



**MUNICIPALITIES AND  
IDPS OUTSIDE OF CAMPS:  
THE CASE OF  
KENYA'S 'INTEGRATED'  
DISPLACED PERSONS**

The Brookings Institution –  
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## Municipalities and IDPs Outside of Camps: The case of Kenya's 'integrated' displaced persons

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## Executive Summary

Internal displacement in Kenya has occurred periodically throughout the country's history, resulting from a diverse range of causes. These include politically-instigated violence; land and boundary disputes; natural disasters such as drought and other impacts of climate change; floods and landslides; development projects such as the construction of dams, roads and hydro-electric power plants; cattle rustling; conflicts over access to water and pasture; environmental conservation projects; activities of local-level armed groups/gangs; and cross-border incursions. Since the early 1990s transition to democracy, displacement occurred primarily in ethnically-mixed regions. However, the problem has spread and is now felt in nearly all parts of the country – including international border areas and arid lands inhabited by pastoralists. The frequency of displacement in Kenya has been rising over the last two decades, yet durable solutions have become increasingly difficult to achieve. Internally displaced populations sometimes find themselves in protracted displacement.

The main and most devastating cause of internal displacement in Kenya is politically-motivated ethnic violence, which tends to recur during general elections held every five years. Since the reintroduction of multi-party politics in 1991, ethnically-heterogeneous regions of the Rift Valley, Nyanza, Western and Coast provinces have experienced violence in which some members of 'indigenous' tribes are pitted against migrants who are constructed as 'outsiders.' Claims that migrants acquired other communities' lands unjustly through patronage networks undermine respect for their land and property rights. These claims have been used by politicians to mobilize ethnic militia to forcibly displace 'outsiders' and dispossess them of their land and property.<sup>1</sup> In 1992, 1997 and 2002, the displacement occurred before elections, but in 2007 it was triggered by a dispute over the results of the presidential election. Hundreds of thousands of households have been displaced around these elections: 300,000 in 1992; 150,000 in 1997; 20,000 in 2002; and over 660,000 in the 2007 post-election violence.

According to government records, over 660,000 people became internally displaced during the 2007 political crisis, while over 640 families crossed the border into Uganda.<sup>2</sup> Out of the more than 660,000 people displaced, the government considers that over 300,000 or around 47 percent have been 'integrated' in communities across the country.<sup>3</sup> The use of the term 'integrated IDPs' is widespread in Kenya, referring to those who are living dispersed among communities – whether with relatives and friends or in rented accommodation usually in urban and peri-urban areas.<sup>4</sup> In other words, the term 'integrated' IDPs in the Kenyan context refers to IDPs living outside of camps. While this study also uses the term in this way, it is important to point out that

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<sup>1</sup>Kamungi, Prisca. 2009. 'Internal displacement and the land question in Kenya' in *Nguzo za Haki*. Nairobi: Kenya National Commission on Human Rights.

<sup>2</sup>Ministry of State for Special Programs: Progress on Resettlement of Internally Displaced Persons as at 6 January 2012; also remarks by Hon Esther Murugi, Minister of State for Special Programs during the 'Forum on the internal displacement situation in Kenya' held at the Sun and Sand Hotel, Mombasa, Kenya 23 May 2011. [www.sprogrammes.go.ke/index.php?option=com\\_content&task=view&id=423&Itemid=117](http://www.sprogrammes.go.ke/index.php?option=com_content&task=view&id=423&Itemid=117)

<sup>3</sup> Government of Kenya, Ministry of Special Programs, "An update on the IDP Resettlement Program," *Daily Nation*, 13 August 2010, p. 15.

<sup>4</sup> Inter-Agency Standing Committee (IASC), 7th Working Group Meeting, "Internally displaced persons outside camps: achieving a more equitable humanitarian response", WO/1006/3492/7, IASC, WO/1006/3492/7, paras. 4, 5, 7.

this does not imply that ‘integrated IDPs’ have necessarily found a durable solution. The Inter-Agency Standing Committee Framework for Durable Solutions considers sustainable local integration in another part of the country to be a durable solution when “internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.”<sup>5</sup> As explained below, it is not at all clear that ‘integrated IDPs’ in Kenya no longer have needs related to their displacement. In fact, because they are much less visible than IDPs living in camps, it is difficult to get a clear picture of what those needs are. Moreover, those who are ‘integrated’ joined the old caseload of IDPs, including those who had not found a durable solution since their displacement in the 1990s.

The multiple causes of displacement suggest that the number of IDPs in Kenya remains significant, yet solutions are elusive for many. Following the formal closure of camps in 2010 and widespread public perception that persons still claiming to be displaced are imposters or ‘fake IDPs,’ there are only a few officially-recognized IDP settlements. The majority of Kenya’s IDPs live outside of camps. This report discusses the situation of IDPs outside of camps in Nairobi and Eldoret municipalities.

While the role of municipalities in managing internal displacement is peripheral due to government practice, it is municipalities that bear the brunt of the negative impacts of influxes of IDPs. It is also important to consider that the new constitution of Kenya has created a devolved government structure that envisages municipal authorities playing a more central role in the management of affairs at the local level. Hence, this study proposes a series of recommendations to municipal authorities to enhance their response to IDPs living in their jurisdiction, working in concert with the central government:

- 1. Collect and maintain data on IDPs:** The central government, municipal authorities and NGOs should develop and maintain effective information-sharing channels. Municipal authorities know little about the number of people living in their towns or municipalities. Yet, reliable data on the population as well as ward-level information are critical for planning and budgeting for social service delivery. Understanding forced migration patterns and the ways in which an influx of IDPs transforms cities and municipalities is important to forestall social conflicts that often result in forced migration. Municipalities should build internal capacity for data collection, management and sharing data with other government entities. The number of ‘integrated’ IDPs should be established and feasible strategies to assist vulnerable IDPs living among slum dwellers explored
- 2. Enhance inter-ministerial coordination:** The exclusion of the Ministry of Local Government from central government programs to address IDPs leaves out an important actor since the location and specific needs of IDPs lie within the mandate of municipalities. A more inclusive process that also enhances the participation of ‘integrated’ IDPs in decision-making processes should be adopted.

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<sup>5</sup> Brookings Institution-University of Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, 2010, p. A1, [www.brookings.edu/research/reports/2010/03/05-internal-displacement](http://www.brookings.edu/research/reports/2010/03/05-internal-displacement)

- 3. Plan and budget for IDPs:** Municipalities in Kenya do not plan for internal displacement despite the fact that some regions are affected by cycles of violence and displacement. *Ad hoc* responses to recurrent humanitarian crises reflect an inherent unwillingness to plan for and take a more active role in the management of IDP affairs. Officials interviewed for this study observed that local authorities did not participate in IDPs response programs due to institutional arrangements that excluded the Ministry of Local Government and the fact that they did not plan or budget for IDPs. Some observed that they have served IDPs in their general programs, and that they have had to scale up services to absorb the sudden influx of displaced people. While municipalities do not collect demographic data, statistics from health clinics, schools and offices that collect taxes and rates can be used to supplement information used for projections and planning for social service delivery and development. Addressing internal displacement needs to be an important feature in their annual plans and longer-term strategic objectives.
- 4. Conduct research on the long-term impacts of displacement on livelihoods, social cohesion and durable solutions for IDPs in urban areas:** The closure of camps does not necessarily signal the end of violence or the attainment of durable solutions. IDPs move into urban areas which are generally safer than rural areas, where they are compelled to adapt to urban livelihoods. Livelihoods recovery and healing processes can be protracted, and IDPs continue to require assistance until basic conditions of safety and dignity are restored. The largely ‘hands-off’ approach to ‘integrated’ IDPs is often seen as official neglect, while responding to only encamped IDPs risks fueling resentment in ethnically-polarized contexts, undermining peace-building and reconstruction efforts. Lessons on how to include ‘integrated’ IDPs and host communities in recovery and development programs can be drawn from the experience of ‘connector projects’ in Eldoret Municipality. Municipal authorities should strengthen their role in identifying the vulnerable among IDPs living outside of camps and extend assistance to them in manner sensitive to the assistance needs of community members living side by side in similar socio-economic circumstances

## Introduction

Research on internally displaced persons (IDPs) has focused largely on the gaps in the provision of protection and assistance. In recent years, national governments have devoted considerable attention to developing legal and policy frameworks to domesticate the United Nations Guiding Principles on Internal Displacement, the Great Lakes IDP Protocol and/or the Kampala Convention, while international actors have worked to put into place institutional arrangements to ensure predictable response capacity for IDPs.<sup>6</sup> These responses have tended to focus on IDPs living in encamped or gathered settings with much less attention devoted to the situation of those living outside of camps and formal settlements. While it is often assumed that encamped IDPs have the most pressing protection and assistance needs, a review of the limited literature available on this issue indicates that IDPs living outside of camps often face serious problems. For instance, the Internal Displacement Monitoring Centre (IDMC) reports that “in countries where IDPs were living in both gathered and dispersed settings, national authorities and humanitarian actors were twice as likely to provide assistance and protection to IDPs in gathered settings than to those in dispersed settings.”<sup>7</sup> Yet, because they are dispersed and not as easily identifiable as those living in camps, the concerns of ‘non-camp IDPs’ often go under the radar and responses to their needs are generally *ad hoc*. This is particularly troubling because it is estimated that the majority of the world’s 27 million IDPs currently live outside camps.<sup>8</sup>

The United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Dr. Chaloka Beyani, has identified the situation of IDPs outside camps as an important area for further research and advocacy. This present study builds on the Special Rapporteur’s report to the UN Human Rights Council in 2011 which highlighted the role of a critical front line but often overlooked actor involved in responding to the needs of non-camp IDPs: local authorities.<sup>9</sup> Local governments play an important and primary role in facilitating IDPs’ access to essential protection and assistance, and are critical to the sustainability of efforts to assist IDPs and develop durable solutions to their displacement.

The purpose of this study is:

1. To examine municipal authorities’ approaches to responding to the rights and needs of IDPs living outside of camps;
2. To identify obstacles to effective responses by municipal authorities to the needs and rights of IDPs living outside camps;
3. To identify ways in which national governments and international actors can effectively support local authorities in assisting IDPs; and
4. To systematize best practices in local government responses to assisting IDPs living outside of camps, with a view to moving beyond current, *ad hoc* approaches.

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<sup>6</sup> Full text available at Brookings-LSE Project on Internal Displacement, IDP Laws and Policies Index: Regional Laws and Policies, [www.brookings.edu/about/projects/idp/laws-and-policies/regional-policies](http://www.brookings.edu/about/projects/idp/laws-and-policies/regional-policies)

<sup>7</sup> See Internal Displacement Monitoring Centre (IDMC), Internal Displacement: Global Overview of Trends and Developments in 2010, March 2011, p. 13.

<sup>8</sup> Inter-Agency Standing Committee (IASC), 7th Working Group Meeting, “Internally displaced persons outside camps: achieving a more equitable humanitarian response”, WO/1006/3492/7, IASC, WO/1006/3492/7, paras. 4, 5, 7. [www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-54\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-54_en.pdf)



The study draws from analysis of the approaches to assisting IDPs living outside camps that have been adopted by municipal governments of different sizes, and in different urban contexts in Kenya. The research was conducted in August and September 2012 in Nairobi and Eldoret municipalities in Kenya with additional interviews carried out in October and December 2012. Interviews were held with municipal officials, IDPs, community leaders, non-governmental organizations, religious leaders and politicians, representatives of the business sector and members of host communities. These were complemented by focus group discussions (FGDs) and by a review of secondary data, including research and media reports. Respondents were selected using purposive sampling techniques. A total of 84 people were interviewed in Nairobi and Eldoret, while another 72 participated in FGDs.

The report begins with an overview of internal displacement in Kenya, including the origins, scope and characteristics of IDPs in general and those outside of camps, in particular. It then describes activities of the national government to respond to internal displacement and the role of municipal authorities in the management of assistance to IDPs. Challenges faced by IDPs living outside of camps are also examined. The study then explores the relationship between the displaced and host communities in regions where they reside, including the changing nature of relationships and needs. The study concludes by offering recommendations to humanitarian non-governmental organizations (NGOs) and municipal authorities that are increasingly working with IDPs in urban and other settings on how they may most effectively protect and assist IDPs. Hence, this study straddles the three areas of focus for work on this issue identified by the Special Rapporteur in his December 2011 report to the UN General Assembly: IDPs in urban contexts, host communities and the role of municipal and provincial authorities.<sup>10</sup>

## **Overview of internal displacement in Kenya**

Internal displacement in Kenya has taken many forms over the country's history and has periodically resulted from such diverse causes as: politically-instigated violence; land and boundary disputes; natural disasters such as drought and other impacts of climate change; floods and landslides; development projects such as construction of dams, roads and hydro-electric power plants; cattle rustling; conflicts over access to water and pasture; environmental conservation projects; activities of local-level armed groups/gangs; and cross-border incursions. Since the early 1990s transition to democracy, displacement occurred primarily in ethnically-mixed regions. However, the problem has spread and is now felt in nearly all parts of the country – including international border areas and arid lands inhabited by pastoralists. The frequency of displacement in Kenya has been rising over the last two decades, yet durable solutions have become increasingly difficult to achieve. Internally displaced populations sometimes find themselves in protracted displacement.

The main and most devastating cause of internal displacement in Kenya is politically-motivated ethnic violence, which tends to recur during general elections held every five years. Since the reintroduction of multi-party politics in 1991, ethnically-heterogeneous regions of the Rift Valley, Nyanza, Western and Coast provinces have experienced violence in which some members of 'indigenous' tribes are pitted against migrants who are constructed as 'outsiders.' Claims that migrants acquired other communities' lands unjustly through patronage networks

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<sup>10</sup> See A/HRC/19/54, para. 21.

undermine respect for their land and property rights. These claims have been used by politicians to mobilize ethnic militia to forcibly displace ‘outsiders’ and dispossess them of their land and property.<sup>11</sup> In 1992, 1997 and 2002, the displacement occurred before elections, but in 2007 it was triggered by a dispute over the results of the presidential election. Thousands of households have been displaced (see Table 1).

**Table 1: Displacement due to political violence, 1992-2007<sup>12</sup>**

<b>Election Year</b>	1992	1997	2002 <sup>13</sup>	2007
<b>No. of IDPs</b>	300,000	150,000	20,000	663,921

While displacement is a regular occurrence in some geographic regions, the crisis that followed the 2007 disputed presidential election results was unprecedented in magnitude and scope; it affected six of the eight provinces, took place in both rural and urban areas and affected both poor and middle-class neighborhoods.<sup>14</sup> Rape and other forms of sexual violence were widespread.<sup>15</sup> A government registration exercise found that Rift Valley province, where Eldoret Municipality lies, was most affected by the 2007 displacement.<sup>16</sup> In Nairobi, violence was concentrated in informal settlements where the main parties, the Party of National Unity (PNU) and the Orange Democratic Movement (ODM) enjoyed more support.<sup>17</sup> While both parties engaged in hostilities, the government security forces used excessive force to quell riots, resulting in the deaths of over 400 people, primarily in Nairobi and Kisumu.<sup>18</sup>

<sup>11</sup> Prisca Kamungi, “Internal displacement and the land question in Kenya,” in *Nguzo za Haki* (Nairobi: Kenya National Commission on Human Rights, 2009).

