



UNIVERSITY OF NAIROBI

INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

**ADDRESSING INTERNAL DISPLACEMENT AS A HUMANITARIAN-
DEVELOPMENT CHALLENGE AND OPPORTUNITY CHALLENGE IN
AFRICA: A CASE STUDY OF KENYA**

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DECLARATION

I, **RUFUS KINYUA KARANJA** hereby declare that this research is my original work and has not been presented for an award of a degree to any other University.

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This research project has been submitted for examination with my approval as the University supervisor.

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DEDICATION

To all the internally displaced persons (IDPs) and affected communities in Kenya, whose plight and daily struggles have inspired this paper with the hope that they will all attain durable solutions.

ACKNOWLEDGEMENT

My sincere gratitude goes to all the IDPs who respondents and key informant interviewees whom I engaged with and who informed the contents of this study. I truly remain indebted to all the IDP respondents for their candid discussion and explanation of their plight and their quest to achieve durable solutions. I am forever grateful for the ample time that each of the respondents provided as I administered the questionnaire for this study. In deed their inputs have expanded my understanding of internal displacement in Kenya and also the challenges and opportunities that exist in pursuit of durable solutions for displacement affected populations.

I also have immense gratitude to my university supervisor, Mr. Martin W. Nguru, for his academic and ideological guidance from proposal conceptualization to the final thesis write up. I am grateful for your professional guidance and also critical feedback that helped me to crystalize my arguments in this paper.

ABSTRACT

Internal displacement is a life changing event that results in the destruction of property, removal of persons from their habitual homes, loss of livelihood, family separation, and susceptibility to physical insecurity of victims during flight and in most instances loss of lives.

The challenge with securing durable solutions for displaced-affected populations is that it is often a long-term process that entails resettlement and reintegration as well as ensuing vulnerabilities, while ensuring that IDPs enjoy their rights (socio-economic as well as political) without discrimination related to their displacement. This process is often complex and involves multiple challenges such as restoring the human rights of IDPs who have been affected by their being displaced; addressing their humanitarian needs such as providing them with temporary shelter, food rations and emergency health services; as well as addressing their long-term development needs such as ensuring their access to basic services (education and health care), enhancing their self-reliance and resilience capacities through livelihoods.

This study aims to make a case for the need for the government of Kenya, humanitarian actors, development actors, international and local NGOs to promote the conceptualization of internal displacement not only as a humanitarian and human rights challenge but also as a development challenge and opportunity.

From the findings and analysis, the study concludes that Kenya has been able to enact a comprehensive legislative framework on protection and assistance of IDPs and affected communities through the enactment of the IDP Act of 2012. This Act has a broad conceptualization of displacement and durable solutions as it mirrors the provisions of the Kampala Convention and the UN Guiding Principles on Internal Displacement. The study concludes that is a very positive step for Kenya towards anchoring facilitation of durable solutions and the prevention of internal displacement and protection of IDPs within a comprehensive policy architecture, however the main challenge remains on the implementation of the Act which threatens to scuttle the major gain Kenya has made as far as facilitation of durable solutions for IDPs and affected communities.

The study has also found out that there has been a radical paradigm shift in the conceptualization of displacement as a humanitarian and development challenge and opportunity. Varied stakeholders including government officials, development donors and non-governmental practitioners have begun to embrace this conceptualization. However, key challenges still remain as relates to institutional multi-actor response and funding modalities among donors that would enable multi-year funding that incorporates development funding towards addressing internal displacement.

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ABBREVIATIONS

AU	African Union
AfDB	African Development Bank
CSOs	Civil Society Organisations
CVI	Content Validity Index
DRC	Danish Refugee Council
GAAM	Global Approach to Migration Management
GPFD	Global Program on Forced Displacement
HLP	Housing Land and Property
ICGLR	International Conference on the Great Lakes Region
IASC	Inter-Agency Standing Committee
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IDPAC	Internal Displacement Policy Advocacy Centre
IRC	International Rescue Committee
JIPS	Joint Internal Profiling Service
KII	Key Informant Interviews
KNCHR	Kenya National Commission on Human Rights
KHRC	Kenya Human Rights Commission
LAPSSET	Lamu Port-Southern Sudan-Ethiopia Transport
LRA	Lord's Resistance Army
MoJNCCA	Ministry of Justice National Cohesion and Constitutional Affairs
MoSSP	Ministry of State for Special Programmes
NCCC	National Consultative Coordination Committee on Internally Displaced Persons
NGOs	Non-Governmental Organisation
NLC	National Land Commission
NLP	National Land Policy
NRC	Norwegian Refugee Council
OPM	Office of the Prime Minister of Uganda
RSG	Representative of the UN Secretary General
TJRC	Truth Justice and Reconciliation Commission
UN	United Nations
UNDP	United Nation Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNOCHA	United Nations Office Coordinating Affairs
URCS	Uganda Red Cross Society
PEV	Post Election Violence

