said that the few initiatives on the ground were started by the GOK, Churches and other Local and International NGOs, such as PEACENET-Kenya, Center for Human Rights and Governance, among others which were uncoordinated and lacked policy guidelines. Those that had taken place through the government were mainly initiated by the Provincial Administration.

Figure 2: Peace and Development Initiatives

Most (94%) participants and respondents felt the dialogue process was needed on the ground first before any resettlement would be undertaken.

Figure 3: General Community and IDP feeling on Resettlement

They preferred various stakeholder peace forums be held on the ground; either inter-estate to estate peace forums, genuine grass root talks, dialogue with landlords to accept IDPs into premises and inter-community exchange programmes. The justifications for such peace forums were unprepared grounds; because non-inclusive compensation efforts were causing tensions and mistrusts among neighbors. In Kisumu grievances against Asians, Kikuyu business people and foreigners on mistreatment of locals was high calling for real dialogue.



Besides, other respondents felt that resettlement happened too soon without dialogue. Their position was, that dialogue was still necessary with the community since offenders still resided in the neighborhood where they were being resettled. Many preferred inter-neighbour dialogue in some villages. However, lack of structures on the ground had led to poor intervention with most of them blaming Chiefs for being biased. For instance they chose representatives in peace meetings from people who participated in violence.

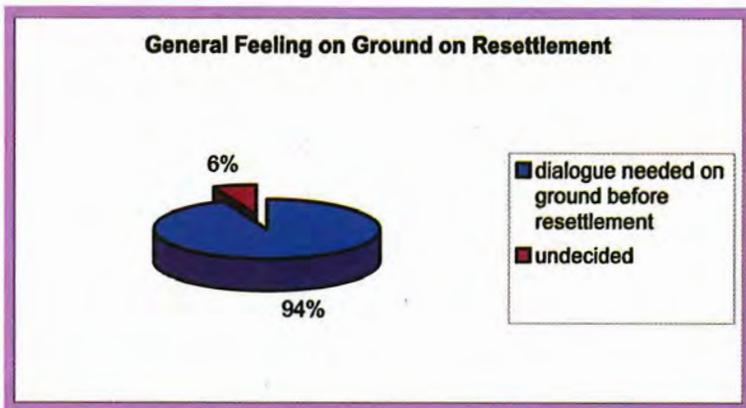
Some preferred the resettlement exercise de-linked from government and handled by other stakeholders. The community-supported programmes were preferred with a majority insisting on homegrown solutions with the community in the lead. The general feeling was that the government should address the incessant root causes of the violence that have become a norm. The land policy was seen as the best way forward that would address land redistribution and an end to violence.

Concessions

Most of the affected communities were willing to compromise/acquiesce their positions for the sake of peace. They were willing to let go of their anger and preferred reconciliation and dialogue process.

94 % preferred dialogue first between the host community and the IDPs. In Nakuru district the Rudi Nyumbani Operation was stopped after 14000 IDPs refused to relocate to farms citing insecurity and need for real dialogue with the community.

Figure 4: Willingness to Concede by IDPs and Host Community



A majority were willing to forfeit damaged property (56%) and move on with life, while some were willing to relocate to other rental houses (42%). The host community were willing to allow them back to farm or do business but on condition of dialogue first (12%). It is important to underscore the fact that it is necessary for sustainable peace structures to be set up to allow national healing at local levels. The communities as it would seem were ready to talk but lacked sustainable structures to jump-start the process.

Nature of Negotiators:

Figure 5: Preferred Facilitators for Dialogue



The most preferred negotiators were mainly FBOs (31%), CSOs (28%), Women groups (22%) and Youth groups (15%). 4% preferred the Provincial Administration and neutral local media. The role of the Provincial Administration would be to facilitate the dialogue process through: D.Cs, D.Os, chiefs and the elders.

In Endebess for instance, a Provincial Administration officer had raised tensions due to perceived mistreatment of certain category of IDPs. Others (2%) felt the negotiators would include neutral local leaders and resource persons from outside the community with diverse experiences.

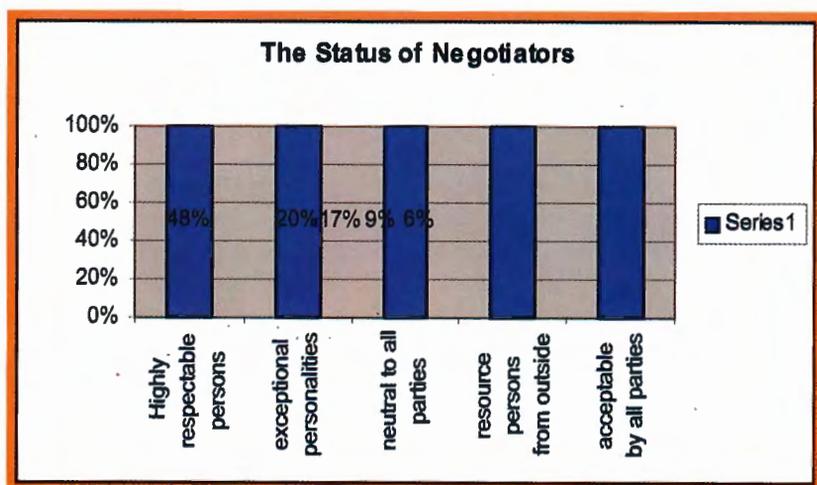
It is imperative that, the various stakeholders be brought on board to spearhead the process, with the government taking the lead role. All the other actors should be

involved at committee and implementation levels.

Status of Negotiators:

The respondents were in agreement that the negotiators would be highly respectable persons from the community (48%); they would be exceptional persons with a good track record of peace, e.g. Bishop Korir (20%), or they would be perceived as neutral by all parties involved in the conflict (17%). Resource persons from outside the community with rich experience (9%) would also be preferred.

Figure 6: Rating of Negotiators



In addition, they should be acceptable by all parties (6%). The neutrality of the negotiators was key to success. Some IDPs had cited Government officials or Councilors as biased. This explains why the process should be as inclusive as possible of all the stakeholders. The Provincial Administration has been rated poorly as key facilitators for dialogue. It follows that other actors be involved in setting up structures for peace and the dialogue process.

Venue of Dialogue Forum

98% of the respondents felt that the venue that was most preferred should be in a neutral area/place, where all parties would feel safe and free from intimidation. Some preferred



inter-community venues (2%). The choice of the venue should be out of consultation with stakeholders first, mainly; from the conflict parties before any decision is made. All parties should feel free to express their grievances without intimidation or any environment likely to cause unease.

Enforcement of Pact

In the event of a peace agreement between communities, monitoring by local leaders would be preferred and involvement of communities in monitoring structures by including them on committees (46%), including FBOs (24%), the CSOs (19%), Provincial Administration (11%) would be instrumental. Monitoring could be through peace committees, chiefs reports, and D.O reports. A two tier monitoring committee between the community and the Provincial Administration would be more effective especially where accurate information is valuable.

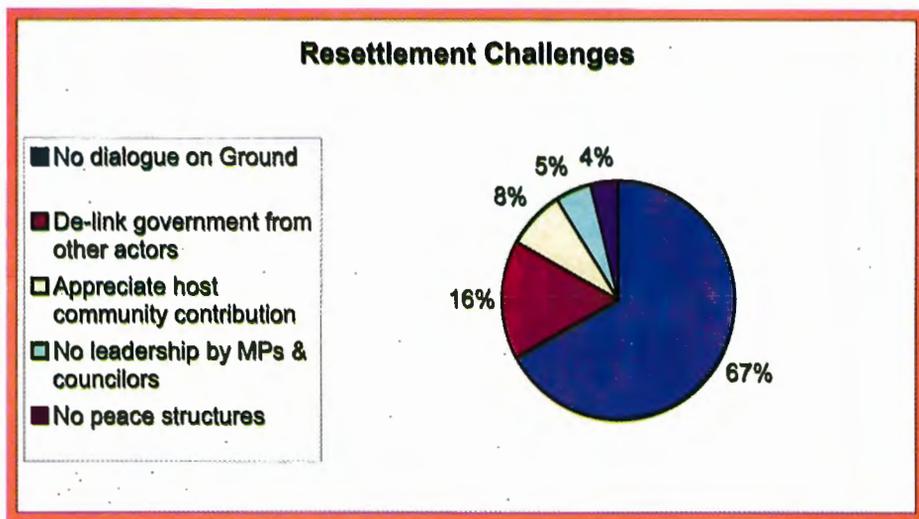
Resettlement challenges:

Many felt that there were no peace and reconstruction initiatives (67%) on the ground while a few felt there were such initiatives (33%). The main concern was that the resettlement process happened too soon without dialogue, the offenders still resided in the neighborhood and owned looted property of IDPs, the chiefs involved in the process were biased; for instance they chose representatives who participated in violence to lead peace initiatives. There was need for consultation with the community before resettlement. The feeling on the ground was that any meaningful reconciliation would only be successful if dialogue was given a chance.

Among those who felt the peace initiatives were on ground, 67% identified the Provincial Administration initiatives, although they felt that the initiatives were not working. 16% felt that there was need to de-link the government initiative from other stakeholders, with a bottom up initiative and involve extensive actors. The local community felt they needed appreciation (8%) for hosting of other communities tribes and IDPs rather than condemnation. Some of them felt that the M.Ps and Councilors had not taken the lead in the resettlement exercise (5%) while others (4%) felt there were no structures on the ground.



Figure 7: Resettlement Challenges



More challenges were occasioned by the slow pace of dialogue process reducing speed for building houses and cultivation of farms. This coupled with high food and fertilizer prices paint a gloomy future for Kenya. The impact of this would be prolonged food crisis in the country. There have been increased cases of more needs for food and non food items; especially in the health sector where, cases of malnutrition had increased. In the post election period about 7000 had been treated with moderate malnutrition and 1,800 with severe malnutrition.

In the education sector, voluntary teachers that taught pupils were either unqualified or needed capacity building on conflict issues. This gap hampered the level and quality of education imparted to students. The other challenge arose from the lack of coordinated information flow leading to distortion and reduced momentum for reconstruction and peace process.

Follow Ups on Resettlement:

There were no structured follow-ups although volunteers such as FBOs; Catholic Church, Supkem, ACK, The Methodist Church, , CSOs and a few NGOs; KRCS, WFP, among others provided food and non-food items. The government lacked follows up mechanisms. Some NGOs organized tracing of family members, peace



initiatives and psycho-social services. However, there was need to provide basic facilities, security assurance, schools, churches, hospitals and centers for psycho-social needs. There was need to set up sustainable structures to foresee humanitarian assistance as both the community and the IDPs undergo recovery especially in the community and the transitional camps. The challenge comes in where follow up cases fail accessibility to more medical care due to expansiveness of transitional camps and treatment centers which leads to dislocation from the services.