<sup>12</sup> Government of Kenya, *Commission of Inquiry into ethnic clashes in Kenya, Nairobi*; International Federation for Human Rights (FIDH) and the Kenyan Human Rights Commission (KHRC), “Massive Internal Displacement due to politically-instigated clashes,” 3 May 2007, [www.fidh.org/IMG/article\\_PDF/Massive-internal-displacements-due-to-politically-instigated-ethnic\\_a4259.pdf](http://www.fidh.org/IMG/article_PDF/Massive-internal-displacements-due-to-politically-instigated-ethnic_a4259.pdf); Government of Kenya, Parliamentary Select Committee, *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya*, September 1992; Government of Kenya, Commission of Inquiry into the Post Election Violence, *Report of the Commissioner of Inquiry into the Post-Election Violence*, 2008; Government of Kenya, Ministry of State of Special Programs, “Progress on Resettlement of Internally Displaced Persons,” 6 January 2008; Esther Murugi, Statement given at the Forum on the Internal Displacement Situation in Mombasa, Kenya, 23 May 2011, [www.sprogrammes.go.ke/index.php?option=com\\_content&task=view&id=423&Itemid=117](http://www.sprogrammes.go.ke/index.php?option=com_content&task=view&id=423&Itemid=117); Office of the UN High Commissioner for Human Rights (OHCHR), *Report from OHCHR Fact-finding Mission to Kenya*, 6-28 February 2008, [www.refworld.org/cgi-bin/texis/vtx/rwmain](http://www.refworld.org/cgi-bin/texis/vtx/rwmain); IDMC and NRC, *IDP Profiling Survey in Nairobi*, December 2011.

<sup>13</sup> Violence is often seen as a strategy to disenfranchise opposition supporters. 2002 was hailed as a peaceful election with minimal violence because the main rivals formed an alliance. However, observations by the Central Depository Unit (CDU) found that there was displacement in Molo-Kuresoi and several other parts of the Rift Valley where people fled before the violence. CDU reported 129 deaths and 78 injuries out of 225 incidents of violence reported. See CDU, *Ghasia Watch*, 2003.

<sup>14</sup> Constitution & Reform Education Consortium (CRE-CO), *Building a culture of peace in Kenya: Baseline report on conflict-mapping and profiles of 47 counties in Kenya*, 2012.

<sup>15</sup> Muthoni Wanyeki, “Lessons from Kenya: women and the post-elections violence,” *Feminist Africa: militarism, conflict and women’s activism*, Issue 10, 2008.

<sup>16</sup> Government of Kenya, Ministry of Special Programmes, *Status Brief on IDPs*, March 2010 (on file with the author).

<sup>17</sup> OHCHR, *Report from OHCHR Fact-finding Mission to Kenya*, 6-28 February 2008. See also: IDMC and NRC, *IDP Profiling survey in Nairobi*, December 2011, [www.internal-displacement.org](http://www.internal-displacement.org)

<sup>18</sup> Government of Kenya, *Commission of Inquiry into the Post-Election Violence*, 2008.

**Table 2: Geographic distribution of IDPs following the 2007 post-election violence**<sup>19</sup>

<b>Province</b>	<b>Households</b>	<b>No. of Individuals</b>
Nyanza	24,981	118,547
Western	12,385	58,677
Rift Valley	84,947	408,631
Central	10,092	46,959
Eastern	1,438	6,769
Coast	1,241	4,774
North Eastern	26	148
Nairobi	5,349	19,416
<b>TOTAL</b>	<b>140,459</b>	<b>663,921</b>

In addition to displacement caused by election-related violence, other government policies have led to displacement. For example, in an effort to conserve water catchments and address illegal encroachment on protected lands, the government forcibly evicted people from gazetted government forests in the Rift Valley and Central provinces, as demonstrated in Table 3 below.<sup>20</sup>

**Table 3: Displacement resulting from of eviction from protected lands**

<b>Name of forest</b>	<b>Number of households evicted</b>
Mau	3,036
Embobut	2,874
Kieni	805
Tildet	392
<b>Total</b>	<b>7,107</b>

Source: Ministry of State for Special Programmes, May 2011

In October 2011, the Kenya Defence Forces (KDF) launched a military operation inside Somalia. This precipitated violent retaliatory attacks against Kenyans, security forces and humanitarian workers inside Kenya, particularly around Dadaab refugee camp and Garrissa County, close to the Kenya/Somalia border. In addition, sporadic attacks along the Kenya/Sudan border, the Kenya/Ethiopia border and the Kenya/Uganda border by pastoralist groups have led to displacement, although the number of displaced persons remains unknown. In 2012, clashes over water sources and pasture in the Tana Delta and parts of Northern Kenya, cattle-rustling and localized political violence among pastoralist communities across Kenya's North left scores dead and over 118,000 displaced.<sup>21</sup>

<sup>19</sup> Presentation by the Ministry of Special Programmes, 'Update on the resettlement of IDPs to the Forum on Internal Displacement situation in Kenya as at 30 September, 2011' Mombasa, 23 May, 2012.

<sup>20</sup> Although the two types of displacements are conceptually and legally different, the government responded to evictees and IDPs largely the same way: through distribution of food and allocation of land. The strategy was deemed necessary to avoid further polarization of affected communities. The evictees, however, did not receive the *ex-gratia* payments that were given to IDPs to help them to restart their lives. Interview with Michael Nyamai, Assistant Director, Department of Mitigation and Resettlement at the Ministry of Special Programs, August 2012.

<sup>21</sup> Police Reforms Working Group, "Press Statement on the escalating insecurity in the country and the killings of police officers by civilians," 12 November, 2012 (unpublished; on file with the author). See also: Internal

According to government records, over 660,000 people became internally displaced during the 2007 political crisis, while over 640 families crossed the border into Uganda.<sup>22</sup> Out of the more than 660,000 people displaced, the government considers that over 300,000 or around 47 percent have been ‘integrated’ in communities across the country.<sup>23</sup> The use of the term ‘integrated IDPs’ is widespread in Kenya, referring to those who are living dispersed among communities – whether with relatives and friends or in rented accommodation, usually in urban and peri-urban areas.<sup>24</sup> In other words, the term ‘integrated’ IDPs in the Kenyan context refers to IDPs living outside of camps. While this study also uses the term in this way, it is important to point out that this does not imply that ‘integrated IDPs’ have necessarily found a durable solution. The Inter-Agency Standing Committee Framework for Durable Solutions considers sustainable local integration in another part of the country to be a durable solution when “internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.”<sup>25</sup> As explained below, it is not at all clear that ‘integrated IDPs’ in Kenya no longer have needs related to their displacement. In fact, because they are much less visible than IDPs living in camps, it is difficult to get a clear picture of what their needs are. Moreover, those who are ‘integrated’ joined the old caseload of IDPs, including those who had not found a durable solution since their displacement in the 1990s.

The multiple causes of displacement suggest that the number of IDPs in Kenya remains significant, yet solutions are elusive for many. Following the formal closure of camps in 2010 and widespread public perception that persons still claiming to be displaced are imposters or ‘fake IDPs,’ there are only a few officially-recognized IDP settlements. The majority of Kenya’s IDPs live outside of camps. This report discusses the situation of IDPs outside of camps in Nairobi and Eldoret municipalities.

## **Displacement in Nairobi Municipality**

According to the 2010 Population and Housing Census, some 3.1 million people live in Nairobi, the capital of Kenya, with over 55 percent in informal settlements. During the 2007 political crisis, violence spread in multi-ethnic informal settlements, such as Kibera, Mathare, Kariobangi and Dandora. This section describes the pattern of displacement and its impacts on population redistribution and feasible solutions to forced displacement. As there is no official information on the extent of displacement in Nairobi, existing data is derived from the national tally shown in Table 2 above. Estimates are also derived from assessments by NGOs or research reports

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Displacement Monitoring Centre (IDMC), *Kenya: IDPs’ significant needs remain as inter-communal violence increases*, 28 December, 2012, p. 1.

<sup>22</sup>Government of Kenya, Ministry of State for Special Programs: Progress on Resettlement of Internally Displaced Persons as of 6 January 2012; also remarks by Hon Esther Murugi, Minister of State for Special Programs during the ‘Forum on the internal displacement situation in Kenya’ held at the Sun and Sand Hotel, Mombasa, Kenya 23 May 2011, [www.sprogrammes.go.ke/index.php?option=com\\_content&task=view&id=423&Itemid=117](http://www.sprogrammes.go.ke/index.php?option=com_content&task=view&id=423&Itemid=117)

<sup>23</sup> Government of Kenya, Ministry of Special Programs, “An update on the IDP Resettlement Program,” *Daily Nation*, 13 August 2010, p. 15.

<sup>24</sup> Inter-Agency Standing Committee (IASC), 7th Working Group Meeting, “Internally displaced persons outside camps: achieving a more equitable humanitarian response”, WO/1006/3492/7,IASC, WO/1006/3492/7, paras. 4-5, 7.

<sup>25</sup> Brookings Institution-University of Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, 2010, p. A1.

conducted in violence-affected areas by members of the Protection Working Group on Internal Displacement (PWGID).<sup>26</sup> A profiling exercise conducted by the Norwegian Refugee Council and the Internal Displacement Monitoring Centre in 2011 provided a description of those displaced and their needs, but not statistics on the number of IDPs.<sup>27</sup> This study found that IDPs in Nairobi include both those born in Nairobi and migrants who have moved to the city as adults.<sup>28</sup>

Interviews with IDPs in Nairobi revealed that in 2007 and early 2008, people were displaced because they belonged to the ethnic community that was persecuted in the rival party's political stronghold.<sup>29</sup> For instance, members of the Kikuyu community that was associated with the Party of National Unity were forced to flee from Mathare and Kibera informal settlements by Luo supporters of the Orange Democratic Movement. In Dandora and Kariobangi, members of the Luo and Kikuyu communities displaced each other, creating largely ethnically-homogenous urban slums. In addition to political violence, displacement in Nairobi results from evictions by the government from illegally acquired land or land that is to be used for development purposes. According to a report by the Center on Housing Rights and Evictions, forced evictions in Nairobi have been increasing since 2004 due to the government's slum upgrading program and other development projects such as building of road bypasses.<sup>30</sup>

#### *Camps in Nairobi among first to be closed*

During the post-election violence, IDP camps were established in Jamhuri Park, City Park, Moi Forces Academy and several small camps at church compounds and police stations in Mathare, Huruma, Kasarani and Waithaka. However, the camps in Nairobi were among the first to be officially closed after the signing of the National Accord and Reconciliation Act, 2008 that halted that violence.<sup>31</sup> From May 2008, the government's resettlement program 'Operation Rudi Nyumbani' led to the gradual closure of camps, and by October 2010 all camps across the country had been declared officially closed.<sup>32</sup> According to the government, closure of camps accelerated the 'integration' of remaining IDPs into the city.

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<sup>26</sup> For example, research reports by the Kenya Human Rights Commission ([www.khrc.or.ke](http://www.khrc.or.ke)) and the Refugee Consortium of Kenya ([www.rckkenya.org](http://www.rckkenya.org)).

<sup>27</sup> NRC and IDMC, "IDP profiling survey in Nairobi," December 2011.

<sup>28</sup> Ibid, p. 2.

<sup>29</sup> Ibid, p. 2.

<sup>30</sup> Victoria Metcalfe al., "Sanctuary in the city? urban displacement and vulnerability in Nairobi," Humanitarian Policy Group Working Paper, Overseas Development Institute, September 2011, [www.odi.org.uk](http://www.odi.org.uk).

<sup>31</sup> The Jamuhuri Park camp near Kibera informal settlement was relocated to Waithaka partly because even those not affected went to the camp to receive food, transferring rivalries to the camp. Humanitarian assistance to the camp also risked turning the camp into a feeding center for the majority poor in the slum who have no food even during peaceful times. Interview with Area Coordinator, District Peace Committee, Kibera, August 2012.

<sup>32</sup> Even though camps were declared closed and services scaled down or withdrawn, people continued to live in tented, camp-like settlements. Some collectively bought land and transferred their tents to the new plots, reproducing camps in places such as Nakuru, Naivasha and Nyandarua. As discussed in other parts of this report, the government sought to decongest such settlements by offering to purchase land for the IDPs and to assist them to construct houses. By the end of 2012, about 700 targeted families were yet to be allocated land.

### *Home owners and tenants displaced*

Nairobi's displaced persons are mainly tenants who were forced to move to new residential areas and persons who owned property such as rental houses or market stalls for rent in ethnically-mixed residential areas and trading centers. The tenants were displaced from their habitual place of residence while those who owned rental houses or market stalls lost their sole source of income. Tenants were forced to move to safer neighborhoods, which were often ethnically homogenous, more expensive and/or far from their social networks and social services such as schools for their children. Although some were able to integrate themselves and restart their lives in the new areas, therefore finding a durable solution, for others, the movement created new socio-economic shocks and increased their vulnerability. For instance, some suffered loss of livelihoods after losing connections with clients, experienced difficulty finding new schools for children and meeting the associated costs (such as buying new school uniforms for several children), had to pay higher transport costs to their place of work, lost social capital and adults and children often found it difficult to form new friendships or other social relationships.

### *Disruption of urban livelihoods*

Disruption of livelihoods was a concomitant and serious impact of displacement as some IDPs were forced to move away from areas of traditional livelihoods due to their tribal or political affiliation. Some could not operate their businesses or benefit from income-generating activities because they were no longer accepted in the neighborhoods where their businesses were located. For instance, a majority of Kikuyu traders were forced out of Toi Market and had to find a new location near Adams Arcade.<sup>33</sup> Deliberate destruction of livelihoods was also used as a means to displace people. Market stalls were wrecked or work tools looted, and those displaced have since lacked the capital to restart their livelihoods. At the same time, people who had constructed tenements or market stalls lost access to rental income as others illegally occupied their property.

For the majority of those interviewed around Nairobi, displacement in urban areas is linked to the tendency of people to stay close to their place of work, whether in the formal or informal sectors. However, informal settlements tend to have less ethnic diversity and minorities tend to experience a greater risk of violence in them. Livelihoods and income both create vulnerabilities for the displaced and serve as key elements of durable solutions. In Kibera and Mathare slums, for example, gangs looted or set ablaze property belonging to their rivals, evicted tenants and illegally occupied or took over control and management of residential houses and business premises left behind by those who fled. In some cases, they installed new tenants from whom they collected accruing monthly rent. The illegal tenants, some of whom were IDPs fleeing violence from other parts of Nairobi, occupied what was now 'free' or cheaper accommodation:

I ran away from Laini Saba to Gatwikira in Kibera. Here, I found an empty house which had just been vacated by a family chased from here. I occupied it and have since been living in it; I do not pay rent because I do not know the owner.<sup>34</sup>

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<sup>33</sup> Toi Market was completely destroyed during the post-election violence and was reconstructed in 2008 with support from UNDP and members of the Early Recovery Cluster. See South Consulting, KNDR Review Report, March 2009; for this report, interviews with wholesale and retail traders in Toi and Adams Arcade, October 2012.

<sup>34</sup> Interview with a middle-aged man near Makina, October 2012.

Illegal occupancy of rental houses and vacated homes particularly in Mathare and parts of Kibera promotes ethnic polarization and impunity while diminishing the possibility of return for the displaced. It reduces the resilience of IDPs dispossessed of their property who do not have other assets or sources of income; in particular, it reduces their ability to restart their livelihoods.