PSC	Parliamentary Select Committee on Resettlement of IDPs
PWGID	Protection Working Group on Internal Displacement
RDPP	Regional Development Protection Program
RLP	Refugee Law Project
RCK	Refugee Consortium of Kenya
SR/IDPS	Special Rapporteur on Human Rights of IDPs
UNHCR	United Nations High Commission for Refugees
WASH	Water Sanitation and Health
WB	World Bank

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CHAPTER 1: INTRODUCTION TO THE STUDY

1.1 Introduction

Internal displacement is a transformative event that results in the destruction of property, removal of persons from habitual home or livelihood, family separation, susceptibility to physical insecurity of victims during flight and in most instances loss of lives.¹ For a long while there was not consensus of who is an internally displaced person (IDP) or what constitutes being internally displaced. This was up until in 1992 when the first RSG on IDP was appointed with an order to gather global benchmarks forming the standardizing system for tending to inward removal. The consequence of this arrangement was the definition of the UN Guiding Principles on Internal Displacement which was submitted to the UN Commission on Human Rights in 1998. The UN Guiding Principles characterize IDPs as:

people or gatherings of people who have been constrained or obliged to escape or to leave their homes or places of ongoing habitation specifically because of or keeping in mind the end goal to dodge the impacts of outfitted clash, circumstances of summed up savagery, infringement of human rights, regular or human-influenced catastrophes and who to have not crossed an inside perceived outskirts .²

Key tenets of this definition is that internal displacement occurs where there is forceful movement of a person or groups of persons against their wish; that they have been displaced within a country's borders and that there are various causes of internal displacement which include politically-related violence, natural and manmade disasters and displacement as a result of Government sanctioned development projects.

¹ IASC Framework on Sturdy Solutions, Brookings Institution, Geneva, 1998, p. 1

² UN Guiding Principles on Internal Displacement

The phenomenon of internal displacement is a global phenomenon which causes devastating effects on the affected populations as well as the host communities. By the end of 2016, a sum of 31.1 million individuals were displaced internally worldwide because of outfitted clash, summed up savagery and catastrophes. This figure as per the Internal Displacement Monitoring Center (IDMC) means one individual being compelled to escape each second. In 2016, over 6.9 million people were internally displaced due to conflict in 2016 with sub-Saharan Africa overwhelming the Middle East as the locale generally influenced, due to ongoing conflict in South Sudan and the DRC³.

The challenge in most states faced with internal displacement is the lack of comprehensive policy and legal frameworks to anchor safety and support for IDPs on well-defined normative and legal frameworks that ascribe responsibilities to national authorities and modalities of offering the safety and support to the IDPs and affected society.

Displacement affected populations are often traumatized, their human rights curtailed and some end up staying in internally displaced persons (IDPs) camps for protracted periods of time. In addition, there are those categories of IDPs who choose not to go to the camps but opt to be integrated or hosted by families or friends in other parts of the country hence becoming “integrated IDPs” or “invisible IDPs”. Despite the traumatic experience that IDPs face and the

³ IDMC. 2016 Global Report on Internal Displacement (GRID 2016), <http://bit.ly/23Bl2mq>, Accessed 20 October 2017

improvement that they experience in terms of livelihood and property; there is need for them to resume a normal life by achieving sustainable solutions or what is called *sturdy solutions*.