IDP demands from the community before resettlement:

The main feeling among IDPs was 'need for lasting peace solution', to 'task CSOs and FBOs to lead dialogue within the community' and 'organize weekly peace forums'. However, the 'civic leaders were accused of taking sides on the resettlement issues'. Some 'demanded talking to landlords to allow them back to business premises' or 'be respected'. They also demanded 'return of looted property', 'compensation of all who lost and what was lost', 'tolerance and co-existence', 'stop destruction of plantation and real integration'. The IDPs had more faith or confidence in the CSO structures for peace than the Provincial Administration structures, which underscore the need for a synergy of the two.

IDP demands from the Government:

The IDPs expected 'compensation before resettlement', 'assurance of security', 'solve land issue to restore sustainable peace', 'alternative resettlement', 'violence as an easy way to sell land at low prices', 'assist to construct houses', 'stop stealing stock', 'sign a peace agreement with community', 'availability of peace', 'assurance of shelter', 'access market space', 'finance to jump start livelihood', 'micro-credit facilities', 'assurance of basic needs'. The desire was to entrench peace structures with a guarantee of no such violence in future.

This calls for a sustainable peace process. This would mean both GOK and development partners must work together in fostering the recovery program. Championing of demands was mainly through Kenya Human Rights Commission (KHRCs), advocacy and other Civil Society Organizations (CSOs), establishment of community seminars/forum, representation by IDP leaders. However, the IDPs living with relatives lacked access to advocacy and their grievances and rights were unheard.



Community demands from IDPs:

The feeling among most communities was that for certain communities to 'avoid arrogance towards locals', the following should be practiced; 'reclaim idle land and resettle local IDPs and squatters', 'integration through intermarriages', 'all community fellowships same churches', 'avoid isolation', 'give dialogue chance', 'assimilate', 'stop changing ancestral home' and 'respect local values, pay rents, vote local leaders from other tribes', 'petty traders have no evidence for compensation' and 'attend chiefs Barazas (seminars)'. The main issue underscored was nationhood policy and resource distribution. Community demands from the government:

The community demands included; 'community exchange programs', 'involvement in resettlement', 'fast track land policy', 'solve the root causes', 'discourage stereotypes', 'a clear policy on integration and nationhood', 'equal distribution of resources', 'involve youth in economic activities', 'alternative settlement outside Rift valley', 'address real issues', 'allow local community peace initiatives', and 'community mediated amnesty for the youth'.

Government demands from IDPs:

The government 'expected the IDPs to register with the government', 'settlement before compensation'; 'IDPs find other locations for business within the same community', 'fast tracked resettlement', 'poverty solution was the main issue', 'balanced resource and community wealth' and 'need to enable economic recovery structures' to ensure sustainable peace and development.

Community reaction on compensation:

The community's concerns included; 'the government had put more emphasis on formal camps and neglected informal camps'; 'IDPs with relatives or those who rented the houses in groups', 'lacked facilities in camps', 'local IDPs feared they might lose on compensation', 'perceptions of favoritism on distribution of seeds, fertilizers and tractors', 'host communities also lost, fairness to all, compensate for what was lost'.

Community reaction on amnesty:

Use influential community leaders to persuade cabinet to release innocent youths, jail perpetrators of violence from Kikuyu community who are still living in the community e.g. in Gitingika, Kondoo farm, Bishop Muge and, Langusa in Burnt forest. Kalenjins were arrested but Kikuyu youths were not. Apply justice to all, identify real offenders

who should face the law, fast track amnesty issue. There was need to apply the rule of law to all without bias.

IDP and Community Expectations on Resettlement:

The concerns were mainly as follows; 'Make tough decisions on land and solve land problem once and for all', 'open desk to register all IDPs for compensation', 'categorize IDPs', while 'on the issue of IDP imposters, local leaders and the community should be consulted'.

Any resettlement process must be comprehensive enough to address both historical injustices and fundamental issues. Any failure to address the root causes of the violence might compromise the recovery process and would lead to recurrence of the violence. This has been the main concern among the IDPs and the host community. IDP & Community Expectations on Resettlement:

The stakeholders especially conflict parties needed – 'clear coordination of resettlement between the government and NGOs, CSOs, FBOs, local leadership'. A clear categorization of IDPs and victims (IDPs with relatives, in group rentals, business premises from locals destroyed, businesses for IDPs destroyed), facilitation of financial credits by the government to victims for recovery, support of businesses that collapsed, involvement of IDPs on how to resettle, and intensive verification of real IDPs. Any biases from enforcing and implementing agencies may be harmful to the recovery process.

Cultural Aspects:

The cultural issues came into play. Most communities from the Western, Rift valley and Nyanza regions had cultural aspects that required attention that could not be ignored. This hampered the recovery process, which is why; the dialogue process remains a stark reality that cannot be ignored. The communities felt they needed time to cleanse youths who participated in violence according to their traditional practices. The Kalenjin, Luhya and Luo offenders cannot for instance, meet with their victims eye to eye before rituals are performed.

The Role of Women in Peace Building:

The main role of women in peace building would be involvement of women in decision making by including them in negotiation committees to represent other women, Counseling, resource persons, sensitization through forums and testimonies,



education agents, talk to their men, inter-women dialogue groups, talk to other women from other communities at grassroots, educate the youth, can be change agents. The role of women was paramount to any successful peaceful process.

The Role of the Youths in Peace Building:

The main role would be to educate and empower fellow youth, training and capacity building in various fields, use youth to communicate information, are agents of change, use them to understand root causes of youth behavior, involve youth in management of peace programs and representation on peace committees.

In addition, the youth could be used to eradicate unemployment and poverty through development projects., Youths should be used as entry points for integration, update others on resettlement communicate through communication, testify for sensitization, involve them in social events, inter-youth dialogue and educate youth on effects of hostility.

Seminars could be used by the youth to sensitize the others and encourage dialogue as ventilation other than violence. Tapping youth talents, taking leadership in peace initiatives and other energies could be instrumental for peace. The youth problem required a comprehensive community recovery strategy with clear economic, social, cultural and ecological programmes.



Conflict Analysis

Actors and Issues in the Violence Prone Regions and Management in Kenya

THE RIFT VALLEY PROVINCE

The Rift valley forms the bedrock of violence epicenters with trickle down effect to other areas of the violence. It also experienced the most sustained violence in the country.

The main actors in the rift valley were as follows:

Parties to the Conflict include

- ODM vs. PNU supporters
- Kikuyu vs. Kalenjin (Kipsigis, Ogiek, Tugen, Nandi)
- Kikuyu vs. Maasai, Turkana, Pokot, Samburu
- The Luhya vs. Kalenjin (Sabaot, Nandi, Pokot, Kipsigis)
- The Kisii vs. Kalenjin (Kipsigis, Ogiek, Maasai)
- Luo vs. Kalenjin (Kipsigis, Nandi)
- Kikuyus vs. Luos and Luhya
- Kamba vs. Kalenjin in Nakuru, Kericho, Narok, Laikipia, Nandi, Uasin Ngishu and Trans Nzoia
- The Rich vs. Poor.

In the post election violence a majority of the victims were the Kikuyu tribe who were perceived to be government supporters sympathizers after the disputed presidential elections were announced. The subsequent effect was violence across the country.

The third party actors (Interveners entry points)

- Local CBOs; Peacenet Kenya, Center for Human Rights and Development, Poverty Eradication & Community Empowerment, Crisis Group, Shalom Relief Organization, Macharia Self Help Group, Uasin Ngishu Youth Initiative,
- Moi University,
- FBOs; Catholic church, ACK, Reformed Gospel Church, PCEA, SUPKEM, Anglican Church – Eldoret diocese, church Bishops e.g. Bishop Korir, opinion leaders,
- Influential persons e.g. Mzee Jackson Kibor, retired President Moi, Politicians,



Business persons, Community elders – Laibons, Village elders, Councilors

- Youth organization leaders, from youth organizations, Women group leaders, from women groups, local leaders, other respectable persons from the community

The main issues from local community

- a) Land ownership and distribution
- b) Need for fast tracked community dialogue before resettlement
- c) Colonial IDPs or squatters resettlement
- d) Ethnic integration
- e) Apply law fairly to all
- f) Compensate all victims
- g) Equal resource distribution
- h) Economic empowerment of the youth
- i) Involve community on issues and decision making
- j) Cultural identity: retain cultural names
- k) Avoid isolation: intermarry, fellowship together in churches, do business together
- l) Involve more partners in resettlement and peace process apart from government
- m) Need time to perform rituals for youths in violence
- n) Co-ordinated information flow to ground
- o) Long lasting solution
- p) Respect other cultures
- q) Avoid arrogance to local community
- r) Arrest kikuyu/Mungiki youths involved in violence in Naivasha, Nakuru and other areas
- s) Release innocent Kalenjin youths
- t) Favouritism by government on seeds, fertilizers and tractors distribution.

The main issues from the IDPs:

- Fast track dialogue with local community
- Address root causes of incessant violence in the region
- A clear land policy
- Punish offenders, categorize offenders before release, co-existence
- Forceful return by government to farms before dialogue
- Compensate before return to farms, return looted property
- Involve all in dialogue, real integration
- Discourage stereo-types
- Lack of facilities in transitional camps

- Stop destruction of plantation, real integration

Structural factors

- Land management and distribution
- Negative ethnicity, cultural identity, absence of nationhood
- Hidden forces: politicians, business people and influential local leaders
- (GOK) institutional incapacity on policies and governance, corruption

Manifest issues

- Resettle outside Rift valley in other available land
- Kikuyu avoid arrogance, inter-marry with others
- Worship together in churches, Stop changing local names
- Arrest all perpetrators or release innocent youths
- Vote local leaders too, Government biases, criminalize negative ethnicity
- Borrow from Tanzanian experience of national identity

Dynamic factors

- Fear of domination (economic/political) by outsiders
- Fear of being outnumbered by population by outsiders and democracy – rule by a majority
- Fear of loss of cultural identity
- Fear of encroachment on pastoralist land by farmers
- Hidden forces behind the violence; business people, community militias, tribal groupings, party affiliations and elections.



WESTERN PROVINCE

The Western of Kenya province witnessed the worst violence in the area although the Bungoma area had been involved in the conflict earlier on with the Kalenjins.

The main actors in Western province were as follows:

The main conflict parties were ODM and PNU supporters

- Kikuyu and Luhya
- Luhya and Kalenjin in Mt. Elgon
- Luhya and Kamba.