*Displacement enmeshed in dynamics of organized crime*

Displacement, dispossession of property and informal allocation of space are part of the conflict dynamics in Nairobi. They are also a manifestation of the absence of the rule of law particularly in informal settlements. Displacement is enmeshed in dynamics of urban organized crime and violence, fomenting informal arrangements where displaced tenants and home owners are required to pay both rent and ‘protection fees’ to gangs and ethnic militia in areas to which they fled. As one gang leader explained:

Many houses were left unoccupied when owners and tenants fled. People were coming from all over looking for a place to stay. We allowed them to occupy the vacant houses since their own houses had been taken wherever they came from. It was like an exchange: you lose there, you gain here. They give us something every month for security.<sup>35</sup>

Such ‘security’ often translates into intimidation and violence against those who are unable to pay protection fees. Efforts to recover expropriated property were – and continue to be – thwarted by violent gangs who exert control over areas of the slum that are not accessible to formal security agents. In Kibera and Mathare slums, which are affected by recurrent urban displacement, an unknown number of people lost total or partial control over their homes and investments, while some are compelled to share accruing rent with the gangs.<sup>36</sup> Others have had to relocate their income-generating activities to safer regions. Loss of livelihood has had a cumulative negative effect on the displaced and dispossessed. As a displaced landlady described:

I had twenty residential rooms in Gatwikira. My children and I occupied two and I collected rent from the tenants in the remaining rooms. In 2007 they [gangs] kicked me out with all my tenants. They installed their own tenants and collect rent. I have no other source of income. They refuse even to share. Now my children have dropped out of school, my relatives avoid me because I have become a bother, a beggar. I am struggling to pay rent and buy food. I am appealing to the government to help me recover my property or access the accrued rent, or to compensate for my loss so that I can start afresh elsewhere.<sup>37</sup>

Since 2008, the government, through the Ministry of Provincial Administration and Internal Security, has endeavored to resolve the issue of illegal occupancy through peaceful means. Due to the politicized nature of the dispute, the government has relied on District Peace Committees to approach the gang leaders and persuade them to return the property to the owners. These

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<sup>35</sup> Interview with a gang leader, Kibera, December 2012.

<sup>36</sup> Areas most affected by recurrent urban displacement in Kibera are Gatwikira, Bombolulu, Soweto, Kiandaa and Mashimoni, while in Mathare, people were displaced from Area 4, Kosovo and Area 3C.

<sup>37</sup> Interview with a middle-aged displaced landlady at the office of the District Commissioner, Kibera, October 2012.

efforts have met with limited success given that the people collecting rent illegally have no other source of income.<sup>38</sup>

### *Complex land tenure systems hinder solutions*

The predicament of home owners and other people dispossessed of houses is complicated by complex land tenure regimes in affected areas. In Kibera, for example, the claim that the houses are built on public land where settlement is not authorized by the state gives impetus to the argument that owners have no legal or moral claim to the property.<sup>39</sup> While land in Mathare is under a leasehold tenure system, the violence-prone slum is a squatter settlement where settlers do not have a formal certificate of lease from either the City Council of Nairobi or the Commissioner of Lands, the two offices mandated to allocate land in Nairobi. Informal allocation by powerful government officials in the Ministry of Provincial Administration and Internal Security in the Office of the President as well as politicians attached to the City Council of Nairobi has created multi-layered claims and bitter disputes about land ownership among different groups.<sup>40</sup> These complex issues generate multiple actors staking claim to the land and purporting to represent or protect the interests of different identity groups. The contested claims blur the channels available to displaced land owners to claim or assert their rights to expropriated property. Due to the complexity of the land tenure system in both Kibera and Mathare, the government tries to encourage communities to coexist peacefully. It also partners with international agencies to improve service delivery to the slums.<sup>41</sup>

### *Displaced to Nairobi*

Nairobi's IDPs also include those who fled to the city from violence-affected regions. Many came to Nairobi because they had relatives already living in the city or had resources to either buy houses or to rent accommodation. According to the above-mentioned 2011 profiling report by NRC and IDMC, 78 percent of those who fled to Nairobi had some form of social capital before arriving.<sup>42</sup> Compared to violence-affected rural areas, Nairobi was relatively safe and therefore a haven for people in flight. Many of those interviewed for this present study said they had expected the 2007 crisis to be short-lived and therefore sought refuge with relatives as a natural recourse to seek out family during times of adversity.<sup>43</sup> However, the scope and magnitude of violence, particularly the destruction of homes and entire market centers, looting of businesses, trauma and lack of reconciliation between communities have led to a situation of protracted displacement and have deterred return or attainment of other durable solutions. Some decided to stay because it was no longer possible to go back:

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<sup>38</sup> Interview with a member of the District Peace Committee in Kibera, November 2012.

<sup>39</sup> Interview with member of the District Peace Committee at the Office of the District Commissioner, Kibera, October 2012.

<sup>40</sup> Interviews with Shelter Forum, HakiJamii Trust, October 2012.

<sup>41</sup> Interview with District Officer at Kibera DC's office, October 2012.

<sup>42</sup> NRC and IDMC, *IDP profiling survey in Nairobi*, 2011, p. 4.

<sup>43</sup> Violence in 1992 and 1997 was localized and lasted only a few days. Most of those interviewed for this study said they expected a similar pattern during the 2007 post-election violence. Interviews in Eldoret and Nairobi, August 2012.



I did not expect it to last, but four years later I am still living with my brother. It is difficult for all of us, but it is not possible to go back there because I was a trader and the town ceased to exist.<sup>44</sup>

During violent conflict, urban areas are usually considered safer than rural areas. Those interviewed for this study said that Nairobi was safer than violence-affected, multi-ethnic rural areas. Traders and other non-farmers moved to Nairobi after many markets and shopping centers were destroyed: most moved from one urban area to another – for example, from Eldoret to Nairobi – to find employment or to restart their businesses in a new environment. As an internally displaced woman in Nairobi recounted:

I did not expect the violence to last, but after the whole town of Mau Summit was razed to the ground and places like Kaptembwa were overrun by other tribes, there was nothing to go back to. I could not go back, so I decided to start the same business afresh here in Nairobi.<sup>45</sup>

Some civil servants arrived in Nairobi after being permanently transferred away from the sites of violence.<sup>46</sup> However, a majority of the IDPs who fled to Nairobi are thought to be living within their ethnic enclaves in residential neighborhoods or in more heterogeneous lower middle-class localities such as Kasarani, Riruta and Dagoretti, or in neighboring counties such as Mavoko and Kajiando.

#### *Living outside of camps due to stigmatization of encampment*

Forced migration is often negatively associated with poverty, crime and shortfalls in social service delivery in host areas. In Kenya, people were also ashamed of their displacement. Interviews found that IDPs who were relatively better-off and who had managed to insert themselves into society were averse to identifying themselves as IDPs. Many people including IDPs, hosts and observers said it was ‘an insult’ to be called an IDP and that living in a camp meant one owned nothing or had no one: “it means you have nothing and are of no value to anybody, that you are to be taken care of by an impersonal ‘government.’”<sup>47</sup> Some respondents argued that Kenyans are generally class-conscious and that only the very poor ended up in camps or availed themselves of humanitarian assistance in dispersed settings:

Civil servants and wealthy business people were displaced but most moved quietly into residential estates and did not want to identify themselves as IDPs. Some went to camps only to get safe passage to other places. Displacement had a class element to it; only the poor remained in camps or wanted to be referred to as IDPs. Some did not want to be seen receiving food or ‘handouts’ from the government or well-wishers.

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<sup>44</sup> Interview with a middle-aged man in hawker Kasarani area, Nairobi, October 2012.

<sup>45</sup> Interview with a 36-year old woman, fruit and vegetable vendor in Dagoretti, August, 2012.

<sup>46</sup> For instance, a teacher at a public school in Nairobi said she had been transferred from the Rift Valley to Nairobi after she lost several relatives and in the violence.

<sup>47</sup> Interview with an elderly woman in Kangemi, Nairobi, October 2012.

Many IDPs are struggling outside of camps, but they would rather die than be seen asking for help.<sup>48</sup>

Although encampment is viewed as ‘shameful’ by some, life in urban areas is expensive and can easily erode savings and other resources for displaced households, forcing them and their hosts into poverty. During the initial phase of displacement, many relatives were willing to pay rent for needy relatives who fled to Nairobi. Through the Ministry of Special Programs, the government, the Kenya Red Cross and other members of the early recovery cluster donated money towards payment of rent for some homeless IDPs. Statistics from the Ministry of Special Programs shows that by the end of September 2011, the ministry had spent Ksh. 7,030,170.80 (\$82,707) to help IDPs to meet medical, burial, water and rent expenses.<sup>49</sup>

Some IDPs, particularly those who fled from rural to urban areas, are vulnerable to the socio-economic difficulties of life in urban areas. As studies on urban displacement have shown, IDPs in urban areas are rarely targeted for assistance by the government or humanitarian agencies, and in addition to difficulty accessing food, water, healthcare and education, “they are unable to improve their situation since limited access to livelihoods prevents them from becoming self-reliant.”<sup>50</sup> Some of those interviewed in Nairobi said life is ‘hard’ because they have to pay rent and for services such as water, lighting, fuel and transportation. Consequently, some said, families ran out of resources and gradually became impoverished to a point where they could not meet their basic needs. Several of those interviewed were at risk of eviction or hunger. Others said the high cost of living had compelled them to make radical lifestyle changes, such as reducing the number and quality of meals per day and moving to cheaper residential areas that were also less safe.

Pressure to meet daily needs in urban areas presented dilemmas that increased the incidence of family separation. For instance, family members agreed to separate, allowing some members to return to violence-affected areas to produce food while others remained in urban areas to ensure their physical safety and access schools. In some instances, internally displaced families put their children in different host families to reduce the burden on the displaced family while increasing their chances of being able to attend school:

My two eldest sons have gone back to the farm in the Rift Valley, where they produce and send food to me to feed these three children and pay my rent. My three sisters have taken my other children, one each, to help take them to school.<sup>51</sup>

While family separation is a common problem experienced in situations of displacement, deliberate family separation among IDPs ‘integrated’ in urban areas is a coping strategy that requires further research. In some instances, children are left alone or in the custody of care givers in rural and urban areas to continue going to school as their parents return to unsafe regions to till their farms, harvest crops or seek employment.<sup>52</sup>

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<sup>48</sup> Interview with a representative of IDPs in Mathare area, Nairobi, October 2012.

<sup>49</sup> Interview with Michael Nyamai, Ministry of Special Programs, August 2012. In 2011, 1USD= ksh. 85.

<sup>50</sup> Alexandra Fielden, “Ignored Displaced Persons: the plight of IDPs in urban areas,” *New Issues in Refugee Research*, UNHCR Research Paper No. 161, 2008, pp. 1-2.

<sup>51</sup> Interview with a 50-year old woman in Kangemi, October 2012.

<sup>52</sup> FGD with displaced women in Huruma area, Nairobi, November 2012.

## Displacement in Eldoret Municipality

Eldoret Municipality was the locus of violence during the 2007 political crisis; it is in the region in which at least 35 people sheltering in the Kiambaa church were burned to death, drawing international attention to the situation in Kenya.<sup>53</sup> According to the Kenya Human Rights Commission and the Commission of Inquiry into the post-election violence (CIPEV/Waki Commission), the areas most affected were Kiambaa, Rurigi, Rukuini, Kiamumbi, Moiben, Matunda in Soi Division and Turbo environs. An estimated 3000 homes were burned.<sup>54</sup> The exact number of people displaced in Eldoret Municipality is not known because it is not clear how many fled to the town due to violence or migrated for other reasons. However, national totals in Table 2 above show that two-thirds of the displaced population were in Rift Valley. The IDPs in Eldoret Municipality may be divided into two categories: those displaced from within the municipality and those who returned to their ancestral home in Eldoret from other parts of Kenya as a result of the post-election violence.

### *The plight of displaced Kalenjin living outside of camps*

According to CIPEV, the 2007 political crisis in Eldoret Municipality resembled previous cycles of violence experienced in the Rift Valley. It pitted members of the local community (Kalenjin) against migrants, particularly members of communities perceived to be both foreigners and sympathizers of the Party of National Unity (PNU).<sup>55</sup> However, an unknown number of local Kalenjin became displaced during retaliatory attacks by retreating ‘foreigners’ or following reprisal attacks by members of their own community who supported the Orange Democratic Movement (ODM). Support for PNU in the ODM-dominated Rift Valley was characterized as a ‘betrayal’ of the political stand of the Kalenjin community.<sup>56</sup> In the ethnically-polarized political context, ‘disloyal’ members were derogatively termed *'kokoek cho chook'* and accordingly shunned and treated with as much contempt or violence as the ‘foreigners.’<sup>57</sup> A Kalenjin community elder interviewed for this report noted that there was pressure by politicians and community members for all voters to support one political party, ODM. During the post-election crisis, Kalenjin PNU supporters were associated with the ‘stolen election’ and ostracized, their houses destroyed and livestock taken away.<sup>58</sup> A statement by the Kalenjin Youth Alliance (KALYA) a local peace and justice lobby group in Eldoret noted that:

...it became increasingly dangerous for Kalenjin PNU aspirants and their supporters to carry out their campaigns. At one point, they were nicknamed *kokoek cho chook*

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<sup>53</sup>Robyn Dixon, “Crowded church is torched in Kenya,” *Los Angeles Times*, 2 January 2008, [www.boston.com/news/world/africa/articles/2008/01/02/crowded\\_church\\_is\\_torched\\_in\\_kenya](http://www.boston.com/news/world/africa/articles/2008/01/02/crowded_church_is_torched_in_kenya); This incident is one of those under investigation by the International Criminal Court.

<sup>54</sup>Government of Kenya, Report of the Commission of Inquiry into the post election violence, 2008. pp. 43-44; Kenya National Commission on Human Rights. *On the brink of the precipice: A human rights account of Kenya's post 2007 election violence, preliminary edition*, 2008, p. 59, [www.khrc.or.ke](http://www.khrc.or.ke)

<sup>55</sup>CIPEV, 2008, p. 46.

<sup>56</sup>Interview with a Kalenjin university student, November 2012.

<sup>57</sup>Literary, ‘our own Kikuyu’ denoting an insincere Kalenjin promoting the interests or traits of foreigners, particularly the Kikuyu. some referred to non-Kikuyu PNU supporters as ‘Kikuyu in Kalenjin skin’; Interview with Kalenjin community elder, November 2012.

<sup>58</sup>Interviews in Eldoret with human rights NGOs, IDPs’ representatives, and staff at Moi University Centre for Refugee Studies, August 2012.

