

Improving Kenya's response to internal displacement

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Over 300,000 Kenyans were displaced by post-election conflict between December 2007 and January 2008. Kenya needs a coherent policy and capacity building for addressing internal displacement.

Kenya's December 2007 presidential and parliamentary elections were highly contentious and within a few days of the announcement of Kibaki's re-election as president, communal violence spread across the country. Within a few weeks it had led to over 1,200 deaths and over 300,000 internally displaced people (IDPs).¹

The capacity of the government, faith-based and relief organisations to meet the needs of IDPs was surpassed as the number rose during the weeks that followed the outbreak of violence and reprisals. Crowding and inadequate water and sanitation supply in camps made IDPs susceptible to a range of diseases. Insecurity and violation of IDPs' human rights by both state and non-state actors were evident when two camps in the Rift Valley Province were attacked in January 2008.

While the UN Emergency Relief Coordinator, John Holmes, described the situation as a humanitarian crisis, Kenya's Minister for Special Programmes ordered the disbanding of IDP camps with offers of food aid to IDPs but no guarantee of their security. Walter Kälin, the UN Secretary-General's Representative on the Human Rights of IDPs, raised concerns regarding the responsibility of both the international community and national authorities to ensure that IDPs are free to choose where to reside: "You can only freely choose if you have different options available."

The importance of rapid and timely action by the government to reduce vulnerability of IDPs to rape and other forms of sexual and gender-based violence cannot be overstated. A June 2007 report by the Internal Displacement Monitoring Centre² of the Norwegian Refugee Council to the Committee on the Elimination of Discrimination against Women had noted that the rights of Kenya's women and girl IDPs were being violated, although they are protected under CEDAW – which Kenya ratified in 1984. And a UN-NGO report released in March 2008 highlighted the

dramatic increase in rape and sexual abuse during and since the post-election violence.³

State obligations

In December 2006 Kenya signed the Security, Stability and Development Pact for the Great Lakes Region. The Protocol on the Protection and Assistance to Internally Displaced Persons arising from Article 13 of the Pact mandated the incorporation of the Guiding Principles into domestic law. It addresses the protection of the physical safety and material needs of IDPs and obligations to prevent and address causes of displacement. However, Kenya lacks legal and institutional frameworks defining and recognising IDPs since it has not made the Guiding Principles on Internal Displacement national law. Broadly, Kenya urgently needs to:

- tackle the corruption that marred previous attempts to compensate IDPs by developing a transparent policy environment and building institutional capacity
- develop a policy for the restitution of lost property, especially land and housing
- ensure access for and safety of aid workers in times of crisis; groups such as the Kenya Red Cross were unable to access IDPs during the violence because of barricades erected on some main roads.
- target external support for capacity building and policy development to allow the rapid deployment of state service delivery functions
- prioritise the training and retention of professionals in fields such as security and policing as well as health and human rights in order to deal effectively with gender-based violence
- train civil servants working in relevant ministerial departments in the relevant international guidelines and standards

- integrate refugee and IDP studies into university curricula in relevant disciplines in order to foster broader sensitivity to international standards and to professionalise humanitarian response
- develop systems for accurate reporting and needs assessment, including use of geographic information systems
- facilitate collaboration – among actors such as the Kenya Red Cross Society (KRCs), the government and faith-based groups – and coordinate service provision.

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1. See IRIN country report www.irinnews.org/country.aspx?CountryCode=KE&RegionCode=EAF

2. www.internal-displacement.org

3. See following article and www.ohchr.org/Documents/Press/OHCHRKenya-report.pdf

Environmental lessons

Peter Njehia, Chief Procurement Officer of the Kenyan National Environment Management Authority, has commented on the environmental impact that displacement can cause. In order to meet basic needs in unfamiliar circumstances, Kenyans displaced by recent violence have had a negative impact on the environment through, for example:

- degradation of forests (mainly to get firewood for their domestic use) in the areas that they have run to for safety
- improper disposal of human waste, which in some IDPs camps led to outbreaks of communicable illnesses
- keeping their domestic animals in open areas in urban settlements.

An important lesson, especially for developing democracies, is that internal conflict can lead to disturbance of already fragile environments.