The third party actors included:

- Local CBOs, Development Maternal Child Organization, Muungano Youth Group Malaba, Women for Development Malaba, Busia District Tax Payers Association Boda Boda Association, women self help groups, KIDIPA - Kenya Internally Displaced People Association, Rural community Empowerment Center
- The Kenya Red Cross Society,
- FBOs include Catholic church through the Catholic Justice and Peace Commission, Supkem, Muslim women leaders, church Bishops and opinion leaders.
- Influential persons, politicians, business persons, community elders –village elders, councilors, youth leaders, from youth organizations, women group leaders, from women groups, local leaders, other respectable persons from the community

The main issues raised by local community

- a) They expressed need for a fast tracked community dialogue before resettlement,
- b) Land ownership and distribution, post election IDPs living with relatives or squatters, open IDP desk for all to register
- c) Comprehensive inventory of losses for both locals and IDPs, integrate with community, pay rent to rental owners, vote local leaders
- d) Apply law fairly to all, compensate all victims, arrest Kikuyu/Mungiki youths involved in violence in Naivasha, Nakuru and other areas, release innocent Luhya youths arrested
- e) Address root causes of violence on land in Mumias



- f) Address IDPs out of projects e.g. Booker project (Mumias Sugar), equal resource distribution
- g) Economic empowerment of the youth
- h) Involve community on issues and decision making
- i) Cultural identity: retain cultural names, avoid isolation: intermarry, fellowship together in churches, do business together, respect other cultures, avoid arrogance towards local community
- j) Involve more partners in resettlement and peace process apart from government, co-ordinated information flow to the ground, long lasting solution
- k) Respect other cultures, avoid arrogance to local community, arrest kikuyu/Mungiki youths involved in violence in Naivasha, Nakuru and other areas, release innocent Luhya youths arrested and Psychological management of trauma in community.

The main issues raised by IDPs

- Fast track dialogue with local community
- Address root causes of incessant violence in the country
- A clear land policy,
- Be respected, discourage stereotypes
- Neutrality by local leaders, co-existence, real integration
- Weekly peace forums, involve all in dialogue
- Be allowed back to rental buildings
- Punish offenders, return looted property or can forfeit for sake of peace
- Assurance of shelter
- Lack of facilities in transitional camps
- Landlords allow IDPs back to premises
- Credit for businesses
- Financial support to settle down to normalcy
- Categorize offenders before release
- Co-existence, Return looted property or can forfeit for the sake of peace, Involve all in dialogue
- Discourage stereotypes, Lack of facilities in transitional camps, Stop destruction of plantation
- Municipal council provides more market space and Real integration



Structural factors

- Land management and distribution
- Negative ethnicity
- Cultural identity
- Absence of nationhood
- Hidden forces: politicians, business people and influential local leaders
- (GOK) institutional incapacity on policies and governance, resource distribution, access to government positions and opportunities, corruption

Manifest issues

- All tribes are equal none is superior
- Kikuyu avoid arrogance
- Inter-marry with others
- Worship together in churches
- Stop changing local names
- Arrest all perpetrators or release innocent youths
- Vote local leaders too
- Government biases
- Criminalize negative ethnicity
- Borrow from Tanzanian experience of national identity.

Dynamic factors

- Fear of domination by outsiders
- Cultural identity
- Hidden forces behind the violence; business people, community militias, tribal groupings, party affiliations and elections.



NYANZA PROVINCE

The Nyanza Province too was an epicenter of violence in the region with the main trigger being presidential results that were announced by the Electoral Commission of Kenya (ECK).

The main actors in the conflict included the following:

- Political parties conflict parties: ODM vs. PNU adherents
- Kikuyu vs Luo
- Kisii vs Luo and later on Luo vs Kalenjin
- Luo vs Kamba
- Asians vs Luo
- The Rich vs the poor.

The third party actors were:

- Local CBOs, CSO network, CBO Network, SACRENA Kenya, Clean up Kisumu, Social Needs Network
- FBOs; World Lutheran Federation, Methodist, Catholic church, church Bishops from various denominations
- Opinion leaders, influential persons, politicians, business persons, community elders –village elders, councilors, youth leaders, from youth organizations, women group leaders, from women groups, local leaders, other respectable persons from the community

The main issues raised by local community

- a) Land ownership and distribution
- b) Need for fast tracked community dialogue before resettlement
- c) Solve IDP/squatter problem once and for all
- d) Categorize long term and short term IDPs
- e) Clear coordination of resettlement by GOK and NGOs, clear information flow,
- f) Double standards by GOK on issues: on Mungiki in Naivasha and Nakuru vs. youths arrested in Nyanza, Western and Rift valley
- g) Involve community in truth and justice reconciliation, ethnic integration
- h) Apply law fairly to all compensate all victims, equal resource distribution
- i) Economic empowerment of the youth
- j) Involve community on issues and decision making
- k) Cultural identity: retain cultural names, avoid isolation: intermarry, fellowship together in churches, do business together, respect other cultures, avoid



- arrogance to local community
- l) Involve more partners in resettlement and peace process apart from government
 - m) Need time to perform rituals for youths involved in violence
 - n) Co-coordinated information flow to ground level
 - o) Long lasting solution, respect other cultures, avoid arrogance to local community.

The main reasons why Kisiis were also targeted was due to their PNU affiliations, lack of integration with Kalenjins, economic dominance over the Kalenjins, isolation tendencies and limited integration. They have also been accused of changing local names.

Structural factors

- Land management and distribution
- Negative ethnicity
- Cultural identity
- Absence of nationhood
- Hidden forces: politicians, business people and influential local leaders
- (GOK) institutional incapacity on policies and governance, resource distribution, access to government positions and opportunities, corruption

Manifest issues

- All tribes are equal none is superior
- Kikuyu avoid arrogance, inter-marry with others, worship together in churches, stop changing local names
- Arrest all perpetrators or release innocent youths
- Vote local leaders too
- Government biases
- Criminalize negative ethnicity
- Borrow from Tanzanian experience of national identity

Dynamic factors

- Fear of domination by outsiders
- Cultural identity
- Hidden forces behind the violence; business people, community militias, tribal groupings, party affiliations and elections.



NAIROBI PROVINCE

Nairobi Province formed part of the worst hit areas by the violence. It is cosmopolitan and has all tribes residing side by side. The main hot beds of violence were the slum areas: Kariobangi, Kibera, Huruma, Kawangware, East Leigh, Kangemi, Gachie, Kayole and, Juja among other areas. The main trigger was the flawed presidential election results

The main conflict parties

- PNU vs ODM supporters
- Kikuyu vs Kalenjin
- Kikuyu vs Luhya
- Kikuyu vs Luo
- Kisii vs Kikuyu
- Rich vs poor.

Third party actors included:

- Local CBOs, Kenya Red Cross Society, Maendeleo Ya Wanawake, Dakahuma's Youth Initiative
- FBOs, Catholic church, PCEA church, church Bishops from various denominations
- Opinion leaders, influential persons, politicians, community elders, village elders, councilors, youth leaders from youth organizations, women group leaders, local leaders and other respectable persons from the community or elsewhere.

The main issues raised by urbanites community

- a) Fast tracked community dialogue before resettlement
- b) Ethnic integration, apply law fairly to all, compensate all victims
- c) Equal resource distribution
- d) Economic empowerment of the youth
- e) Involve community on issues and decision making
- f) Co-coordinated information flow to the ground level
- g) Long lasting solution
- h) Respect other cultures.



The main issues raised by IDPs

- a) Fast track dialogue with local community with a team of 7 drawn from local leaders and other actors
- b) Address root causes of violence
- c) A clear land policy
- d) Punish offenders
- e) Categorize IDPs and compensate, co-existence, return looted property
- f) Government neglected urban areas, biased local leaders
- g) Be allowed to do business.

Structural factors

- Resource distribution
- Economic empowerment of women and youth groups
- Negative ethnicity
- Absence of nationhood
- Hidden forces: politicians, business people and influential local leaders
- (GOK) institutional incapacity on policies and governance, corruption and lack of social safety nets for the poor.

Manifest issues

- Government biases
- Criminalize negative ethnicity
- Arrest all perpetrators
- Release innocent youths
- Worship together in churches

Dynamic factors

- Hidden forces behind the violence; business people, community militias (Mungiki, Siafu, Baghdad Boys, Jeshi La Mzee)
- Tribal groupings (GEMA, Western Kenya Alliance)
- Party affiliations and elections.



CENTRAL PROVINCE

The Central region witnessed violence as a response or after effect of the other epicenter areas. The violence was in retaliation to what had happened to perceived relatives or fellow supporters. The violence emerged after the announcement of presidential results in reaction to what had happened to their relatives in other epicenters.

The main actors included the following

- Political parties conflict parties; PNU vs ODM supporters
- Kikuyu vs Luo
- Kikuyu vs Luhya
- Kikuyu vs Kisii.

The third party actors included

- Local CBO, and FBOs
- Opinion leaders, influential persons such as politicians, business persons, community elders, village elders and councilors
- Youth leaders
- Women group leaders
- Local leaders and other respectable persons from the community

The main issues raised by local community

- a) Land ownership and distribution
- b) Need for fast tracking community dialogue before resettlement
- c) Ethnic integration, compensate all victims
- d) Equal resource distribution
- e) Economic empowerment of the youth
- f) Involve community on issues and decision making
- g) Cultural identity
- h) Co-coordinated information flow to the ground level
- I) Long lasting solution
- j) Respect of cultural diversity, co-existence, punish perpetrators of violence, non recurrence of violence
- k) Sustainable peace and alternative resettlement

The main issues raised by IDPs

- a) Fast track dialogue with local community
- b) Address root causes of violence in the Rift valley
- c) A clear land policy
- d) Punish offenders, categorize offenders before release
- e) Compensate before return to farms
- f) Real integration
- g) Provide credit facilities to victims.

Structural factors

- Land management and distribution
- Resource distribution
- Economic empowerment of women and youth groups
- Negative ethnicity
- Absence of nationhood
- Hidden forces: politicians, business people and influential local leaders
- (GOK) institutional incapacity on policies and governance, corruption and lack social safety nets for the poor.

Manifest issues

- Resettle outside Rift valley in other available land
- Arrest all perpetrators
- Vote local leaders too
- Criminalize negative ethnicity

Dynamic factors

- Hidden forces behind the violence; business people, community militias (Mungiki),
- Tribal groupings (GEMA), party affiliations and elections.



EASTERN PROVINCE

The Eastern part did not experience violence but suffered from effects of violence with most IDPs returning to their ancestral homes from other areas. The main trigger was the support of PNU by Hon. Kalonzo Musyoka.

The main actors included the following conflict parties

- PNU vs ODM supporters
- Kamba vs Luhya
- Kamba vs Kalenjin
- Luo vs Kamba
- Kamba vs Taita

The third party actors were:

- Local CBOs
- Peace-Net Kenya
- FBOs; Supkem and Catholic church
- Opinion leaders, influential persons, community elders, village elders, councilors
- Youth leaders from youth organizations
- Women group leaders

The main issues raised by local community

- a) Land ownership and distribution
- b) Need for fast tracked community dialogue before resettlement
- c) Colonial IDPs or squatters be resettled
- d) Ethnic integration, apply law fairly to all
- e) Resettle elsewhere
- f) Compensate all victims
- g) Economic empowerment of the youth
- h) Involve community on issues and decision making
- I) Involve more partners in resettlement and peace process apart from government
- j) Long lasting solution
- k) Respect for cultural diversity

The main issues raised by IDPs

- a) Fast track dialogue with local community
- b) Address root causes of violence in other regions



- c) Assist to construct houses
- d) Use civil servants from other communities to share experiences in ancestral homes and how they live in their community
- e) A clear land policy
- f) Punish offenders
- g) Categorize offenders before release
- h) Return looted property
- I) Discourage stereo types
- j) Assist with credit facilities

Structural factors

- Land management and distribution
- Negative ethnicity
- Cultural identity
- Absence of nationhood and corruption

Manifest issues

- Resettle outside Rift valley in other available land
- Inter-marry with others to foster unity
- Arrest all perpetrators.