(Kalenjin on sight but Kikuyu on the inside) and this particular tag became a matter of life and death as they were viewed as traitors and outsiders. This class of Kalenjin had been warned of severe consequences regardless of the outcome of the election. One particular *mzee* (old man) was given 260 strokes of the cane for supporting PNU in an ODM zone. People burnt their houses, drove away their cows and goats and took their money...<sup>59</sup>

The plight of the displaced Kalenjin living outside of camps within their community has received little attention from the government and humanitarian aid workers. This is due to a number of reasons. First, displaced Kalenjin did not move into IDP camps, which were dominated by PNU supporters who were predominantly Kikuyu. Due to the ethnic voting pattern, all Kalenjin were seen as ODM supporters and Kikuyu as aligned to PNU. IDP camps were therefore dominated by Kikuyu and characterized as out of bounds for ethnic groups associated with ODM. Due to social censure, Kalenjin were unwilling to associate themselves with PNU and by extension, IDP camps. The possibility of mixing victims from all ethnic groups in the same camp was remote; therefore Kalenjin IDPs remained outside of camps. Secondly, due to the pattern of displacement, there was wide public perception that the Kalenjin were, collectively and individually, the main perpetrators of violence in Eldoret and the wider Rift Valley province. Perceived perpetrators were seen as undeserving of assistance. ‘Victims from other tribes said that assisting perceived perpetrators was equivalent to rewarding impunity.’<sup>60</sup> Public intolerance of assistance to Kalenjin was reinforced by the fact that the same region had experienced displacement in previous elections and events in the 2007 violence were indicative of impunity and wanton disregard of the rule of law. Thirdly, there was a clear division in the perception of who were victims and perpetrators, and the need to hold perpetrators accountable. After the signing of the 2008 peace accord and emergence of a debate on accountability, community members were reluctant to reveal the existence of Kalenjin IDPs. Such IDPs enjoyed little political sympathy or protection because they were likely to reveal the names of those who attacked them. For the Kalenjin IDPs, this implied identifying members of their own community for prosecution. This gave rise to new forms of intimidation of individual victims, their families and friends, compelling some IDPs to disassociate not only with PNU, but also to conceal their victimhood.<sup>61</sup> A religious leader interviewed for this study explained:

The Kalenjin felt they were blamed for the violence and were afraid to identify themselves as victims because if you were a victim you had to identify who attacked you. People were unlikely to believe there were Kalenjin IDPs anyway. If, indeed, there were Kalenjin IDPs, they should have sought help from their political party, PNU, but PNU supporters rejected people from tribes associated with ODM. Genuine Kalenjin victims were not welcome in the camps and their own relatives kept their distance, afraid of being labeled PNU supporters. Therefore, the IDPs lived quietly with friends or rented rooms in the town.<sup>62</sup>

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<sup>59</sup> KALYA. “The plight of the Kalenjin People during Kenya’s Post Election Violence,” *Bulletin 19*, 2011, p. 1

<sup>60</sup> Interview with a program officer of a humanitarian NGO based in Eldoret, August 2012.

<sup>61</sup> The Commission of Inquiry in the post-election violence (CIPEV/Waki Commission) observed that it was unable to hold meaningful hearings in Eldoret due to intimidation of witnesses. See CIPEV report, 2008, p.11.

<sup>62</sup> Interview with a religious leader in Eldoret town, August 2012.

As in many situations involving ethnic violence, polarization in camps was therefore another reason many IDPs moved out to live within the Eldoret Municipality. Camps were perceived to be exclusive to PNU supporters at Eldoret police station, the Eldoret Catholic Church and several other sites.<sup>63</sup> Small camps were eventually combined into one main camp at Eldoret Showground.

The spectre of the criminal prosecution of perpetrators of the post-election violence through local courts, a special tribunal or the International Criminal Court increased public pressure for silence and invisibility of victims within Eldoret Municipality. Those suspected of having information and likely to divulge it were stigmatized for ‘betraying the community,’<sup>64</sup> It was alleged that in some places victims were ‘summoned’ to confirm they would not reveal any information about the post-election violence in conformity with the cultural requirement ‘not to tell on a brother.’<sup>65</sup> Pressure to remain silent and the surveillance of IDPs’ everyday activities reduced their willingness to approach camps or humanitarian organizations for assistance since it would reinforce public suspicion that it was a guise to pass information. A man whose house was burnt explained:

It was widely believed we victims would name our attackers and provide details leading to their arrest. Even though this was not necessarily our intention, our everyday activities came under intense surveillance as if we were the guilty ones. Such public suspicion discouraged us from seeking help in case talking to NGOs or international aid workers was seen as a strategy to pass implicating information.<sup>66</sup>

The fact that the displaced already suffered recrimination within their community diminished their willingness to expose their vulnerability by drawing attention to their plight. Their vulnerability was exacerbated the fact that nobody trusted them in the politically polarized context:

My fellow Kalenjin told me not to bring shame into the community, but I tried to go to the camp anyway. I needed help. But members of other communities accused me of being a spy and threatened to attack me; the food I was given was snatched. The camp leader ordered me to leave the camp immediately because I was a security threat. As a supporter of PNU, my party did not recognize me or protect me. My relatives did not want to associate with me in case they were associated with that political party. Nobody wanted to be seen with me. I was warned several times not to appear in the media to talk about my problems.<sup>67</sup>

The other reason Kalenjin IDPs did not move into camps is that they felt pressured to live with relatives as the most culturally-appropriate and acceptable way to deal with displacement. Community elders and members interviewed in Eldoret noted that according to the Kalenjin

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<sup>63</sup> In Nakuru Municipality, for instance, PNU supporters were found in Nakuru Show-Ground camp while ODM supporters were predominantly in Afraha stadium camp.

<sup>64</sup> Interview with a human rights NGO in Eldoret, August 2012.

<sup>65</sup> Interview with a lecturer at the Moi University Centre for Refugee Studies, Eldoret, October 2012.

<sup>66</sup> Interview with a male Kalenjin IDP, Eldoret town, September 2012.

<sup>67</sup> Interview with a male Kalenjin IDP in Wareng, August 2012.

custom, those who face misfortune are ‘naturally’ assisted through family and kinship structures built in the social organization of the community. Encampment is frowned upon as inconsistent with established cultural norms on dealing with adversity. Drawing attention to one’s misfortune or vulnerability is unacceptable for a community that holds great premium for stoicism and resilience:

We don’t just cry and shout like children. We persevere and deal with problems as a community – we welcome into our homes those facing challenges. Elders ensure personal problems are addressed by community members. People should not go outside before exhausting internal avenues, because broadcasting problems brings shame to the family and the whole community. Since we never shout about our problems, people out there think we are ok. Those who know we are only persevering accuse us of being secretive. This is why many people say there are no Kalenjin IDPs. Our IDPs are not seen because they never parade themselves.<sup>68</sup>

Encampment among the Kalenjin is therefore perceived as culturally inappropriate and also shunned as inconsistent with Kalenjin identity and culture:

The Kalenjin don’t go into camps: one member’s problem is a problem for the community. Going to a camp means you have no family or that the community has no means to take care of its own. Those going to the camps were not true Kalenjin. If they were true, they would not bring shame to the community.<sup>69</sup>

Interviews with displaced Kalenjin in Eldoret revealed that pressure to live outside of camps and not to register as IDPs left them without official recognition and masked the extent of displacement within the community. Consequently, the displaced were largely excluded from government assistance programs. For instance, those who did not register were not eligible to receive the ex-gratia payments from the Ministry of Special Programs that were disbursed to help IDPs restart their lives or reconstruct their destroyed homes. Although there were claims that some Kalenjin received money meant for IDPs, the dynamic of ostracism described above was significant and beneficiaries were not necessarily the displaced.<sup>70</sup> NGOs and religious organizations, such as the National Council of Churches of Kenya (NCCCK) and the Catholic Justice and Peace Commission (CJPC), made attempts to identify and assist such IDPs, while NGOs in the Shelter Cluster worked with members of all communities to identify ‘vulnerable’ households who were then targeted for assistance.<sup>71</sup> Conversely, while there was pressure not to self-identify or seek assistance, the consequent exclusion from government programs such as ex-gratia payments and land allocation bred resentment and generated claims of favoritism of IDPs from other communities.

Besides the Kalenjin displaced within Eldoret, there are those who returned to Eldoret from other parts of Kenya that experienced violence. For instance, persons displaced from central Rift Valley districts dominated by other tribes such as Nakuru, Subukia and Naivasha returned to

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<sup>68</sup> Remark at a focus group discussion with six Kalenjin women in Eldoret town, October 2012.

<sup>69</sup> Interview with a 45-year old Kalenjin IDP in Eldoret town, August 2012.

<sup>70</sup> Interview with a member of one of the village peace committees, Eldoret, October 2012.

<sup>71</sup> Interview with IOM representative, Eldoret, Eldoret, 2012.

North Rift, often to places where they did not have relatives. Although they were living with host families within the community, some of those interviewed said such arrangements, while useful, could not supplant recognition by the government:

We appreciate their kindness, but cannot expect them to give us land to settle permanently. Had we registered with the government, we would have been given compensation or land since we also lost everything. The current arrangement is good but cannot be a long-term solution; it only hides the magnitude of the problem because nobody in government knows we exist.<sup>72</sup>

‘Integrated’ Kalenjin IDPs in the Rift Valley therefore often fall between the cracks because from a political reciprocity perspective, neither party trusts them enough to champion their assistance or protection needs. Although some ‘integrated’ IDPs are reluctant to self-identify as displaced or to seek assistance due to reasons discussed above, local perceptions about their access to central or municipal government programs are linked to the polarized conflict dynamics. The inadvertent exclusion of the ‘integrated’ Kalenjin from targeted assistance is seen through an ethnic prism and interpreted as deliberate exclusion of victims from one tribe.<sup>73</sup> ‘Integrated’ IDPs interviewed for this study observed that their vulnerability is further obscured by lack of public recognition of their need for durable solutions. Interviews in both Nairobi and Eldoret showed ambivalence about who should be considered an IDP. There was particular uncertainty regarding persons forced to return to their ancestral homelands from other parts of Kenya. Some respondents argued that people who had ‘gone back to their ancestral homes’ and ‘integrated’ among relatives are not ‘genuine’ IDPs because wherever they were displaced from was not really their home.<sup>74</sup> Others focused on the loss or disruption of livelihoods resulting from forced migration rather than origins and displacement from place of habitual residence:

People say we should not call ourselves IDPs because we ran away from where we had bought land and settled and came back to our motherland. True this is where I come from, but I already left my parents’ home and settled where I work. Now that I am back here, I cannot feed my family. People migrate to find a better life; returning to your own people is a form of displacement, not a solution: it means trying to find a new livelihood in an environment where you cannot use your skills. It is more difficult.<sup>75</sup>

In addition to Kalenjin IDPs, displaced persons from other communities are also ‘integrated’ within Eldoret Municipality. For instance, the government closed all camps by the end of 2009 despite protests by IDPs and humanitarian agencies that conditions for sustainable return had not been achieved in violence-affected areas.<sup>76</sup> Camps were pronounced closed when government officials distributed money to registered IDPs and provided transport to their former homes, with

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<sup>72</sup> Interview with a 28 year-old woman in Langas, Eldoret, October ,2012

<sup>73</sup> Although the boundaries of ethnic polarization have shifted since early 2011 following the formation of a political alliance between the top leadership of the Kikuyu and Kalenjin tribes, the degree to which the alliance translates into real reconciliation at the community level remains debatable. Interview with member of a village peace committee in Eldoret, October 2012

<sup>74</sup> Interview with a community elder, Eldoret, October 2012

<sup>75</sup> Interview with a Kalenjin man displaced from Kikuyu-dominated Subukia, Eldoret, October 2012.

<sup>76</sup> South Consulting, *KNDR Quarterly Review Report*, August 2008; also IDMC. 2008, *A profile of the internal displacement situation*, [www.internal-displacement.org](http://www.internal-displacement.org)

promises of compensation once they left the camps.<sup>77</sup> However, there were those who could not go back to former homes because they did not own the land from which they had been displaced or market centers where they had rented residential houses or business premises had been destroyed. The resettlement program prioritized land-owning IDPs “because it is easier to deal with people with a definite place to go back to and also because revitalizing the agriculture sector was a main government priority.”<sup>78</sup> Consequently, landless people, squatters, traders such as hawkers and business people remained stranded after the official closure of camps. Similarly, landless farmers who lost the possibility of leasing land due to inter-ethnic strife, traders whose stock or work tools were destroyed or looted, and home owners and tenants in urban areas that had ceased to exist remained without solutions. In other cases, lingering insecurity hindered return, particularly where community members destroyed returnees’ homes, grazed their cows on their crops or poisoned water sources. Furthermore, the acrimonious debate on impunity and whether to grant amnesty or prosecute perpetrators of violence tied the return of IDPs to the release of local youths who had been arrested.<sup>79</sup> While a large number of IDPs formed ‘transit camps,’ they eventually dispersed into urban centers and host communities in search of livelihoods.<sup>80</sup> The IDPs ‘integrated’ with relatives and urban poor in Eldoret and nearby market centers.<sup>81</sup>

Living in displacement in urban areas has also been employed as a strategy to increase personal safety in ethnically-mixed settings. Even though the government has taken steps to encourage return, IDPs adopt strategies which allow them to operate between urban areas or host families and their farms. For instance, in 2008, the government and NGOs in the Shelter Cluster embarked on rehabilitation programs to assist land-owning IDPs reconstruct their homes. However, due to lingering insecurity, many reconstructed houses in places such as Kamuyu and Rorien remained unoccupied as IDPs preferred to live in the safety of urban areas:

It would be nice to go back to the farm because the government and IOM have built a house for me. I would avoid all the bills, but it is better to live in town because it is safer. In the farm we are a small minority surrounded by the other tribe.<sup>82</sup>

Due to the pattern of recurrent displacement every election year, IDPs increasingly see return to their farms as untenable. Those interviewed in urban areas said although it is expensive to meet the financial costs of ‘town life,’ it is better to enjoy the ‘safety of numbers’ than to live in rural areas exposed to unpredictable violence.<sup>83</sup> The ‘integrated’ IDPs are therefore adapting to life in

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<sup>77</sup> Kenya Human Rights Commission, *A Tale of Force, Threats and Lies: Operation Rudi Nyumbani in perspective*, 2008, [www.khrc.or.ke](http://www.khrc.or.ke)

<sup>78</sup> Interview with Deputy Director, Mitigation and Resettlement at the MoSSP, August, 2012.

<sup>79</sup> Kenya National Commission on Human Rights, “KNCHR position on Amnesty for alleged perpetrators of Post-Election Violence,” April 2008, [www.khrc.or.ke](http://www.khrc.or.ke)

<sup>80</sup> Interview with Coordinator, Catholic Justice and Peace Commission, Eldoret, October 2012.

<sup>81</sup> Focus group discussion with integrated IDPs in Munyaka area, Eldoret, October 2012; see also IRIN, “Kenya: Separated Children eking a living in Rift Valley town,” 10 September 2008, [www.irinnews.org/Report/80267/KENYA-Separated-children-eking-a-living-in-Rift-Valley-town](http://www.irinnews.org/Report/80267/KENYA-Separated-children-eking-a-living-in-Rift-Valley-town)

<sup>82</sup> Interview with a single mother of five in Kamukunji area in the outskirts of Eldoret town, October 2012.

<sup>83</sup> Interview with a religious leader in Munyaka; October 2012; he said many people want to live where members of their own tribe are found in large numbers. This has encouraged concentration of groups in certain locations in the Municipality. Because more Kikuyu, for instance, are moving into Eldoret town, there is a greater demand for accommodation, which has pushed up the price of land and rent.



urban areas, often commuting to their farms during the day or entering employment contracts with the local people to manage their farms:

Eldoret town is increasingly occupied by communities displaced from or migrating from the rural areas for security reasons. Many are leasing out their land or employing local people to manage their farms. In addition to farming, a majority of those living in urban areas are starting small income-generating activities or joining savings and credit groups to supplement income and pay their bills.<sup>84</sup>

Some of the ‘integrated’ IDPs interviewed in Eldoret also said they have set up a home in another part of the country, where they migrate temporarily when tensions rise. As a strategy to avoid experiencing another round of violence and loss of assets, some said they invest in the homes recently established in safer areas but hold on to their farms in Eldoret Municipality because they are more productive.

