

Failure to protect: lessons from Kenya's IDP network

by Prisca Kamungi and Jacqueline M Klopp

State-instigated violence in the 1990s in Kenya left thousands dead and hundreds of thousands displaced. Today some 430,000 IDPs¹ live in abysmal conditions. This is in spite of the fact that Kenya has an IDP support network, a vibrant civil society and, since a historic election in 2002, political freedom to organise. What has gone wrong?

With all its advantages relative to many of its neighbours, and with its move towards a formal commitment to the Guiding Principles, Kenya is still unable to adequately protect its IDPs. We draw on our experience working with Kenya's IDP Network to analyse some of the deep political barriers to effective state and civil society action on behalf of the internally displaced.

Throughout the 1990s the Kenya African National Union (KANU) government funded and orchestrated violence to cleanse opposition voters from key constituencies.² In the run up to the 2002 election – which ended the 24-year autocratic regime of Daniel Arap Moi – the opposition

National Rainbow Coalition (NaRC) made the choice to include many of the former KANU politicians responsible for the violence. Since these politicians could deliver votes, they were also brought into the NaRC government after the election and some were even elevated to high positions. This made addressing the IDP plight politically sensitive and led the new President, Mwai Kibaki, to shelve plans for a Truth, Justice and Reconciliation process.

The fact that the government continues to see some perpetrators of violence and their province-level accomplices as necessary for its political survival is one of the biggest barriers to change.

Kenya's IDP Network was launched in 2003 with support from many civil society actors who worked for the displaced during the violence: the National Council of Churches of Kenya (NCCCK)³, the Catholic Diocese of Nakuru and the Kenya Human Rights Commission (KHRC).⁴ The network represents IDPs in most regions, except northern Kenya, where people experienced violent displacement. As it has worked to gain public recognition, it has felt the need to become autonomous from its civil society partners by whom many IDPs feel let down. The displaced are also deeply frustrated by what appears to be official denial and delay. Apart from some limited resettlement and relief food in some places, the government and civil society have done little for Kenya's IDPs.

Another enormous problem is land – an issue which is both an underlying cause and a consequence of violence. The government has failed to reform its system of land management. Like the former KANU government the

current crop of politicians manipulate land for political purposes. In 2006 a much-heralded plan to resettle IDPs actually benefited hundreds of non-IDP families. The government created a Task Force on Displaced People but it was not well advertised, its work was poorly conducted and its report has not been made public. Safe in the knowledge that perpetrators of electoral violence have gone unpunished, some members of parliament are gearing up to use internal displacement as a form of gerrymandering.

Kenya lacks a legal and institutional framework that defines and recognises IDPs. While the Kenyan government has not passed legislation to make the Guiding Principles on Internal Displacement national law, it has signed with ten other regional governments a Security, Stability and Development Pact of the Great Lakes Region which contains a protocol on protection and assistance for the displaced – the first legally binding regional instrument specifically dealing with IDPs.⁵ Much local and international advocacy is needed to persuade the Kenyan public and politicians to put it into effect. Without pressure the Pact will remain a document without practical impact.

IDP invisibility

Civil society neglect of IDPs is also a consequence of their low profile after 15 years of displacement. Most IDPs have scattered in search of livelihoods, merged with the urban poor and squatters, and are not 'visible' in camp-like settings. No NGOs focus exclusively on IDPs and they are ignored by donors. There is very little international advocacy – apart from the Norwegian Refugee Council's Internal Displacement Monitoring Centre. The international community seems to believe that Kenya's humanitarian crisis is over and that now a democratic government is in place the IDP problem will be automatically solved. Humanitarian NGOs working in the region focus on more serious and visible conflict situations in neighbouring Somalia, Sudan and Uganda. For its part, the UN in Kenya has largely failed to accept that IDP protection falls within its mandate. Field and headquarter officials of

OCHA, UNDP and UNHCR have not advocated for the rights of the displaced in an effective and assertive manner. Kenya is a key base for relief operations and as the IDP issue is politically sensitive the UN would seem to prefer to avoid any problems with the Kenyan government.

This leaves the IDP Network itself as the key advocacy organisation in Kenya. Its key supporters have been poorer IDPs desperately needing assistance and support to regain land, receive compensation or be provided with sufficient security to return to their farms. Middle-class IDPs who have found ways to rebuild their lives have not by and large joined the struggle. The IDP network lacks local support, resources and strong leadership. Cohesion and clear goals are difficult to achieve when faced with a politically charged and complicated advocacy task. The IDP Network has tried to be representative and multi-ethnic and has members in most parts of the country but coordination challenges are daunting and resources limited. Without more concerted support it is likely that the network will fall apart and that politicians who wish to keep the IDP agenda silenced will find ways to foster divisions within it.

What is to be done?

Internal displacement is linked to poor governance. The failure to address the plight of IDPs encourages the continued use of internal displacement as a political tactic – to the obvious detriment of democracy. Failure to address the needs of Kenya's IDPs means that large parts of the former displacement areas, including areas with some of Kenya's most fertile land, will remain unstable and unproductive – with obvious implications for food security. They also remain violence-prone and likely to swell the current ranks of IDPs. The numbers of IDPs are increasing as a result of natural growth and new displacements in western Kenya and among pastoralist communities. The problem will not go away and is only poised to get worse.

The future costs of continued neglect of the IDP issue need to be better understood and spelled out in public debate. More sustained and careful

policy analysis and capacity need to be encouraged and supported locally. If the land issue is so politically sensitive and insoluble, should IDPs be compensated in other ways for lost property? What are the best ways to approach reconciliation, given the existing political constraints? Where are there openings for change? Leadership from the UN will be important in creating opportunities for dialogue and diplomacy and holding Kenya to its international commitments. It is encouraging that, with prodding from the IDMC, the relevant UN agencies are beginning to at least discuss the issue.

Those actors within Kenyan civil society who have been active in protecting and supporting IDPs need continued encouragement and support in this long and difficult struggle. Finding ways to create a more functioning network with advocacy links to the UN and the government will be critical. The one government organ that is uniquely suited to help spearhead advocacy and strategy for this work is the Kenyan government's own human rights watchdog, the Kenya National Commission of Human Rights.⁶ The IDP Network needs direct support both in terms of resources and help with advocacy. Kenya and the international community need to acknowledge the organising efforts of this courageous, but increasingly despairing, group of very vulnerable people.

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1. According to the Internal Displacement Monitoring Centre www.internal-displacement.org

2. Jacqueline M Klopp 'Ethnic Clashes and Winning Elections', *Canadian Journal of African Studies* 35 (2) 2001: 473-517.

3. www.nckc.org

4. www.khrc.or.ke

5. www.irinnews.org/report.aspx?reportid=62757, www.un.org/News/Press/docs/2007/sc8968.doc.htm

6. www.knchr.org