Dynamic factors

- Hidden forces behind the violence; business people, community militias (siafu)
- Tribal groupings
- Party affiliations and elections.

COAST PROVINCE

Coast Province was another epicenter that was volatile. The violence that rocked the region emanated from the disputed presidential elections, although it rekindled the incessant tribal animosity that filters every election year.

The conflict parties included

- PNU vs ODM supporters
- Kikuyu and government sympathizers
- Later on, trickled to upcountry (Wa Bara) people vs local residents.
- Degenerated into the squatters' vs landowners and rich vs poor.

The third party actors

- Local community
- Muslim Community and their council of Imams who have been providing food, counseling and other non-food items
- Local leaders e.g. Sheikh or the nominated MP has been the only conspicuous political leader in the region visiting the displaced even before he was nominated.
- The GOK; Provincial Administration
- Local and international NGOs; PEACENET-Kenya
- FBOs; the Catholic church, Ujamaa Center, Supkem
- Civil Society Groups among others.

The main issues raised by local community

- a) The locals feel the groups from upcountry have come to dominate them in their social, economic and political realms
- b) Local leadership supports the displacement silently through omissions and calculated silence.

The main issues raised by IDP issues

- a) The provincial administration has been accused of protecting looters and abandoning the affected groups
- a) The minister for special programs has not bothered to visit the coast yet that is her home.
- c) The government has locked the Coast province out of their radar because it does not want to unsettle the tourism industry.



- d) Non-responsiveness to IDP issues; a memorandum by IDPs was drawn and presented to Hon. Mungatana together with other MPs but nothing has happened yet. The camps were disbanded in a very haphazard adhoc manner.

Structural factors

- Land management and distribution
- Negative ethnicity,
- Cultural identity
- Absence of nationhood and corruption

Manifest issues

- Resolve the landlessness issue
- Resettle upcountry people elsewhere
- Inter-marry with others to foster unity
- Arrest all perpetrators.

Dynamic factors

- Hidden forces behind the violence; business people, community militias (Siafu, Sungu Sungu)
- Tribal groupings
- Party affiliations and elections



An Overview of Post 2007 General Election Conflict Situation in Kenya

The research reveals that the basic reasons behind incessant violence in Kenya are resource based. The underlying factor behind the conflict is perceived to be equitable distribution of resources at macro-level and micro-level of the national fabric. The key resource – the land is fought over by the various conflicting parties. The power elites have amassed huge chunks of land leaving a majority landless.

Moreover, patronage within the presidency has perpetuated more inequality in the country. The excess powers in the presidency are a factor contributing to the skewed allocation of resources. There is need to create a land policy that would ensure land ownership, distribution and management was fair to all and efforts made to foster institutional capacity at various levels.

Another root cause of the violence lies in the state incapacity. The nation building programme has been sluggish falling prey to negative ethnicity perpetuated by the elitist politicians who play the ethnic card to woo voters. There is need for a clear policy on nation hood and integration.

The colonial government through the divide and rule policy had aroused ethnic consciousness. There have been little attempts, as witnessed in Tanzania to de-ethnicize/socialize the nation. Furthermore, infrastructure under-development, lack of integration, unemployment, and historical injustices and biased application of the rule of law formed part of structural root causes of the conflict situation in the country. It is indeed imperative that, a comprehensive and sustainable policy and framework be set up for sustainable peace and development to be realized.

On the other hand, the current conflict situation - has been complicated by various hidden dynamic forces, which shape the various levels of the conflict. The ethnic cleavages are alive along militia groups for perceived protection, political and economic dominance. Economic and political vulnerability of the poor has aggravated the conflict situation more.

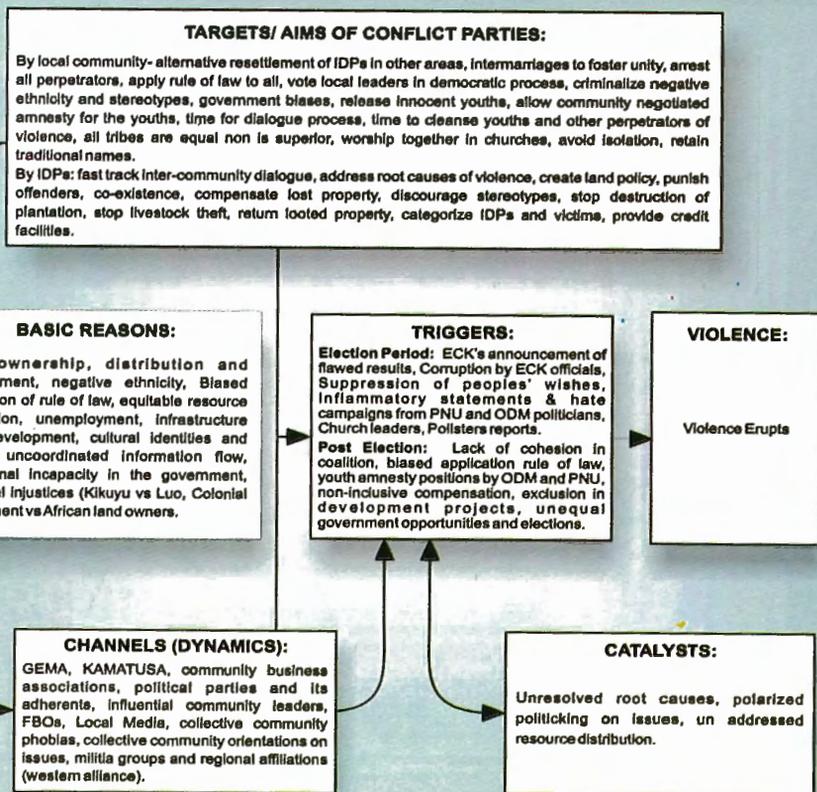
The recent GEMA and KAMATUSA revitalization, ethnic radio and T.V stations, community Militia groups: Mungiki, Sifau, Sungu Sungu, Msumbiji, Baghdad boys and even religious affiliations, among others are just but an expression of these cleavages that tend to distort the stark reality.



The situation is further worsened by the trigger effect of the fragile lack of cohesion in the coalition government, biased application of the rule of law, divergent youth amnesty/speedy trial positions by ODM and PNU, non-inclusive compensation policy, exclusion in development projects, unequal government opportunities and elections polarized along ethnic orientations or agendas.

Finally, the lack of decisiveness by the government on solutions to root causes of the violence leaves a blurred non-clear future for peace and development. The need for a synergy of programmes to tackle development and sustainable peace is inevitable.

Conflict Analysis of the Post 2007 General Election in Kenya





Consolidated Stakeholder Analysis of the Post 2007 General Election Conflict in Kenya.

Level	Stakeholders	Interest	Impacts / Reactions	Capacities / Vulnerabilities
Community	<p>IDPs: Registered IDPs in the Camps, Unregistered IDPs living with the communities, Host and receiving communities</p> <p>Violence perpetrators and their dependents, Persons with special needs, petty & non petty business persons</p>	<p>Need for access to facilities, need for settlement and relocation, Transparent humanitarian assistance, assured security, need for information flow, land access, distribution and management, resettlement of colonial squatters and IDPs, compensation of all violence victims, equal resource distribution, economic empowerment of the youth, community integration</p>	<p>Partial application of the law on the violence perpetrators, distorted information flow, Distrust in government and lack of national cohesion</p>	<p>Rights awareness and strong articulation among IDPs of needs,</p> <p>Social jealousy and tensions, biased compensation package to certain IDPs, respect for cultural diversity, perceived arrogance and isolation by one community, negative ethnicity (stereotypes), fear of democracy by small tribes, scarce land resources for pastoralists and farmers</p>
District	<p>District government</p> <p>NGOs, FBOs, CBOS</p>	<p>Reputation, power, control of financial resources, engagement and influence on policy making</p>	<p>Government exclusive and top down policy</p> <p>ODM/PNU disharmony antagonizes IDPs and host community</p> <p>Corruption</p> <p>policy distortion and miscommunication</p> <p>Creates distrust among other stakeholders</p>	<p>Civil society awareness and increasing organization</p> <p>Government biases and policy distortion</p> <p>Tensions between government and civil society over coordination of dialogue and peace process</p>
Provincial	<p>Provincial government,</p> <p>International NGOs, Network NGOs, foreign missions</p>	<p>Reputation, power and financial resources</p>	<p>Poor coordination, Policy distortion and biases on issues creates distrust and division at national and local levels e.g. youth amnesty/fair trial</p>	<p>Poor coordination, policy distortion and biases,</p> <p>Tensions between government and civil society</p>
National	<p>Provincial government,</p> <p>International NGOs, Network NGOs, foreign missions</p>	<p>Reputation, Power and Financial resources and National stability and International Integrity</p>	<p>Government centered, exclusive and top-down policy, as well as bias in aid process creates distrust</p>	<p>Awareness in national government of the need for a broad conflict prevention approach and need for participatory approach</p>



Any meaningful peace process should address the resource based needs. This calls for a comprehensive and all stakeholder inclusive initiatives, focusing on cultural, social, political, economic and ecological solutions.

Capacities, Vulnerabilities and Outcomes

Capacities	Individual Outcome	Combined Outcomes
1. Economic recovery efforts		The security situation deteriorates
Intercommunity dialogue efforts	Reconciliation efforts remain weak and fragmented	
	Increased security	
Triggers		Youth amnesty debate, Biased compensation without community involvement, application of rule of law partially, solution to squatter or Pre independence IDPs
Ethnic politics	Domination by outsiders, democracy favors larger tribes, return of ancestral land, Isolation by government	
		Ethnic consciousness is valued as a means for solidarity
Trigger: Elections and Recruitment of civil servants to government		Perceived bias in Civil service recruitment Politicized transfer of Civil servants lead to tensions and mistrusts

There is need for political will on key issues for sustainable peace structures to evolve. The sensitive issues that perpetuate the violence should be addressed with caution by all stakeholders; especially the protagonists who should foster unity.