I would like to go back to Central province for good, but the land there is too small and unlikely to produce the same yields. I have bought a small parcel there and built a house to return to when security deteriorates. So I will never be caught unawares again or end up in a camp.

‘Integrated’ IDPs have come up with innovative ways to cope with recurrent displacement and inability to return to their homes in a sustainable manner. The ability to oscillate between two or more homes located in different sites serves as a pragmatic strategy to respond to uncertainty and the fluid political context within which violence takes place.

### **The changing nature of ‘Integrated’ IDPs’ needs**

The section above described the different circumstances in which IDPs are living invisibly in host communities in Nairobi and Eldoret municipalities. In Kenya, IDPs outside of camps are commonly referred to as ‘integrated’ because they are not identifiable in the communities where they are living. While integration is one of the durable solutions to internal displacement, in some parts of Kenya it refers to displacement outside of camps: in fact, the two terms are used interchangeably. ‘Integrated’ IDPs face various challenges in the societies where they live. These challenges may emanate from difficulties they face in adjusting to an unfamiliar socio-economic or security situation in host areas or discrimination because they are not members of that community. In Kenya, the needs of ‘integrated’ IDPs have evolved depending on the circumstances of their ‘integration.’

#### *‘Integrated’ with host families*

A majority of the ‘integrated’ IDPs are those living with host families: “They had relatives; they had a place to go. People readily welcomed their displaced relatives because they did not want them to suffer in camps.”<sup>85</sup> Compassion, public support and goodwill for the displaced were high during the political crisis, and the violence-affected easily found hospitality and understanding in

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<sup>84</sup> Ibid.

<sup>85</sup> Interview with official from the International Organization for Migration, Eldoret, August 2012.

the homes of relatives and friends. There were two principal types of host family arrangements: first, hundreds of displaced persons returned to their ancestral homes, where they were hosted by parents or other relatives.<sup>86</sup> Second, well-wishers took in individuals or families of stranded strangers and offered them accommodation, often expecting that the violence would be short-lived.<sup>87</sup> In Nairobi, people displaced from Kibera, Mathare and other informal settlements found refuge with relatives and friends in peaceful residential neighborhoods. However, many of the host families were themselves vulnerable, and the offer to accommodate and support the displaced strained their own resources, assets and ability to cope with the already difficult economic situation.

While the willingness to support violence-affected relatives and friends was initially strong, compassion gradually wore off as the displacement became protracted. Congestion in host families, lack of privacy for both hosts and IDPs, and higher household costs bred resentment within host families. Even without the additional costs incurred to meet IDPs' needs, host families were already struggling to cope with inflation and high food prices. The extra costs became burdensome and undesirable, and relations that were initially warm grew cold:

I know they wanted to help me and my family, but having us for long drained their patience and resources. They stopped talking to us. Sometimes they ate their meals before we got home. They did not say so, but it was clear they wanted us to leave.<sup>88</sup>

Reports of physical violence, child labor, and sexual exploitation and abuse, including incest, were common in host situations.<sup>89</sup> Sexual abuse and domestic violence were seen to be exacerbated by congestion and lack of privacy in host families. In 2008, UNICEF-Kenya, in collaboration with the Children's Department, produced a report detailing the vulnerability of orphans and displaced children placed with care-givers or left alone in urban areas in order to attend nearby schools.<sup>90</sup>

### *IDPs integrated in urban areas*

IDPs in Kenya moved to urban areas for three main reasons. First, and as noted above, some wealthy IDPs wanted to avoid the deplorable conditions in camps. Second, others who were displaced from one urban area moved to another urban area, often to ethnically homogenous or less polarized and safer regions. In most cases, the houses that they occupied prior to displacement were destroyed, rented out to other tenants or illegally occupied by persons

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<sup>86</sup> The government deployed security personnel to clear barricaded roads and offer safe passage to those wishing to move to safer areas. Those escaping violence in Nairobi and the Rift Valley returned to their ancestral districts in Nyanza, Rift Valley, Central and Western provinces or other safer regions.

<sup>87</sup> Such gestures were driven by compassion and empathy rather than kinship ties. There was an unprecedented show of goodwill and willingness to help. Groups such as NCKK and Red Cross helped to place separated or orphaned children in temporary shelters or Charitable Children's Institutions with a view towards family reunification.

<sup>88</sup> Interview with a middle-aged man in Kangemi, Nairobi, October 2012.

<sup>89</sup> Coalition on Violence Against Women-Kenya, *Rapid Assessment of the Situation of displaced women and girls in Western Kenya: Kisumu, Kakamega and Kisii*, 2008, [www.peacewomen.org/portal\\_resources\\_resource.php?id=24](http://www.peacewomen.org/portal_resources_resource.php?id=24)

<sup>90</sup> UNICEF Kenya and Child Welfare Society of Kenya, "Separated Children in Kenya," Unpublished Research Report, August 2008 (on file with the author).

installed by criminal gangs or ethnic militias, hindering their effective return to their homes or even to their neighborhoods. Displacement within urban areas was hardly visible given that it occurred in slums in highly populated areas. Furthermore, moving from one residential place to another or to rural areas for security reasons was common and viewed as pre-emptive and voluntary rather than forced displacement. The third reason for IDPs' displacement to urban areas was that the majority of IDPs who initially 'integrated' with relatives or friends had to ease the burden on their hosts – so they either moved of their own volition to their own premises or they were thrown out.

### *Inability to pay rent and other bills*

Due to IDPs' changed socio-economic status resulting from loss of homes or assets, many of those who rented accommodations were unable to afford decent housing and therefore ended up in low-cost housing in poor settlements and slums. Rent is one of the main problems that 'integrated' IDPs in urban areas face. According to a report by Action Against Hunger (Action Contre la Faim, known by its French acronym, ACF)-USA, 'for IDPs residing in the slums, 55 percent of household income was spent on rented accommodation...'<sup>91</sup> In some cases, host families provided displaced relatives with basic household items and continued to pay rent for them in urban and peri-urban settings.<sup>92</sup> Over time, however, support to pay monthly rent dwindled. Similarly, high inflation and the high cost of living in urban areas posed numerous challenges particularly to those displaced from rural to urban areas. Many, not used to paying many bills, could not afford to pay for food and other immediate needs, including school fees, transport, water and electricity. According to the ACF-USA report cited above, 43 percent of displaced households indicated that they were unable to pay their rent and faced possible eviction and relocation to IDP camps.<sup>93</sup>

The challenge facing IDPs in urban areas is common to all urban poor. Efforts by the government and members of the Early Recovery Cluster in 2008 to pay rent for some vulnerable households have since been phased out, although the January 2011 Official Report indicates that the Government of Kenya has been paying rent and electricity bills for IDPs in Nakuru and Eldoret. Those interviewed in both Nairobi and Eldoret indicated that life in the camps was much easier because food, medication and shelter were provided: "but here, you have to pay cash for everything, yet there are no jobs."<sup>94</sup>

### *Insecurity and loss of assets*

Integrated IDPs in urban areas are affected by crime and harassment in informal settlements. Theft, physical attacks, sexual and gender based violence are common in these areas and affect

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<sup>91</sup> Silke Pietzsch, "Making cash work: a case study from Kenya," *Humanitarian Exchange Magazine*, Issue 43, June 2009, [www.odihpn.org/humanitarian-exchange-magazine/issue-43/making-cash-work-a-case-study-from-kenya](http://www.odihpn.org/humanitarian-exchange-magazine/issue-43/making-cash-work-a-case-study-from-kenya)

<sup>92</sup> UNDP and OHCHR, *Durable Solutions to internal displacement, reconciliation and restoration of human dignity in Kenya: A situation report*, 2011, pp.22.

<sup>93</sup> Pietzsch, "Making cash work: a case study from Kenya," *Humanitarian Exchange Magazine*, June 2009.

<sup>94</sup> Remark at a focus group discussion with women displaced from Kibera to in Kawangware, Nairobi, October 2012.

both IDPs and other residents.<sup>95</sup> In some cases, illegal groups and criminal gangs have developed parallel security structures in slums and informal settlements, taxing residents, providing ‘security’ and being in charge of local forms of justice.<sup>96</sup> Interviews in Nairobi revealed that the owners of houses illegally occupied face violence and intimidation each time they attempt to recover their property or access accruing rent from the tenants: “Last time I went to check, they told me never to show my face there. I know some tenants would like to pay me but they are also threatened.”<sup>97</sup> In Kibera, some of those who have been able to recover their confiscated property have resorted to protection rings formed by gangs along political and ethnic lines. However, such protection leads to situations of extortion as the gangs withhold or demand a share of the proceeds:

I talked to the ‘*mayouth*’ (a local gang) to help me since the police were not able to penetrate that area. They agreed to collect for me the rent, but on condition that I shared with them. I accepted the arrangement because I was desperate and thought a fraction is better than nothing. The problem is sometimes they collect the money but refuse to give me anything. If I complain, they tell me to go to the police. Other times they threaten to beat me up.<sup>98</sup>

In the same area, a displaced person who had over 30 rooms lost all his investment when the rooms were razed and his plot of land taken over by others. Efforts by village elders and the district peace committee to intervene were unsuccessful as the land-grabbers began to construct houses on the plot. In Mathare and parts of Kariobangi North in Nairobi, similar gangs collect rent and either share or refuse to remit the proceeds to the owner. Affected IDPs contend not only with the harassment and extortion by the illegal groups, but also with enforced poverty as they are no longer able to access or enjoy their property. One of those interviewed noted that he had taken a bank loan to construct a block of flats but could no longer service his loan, risking loss of the property and bankruptcy. Loss of assets and livelihood opportunities in violence-affected areas is one of the main problems that encumber ‘integrated’ IDPs struggling to recover from the effects of displacement.

#### *Limited access to social services*

Education in Kenya is, in principle, free. However, parents are required to buy school uniforms, some books and make financial contribution toward hiring of additional teachers and other staff. School children, including those of IDPs, who fail to meet these requirements are turned away from school. In the face of many competing needs, most displaced parents living in urban areas are not able to prioritize education for their children. Often, they require their children who drop out of school to find work or ‘something to do’ to supplement the household income. According to the Kenya Red Cross, lack of school fees is a major challenge facing most IDPs, particularly

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<sup>95</sup> NRC and IDMC, “IDP profiling survey in Nairobi,” December 2011. Also, informal conversation with police officer Kibera District Commissioners Office, August 2012.

<sup>96</sup> UN-HABITAT, *Crime & Violence, City Case Studies*, 1 October 2007, [www.unhabitat.org](http://www.unhabitat.org)

<sup>97</sup> Interview with a female IDP whose 21 rooms are illegally occupied in Kibera, October 2012.

<sup>98</sup> Interview with a home owner displaced and dispossessed in Kibera, October 2012. The term ‘*mayouth*’ is colloquial for ‘youths’ who informally control security and other services in urban slums.

secondary school students.<sup>99</sup> The Kenya Human Rights Commission also observed that in Eldoret town, hundreds of school-aged children ended up begging on the streets.<sup>100</sup> Similarly, the Coalition on Violence Against Women reported that hundreds of displaced women with HIV-AIDS were unable to access medical facilities during the emergency, and although the government teams made efforts to track people on anti-retroviral medicines, disruption of treatment regimes had health implications since many of those who had missed their treatment did not know what to do and some never resumed treatment.<sup>101</sup>

‘Integrated’ IDPs are often among the poor Kenyans detained in hospitals – i.e., not allowed to leave – for failing to pay bills for medical services received.<sup>102</sup> For instance, ‘integrated’ IDPs located around the Mathare and Huruma areas and interviewed for this study mentioned several IDPs detained at Pumwani Maternity Hospital and the Kenyatta National Hospital for failing to pay their medical bills. The IDPs said that such detention and lack of money to buy prescription medicines discouraged them from going to hospital. Lack of access to affordable healthcare was cited as a particular challenge for IDPs with diseases such as asthma, diabetes and cancer.<sup>103</sup> Although the system of waivers and exemptions introduced by the 1990s health sector reforms require government and council-run hospitals to waive bills for the poorest patients,<sup>104</sup> the policy is difficult to apply because hospitals argue they cannot afford the waivers, and that the system is often abused.<sup>105</sup>

Water and sanitation in urban slums where IDPs live are generally poor or non-existent. In Nairobi slums, for instance, ‘integrated’ IDPs interviewed said areas where they live do not have piped water and they buy from vendors and kiosks.<sup>106</sup> The relatively high cost of water has implications for household hygiene and nutrition: “We cut on our food budget to buy water, which we use sparingly because it is very expensive.”<sup>107</sup>

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<sup>99</sup> Kenya Red Cross 2008. *Operation Update: Kenya electoral Violence*. [www.kenyaredcross.org](http://www.kenyaredcross.org) (last accessed 16 August 2012).

<sup>100</sup> KHRC, Kenya Human Rights Commission, *Out in the cold: the fate of internally displaced persons in Kenya, 2008-2009*, 2009, [www.khrc.or.ke](http://www.khrc.or.ke)

<sup>101</sup> Op cit

<sup>102</sup> Patients are often prevented from leaving healthcare facilities where they held by the hospital administration until they find the requisite funds or until it is clear they cannot pay. Such detention is meant to press relatives to pay up. See Kenya Federation of Women Lawyers, *In Harm’s Way* Nairobi: FIDA, 2010, P, 14; also *The Guardian*, Kenyan mothers too poor to pay for treatment locked up in hospital; [www.guardian.co.uk/world/2009/August/13/kenya-maternity-poverty-detained-hospital](http://www.guardian.co.uk/world/2009/August/13/kenya-maternity-poverty-detained-hospital).

<sup>103</sup> Interview with official from the Kenya Red Cross, Nairobi, October 2012

<sup>104</sup> Alfred Anangwe, “Health Sector Reforms in Kenya: User Fees,” 2008, [www.codesria.org/IMG/pdf/Chap5-2.pdf](http://www.codesria.org/IMG/pdf/Chap5-2.pdf)

<sup>105</sup> Alfred Anangwe, “Health Sector Reforms in Kenya: User Fees,” 2008, [www.codesria.org/IMG/pdf/Chap5-2.pdf](http://www.codesria.org/IMG/pdf/Chap5-2.pdf); Musimbi Chuma et al., 2009, “Reducing user fees for primary health care in Kenya: Policy on paper or policy in practice? *International Journal for Equity in Health* 8:15; also Catherine Karongo, “Hospitals struggle with solution to unpaid bills,” *CapitalFM*, 3 March 2011, [www.capitalfm.co.ke/news/2011/03/hospitals-struggle-with-solution-to-unpaid-bills](http://www.capitalfm.co.ke/news/2011/03/hospitals-struggle-with-solution-to-unpaid-bills)

<sup>106</sup> Interview with integrated IDPs from Kibera, Kayole, Mathare Mukuru Kwa Njenga Slums, 10 August 2012. See also Victoria Metclafe et al., *Sanctuary in the city? Urban Displacement and vulnerability in Nairobi*, Overseas Development Institute, September 2011.

<sup>107</sup> Interview in Mathare area, August 2012.

## The role of national authorities in responding to IDPs outside of camps

The Ministry of State for Special Programs (MOSSP) is the designated focal point on internal displacement in Kenya.<sup>108</sup> Within the ministry, the Department of Mitigation and Resettlement and the National Humanitarian Advisory Board are responsible for resettling IDPs resulting from the 2007 post-election violence (PEV) and offering counseling and assistance to restore their lives and livelihoods.<sup>109</sup> A cabinet sub-committee bringing together Permanent Secretaries from the Ministry of State for Provincial administration and Internal Security, Ministry of Justice, National Cohesion and Constitutional Affairs, Ministry of Finance and the Ministry of Lands provide a forum through which the government responds to all matters relating to IDPs in all settings. The Ministry of Special Programs and the Ministry of Justice and Constitutional Affairs take the lead in the development of a legal framework for the protection of IDPs and communities that host them.

Parliament, through the Parliamentary Select Committee (PSC) on Internal Displacement, called on the government in 2010 to account for its protection and assistance to IDPs and spearheaded debate and enactment of legislation on IDPs.<sup>110</sup> The Kenya National Commission on Human Rights, in the Ministry of Justice, chaired the Protection Working Group on Internal Displacement (PWGID) that initiated and coordinated the formulation of the draft National IDP Policy and the IDP Bill.<sup>111</sup> The PSC was mandated to draft legislation on IDPs, which was accomplished in collaboration with members of the PWGID and the Labor and Social Welfare Committee.<sup>112</sup> The Kenya National Commission on Human Rights and some members of the PWGID receive complaints from IDPs, offer legal aid and facilitate their participation in decision-making processes in accordance with Article 23 and 24 of the National Policy on the protection and assistance to internally displaced persons in Kenya (national IDP policy).<sup>113</sup>

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<sup>108</sup> Presidential Circular No.1/2008; the circular outlined the Organization of the Coalition Government, providing information of senior government officers, their official titles, duties and mandates of Ministries, [www.communication.go.ke/media.asp?id=635](http://www.communication.go.ke/media.asp?id=635)

<sup>109</sup> OCHA, Kenya: Frequently Asked Questions on IDPs in Kenya, February 2010, [http://reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-82CRQH-full\\_report.pdf/\\$File/full\\_report.pdf](http://reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-82CRQH-full_report.pdf/$File/full_report.pdf); also Ministry of Special Programs, Mitigation and Resettlement, [www.sprograms.go.ke/index.php?option=com\\_content&task=view&id=138&Itemid=121](http://www.sprograms.go.ke/index.php?option=com_content&task=view&id=138&Itemid=121)

<sup>110</sup> National Assembly Official Report , 10 November 2010, p. 22; Hansard\_10.11.2010; [www.parliament.go.ke/index.php?option=com\\_content&view=article&id=91&Itemid=84](http://www.parliament.go.ke/index.php?option=com_content&view=article&id=91&Itemid=84) ; some CSOs refer to it as the PSC on the Resettlement of IDPs in Kenya.

<sup>111</sup> The PWGID is a multi-sectoral group established in 2009 with the mandate to contribute to the capacity of the Government of Kenya to address the protection needs of IDPs in Kenya. More than 30 organizations including government ministries, the national NHRI, international and local NGOs and IDPs are members and have contributed to its mandate and activities since its inception. They include, among others, the Ministry of State for Special Programs, Ministry of Justice, National Cohesion and Constitutional Affairs (MoJNCA), Kenya National Commission on Human Rights (KNCHR), Kenya Human Rights Commission (KHRC), Danish Refugee Council (DRC), Refugee Consortium of Kenya (RCK), IOM, Help Age International and the National IDP Network. For full text of the policy, see the internal displacement laws and policies index of the Brookings-LSE Project on Internal Displacement: [www.brookings.edu/about/projects/idp/laws-and-policies/kenya](http://www.brookings.edu/about/projects/idp/laws-and-policies/kenya)

<sup>112</sup> Interview with Davis Malombe of the Kenya Human Rights Commission and member of the Protection Working Group, August 2012.

<sup>113</sup> For full text, see the internal displacement laws and policies index of the Brookings-LSE Project on Internal Displacement: [www.brookings.edu/about/projects/idp/laws-and-policies/kenya](http://www.brookings.edu/about/projects/idp/laws-and-policies/kenya)

Following an inclusive process that also benefited from technical expertise from the office of the Special Rapporteur on the Human Rights of IDPs, the draft national IDP policy was developed in 2010 and the legislation, ‘The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012’ came into effect on 31 December 2012 when the President assented to the bill.<sup>114</sup> Article 11(1) of the IDP Act states that ‘the national Government shall bear the ultimate responsibility for the administrative implementation of this Act’ and article 12 provides for a National Consultative Coordination Committee on Internally Displaced Persons to be comprised of principle secretaries from the Ministries of Internal Security, Special Programs, Finance and Lands; as well as officials from the office of the Attorney General, the National Land Commission, Director of Public Prosecutions, the national human rights institution, civil society organizations, donors and IDPs.

The national government, in collaboration with humanitarian and non-state actors in Kenya, has made significant progress in creating institutional arrangements and a predictable, rights-based approach to internal displacement in Kenya. Although the mandate of the Department of Mitigation and Resettlement is restricted to IDPs resulting from the 2007 post-election violence, the government has endeavored to respond to the protection needs of all IDPs as Kenyan citizens.<sup>115</sup> As reported extensively elsewhere, the government has met most benchmarks on national responsibility for internal displacement.<sup>116</sup> The exchequer has released funds annually since 2008 to support assistance programs and to meet operation and maintenance costs of resettlement activities, and resources have been mobilized from other sources, as shown in Table 4 below.

**Table 4: Resettlement activities and government/donor financing**

Activity	Source of funds for all activities
IDP profiling	GoK exchequer releases, grants from UNDP, donations from Chinese government, unspent funds from Districts, loan from the African Development Bank (ADB)
Ex-gratia payments (start-up funds)	
Reconstruction of houses (building materials)	
Restoration of farm infrastructure and rural livelihoods	
Burial, water, medical and rent expenses	
Counseling	
Transportation of IDPs	
Peace-building activities	
Reconstruction of schools (through Department of Defence)	
Rehabilitation of schools	
Advertisement and government printer (information sharing)	

<sup>114</sup> For full text, see the internal displacement laws and policies index of the Brookings-LSE Project on Internal Displacement: [www.brookings.edu/about/projects/idp/laws-and-policies/kenya](http://www.brookings.edu/about/projects/idp/laws-and-policies/kenya)

<sup>115</sup> Government of Kenya, Ministry of Special Programs, “Government not discriminating against displaced people,” *Daily Nation*, 24 January 2012, p. 13.

<sup>116</sup> Elizabeth Ferris, Erin Mooney and Chareen Stark, *From Responsibility to Response: Assessing National Approaches to Internal Displacement* (Washington, D.C.: Brookings Institution – London School of Economics Project on Internal Displacement, 2011), pp. 239-258, [www.brookings.edu/idp](http://www.brookings.edu/idp); for progress on the resettlement process generally, see Ministry of State for Special Programs, ‘Progress on Resettlement of Internally Displaced Persons’ released periodically.

Purchase and demarcation of land for resettlement of IDPs <sup>117</sup>	
Operation and maintenance costs	

Source: Ministry of Special Programs, August 2012; interview with M. Nyamai, MOSSP

Although much progress has been made to respond to the protection needs of IDPs in all settings, humanitarian assistance and livelihoods recovery support has focused on IDPs living in camps. According to the government officials interviewed, encamped IDPs are visible, identifiable and easily targeted, and the closure of camps indicates progress in return of normalcy in affected areas.<sup>118</sup> Although premature return is not a durable solution and return should be a voluntary choice undertaken in safety and dignity, government officials interviewed said IDPs are encouraged to leave camps in order prevent dependency on aid and promote self-reliance in non-camp settings.<sup>119</sup> The closure of camps is also viewed as necessary not only to restore Kenya's international image, but to expedite the rehabilitation of agriculture and tourism sectors that are most affected by violence and displacement.<sup>120</sup>

As noted above, however, the government declared camps officially closed when IDPs received *ex-gratia* payments and before confidence-building measures were taken in return areas. Due to inadequate resources or fears of animosity from their former neighbors, many IDPs left serviced camps for urban areas or self-settlements commonly referred to as 'satellite' or 'transit' camps near their homes or in new areas.<sup>121</sup> Some of the self-settlements emerged when some IDPs formed 'self-help' groups by pooling their funds received from the government and collectively purchasing parcels of land for settlement. The government supported 21 such self-help groups to purchase bigger parcels of land for settlement, social amenities and sustainable livelihoods.<sup>122</sup>

### **The role of municipalities in responding to IDPs outside of camps**

In Kenya, the broad mandate of municipalities derives from the Local Government Act (Cap. 265).<sup>123</sup> Local Authorities are responsible for local governance in urban areas, which includes promoting citizen participation in the planning, monitoring and implementation of service delivery programs. Municipal councils provide or regulate the delivery of delegated national services in education, public health, physical planning, social services and sanitation. They are also charged with promoting local economic development through managing markets,

<sup>117</sup> Purchase, demarcation, balloting and allotment of land to IDPs is done by the Ministry of Lands. see South Consulting, *KNDR Quarterly Review Reports*, 2008-2012; also Kenya Human Rights Commission, *Elusive Justice: A status report on Victims of 2007-2008 Post Election Violence*, 2012, [www.khrc.or.ke](http://www.khrc.or.ke); Ministry of State for Special Programs, Progress on Resettlement of Internally Displaced Persons' released periodically.

<sup>118</sup> Interview with Regional Commissioner, North Rift, at Eldoret, July 2012.

<sup>119</sup> Interviews with Michael Nyamai, Ministry of Special Programs, August 2012; also, interview with Regional Commissioner, North Rift, August 2012.

<sup>120</sup> Government of Kenya, *Report of the National Accord Implementation Committee on National Reconciliation and Emergency Social and Economic Recovery Strategy*, February 2008.

<sup>121</sup> Kenya Human Rights Commission, *Out in the cold: the fate of internally displaced persons in Kenya, 2008-2009*, 2009, pp.20-22.

<sup>122</sup> Government of Kenya, Ministry of Special Programs, *Status Brief on IDPs*, 30 September 2011 (on file with the author); see also Gabrielle Lynch, "Durable Solution, Help or Hindrance? The Failings and Unintended Implications of Relief and Recovery Efforts for Kenya's Post-election IDPs," *Review of African Political Economy*, vol. 36, no. 122, 2009, pp. 604-610.

<sup>123</sup> Section 151-199 of the Laws of Kenya, available at [www.kenyalaw.org](http://www.kenyalaw.org)



slaughterhouses and bus parks; enhancing human resource capacity; construction of infrastructure and access roads; and fire prevention and disaster management. They are responsible for waste management, street lighting, burial and cremation of the dead in cities and urban areas.

While municipal governments carry out their mandates more or less at the same geographical level as national/central government, the practice is that local authorities – which include city, municipality and town councils – exercise the mandate of the central government delegated to them through constitutional arrangements or legislation. Therefore, in addition to the Local Government Act (Cap. 265) that governs all local authorities in Kenya, other pieces of legislation influence the function and management of municipalities. Among these are the Land Planning Act, the Local Government Loans Authority Act, the Water Act, Education Act, Public Health Act, Tourism Act, Valuation and Rating Act, Licensing Act, among others.<sup>124</sup>

The main function of municipal authorities in Kenya is to provide basic socio-economic services to citizens living in urban areas and to offer a platform for democratic governance whereby community members elect leaders to coordinate the provision of local services.<sup>125</sup> Municipalities also offer employment and health facilities, sustain local developments, facilitate outcomes that boost the country's economy and enrich the quality of life of local communities.

Inherent to the mandate of municipal authorities is the need to coordinate with other ministries and cross-reference multiple legislative actions in decision-making. The National IDP Policy states that the Ministry of State for Special Programs is the national institutional focal point for internal displacement responsible for policy implementation and coordination of implementation efforts through its branches and “with other relevant governmental stakeholders at the regional and local level,” and in coordination with “relevant Ministries and governmental entities in accordance with their respective ministerial responsibilities.”<sup>126</sup> Similarly, Article 5(1)(b) of the Fifth Schedule of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012 (IDP Act) provides for the formation of a National Consultative Committee, which may appoint subcommittees at the county level “to perform such functions and responsibilities as it may determine.” However, article 11(3) of the IDP Act provides that County Governments shall bear responsibility for the administrative implementation of the provisions of the Act, in accordance with their functions and powers accorded in the (new) Constitution of Kenya 2010.<sup>127</sup> These functions include, *inter-alia*, primary education, health services; public amenities; county planning and development including statistics, land survey and mapping, housing, electricity and energy regulation; implementation of specific national policies on natural resources and environmental conservation, including

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<sup>124</sup> See the Kenya Law Reports website, [www.kenyalaw.org/klr/index.php?id=32](http://www.kenyalaw.org/klr/index.php?id=32)

<sup>125</sup> Institute of Economic Affairs, *Understanding the local government system in Kenya: A Citizen's Handbook*, 2009, [www.ieakenya.or.ke](http://www.ieakenya.or.ke)

<sup>126</sup> Chapter 3 (6) of the Draft National Policy on the protection and assistance to internally displaced persons in Kenya.

<sup>127</sup> Available at the internal displacement laws and policies index of the Brookings-LSE Project on Internal Displacement: [www.brookings.edu/about/projects/idp/laws-and-policies/kenya](http://www.brookings.edu/about/projects/idp/laws-and-policies/kenya)

water and sanitation; and facilitating the participation of communities in localities in governance at the local level.<sup>128</sup>

*Greater coordination between central and municipal authorities is needed*

While municipalities are constitutionally-mandated to provide social services and ensure local level governance, many municipalities in Africa are reluctant to address displacement, partly due to the belief that general migration issues are a matter of national policy concern.<sup>129</sup> This is despite the fact that sudden influx of displaced persons into areas of their jurisdiction influence demographics and access to services. Some policy-makers within municipalities may also hold the view that displacement is an unpredictable and temporary phenomenon that need not be taken into consideration in regular strategic planning processes.<sup>130</sup> From this perspective, population projections and planning may focus only on established patterns of migration (e.g. rate of rural-urban migration) and related concerns about housing, urban livelihoods, community development and access to services. Yet, the primary needs of IDPs in urban areas and other integrated settings – shelter, healthcare, water and sanitation, education and livelihoods – lie within the delegated mandate of municipal and county authorities in most cities across the world. Furthermore, the consequences of displacement, both positive and negative, are felt at the local/municipal level, where protection and assistance programs are implemented. Even though IDPs’ concerns such as security, justice, access to water and sanitation are the responsibility of central government departments, local authorities bear the consequences of displacement where these service delivery mechanisms are not working properly.<sup>131</sup> The influx of IDPs into a municipality therefore requires that central government and municipal authorities share information, coordinate their responses and agree on allocation of resources to absorb the influx, which may entail expanding services to cater for the needs of the poor and vulnerable IDPs. Lack of preparedness for sudden influxes can create service delivery shortfalls and trigger social conflict in areas where IDPs settle.

In Kenya, the role of municipal authorities in the protection and assistance of IDPs in camp or non-camp setting has remained peripheral. The minimal role of municipal authorities results from the institutional organization of government structures and their respective mandates. The Ministry of Local Government, which is responsible for cities, municipalities, town and county councils, is not directly involved in the management of IDPs given that the Ministry of State for Special Programs (MOSSP) is the focal point for all IDP matters. The MOSSP programs on behalf of IDPs in coordination with other Ministries including the Ministry of Provincial Administration and Internal Security (providing security for IDPs), Ministry of Lands (land allocation for resettlement), Ministry of Finance (budgeting and resource allocation), and the

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<sup>128</sup> Others include agriculture, control of pollution and public nuisance; cultural activities, public entertainment, animal control and welfare; trade development and regulation.