Scenario Trends

Case	Scenario
Best-case	<p>The trend is reduced vulnerabilities (e.g. reduced cabinet tensions on youth amnesty, application of rule of law to all, increased intercommunity dialogue, reduced inequality, equal resource distribution) and increased capacities (e.g. allow community dialogue, more effective community policing equal resource distribution, due process).</p> <p>The individual outcomes are each positive (e.g. less cabinet tensions on many controversial issues that emerge, application of rule of law to all, increased intercommunity dialogue.) and combined outcome is positively reinforcing the synergy established (e.g. greater sense of security at a community level, more community involvement in dialogue before resettlement).</p> <p>Key triggers or drivers for this scenario may include a successful peace agreement, effective community leadership, increased community integration efforts etc.</p>
Status-quo	<p>The trend is that vulnerabilities remain stable (e.g. cabinet tensions on youth amnesty, application of rule of law to all, increased intercommunity dialogue) and capacities (community policing continues and greater sense of security at the community level, more community involvement in dialogue before Resettlement takes place but it is not coordinated).</p> <p>The individual outcomes may worsen (e.g. cabinet tensions on youth amnesty remain, application of rule of law to a few, reduced intercommunity dialogue) and combined outcome may worsen (e.g. There is still a sense of insecurity at community level, less community involvement in dialogue before resettlement and not coordinated).</p> <p>Key triggers or drivers for this scenario may include a stalled peace process, limited community leadership, reduced community integration efforts etc.</p>
Worst-case	<p>The trend is that vulnerabilities are increased (e.g. more hardened positions on youth amnesty, continued bias in application of rule of law, decreased intercommunity dialogue) and capacities decrease (e.g. community policing efforts become ineffective, less community involvement in resettlement and dialogue process).</p> <p>The individual outcomes are each negative (increased hard positions by cabinet tensions on youth amnesty, more biased application of rule of law to a few, totally reduced intercommunity dialogue) and combined outcome is negatively reinforcing (e.g. security at the community level deteriorates rapidly, community policing efforts become ineffective totally, less community involvement in resettlement and dialogue process completely).</p> <p>Key triggers or drivers for this scenario may include a collapsed peace process, corrupt community leadership, limited intercommunity dialogue</p>

The scenarios presented above point to probable directions that the current discourse might take. The best-case scenario would be the most preferred by all actors. However, the identified triggers should be reduced as much as possible. The triggers subsequently lead to a trickle down effect of violence to the grass roots. At the time of the assessment, the protagonists hotly contested the issue of the youth amnesty – this had a direct impact on the dialogue process, which slowed down in some parts of the country.



Roots of Peace

Sector	Social Values	Institutions
Political	<p>Need for democracy and decentralization at national level</p> <p>Recognition of the need to safeguard human and civil rights in government</p> <p>Increasing political will on government policies on resettlement and integration process.</p>	<p>More autonomous district structures on peace building with localized decision-making NGOs, FBOs and CBOs more effectively engaged on peace and security issues</p> <p>A clear community monitoring mechanism in place.</p>
Economic	<p>Economic development prioritized at all levels in the provinces. Economic development targeting the youth, women, vulnerable groups of persons with special need</p>	<p>Strengthen civil society organization on economic issues (e.g. Micro-credit facilities, empowerment of vulnerable groups through capacity building, market associations, etc.)</p> <p>Multi-stakeholder forums (Government and Civil society) on Economic issues such as infrastructure damaged by conflict and recovery is weak with limited managerial skills.</p>
Social	<p>Tradition of solidarity, tolerance, mutual help and altruism is strengthened.</p> <p>Participatory engagement and mobilization in development is encouraged.</p> <p>Reduced Polarization and anger at community level on conflict issues</p> <p>Solidarity and participation by community at local level</p>	<p>Customary institutions be strengthened with local autonomy FBO and CBOs forums.</p> <p>Promote tolerance between communities</p>
Security	<p>Security is prioritized at all levels in the provinces</p> <p>Pervasive conflict fatigue in the population</p> <p>Skepticism and distrust of state security apparatus be reduced.</p>	<p>Community policing structures are set up in different areas.</p> <p>A clear monitoring mechanism in place.</p> <p>Disbanding of criminal cartels</p>



Peace Building and Conflict Management

Return and Reintegration Principles:

The community Resettlement and Reintegration strategy should be based on the following principles;

- All humanitarian action should be undertaken in line with universal humanitarian values including principles of humanity, impartiality, neutrality and without discrimination factoring in the reality that while all in need are entitled to assistance, degrees of assistance vary depending upon the circumstances of the individual or population;
- The primary duty and responsibility to generate the conditions conducive to the safe return and sustainable re-integration of displaced Kenyans including facilitating discussions between the different violence affected populations;
- Receiving communities should participate in a representative and meaningful manner in the planning and organization of return and reintegration activities. In addition, Special measures should be taken to avoid disparities and distinctions that could be perceived as discriminatory or provoke tensions between different groups, returnees (IDPs, returnees, ex-militants) or the settled community.
- Support for the settled community and returnees should be provided as part of an integrated package that is community-focused and within the context of the National Accord and supports a long-term vision of sustainable recovery.
- Special measures should be taken to minimize the negative impact on host communities of closing IDP camps without proper phase-out and rehabilitation inputs. There is need for the support of return and reintegration activities to be closely coordinated; with all relevant actors involved in this process. It should be undertaken in a manner that targets intended beneficiaries, avoids gaps and duplication, and maximizes use of available resources. The resettlement and reintegration programs for IDPs and the local community should be integrated as far as possible.
- Ensure that every effort will be made to enable close co-ordination of all aspects of assistance for the resettlement process to ensure appropriate targeting and efficient use of resources.

- The return and reintegration activities should be closely monitored, reviewed, and modified in a well-coordinated and transparent manner so that the best interests of the intended beneficiaries reflects informed decision-making and subsequent interventions.
- It is imperative that attention be given to past inter-group conflicts and the unique experiences of the different conflict affected populations promoting reconciliation in all actions.
- Special attention may be given to children, youth and people with disability in resettlement and reintegration programmes.

Resettlement Planning and Coordination Structures

In order for the resettlement and reintegration process to be successful, the structures in place must be all inclusive and sustainable enough to be able to ameliorate the conflict dynamics. Planning should therefore focus on short term and long term recovery.

Overview of Coordination Structures

The complexity of the return and resettlement process requires active coordination among a wide range of actors at various programmatic and geographic levels. The scope of issues to be addressed and the volume of activity taking place across the country will mean that a variety of coordination activities are being carried out simultaneously. Key to ensuring that all efforts are mutually reinforcing are clearly defined levels of decision-making authority and well-established mechanisms for communication and information flow.

Return and Resettlement Coordination

Coordination mechanisms should continue to be developed at national and district levels to take decisions, share information, and formulate joint plans according to their respective terms of reference. The centrality of authority at the provincial administration from national to local levels together with other ministries such as Special Programmes and the Internal Security ministries are best suited to form structures.

A Working Committee chaired by the Ministry of Special Programmes and other members drawn from GOK Ministries, UN Agencies, donors and local and international NGOs, the FBOs, CBOs and IDP representatives should be established. The main task being to harmonize the plans of all actors whose activities relate to return



and reintegration activities outlined in the reintegration strategy. While it is expected that the committee will continue to function for a period of time, this should be in collaboration with other actors.

National Level

Security Assessment Committee for Resettlement (SACR)

The main responsibility is to determine whether or not a certain geographical area (location or district, etc.) meets the established benchmarks for being declared “safe for resettlement” by the committee consisting of representatives of the GOK, the UN, NGOs FBOs, CBOS and other stakeholders. The committee should continue to meet until all Locations have been declared safe for resettlement.

Technical Committee on Resettlement and Reintegration (TCRR)

The Technical Committee on Resettlement and Reintegration should be the national-level body supporting the policy, planning and coordination of resettlement. Among its responsibilities are being; the preparation and dissemination of policies related to resettlement, the provision of support at Locational level. i.e. a local Team such as Locational Resettlement and Reintegration Committee charged with monitoring and evaluation of the resettlement process.

District Level

District Resettlement Assessment Committee (DRAC)

Using general benchmarks developed for the Security Assessment Committee for Resettlement at the national level, District Resettlement Assessment Committees should be established once there's adequate representation of all key stakeholders, who will assess the security situation in a given area. The DRAC's task would be to assess whether each council is sufficiently safe to allow for the facilitated resettlement of displaced persons and make recommendations to the Security Assessment Committee for Resettlement on their findings.

District Resettlement and Reintegration Committee (DRRC)

The Locational Technical Committee on Resettlement and Reintegration will act as an overall co-ordination body for the planning and implementation of resettlement for each district county. These groups, chaired by the Committee in collaboration with



Location office, will aim to integrate the work of all agencies present into a cohesive program of community development. Membership of the group may include local administration officials, UN agency representatives and senior representatives of key operational agencies in all major sectors.

Declaration of Safe Areas:

Security Assessment Committee for Resettlement (SACR)

In line with the Guiding Principles on Internal Displacement, the GOK and other stakeholders such as the UN or KRCS may facilitate resettlement into areas that have been declared safe for resettling IDPs and returnees.

To assess whether an area can be declared safe, a two-tiered system may be developed at the District and National -levels. The basis for any organized resettlement movement will be an authoritative statement that the security situation in the resettlement area has been re-established to a satisfactory level.

The Security Assessment Committee for Resettlement's (SACR) main task may be to assess the security situation in every district and to inform all other stakeholders. The SACR, based on information and deliberations received from the respective DRAC and other sources, will be solely responsible for deciding whether and where organized resettlement activities can commence.

The SACR may undertake the following activities: first, develop a set of objective criteria through which the District Resettlement Assessment Committees will assess the safety of districts for resettlement. Secondly, review the outcomes and recommendations made by County Resettlement Assessment Committees.

Thirdly, endorse or reject with reasons, the recommendations made by the District Resettlement Assessment Committees as to the districts they have deemed safe for resettlement.

Finally, upon declaration of safe areas, it is the responsibility of the chairperson to inform the District Resettlement Assessment Committees and District Resettlement and Reintegration committee of their decisions. This information should also be made public.

SACR will continue to meet until such a time as all districts have been declared safe and that , following this, a sufficient period of time has elapsed for the committee to have



confidence that resettlement has occurred both safely and securely. The SACR may base its recommendations on precise information gathered in specific areas under discussion. The committee may send out surveillance missions or invite participating agencies to study the situation and to provide consolidated assessment reports.

However, the SACR might as well take into full consideration the assessment and recommendations received from the District Resettlement Assessment Committee which is set-up to be a subsidiary body of the SACR. All information must be submitted to the committee through the lead ministry's office of GOK, which acts as the secretariat of the SACR, well in advance. It must be circulated to the committee members prior to the meeting that deals with the respective issue(s).

On reaching an agreement that a particular district is safe for the resettlement of IDPs and/or returnees and squatters the GOK through the lead ministry may recommend and seek approval from the SACR. When the SACR is satisfied that a particular district can be declared safe, it is the responsibility of the lead ministry to ensure this message is made public. It is upon this decision that displaced persons emanating from this area will enter onto the resettlement program.

Criteria and Benchmarks for Security Assessment

The Security Assessment Committee for Resettlement will deliberate whether the following criteria for resettlement in a specifically defined district has been met:

General Security

Security is a state of affairs whereby the resident population in a given area can live free of fear of being harassed, injured, kidnapped, forced against their will, or even killed by armed individuals and groups. Security benchmarks for safe return will include:

- a) Deployment of GOK police force.
- b) Static and mobile police patrols in all other areas
- c) General absence of hostilities
- d) Frequent reports on security incidents.

Unhindered Access of Relief and Development Agencies

Free and unhindered access of relief and development co-ordination to the needy population would include:

- a) Deployment of UN agencies, KRCS, FBOs and NGOs to various field locations
- b) Presence of agencies supporting the population in improving basic services:



- Education, Water, Sanitation Health and access to shelter
- c) Existence (or creation) of community structures to support relief/social services
- d) Existence of Food distribution mechanism and supply of agriculture inputs and
- e) Community Empowerment projects aimed at supporting self-reliance.