<sup>129</sup> Aurelia Segatti, Loren B. Landau, and Jean-Pierre Misago, “Mobility and municipalities: local authorities, local impacts and the challenges of movement,” in Segatti and Landau, ed.s, *Contemporary Migration to South Africa: A regional development issue* (Washington D.C.: The World Bank, 2011), pp. 80-118, <http://documents.worldbank.org/curated/en/2011/01/14964992/contemporary-migration-south-africa-regional-development-issue>

<sup>130</sup> Interview with Kennedy Chadianya, a lawyer in Nairobi, October 2012.

<sup>131</sup> Landau, Segatti and Misago, “Mobility and municipalities: local authorities, local impacts and the challenges of movement,” 2011.

Ministry of National Cohesion and Constitutional Affairs (policy development, complaints mechanism). The MOSSP also coordinates the participation of NGOs and IDPs in decision-making processes. This ministerial division of labor excludes the Ministry of Local Government and municipal authorities.

Nonetheless, interviews indicate that municipal authorities in Nairobi and Eldoret conducted minimal IDP assistance programs alongside the Ministry of Special Programs, Ministry of Provincial Administration and Internal Security. Other players included the Nairobi Water and Sewerage Company, international organizations such as the Red Cross, UNHCR and churches. During the crisis period, *ad hoc* committees, chaired by chiefs under the provincial administration, were established to allocate responsibilities between the various entities concerned with the protection of IDP.<sup>132</sup> The collaboration, however, came to an end once the camps were closed in 2009.

*'Integrated' IDPs are 'invisible' to local authorities*

Municipal authorities are reluctant to differentiate between IDPs 'integrated' in urban areas and other urban poor whose circumstances are technically the same, at least in terms of access to social services. Due to low levels of registration among IDPs who first seek refuge with relatives or in urban settings, their actual number or specific needs remains largely unknown to authorities and they are, therefore, not factored into service delivery plans. The needs of 'integrated' IDPs are invisible and assumed to be no different from those of community members in societies that host them:

Once camps were closed and IDPs moved to other parts of the city, we have not done anything for them as a special category of vulnerable people. The Council does not plan or budget for IDPs even though we are aware the arrivals in 2008 were larger than population projections for that year.<sup>133</sup>

While diminished family resources may compel 'integrated' IDPs to seek humanitarian assistance, it is difficult for the authorities to distinguish between persons whose needs result from forced displacement and the vulnerability of persons who migrated to urban areas for other reasons. Municipal authorities' service delivery plans are tied to national census projections and urban development plans, many of which do not factor forced migration into policy-making. Development and strategic plans of municipalities in Kenya focus on programs that have potential for leverage and trickle effect on their core mandate, and which have a direct contribution to the national development plans such as the Kenya Vision 2030 and its Mid-Year plans. Such plans, however, are made without a careful consideration of how an influx of IDPs affects planning and policy implementation.

Municipalities in Kenya generally do not plan or budget for IDPs not only because displacement lies within the mandate of other government organs, but also because municipalities do not systematically document or analyze population dynamics and movement patterns. Even though mapping of settlement patterns can provide information about where different identity groups

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<sup>132</sup> Phone conversation with social worker Nairobi City council, 15 August 2012.

<sup>133</sup> Interview with youth coordinator at Nairobi City Council 27 August 2012.

live, such information is largely descriptive and lacking verifiable data or projections about movement into or out of neighborhoods, or how inward or outward migration transforms cities and other urban areas.<sup>134</sup> Municipalities rely on the National Bureau of Statistics as the main source of population data, and while records on other aspects of the population may be obtained from the National Registration Bureau, which issues and replaces identity documents, such data is not disaggregated by any criteria that might be used to identify IDPs or capture their needs. Data from the National Bureau of Statistics is used by the Ministry of Finance to determine financial allocation to local authorities, for example through the Local Authorities Transfer Fund.<sup>135</sup>

As noted above, closure of camps was a priority of the government of Kenya. According to interviews with City Council staff in Nairobi, local level response was coordinated through the ‘Response Committee’ chaired by area chiefs in the Ministry of Provincial Administration and Internal Security. The committee was the focal point in local sites for various stakeholders to deliver assistance to (encamped) IDPs.<sup>136</sup> The council, through its social workers, was able to provide psychosocial help to IDPs and to solicit assistance from well wishers in the form of clothing and food items.<sup>137</sup> The services and personnel were from the Social Services Department.<sup>138</sup> However, the unclear division of labor among government-mandated entities resulted in the eventual exclusion of municipal authorities from IDPs assistance programs. As the Deputy Director of the Social Services, Nairobi City Council remarked:

I believe that we could have played a more prominent role as the City Council if we had a plan or project specific to IDPs. The Council could have allocated more funds and human capacity to IDPs. But the available resources were channeled through the Ministry of Special Programs; our input was minimal.<sup>139</sup>

The focus on IDPs living in camps resulted in the inadvertent neglect of ‘integrated’ IDPs, some of whom were believed to have achieved a durable solution in non-camp settings.<sup>140</sup> The closure of IDP camps was largely viewed as synonymous with end of displacement, and it was assumed that those who had ‘integrated’ could eventually recover from the negative impacts of displacement once back in the community. Furthermore, the perception that only IDPs in camps were ‘genuine IDPs’ further detracted from efforts to assist those living outside of camps. For

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<sup>134</sup>In Nairobi, for instance, City Council employees told us which ethnic groups are concentrated in Kibera, Kawangware, Mathare, Kangemi and other informal settlements, but could not indicate estimates of the number of IDPs living in those areas or other parts of the city.

<sup>135</sup>LATF is an intergovernmental transfer system that provides resources to local authorities to supplement the financing of services and facilities required by citizens. It accounts for 5 percent of the national income tax. From the 5 percent each local authority receives a basic percentage of 5.25 percent. LATF is used for development projects and is not accessible to individuals or groups. Interview with Vincent Opondo, Researcher at South Consulting, Nairobi, October 2012.

<sup>136</sup> Phone Interview with a social worker at Nairobi City Council, August 2012.

<sup>137</sup> Interview with Deputy Director, Social Services, Nairobi City Council, 27 August 2012.

<sup>138</sup>The relevant offices within the Social Services department were the Children’s Section and the Community Development and Welfare Section, part of whose responsibility includes capacity building and provision of technical assistance to the less fortunate in society. Ibid.

<sup>139</sup> Interview with Deputy Director, Social Services, Nairobi City Council, 27 August 2012.

<sup>140</sup> Interview with Simon Mwangi, Chairperson of integrated ‘old caseload’ IDPs that now live in Bahati area of the Rift Valley, October 2012.

example, the Restoration of Farm Infrastructure and Rural Livelihoods Project, of the Ministry of Special Programs, focused on IDPs who pursued agricultural livelihoods, a priority that inadvertently excluded thousands of displaced non-farmers such as artisans, hawkers and other business people whose livelihoods had been destroyed through looting or arson. Even though the Early Recovery Cluster supported livelihoods recovery programs through cash assistance and vouchers for seeds and fertilizers, these were tailored to assist rural agriculture livelihoods, which again excluded non-farmers and urban dwellers, most of whom needed cash assistance or compensation to replenish their stock or to purchase work tools and equipment. Similarly, the shelter reconstruction program supported by the MOSSP and the Shelter Cluster assumed that a majority of those displaced owned the houses from which they were displaced – yet as described above, a large number of IDPs were tenants. The owners of destroyed houses in places such as Burnt Forest near Eldoret were not displaced.

#### *IDP assistance mainstreamed into municipalities' service delivery programs*

Although municipal authorities in Kenya do not generally understand population movements very well and hardly plan for or allocate budgets to IDPs, assistance to displaced persons living outside of camps is mainstreamed, albeit unconsciously, in service delivery programs. In Nairobi, for example, the Community Development section of the City Council is concerned with improving the living standards of those residing in slums and informal settlements, particularly women and youth. Nairobi Municipality staff interviewed said that personnel in the Community Services section encourage the establishment of self-help groups for income generating activities. Through funding and finding markets for their products, the City Council builds the capacity of such self-help groups to attain the status of Small and Medium Enterprise (SMEs).<sup>141</sup> Although there is no evidence that integrated IDPs are targeted or have benefited from this initiative, it is possible that some have benefitted from social assistance programs implemented in neighborhoods where they reside:

When the camps were closed the IDPs mingled with the rest of the community and are maybe doing better now. Our programs are for everyone and we do not single out certain groups for assistance. It is possible some of our beneficiaries are IDPs.<sup>142</sup>

Similarly, the Family Welfare section of the Nairobi City Council aims to build the capacity of the less fortunate in society through vocational training for women and youth. Given that the data on beneficiaries is not disaggregated by criteria that codify various types of urban vulnerability, it is not possible to know if integrated IDPs are benefiting or have benefited from city council programs; however, there is a high possibility that some IDPs have received assistance as 'vulnerable' people.<sup>143</sup>

When asked about their relationship with the Nairobi city council, some of the 'integrated' IDPs interviewed said the council had done 'nothing' to assist them to finding durable solutions.

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<sup>141</sup> Phone Interview with a member of staff, community development section, Nairobi City Council, City Stadium offices, 23 August 2012.

<sup>142</sup> Ibid.

<sup>143</sup> Interview with personnel of the Family Welfare section, Nairobi City Council, Makadara Offices, 25 August 2012,

However, they noted that they have been treated ‘normally’ as part of the society with equal duties and responsibilities towards the council as other citizens, without highlighting their specific challenges in a context where problems associated with urbanization affect everyone.

I was displaced from Kibera, where I had my own houses and businesses. I now live in Kayole, where I am trying to start life afresh. I have started small vegetable businesses here and the city council still asks for business permits from me. They don’t want to know my problems because here, everybody has problems.<sup>144</sup>

The Children’s Department of the Nairobi City Council is mandated to protect and rehabilitate street children. It runs three boy-child centers, including a youth center at Shauri Moyo and a girls’ center in Kayole. Interviews with officers at the department revealed that there was an increase in the number of street children (approximately 200) in Nairobi following the period of 2007 post-election violence. The department believes the spike is representative of genuinely displaced children from the Rift Valley and Central provinces, which had large numbers of separated children in need of protection and assistance. While most of the children were eventually reunited with their families, those whose families could not be traced continued to live at the centers and facilitated to access education in public schools.<sup>145</sup> One of the staff members indicated that some of displaced children have been provided with basic needs and access to social services through the Children’s Department:

Our target group is orphaned and vulnerable children; we do not target any sub group such as IDPs. But given the number of children we rescued after the violence, it is very possible that we have continued helping some displaced children. We can safely say that they are now integrated within our community while they continue with their education. At the center we give them food, clothing and shelter<sup>146</sup>

#### *Municipalities’ support for durable solutions*

Whereas the Nairobi City Council played a minimal role in responding to displacement in early 2008, it may be argued that non-discriminatory programming actions that also recognized the vulnerability of all citizens can potentially expedite recovery, as “Not focusing on their special vulnerability can help them to heal and move on if they realize that other people are also suffering.”<sup>147</sup> The Municipal Council of Eldoret played a vital role in promoting peace and sustainable livelihoods for IDPs living outside of camps. Although direct contact between IDPs and municipal authorities was limited,<sup>148</sup> the involvement of elected councilors in reconciliation efforts contributed significantly to the acceptance of integrated IDPs in host communities and enhanced the return of those who had fled to other regions.<sup>149</sup> As in Nairobi, however, the various municipal departments responded to IDPs on an *ad hoc* basis, extending programs

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<sup>144</sup> Interview with integrated IDP, 13 August 2012.

<sup>145</sup> Interview with Deputy Chief Children Officer, Children section, Nairobi City Council 27 August 2012.

<sup>146</sup> Interview with social worker at the Children department 27 August 2012.

<sup>147</sup> Interview with Benson Azariah, anthropology lecturer at Catholic University of Eastern Africa, October 2012.

<sup>148</sup> Interview with representative from the International Organization for Migration, Eldoret, August 2012.

<sup>149</sup> Interview with District Commissioner.

designed for the general population to include IDPs living in their midst. Eldoret Municipality undertook the following actions to promote durable solutions:

i. A peace and reconciliation campaign by elected municipal leaders

According to a Public Relations officer of the Municipal Council of Eldoret, the municipality sought to enhance a peaceful environment in Eldoret and surrounding areas by initiating a peace campaign dubbed '*Amani Mtaani*' which entailed messaging for reconciliation between the rival communities:<sup>150</sup>

After the signing of the Peace Accord, the warring groups (Kalenjin and Kikuyu or PNU vs. ODM) were led to forge artificial peace; they were not given a chance to speak about the reasons they hate each other. Our leaders realized that peace must be put on the agenda at all times. Area Development Committees composed of 20 people in every ward were given additional responsibility to promote peace. The municipal authority worked closely with NGOs and the central government.<sup>151</sup>

The initiative, in which elected councilors and the office of the mayor took an active role, targeted youth, politicians and 'opinion leaders' from all violence-affected communities. These efforts complemented the District Peace Committees (DPCs) that the central government expanded in June 2008 to enhance the capacity of existing emergency response and conflict early warning mechanisms. Through the DPCs and NGOs, the municipal authorities participated in 'connector projects' such as reconstruction of bridges, livelihoods recovery programs for women and youth in nine locations of Wareng district. The 'connector projects' targeted 'integrated' IDPs and the general population<sup>152</sup>

ii. Psychosocial counseling services

Eldoret Municipality, in collaboration with the central government and NGOs such as the Kenya Red Cross, Catholic Justice and Peace Commission, Catholic Relief Services, the International Organization for Migration, Danish Refugee Council, and the Refugee Consortium of Kenya, facilitated psychosocial counseling and other health-related interventions to traumatized IDPs. The Catholic Diocese of Eldoret supported integrated IDPs, including hundreds who were not officially registered or assisted by the government. The Diocese distributed food and non-food items such as iron sheets, doors and windows for shelter among 'integrated' IDPs from all ethnic groups.<sup>153</sup>

iii. Provision of fire brigade services

The Municipal Council of Eldoret provided fire brigade services during the political crisis, which contributed significantly to reducing loss of property and documents. As the public relations officer observed, "The fire department was critical in administering first aid and rescuing or

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<sup>150</sup> Literally 'peace in the neighborhood'.

<sup>151</sup> Interview with Mr. Kotut in Eldoret town, August 2012.

<sup>152</sup> Ibid.