Assessing Voluntary Returns

The presence of sizeable numbers of voluntary returnees can be regarded as a sign that living conditions are in the process of returning to normal. The DRAC and SACR might consider any other issue brought to its attention, in particular issues relating to peace, security and inter-communal relations. Resettlement and Reintegration Planning.

There should be two bodies responsible for resettlement and reintegration planning at National and district level;

- a) Technical Committee for Resettlement and Reintegration (TCRR)
- b) District Resettlement and Reintegration Committee (DRRC)

Technical Committee on Resettlement and Reintegration (TCRR)

For easier implementation the GOK will require a synergy of frameworks for harmonization, monitoring and reporting of all activities being undertaken by various actors towards the attainment of the priority objectives. However, the implementation and operational coordination of these activities remain the responsibility of the various actors – Government, Development partners, donors, NGOs, CSOs, UN agencies, KRCS etc., working within their various mandates.

To facilitate operational coordination, the Technical Committee on Resettlement and Reintegration will be formally established. The committee, which will basically support the resettlement and reintegration of internally displaced persons, refugees and ex-combatants with their dependants back into their communities, strengthen their livelihood security and promote reconciliation, will embrace all actors.

The membership at the national level is outlined below:

Technical Committee for Resettlement and Reintegration Components

The District Resettlement, Reintegration & Reconciliation committee, Special Programmes ministry, Internal Security ministry, the Provincial Administration, UN-

OCHA, UNHCR, UNDP, UNFPA, WFP, IOM, FAO, UNICEF, WHO, USAID, DFID, Women representative, Youth representative, IDP representative, FBOs and CBOs representatives.

District Resettlement and Reintegration Committee (DRRC)

The District Resettlement and Reintegration Committee may operate at each district level essentially to plan and co-ordinate resettlement activities. The membership for this working group should include: The District Resettlement, Reintegration & Reconciliation committee, Special Programmes ministry, Internal Security ministry, the Provincial Administration, UN-OCHA, UNHCR, UNDP, UNFPA, WFP, IOM, FAO, UNICEF, WHO, USAID, DFID, Women representative, Youth representative, IDP representative, FBOs and CBOs representatives. Membership at the district level should vary to make sure GOK and other major stakeholders present in the respective areas are represented in the working committees.

The aims of the District Resettlement and Reintegration Committee are:

- To develop comprehensive sectoral operational plans in each district.
- To ensure coordination of planning and implementation within each sector and develop gender sensitive procedures and timelines etc.
- To integrate resettlement and reintegration programs for IDPs and squatters and to endeavor to achieve equity of assistance and access to assistance between all categories of beneficiaries.
- To strengthen and encourage community based organizations and/or /traditional village committees to facilitate planning and participation from communities in main areas of return in the resettlement and recovery process.

Besides, the responsibilities of the District Resettlement and Reintegration Committee in regard to the resettlement program include:

- Identifying, planning and coordinating the distribution of reintegration packages at the designated drop off points
- Informing the District Resettlement and Reintegration Committee in the district from which IDPs or displaced returnees are departing.

This information will then form the basis of awareness in the information and sensitization campaign within the area of departure.

Moreover, it should co-ordinate with the IDP committee, camp management forum



and the camp managers, the mass information campaigns on the location and districts of planned return. This can include facilitation of visits by both IDP camp representatives to areas of return as well as visits by area Chiefs to the camps to inform camp populations of the conditions in their area of resettlement. They should then inform District-level officials of the declaration of safety for resettlement and expected numbers that may return.

The committee should also assess critical gaps in basic service provision, within each area of resettlement and prioritize how these are to be addressed to ensure basic coverage within a reasonable timeframe. Furthermore, it should explore the opportunities for absorbing resettling displaced persons into seeds and tools programs, rural banking/micro credit programs and/or other income generating activities.

There will be need for encouraging the development of employment-based safety net schemes (e.g. agriculture, public works schemes, and shelter programmes). In order to ensure that a system is in place to monitor the food security and nutritional situation within resettlement areas, information emanating from the monitoring system should be used for recommending further support mechanisms for vulnerable groups, whether returnees, resettling IDPs or existing resident populations. There will also be need to monitor and evaluate the resettlement process to ensure that people return in safety and dignity.

This will include ensuring that appropriate mechanisms and measures are in place to respond to any specific problems that may be encountered during resettlement. This may, for example, be the protection of resettling or resident populations or to the resolution of property or other disputes. Lastly, it will be good to ensure that a gender perspective is included and to support community participation in all activities. The District Resettlement and Reintegration committee should act as the overall co-ordination body for the planning and implementation of resettlement for district or location and reports to TCRR that will in turn report to the national level.

Co-ordination and Management of Process

While declaring safe areas, phasing down IDP camps and maintaining others, there is need for ongoing co-ordination and information sharing between the DRRCs and existing IDP / returnee management forums. Some of the issues that will be key include:

- a) Close liaison with the Resettlement Assessment Committees regarding districts that have been declared safe for resettlement of displaced persons from IDP

- camps and temporary settlements.
- b) Work with camp management and other agencies to develop procedures and timelines for the phasing-down of food aid and other assistance to displaced persons entering into the resettlement program.
 - c) Planning for the continued provision of humanitarian aid and support services to those displaced persons from areas yet to be declared safe.
 - d) To inform the other DRRC's of the indicative number of displaced persons that are to resettle in their district
 - e) To maintain effective camp funding monitoring mechanisms to ensure adequate level of service provision in remaining camps.
 - f) To work closely with agencies supporting longer-term development programmes to begin to phase out emergency aid.

Categories of Beneficiaries

The categories to be supported in this Reintegration strategy include:

- a) Registered IDPs in the Camps
- b) Unregistered IDPs living with the communities
- c) Refugees and Returnees
- d) Host and receiving communities
- e) Victims and their dependants
- f) Persons with special needs.

There is another category of IDPs, which form part of the structural problem of violence. This includes:

Registered IDPs in Camps

This category of displaced persons consists of IDPs who have been verified in the IDP survey, and are currently receiving assistance in recognized IDP camps. When their respective district of origin is declared safe for resettlement, these IDPs will receive resettlement and reintegration assistance, which is described in detail in. This will include transportation assistance and the receipt of a resettlement package and assistance directed towards the promotion of community -based activities; with a view to strengthening existing social infrastructure and sustainable livelihoods in the areas of return. This may be in the form of employment-based safety-net programmes that benefits from community rehabilitation and reconstruction targeted at basic service provision and income generation.

Unregistered IDPs Living in the Communities

Many IDPs live within the community particularly in urban areas. They are established business persons who lost property, petty traders who lost wares or those who were in employment in the community. The unregistered IDPs should receive benefit from community-based assistance.

In cases where there is clear evidence of unregistered IDPs being resident in a camp for a reasonable period of time, then transport assistance may be provided to support their return to areas of origin or resettlement. This will be undertaken separately from the transport assistance provided to registered IDPs and returnees. No other targeted, resettlement assistance will be provided.

Given the drive to phase-down IDP camps and support resettlement, unregistered IDPs may receive assistance that is geared towards the promotion of community-based activities thereby strengthening existing socio-economic infrastructure and livelihoods. This could include, entry into seeds and tools programs and/or other employment-based safety net/income generating schemes.

Provision of food aid to vulnerable groups within this category may be provided through school feeding programmes, food rations in cases of food insecurity and in cases where there is acute malnutrition, therapeutic feeding. The needs for such interventions will be determined through food security and nutritional monitoring. Similarly, they may also be supported with non-food assistance. Squatters and IDPs occasioned during the pre-colonial to independence period.

These are the persons who were displaced during the British colonialism period and have remained landless to date. There is need to carry out an inventory process to identify the squatters who should receive alternative resettlement. The root cause of the violence stems from these group of IDP from the host community. The policy on land should adopt the proposed Ndungu formula on land allocation of 60 % local resettlement to 40 % non-local resettlement. This would bring harmony and integration.

Host and Receiving Communities

Communities living in conflict-affected areas of resettlement may receive benefits in the resettlement process similar to that of unregistered IDPs. It is envisaged that in areas yet to be declared safe for resettlement, this population group will be provided with humanitarian assistance according to need and accessibility where access is feasible.



Victims who died and their Dependants

The reintegration programme phases into community based reintegration programme maintaining continuity of support once other sponsored support programmes end. The community can hence support dependants by incorporating them to participate in existing support programmes and activities in agriculture, education, micro- financing schemes and provision of referral for sustainable employment. This calls for sensitization of communities on the need to accept and reintegrate ex-militias and their dependants.

Persons with Special Needs

While assistance should be standardized as much as possible, it is widely recognized that within violence-affected populations some individuals have needs deserving special attention during movement, upon arrival at the return destination and/or during the resettlement process.

It is also widely recognized that gender based discrimination exists and hinders the access of women to services. Therefore, a guidance note has been developed to facilitate service provision to certain categories. The specified categories are in no way prescriptive and special needs individuals will be reviewed on a case-by-case basis.

Persons with special needs for the specific purposes of the return and reintegration will include but not be limited to:

- a) Female-headed households
- b) Unaccompanied women
- c) People with physical disabilities
- d) People with mental disabilities
- e) Unaccompanied/ separated children
- f) Elderly persons
- g) Chronically ill (emphasis on people living with HIV/AIDS)
- h) Expectant and lactating mothers
- I) Single males in the custody of children below the age of 5
- j) Elderly persons in the custody of children
- ,k) Child headed households
- l) Survivors of violence (physical violence, sexual violence, abducted women and other forms of abuse)



Principles of Assistance to Persons with Special Needs

During the return and reintegration phase, humanitarian and development agencies may be encouraged to target these groups in order to promote and ensure sustainable livelihoods and protection from violence and exploitation. Special programmes should be developed alongside the resettlement programme for specific groups but agencies may collaborate to ensure that assistance is not duplicated. Close monitoring by the District Resettlement and Reintegration Committee of their ability to cope during this transitional process is crucial.

The following principles may be used to guide the assistance to special needs groups:

- a) Assistance is provided in accordance with assessed needs
- b) Assistance is a service not a right
- c) Assistance is time bound. People with special needs have capacities, which should be enhanced so that they develop independence as soon as possible.
- d) Assistance is community based. The responsibility for looking after special needs groups remains with the community and agencies only support the process.
- e) The credibility of assistance measures depends on impartiality, transparency and clear procedures. Civilians and combatants with special needs will be treated equally.
- f) Inherent dignity and worth of the recipient should in no way be undermined by the manner in which assistance is disbursed.

The vulnerable people eligible to receive targeted resettlement assistance may not be in an appropriate condition to enter into the resettlement process when their area of origin is declared safe for resettlement. The District Resettlement and Reintegration committee may decide, in cooperation with the Camp Management Agency or other mandated agencies, when such persons will enter the resettlement process on a case-by-case basis. The committee may however, ensure that persons with special needs are not separated from their families in an effort to provide them with assistance.

Return and Resettlement Activities

The return and resettlement process is complex and requires adequate and comprehensive planning.

Entry into the Resettlement Programme

Once the district is declared safe for return and resettlement, assessment of which IDP and displaced returnee families may be eligible to enter the resettlement



programme begins. The IDP survey/inventory may be the basis of verifying eligible families. All registered IDPs and displaced returnees originating from a newly declared safe district may voluntarily enter the resettlement process.

The information and sensitization campaign may be initiated and the IDPs and displaced returnees informed of the return plan. IDPs and displaced returnees may be issued with special identification cards which will make them eligible to access assistance in their respective districts of return. The cards should only be issued to IDPs and Returnees leaving the camps by their own. The cards should be honored by all agencies providing assistance in all the divisions.

IDPs and displaced returnees may be informed of the location where the assistance will be accessed. The assistance at the final destination may include food and non-food items as outlined in this strategy. For those who cannot arrange their own transport, information pertaining to registration for transport will be issued with a special card.

Community Resettlement and Reintegration Strategy

A set time frame for assistance is necessary to fast track resettlement once a date is declared for safe return to the district. However, it is assumed that sufficient transportation and other resettlement packages will have been mobilized and made available to facilitate this process.

Entitlements of Registered IDPs and Displaced Returnees According to the Security Status of Their District of Origin.

Category	District Security Status	Entitlements
A	<i>Unsafe</i>	Should remain in an IDP camp, temporary settlement receiving all appropriate services
B	District of Origin Declared Safe	<ol style="list-style-type: none"> 1. Should go and seek identity from IDP leadership. 2. IDPs issued with special cards according to verification process. 3. IDPs encouraged to make own transportation arrangement back to district of origin 4. Reimbursement of standard transportation fare as part of the return package in district of return 5. Retain the right to accommodation in an IDP camp, temporary settlement for a further two months following the declaration of the area as safe for resettlement, receiving all appropriate services. After this period, the displaced persons from the newly declared safe area will be expected to enter the resettlement process. 6. Eligible for transportation assistance to area of return in the newly declared safe Districts. 7. Eligible to receive two months of resettlement food and non-food assistance. These food and non-food rations will be distributed in bulk from centralized distribution points within the District of resettlement at a scheduled time once the resettlement process has begun. Normally these rations will be given at one of the designated drop-off points used for transport assistance.

Mass Information Campaign

Comprehensive information and sensitization campaigns enabling individuals to make well-informed decisions are a crucial component of the resettlement process. Messages addressing the special needs of women, children, and vulnerable groups may equally be developed taking into account the sensitivity of some issues, notably property and ownership and cultural perspectives. In particular it is important that IDPs and displaced returnees understand the conditions in their area of return, registration and transport procedures and assistance packages.



It is also important that humanitarian and other actors appreciate the significance of such a decision for a displaced person and all the factors that influence such a decision including previous experienced persecution. The central aim of the information and sensitization campaign is to ensure that the wider public, particularly all IDPs and returnees, are well informed.

Promotion of IDPs Participation in Establishing Priority Needs

Most of the victims (IDPS) should be involved in determining the following activities;

- a) Status of security situation in area of return
- b) Issues that may cause tension/friction in return areas
- c) Basic social services needed.
- d) Procedures for transport
- e) Promotion of family unity
- f) Property/ownership issues
- g) Local governance mechanisms
- h) Rule of law/conflict resolution mechanisms
- I) Special measures to protect individuals with particular protection concerns
- j) Monitoring and reporting mechanisms
- k) Procedures for the phasing-down of IDP camps
- l) Entitlements and support services provided within the resettlement program
- m) Procedures and designated areas for accessing entitlements.

The campaign should make use of existing information dissemination and consultation mechanisms within the camps (co-coordinated with camp management agencies). Existing media organizations and institutions may be involved in the development of messages and their transmission / dissemination. Steps should be taken to initiate dialogue with IDPs in different camps so that there is a two-way flow of information that informs planning by aid agencies as well as return decisions. Camp management agencies have an important role to play in this regard. In the areas of return and reintegration, formal and informal channels for information dissemination may be used to inform communities relating to resettlement.

The entire information campaign should be coordinated by a GOK with the involvement of all stakeholders. The Public Information group can design all messages and modalities of information distribution. Simultaneously local mechanisms may be enhanced in areas of return to avoid decisions that are governed by negative cultural norms and discriminate against women.

Transportation of Returnees and Registered IDPs

Prior to organizing return movement, government representatives with the support of the District Resettlement and Reintegration Committees meet with the concerned community leaders to discuss planned movements. These discussions may alert communities of incoming populations while also providing them with the opportunity to raise concerns such as any inter-group conflicts or reception capacity.

Registered IDPs and displaced returnees may be transport assistance or reimbursement of actual transport cost to a place close to their area of resettlement as part of reintegration package.

Registered IDPs and displaced returnees entering the resettlement process must register for transportation support to one of the designated drop-off points of their choice. Transport registration will be undertaken by the transport management agency with support from DRRRC. In case transport is provided, IDPs and returnees will be allowed to take their designated compensation packs.

Community Resettlement and Reintegration Strategy

Medical checks should be carried out prior to transportation to ensure that all passengers are medically fit to travel. Any passenger whose health may be jeopardized by the journey should not be authorized to travel.

Designated drop-off points should be identified in areas of resettlement by GOK and the transport management agency in consultation with local communities. This should take into account the designated areas where resettlement may occur. Resettlement packages may be distributed at these points and basic overnight accommodation, water and wet or dry feeding should be provided where necessary. Efforts may be made to ensure these areas do not become makeshift encampments. Secondary transport to places in closer proximity to their area of return may be provided where it is deemed appropriate and where the necessary resources are available to do this.

A logistics plan may be drawn up by the transport management agency in consultation with GOK and all other stakeholders including the distribution agencies and local communities. The plan may also include information on drop off points and times from the place of departure. The GOK Information and Sensitization Unit, supported by camp management agencies, should use this for informing registered IDPs and displaced returnees. There may exist an opportunity for resettling IDPs to make use of way stations that UNHCR or KRCS may establish for the repatriation.



Return Assistance Packages

The assistance packages should be made available before any resettlement is done.

Resettlement Food Rations and Food Aid

When registered IDPs and returnees enter into the resettlement programme, they are entitled to receive compensation packages. The standardized procedures for the distribution of resettlement food rations may be:

- a) Centralized distribution points will be at the designated drop-off points within each district of resettlement.
- b) To collect resettlement food rations, the IDP will present documentation from the camps while the returnees will present their own identification obtained from mandated agencies.

Non-Food Items Package

The resettled population may receive non-food items (NFI) to ease their task of rebuilding their homes and households. Certain NFI may be distributed to each and every individual while certain selected items may only be provided to adults.

It is envisaged that in many of the districts, the distribution of these packages will be carried out in cooperation with food pipeline agencies given their logistical capacity. The decision as to who does what will be determined by the District Resettlement and Reintegration Committee.

Shelter

Assistance regarding shelter is based on a standard kit, the following shelter items will form part of the resettlement package for registered Returnees and IDP households. Further shelter assistance may be provided later through community-based reconstruction projects, or link into existing or planned projects being implemented by partner agencies.

Distribution Centers:

In order to encourage Self-Return/ Repatriation of IDPs and returnees, DRRC in conjunction with UNHCR, UN-OCHA, KRCS, PEACENET-Kenya and other stakeholders may establish distribution centers at all strategic concentration centers in main



areas of return for the distribution of reintegration packages and reimbursement of transportation cost to registered returnees and IDPs.

Phasing out and Consolidation of IDP Camps

As areas are declared safe and the resettlement process commences, the number of registered IDPs remaining in IDP camps should significantly reduce. Plans for the consolidation and/or phase-out of the camps shall be prepared by the Camp Management for consideration by District Resettlement and Reintegration Committee. The overall goal will be to reduce the number of camps, so that the camp areas can be returned to their former use. Efforts will be made to avoid the possible occupation of such camps by other non-displaced persons. This plan will examine the possibilities to relocate remaining IDPs to alternative campsites if their camp is to be closed.

Community Environmental Rehabilitation Program (CERP)

There will be need to develop a comprehensive Community Environmental Rehabilitation Programme (CERP) aimed at addressing environmental concerns at the existing IDP camps, during the return process and after the camps have been closed. The program will be developed with the local communities and relevant government authorities.

Camp Closure

As districts are declared safe for return, a gradual process of preparing IDPs currently residing in camps for transportation and resettlement may begin. Consolidating existing IDP camps and working closely with the host communities to rehabilitate local infrastructure and the local environment will be planned for in advance.

A summary of the key issues that all camps will need to be prepared for includes:

1. **Information / sensitization:** As IDPs are informed of the planned transportation and resettlement arrangements, local community leaders should be included in the planning and implementation of the process.
2. **Host community restoration / rehabilitation:** This means undertaking a thorough analysis of each camp and the level of damage that has occurred to the local environment as a result of the construction of the camp, deforestation and pollution factors.
3. **Security:** Adequate measures should be put in place to check on influxes of new

inhabitants from local community as IDPs depart and to protect IDPs during camp closure.

4. **Camp Consolidation:** As districts of return are declared safe, certain camps that have a majority of IDPs from that location may be targeted for consolidation.

Specific issues that should be anticipated include:

- a) Relocation between camps (including policy of relocation of Extremely Vulnerable Individuals)
- b) Forward planning based on levels of security in return districts and locations and subsequent return of IDPs.
- c) Policy on maintenance or closure of certain camps: based on camp resources and camp management capabilities.
- d) Tracking system for monitoring population flow.
- e) Consolidate planning figures for phase-down and resettlement.
- f) Planning and coordination of the consolidation of IDP camps and temporary settlements as beneficiaries enter the resettlement process.

Community Resettlement and Reintegration Strategy (CRRS)

There is need for a recovery plan of the host community as well, since they also underwent economic, social, cultural, ecological and political trauma.

Community-Based Recovery

All displaced populations may also benefit from targeted employment-based safety net schemes. It is expected that these may be provided during the first agricultural season, after this time, it is envisaged that food security monitoring in resettlement areas will clarify whether further food assistance is required.

Following resettlement, continued support may be available in the form of community-based reconstruction and rehabilitation activities that enhance reconciliation and livelihood development, underlining the community participatory approach.

Activities aimed at Community based recovery will include:

- Community shelter rehabilitation and construction programs
- Water management and sanitation
- Support to agricultural practices
- Livestock rehabilitation



Support to programmes targeting women and youth

These could include:

- Leadership training for women, girls and youths
- Rehabilitation of community infrastructure
- Support to local environmental programs
- Provision of micro-credit and management training
- Small enterprise promotion and vocational training schemes
- Capacity building of community structures in particular women and gender groups as well as community workers.

Community Reconciliation and Consolidation of Peace

Programmes addressing consolidation of peace among different communities must be given priority in order to address past inter-group conflicts and to avoid potential conflicts among different war affected populations. The implementation of this programme should begin simultaneously with the host and receiving communities and in Refugee/IDP camps before the return commences.