<sup>153</sup> Interview with Program Coordinator, CJPC Eldoret, September 2012.

salvaging property: we managed to put off more than three hundred fire incidents.” Restoration of rescued property to returning IDPs expedited their recovery process.

iv. Education, water and sanitation

The Municipal Council of Eldoret opened up its schools to IDPs, which temporarily served as camps, and connected water, sewerage, electricity and garbage disposal for IDPs living in camps. The water taps were also accessible to persons living outside of camps. Internally displaced children were allowed unfettered access to public schools within the municipality. Measures such as the distribution of school books, pens and suspension of the requirement to wear school uniforms allowed many IDPs to continue access to schools.<sup>154</sup> Although Wareng ward in Eldoret only received piped water for a few months, the municipality has endeavored to provide accessible water points in informal settlements where a majority of integrated IDPs are found within Eldoret.

v. Child protection

The post-election violence resulted in a large number of street children in Eldoret Municipality. The council, in partnership with UNICEF, initiated a child protection center that feeds over 300 children daily. At the center, the children also receive counseling and access to education in nearby council-managed schools. Prospects for family reunification are explored through the Children’s Department and social workers: “Those camping in open spaces have gone back home, and we are helping to remove children from the street and reuniting them with their parents or kin.”<sup>155</sup>

vi. Livelihoods recovery and participation in community development

In Eldoret Municipality, local authorities, in collaboration with central government ministries and NGOs, supported the participation of both ‘integrated’ IDPs and local community members in livelihoods rehabilitation and community development activities. Over 3,000 young people benefited from employment opportunities provided through the ‘Kazi Kwa Vijana’ initiative implemented in the municipality.<sup>156</sup> In addition, the distribution of seeds and fertilizers to farmers, the provision of tractors for hire, and a tree-planting initiative targeting returning IDPs and vulnerable members of local communities facilitated livelihoods recovery for violence-affected households.<sup>157</sup> Similarly, training on livelihood strategies through UNDP-supported District Business Solution Centers and at market centers encouraged public participation in the rehabilitation of infrastructure and livelihoods for returning IDPs and other community members, including the ‘integrated.’<sup>158</sup> The Eldoret Municipal council formed 14 Area Development Committees to promote peace, identify vulnerable community members and their specific

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<sup>154</sup> Interview with program staff of the National Council of Churches of Kenya (NCCCK) and Mercy Corps, Eldoret, August 2012.

<sup>155</sup> Interview with the Public Relations Officer, Eldoret Municipal Council, August 2012.

<sup>156</sup> Ibid.

<sup>157</sup> Minutes of Early Recovery Cluster, 21 January 2008.

<sup>158</sup> Interview with assistant Protection Officer, UNHCR, August 2012.



assistance needs; to coordinate resource mobilization; and to monitor and evaluate interventions implemented in the municipality.<sup>159</sup>

vii. Burial services

The Municipal Council of Eldoret facilitated the collection of bodies and provided burial services for unclaimed bodies. “The council undertook to bury more than 500 unclaimed bodies. Mass graves were prepared at the cemetery.”<sup>160</sup> ‘Integrated’ IDPs who had lost loved ones during flight benefited from interventions by the municipality and NGOs to provide burials.<sup>161</sup> Although the burial of unclaimed bodies is part of the municipality’s mandate, this role contributed to the healing process in the post-crisis period. In addition, local political leaders and council officers played a key role in mobilizing the community to accept trauma counseling services provided by NGOs and international agencies.

### **Challenges municipalities face in assisting ‘integrated’ IDPs**

Municipal authorities in Kenya play an important role in assisting IDPs through their routine social programs as well as *ad hoc* response to unexpected situations of displacement. While these efforts enrich the work of mandated national authorities, IDPs continue to exist within municipalities even after the end of formal interventions. IDPs in dispersed settings can therefore be negatively correlated with a backlog in social service delivery, social ills such as crime, economic underdevelopment and conflict with host communities.

According to the Inter-Agency Standing Committee Framework on Durable Solutions, displacement ends when IDPs return to the prior residences from which they were forced to flee, integrate locally in areas where they took refuge, or relocate to another part of the country.<sup>162</sup> When one of these durable solutions occurs and IDPs no longer have needs specifically related to their displacement, displacement is considered to have ended. This does not mean that they may not continue to have a need for protection and assistance, but their needs would be no different from other, similarly-situated citizens. In Kenya, there is little consensus among policy-makers and ordinary citizens on when displacement ends. For instance, persons displaced in the ethnic clashes of the early 1990s continue to claim to be displaced even though the majority have since relocated and self-settled in other parts of the country. Similarly, those who have received *ex-gratia* payments, shelter reconstruction funds and land allocation from the government view themselves as IDPs. As noted above, government attention to farmers inadvertently created the impression that displaced non-farmers and landless people are imposters or ‘fake’ IDPs. Furthermore, the common assumption by some national authorities that displacement ends with the closure of camps obscures the magnitude of IDPs living outside of camps. It also veils the longer-term impacts of displacement on livelihoods and ethno-political relations in post-crisis societies, which are factors that contribute to the realization of durable solutions. For example,

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<sup>159</sup> Interview with Public Relations Officer, Eldoret Municipality, August 2012.

<sup>160</sup> Interview with the Coordinator, Catholic Justice and Peace Commission in Eldoret, October 2012.

<sup>161</sup> Interview with Researcher at the Nairobi Peace Initiative-Africa, October 2012.

<sup>162</sup> Brookings Institution-University of Bern Project on Internal Displacement, *IASC Framework on Durable Solutions for Internally Displaced Persons*, 2010.

although the end of violence and formal closure of camps may signal the end of a humanitarian crisis, affected populations may continue to require assistance until institutions and social service delivery systems are rehabilitated and functional again. Reconstruction of homes and infrastructure, addressing healing and reconciliation needs and restoring justice and rule of law institutions can take time. Although ‘integrated’ IDPs in Kenya sometimes face challenges similar to those of the resident populations, the influx of IDPs into urban areas can influence the quality of service delivery and gradually transform host regions in ways that require planning and budgeting for a population larger than the projected estimates. Lack of resources for the ever-increasing demand for social services can prove to be a perennial challenge for municipalities.

#### *Lack of explicit mandate and clear division of responsibility*

The dominant role of the Ministry of Special Programs and other government ministries inhibits the full involvement of municipal authorities in planning for and implementing programs on IDPs. Local authorities are reluctant to dabble in activities belonging to the mandate of other government organs, particularly if clear coordination mechanisms are lacking. The fact that municipalities act on behalf of the central government in their localities further complicates the understanding by actors of the extent to which municipalities are able to act autonomously on matters that fall within their legal mandate. In Nairobi Municipality, for instance, actors in IDP management and administration do not recognize municipalities as significant actors in IDP protection and assistance. An official at the Ministry of Special Programs observed that although IDPs are found in geographical areas administered by municipal authorities, their role remains unclear: “I am not sure what they do for IDPs, but I know they are not present in most interventions that this Ministry coordinates.”<sup>163</sup> In situations where land is to be procured for the settlement of IDPs, the Ministry of Lands takes the lead – with minimal involvement of the municipality. Civil society actors and UN agencies interviewed similarly observed that municipalities in Kenya do not receive funding for IDP protection and assistance programs, because the Ministry of Special Programs, other ministries and national Protection Working Group on Internal Displacement (PWGID) handle coordination, program implementation and policy.<sup>164</sup>

#### *Lack of comprehensive data on the nature and situation of IDPs in dispersed settings*

Apart from the data provided by the National Bureau of Statistics, municipalities do not have reliable data on the people living within their jurisdiction. The number of IDPs living outside of camps in urban areas is therefore unknown, yet population data is critical for planning, budgeting, social service delivery and other municipal functions. The profiling exercise conducted in 2008 is said to have focused largely on IDPs living in camps, and even though district officials involved in the process could have taken into consideration those living outside of camps, the fact that many did not wish to self-identify as IDPs for various reasons means available estimates are unreliable. Members of the PWGID have been advocating for an inclusive profiling exercise to rectify the situation.<sup>165</sup>

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<sup>163</sup> Informal interview with officer from Ministry of State for Special Programs, August 2012.

<sup>164</sup> Interviews with officers from KHRC, Article 19 and UNHCR, August 2012.

<sup>165</sup> Interview with Davis Malombe, KHRC, August 2012.

### *Perception of bias and discrimination toward dispersed IDPs*

As noted above, interventions have tended to focus on IDPs living in camps because they are clearly visible. It is easier to measure achievement of targets when dealing with identifiable groups of vulnerable people than with beneficiaries hidden among equally needy persons. The perception that the lives of those living outside of camps have normalized within the community affects the extent of protection and assistance offered to integrated IDPs.<sup>166</sup> Integrated IDPs have therefore complained of ‘neglect’ or ‘abandonment’ by the government.<sup>167</sup> In addition, the focus on the 2007 post-election and consequent exclusion of older caseloads or IDPs resulting from other factors other than the political crisis fuelled allegations of marginalization of different categories of IDPs.

### *Inadequate representation of municipalities in key protection activities and forums*

Municipal authorities in Nairobi and Eldoret municipalities are not members of the Protection Working Group on Internal Displacement that brings together state and non-state actors to debate program interventions and policy response to internally displaced persons. In particular, municipal authorities were absent in the development of the draft IDP policy and IDP bill. Exclusion from such fora hinders their understanding of the problems facing IDPs and how influxes influence the communities that they serve or the adequacy of their mandated services in host areas. It also excludes them from debate and access to a platform to which they can share information about their capacity and expertise and contribute meaningfully to responses to IDPs within the municipality. Similarly, ‘integrated’ IDPs are not always represented in decision-making processes, in part due to delayed access to information that is often posted on websites or internet mailing lists. They also face difficulty in networking because they do not know one another, are located far apart from one another and lack of logistical support such as transportation to attend meetings or access to related information.

## **Conclusion and Recommendations**

In Kenya, the role of municipalities and municipal authorities in responding to IDPs living outside of camps is peripheral. Existing legal and institutional arrangements designate ministries in the central government with responsibility for IDPs. The Ministry of Special Programs is the focal point, and coordinates response activities with other ministries whose mandate and competence touch on the needs of IDPs. Municipalities derive their authority from the laws of Kenya. Although their jurisdiction lies more or less at the same geographic level as the national/central government, the practice is that municipal authorities exercise delegated mandate through constitutional arrangements or legislation. Although displacement and its effects are most felt in local sites, municipal authorities generally do not respond to displacement because it is largely viewed as the preserve of national or central government. Moreover, IDPs living outside of camps are largely invisible and their specific vulnerabilities may not be significantly different from those of host communities, particularly in urban areas. Municipal authorities do not understand the demographic dynamics of the people living in their area of

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<sup>166</sup> Interview with officer at UNHCR August 2012.

<sup>167</sup> FGD with a group of integrated Kalenjin women IDPs in Eldoret, August 2012.

jurisdiction, or how sudden influx of IDPs can transform societies or impact on service delivery indicators.

Municipalities rely on demographic data from the Central Bureau of Statistics and align their strategic goals with national development plans; therefore, they do not plan or budget for IDPs. At the same time, some municipal officials may consider displacement as a temporary phenomenon that need not be factored in development or service delivery plans. Some actors may argue that the challenges facing ‘integrated’ IDPs are no different from those of the rest of the population and that specific assistance programs may be discriminatory toward other categories of vulnerable people. These considerations notwithstanding, ‘integrated’ IDPs who are not registered with the government are excluded from government interventions to find durable solutions. Exclusion can exacerbate vulnerability or erode resilience, or delay recovery from the effects of displacement. As the case of the Kalenjin ‘integrated’ IDPs shows, exclusion from assistance programs can slow the pace of post-conflict reconciliation in polarized political contexts.

Municipal authorities tend to provide social services to ‘integrated’ IDPs through their regular programs such as education, healthcare, water and sanitation in urban areas. For example, displaced persons access medical care in municipal health centers and their children are absorbed in local public schools, while IDPs may be part of ‘vulnerable’ people targeted for special assistance in local sites. Although international and local NGOs and religious groups may design programs that include ‘integrated’ IDPs – such as ‘connector’ projects in Eldoret of Business Solutions Centers in Nairobi, most policy makers interviewed for this study were of the view that displaced people already living within the community should be encouraged to cease considering themselves as IDPs and focus on post-conflict recovery and durable solutions. Indeed, the closure of camps is seen in Kenya as the most important indicator of the end of displacement, even though in reality, the conditions for attainment of durable solutions remain tenuous. As the situations in Kibera, Mathare and other informal settlements in Nairobi indicate, the plight of displaced non-farmers and home owners and their continued lack of livelihoods perpetuate their displacement. Displacement in urban areas is easily entangled in dynamics of urban poverty and urban organized crime, aspects that require more robust and holistic approach to development and governance challenges in urban areas.

The role of municipalities in managing internal displacement is peripheral due to government practice. However, it is municipalities that bear the brunt of the negative impacts of influxes of IDPs. This study finds that while municipal authorities remain peripheral in the management of migration or displacement affairs, there is room for greater involvement. In particular, the new constitution of Kenya has created a devolved government structure that will see municipal authorities play a more central role in the management of affairs at the local level. Even though the constitution requires consultation and coordination between the County and Central governments, the devolved units will play clearer and key roles in the planning and budgeting for populations living in their areas of jurisdiction. Provided below are recommendations for municipal authorities to enhance their response to IDPs living in their jurisdiction, working with concert with central government:

- 1. Collect and maintain data on IDPs:** The central government, municipal authorities and NGOs should develop and maintain effective information-sharing channels. Municipal authorities know little about the number of people living in their towns or municipalities. Yet, reliable data on the population as well as ward-level information are critical for planning and budgeting for social service delivery. Understanding forced migration patterns and the ways in which an influx of IDPs transforms cities and municipalities is important to forestall social conflicts that often result in forced migration. Municipalities should build internal capacity for data collection, management and sharing data with other government entities. The number of ‘integrated’ IDPs should be established and feasible strategies to assist vulnerable IDPs living among slum dwellers explored
- 2. Enhance inter-ministerial coordination:** The exclusion of the Ministry of Local Government from central government programs to address IDPs leaves out an important actor since the location and specific needs of IDPs lie within the mandate of municipalities. A more inclusive process that also enhances the participation of ‘integrated’ IDPs in decision-making processes should be adopted.
- 3. Plan and budget for IDPs:** Municipalities in Kenya do not plan for internal displacement despite the fact that some regions are affected by cycles of violence and displacement. *Ad hoc* responses to recurrent humanitarian crises reflect an inherent unwillingness to plan for and take a more active role in the management of IDP affairs. Officials interviewed for this study observed that local authorities did not participate in IDPs response programs due to institutional arrangements that excluded the Ministry of Local Government and the fact that they did not plan or budget for IDPs. Some observed that they have served IDPs in their general programs, and that they have had to scale up services to absorb the sudden influx of displaced people. While municipalities do not collect demographic data, statistics from health clinics, schools and offices that collect taxes and rates can be used to supplement information used for projections and planning for social service delivery and development. Addressing internal displacement needs to be an important feature in their annual plans and longer-term strategic objectives.
- 4. Conduct research on the long-term impacts of displacement on livelihoods, social cohesion and durable solutions for IDPs in urban areas:** The closure of camps does not necessarily signal the end of violence or the attainment of durable solutions. IDPs move into urban areas which are generally safer than rural areas, where they are compelled to adapt to urban livelihoods. Livelihoods recovery and healing processes can be protracted, and IDPs continue to require assistance until basic conditions of safety and dignity are restored. The largely ‘hands-off’ approach to ‘integrated’ IDPs is often seen as official neglect, while responding to only encamped IDPs risks fueling resentment in ethnically-polarized contexts, undermining peace-building and reconstruction efforts. Lessons on how to include ‘integrated’ IDPs and host communities in recovery and development programs can be drawn from the experience of ‘connector projects’ in Eldoret Municipality. Municipal authorities should strengthen their role in identifying the vulnerable among IDPs living outside of camps and extend assistance to them in manner sensitive to the assistance needs of community members living side by side in similar socio-economic circumstances.

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