Civil Society, I and international and local NGOs may be at the forefront of all interventions with attention given to the equal participation of women and children. At the same time efforts will be made to coordinate the return and resettlement of displaced populations with on-going reconciliation activities on the ground. Besides, matters of concern to displaced populations; may be tabled to the proposed Truth, Justice and Reconciliation Commission yet to be set up.

Community-based activities should involve the participation of all members of the community, ensuring the equal participation of women and different war-affected populations. This is a pre-requisite for building both the community and households' livelihood security and will facilitate the reconciliation process. It is therefore crucial that the communities concerned have a sense of ownership and are empowered to determine their own destiny. This includes community prioritization of needs and participation in the project design and implementation process. The community-based recovery programme may seek funding from international actors, the Government of Kenya and other funding agencies.

Monitoring and Evaluation

Information Management System

The Information Center on humanitarian assistance coordinated between the



government and NGOs should be the loci for managing information pertaining to the resettlement process. This center should provide support and technical back up on collection of relevant data, which includes tools for monitoring gender, for the creation of sectoral data packs for all the districts and identifying vulnerable areas and critical gaps that exist both sectorally and geographically.

The information generated should be made fully available to line ministries, partner agencies and donors. The information dissemination should be decentralized to the up-country information centers to allow all interested partners easy access to the information gathered.

Monitoring of the Resettlement Process

The Technical Committee on Resettlement and Reintegration (TCRR) should monitor the overall resettlement process nationally. The District Resettlement and Reintegration Committees should monitor the resettlement process within their respective districts and locations. This will include ensuring that adequate measures are put in place at each stage of the resettlement process.

The District Resettlement and Reintegration committee may undertake periodic assessments of how resettling populations are managing to cope in their areas of resettlement.



Conclusion

Any development without sustainable peace is bound to fail. The government of Kenya has dragged its feet on improving institutions to ensure state capacity. It is the duty of the government to provide assurance for sustainable peace. This will call for long term solutions such as a comprehensive community recovery strategy encompassing ecology, economy, social equity and balanced development, security, nation building policies and a holistic approach to peace and development.

The dialogue process requires keenness at all levels. The Kenya National Dialogue and Reconciliation Accord mediated by H.E Koffi Annan at the macro-level presented the national structure for peace. Likewise, at the local levels structures are imperative and should be reflective of the future in order to ensure that real sustainable reconciliation to take place is sustainable.

On the other hand the challenges of the justice and sustainable peace by the feuding parties are embedded in principality. The PNU push for retributive justice while the ODM advocate for restorative justice. However, it should be noted that there can not be a blanket retribution or restoration of justice. There is need for a common path that would address economic, criminal, social, cultural and political justice. This calls for a comprehensive strategy that is development and peace oriented.

Furthermore, there will be need for political will from the incumbent government to address the root causes of the IDP situation. That means unresolved issues on land and other injustices should be cautiously handled – failure to implies that they remain a stark reality in our country. There is need for the government to be decisive and solve the matter rather than postpone it.

On the other hand, the International Community, the national and local NGOs, together with the Kenya government, have developed a tendency where the interventions on the IDP issues are often inconsistent and haphazard. There is need for a structured synergy of programs and solutions to the problem. The salient nature of IDPs situation; issues need the thoroughness they deserves; be they conflict or ecology induced. The UN-OCHA, WFP, KRCS, PEACENET- Kenya, PACT Kenya, KHRC and other stakeholders fall short of a holistic approach.



Any future focus on the IDP situation should be geared towards eradication of conflict breeding conditions and enhancement of sustainable economic, social, political, ecological and cultural structures.

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The Annex

Table 1. Location, Size, Number of Camps

No	Region	District	Official camps	Transitional camps	Non-official camps	Closed camps	Total House Hold Members	Population Totals
1.	Lower Eastern	Machakos			Staying with relatives or group rentals in Miwani Muitund Kyambi Katoloni Kathiani Mitaaboni Kathemboni	No camps set up		
		Mwala	None	None				
		Kibwezi			Muthetheni			
		Nzani			Makindu			
		Mbooni			Mulala Kalwa			
							Sub total	322
2.	Nairobi	Nairobi	PCEA camp Mathare Chief camp Konoin Mathare Depot camp	None	Group families in rental houses in urban center Staying with relatives	Jamburi camp Kibera chief camp		
3.	Central	Kikuyu	Kirishimo camp Waldhaka chief camp		Group rental houses in urban center Stay with relatives in the urban centers	Nyaituga, Kikuyu police camp, Tigonl police camp, Nduduru, Ngolika.		
4.	Coast		There were no official camps.	None	Stay within the city and other urban centers with relatives, in rental houses.	There were no camps		
5.	Central Rift				Staying with relatives in ancestral homes Group rental houses in urban centers			



6.	South Rift					Kipkelion police stn Kamwringi 11 Lulu Londiani camp Matangon Victoria monastery Chepion police patrol Tendeno Forest stn. Jambo AIC Mugumoini Malaget police stn	
7.	North Rift	Uasin Ngjahu	Burnt Forest Show Ground ASK Timboroa Kitale Show Ground Noigam Police Stn. Endebess Turbo Light House church KAG church Ndugulu IDP camp Boror Kipayigen EABTC Bible college Muchongwe primary Kiprosiyo PCEA Ayub Kinyus	Uasin District Firma Kamuyu Rukuini Kondoo 3,5 &6 Kondoo 7 Kondoo 9 Kondoo center Biseria Ngarua Rurigi Job estate Kahuho Kagoongo Rociani Nyakiyua Kondoo 1 Kondoo 2 Bindura Oiare IN Matharu Roogal Kahuho Gatina Matharu Center	Ngjahu	Staying with relatives and friends Group rental houses Staying with relatives and/or friends in ancestral homes	Koibatek District Makutano/ Koibatek Eldama Ravine Makutano/Kapsara Deliverence Kiminiini Silhendu Trans Naoia District Sabod & Skirwa Uasin Gishu District Matharu
		Trans Nzoia	Salama GSU Salama Primary Gitumba Skirwa Kesagon Tilawa Kabongwa Kipsigik Kapkolmor Cheptonon Koiban Ndalar Idigo Kaptei Ndapabwa Chepalungu Mlango Chebarbar	In Eldoret ASK Nandi North Moiben/Alnabi Moiben Moiben Mafuta Kiplabus Yamumbi Bindura Zlwa Kokwet Kilomumu Outspan Burnt forest Jaabo/malel Trans Naoia District Kitale Show Ground Farms Nasizoda Kapretwa Katwaka Kalaha			
		Nandi North	Keben Nakipkong	Embakasi Cheptumbolio			
		Nandi					



South	Savani	Girwamba
	Kosabei	Endebess
		Chechoria
Koibatek	Bishop	Munyaka
	Muge	Kapteret
		Mt. Elgon
	Kanamkerke	Lugari
Turkana	mer RCEA	
	camp	Noigam
		Geta Location
		Suwerwa Location
		Milimani Location
		Cheptobot/Keboiy
		o
		Cherangani
		Chepsiro
		Unclassified
		Koibatek District
		<u>Timboroa</u>
		Timboroa center
		Kangema
		Nyakio
		Kirima
		Shauri
		Equator
		Gilgil/Tarigo
		<u>Eldama Ravine</u>
		Bondeni
		Kibias
		Kabimoi
		Kamasaba
		<u>Makutano</u>
		<u>Koibatek</u>
		Kinari
		Andema
		Gathukia
		Gatarakwa
		Kwanza District
		<u>Endebess</u>
		Salama center
		Kimondo
		Chepkollet
		Cheptaragal
		Basale
		Nalulingo
		Namurio
		Iree
		Toboo
		Soi mining
		Matumbei
		Gathata
		Namvichula
		Uganda, Amuka,
		Matisi, Mfupi &
		saboti
		Trans Nzoia
		District
		Kesegon
		Mt. Elgon



				Endebess farm	
				Girwamba	
				Eldoret	
				Kapkarwa	
				Makutan/Kapsara	
				Kamoi	
				Kipsambach	
				Kapteret	
				Ruguru	
				18588	44002
8.	Western	Busia	Busia police str	64	238
		Kakamega	Kakamega police str.	243	404
		Vihiga	Vihiga police station Lotego Chavakali police str.	22	93
9.	Nyanza	Kuria	Isebania /Nyamaharanga	117	746
		Kisii/Nyamira	Ekerenyo Keroka police station	549	1874
		Bureti	Mulot police station	17	83
		Kisumu	Kondele police station	46	129
		Nyando	Central police station	30	151
		Kipkelion	Koru police station	185	651
		Kericho	Kunyak	4	28
			Kolta settlement scheme		
				Sub total	4397
				Grand Totals	48, 721

Note:

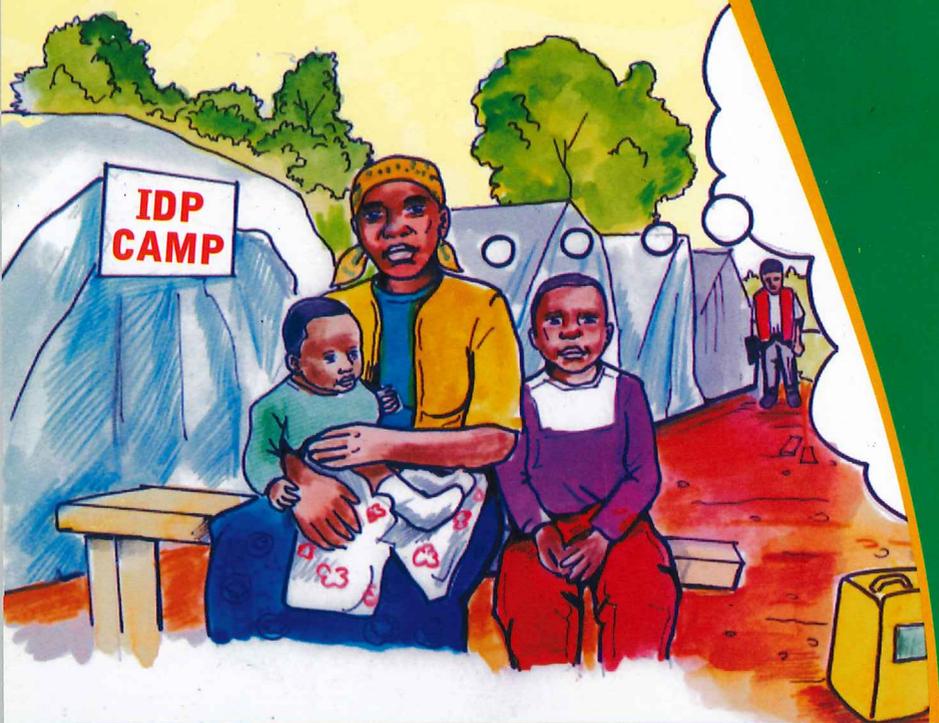
* Over 45000 returned to camps as at 16th – 20th 5 2008

* 22000 returnees resettled on farms

* 17 IDP camps closed

SOURCE: The Kenya Red Cross Society and UN-OCHA May June reports 2008

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