1.2 Statement of the Research Problem

The Inter Agency Standing Committee (IASC) “through the Framework on Sturdy Solutions for IDPs, provide that a sturdy solution is achieved when, IDPs no longer have specific safety and support needs that are linked to their displacement and when such persons can enjoy their human rights without discrimination resulting from their displacement.”⁴

Key components for reasonable solid arrangements that enable previous IDPs to remain and completely incorporate at their preferred area incorporate the re-foundation of physical security, compensation of property, access to vocations and essential administrations, and non-separation.

Although this definition of sturdy solutions has been in existence for a while now and has offered some clarity on what amounts to a sturdy solution as well as when internal displacement ends, key questions still remain: why is it that there are still protracted cases of internal displacement in different parts of the world and more so the East and Horn of Africa? Why it that solutions offered to displacement-affected populations is are not sustainable? Are the three prescribed solutions real end goals of displacement or are they processes that should lead to sustainable reintegration of displacement-affected populations?

The challenge with securing sturdy solutions for displaced-affected populations is that it is often a lasting process that entails lessening displacement-specific needs and ensuing vulnerabilities, while certifying that IDPs enjoy their rights (socio-economic as well as political) without

⁴ *Principles 28 - 30* of the UN Guiding Principles

discrimination related to their displacement. This process is often complex and involves multiple challenges such as restoring the human rights of IDPs who have been affected by their being displaced; addressing their humanitarian needs such as providing them with temporary shelter, food rations and emergency health services; as well as addressing their long-term development needs such as ensuring their access to basic services enhancing their self-reliance and resilience capacities through livelihoods.⁵

Researches conducted around sturdy solutions for internal displacement reveal that although there are three strong arrangements recommended: reintegration at the place of origin (return), sustainable local integration where IDPs take refuge (local integration) and sustainable assimilation in another part of the country (resettlement),⁶ there still remains a great challenge of shifting the discourse of internal displacement beyond humanitarian sphere and linking it within the development sphere. There is great need for a paradigm shift to respond to internal displacement through a development lens and to embrace a multi-sectoral, multi-actor approach that involves different actors including governments, development agencies such as WB and AfDB, private sector actors, local and international NGOs. The reason for is that forceful removal of populations regularly has different and covering causes which calls for colossal reactions that advance peacebuilding, administration, strength and compromise.

To this end, this research will seek to interrogate the incentives, policy measures and factors needed to shift the paradigm shift to link response of internal displacement from a humanitarian to development especially within the context of Kenya, where responses to internal displacement

⁵ IASC Framework on Sturdy Solutions p. 7

⁶ UN Guiding Principles (1992) *Principle 28 para 1*

situations have largely been seen as a humanitarian issue of concern. The research will seek to understand what are the key constraining factors or ideologies within the humanitarian and development sector that hinder this paradigm shift?

1.3 Objectives of the Research

1.3.1 Main Objective

- The research will seek to make a case for the need for government of Kenya, humanitarian actors, development actors, international and local NGOs to promote the conceptualization of internal displacement not only as a humanitarian and human rights challenge but also as a development challenge and opportunity.

1.3.2 Specific Objectives

- To establish the extent to which the current normative and policy frameworks on internal displacement within Kenya provide for the promotion of sturdy solutions in the context of development interventions;
- To establish the key constraining factors that hinder the paradigm shift within humanitarian and development actors to adapt their interventions towards incorporating development-oriented sturdy solutions for IDPs;
- To establish the nexus between incorporation of development-oriented approaches and the pursuit of sturdy solutions for IDPs.
- To make out key recommendations to various stakeholders in facilitating sturdy solutions for IDPs and affected communities.

1.4 Justification for the Study

1.4.1 Academic Justifications

Durable solutions for displaced persons is a fairly new concept whose interpretation and implementation by government and non-state actors needs to be further examined to determine its effectiveness in offering sustainable solutions to IDPs. The legal and normative regime on preventing internal displacement and protecting IDPs are also fairly recent with the first set of the UN Guiding Principles on Internal Displacement being developed and adopted by the United Nations General Assembly in 1998. In Africa, which is the continent with the highest number of IDPs, the Kampala Convention has only been ratified by 25 countries out of the 54 African states.

Research conducted around the phenomenon of internal displacement has revealed that while there has been expanding consideration regarding extended refugee situation on the planet, considerably less consideration has been given to circumstances of extended interior relocation; notwithstanding the reality there are much a bigger number of IDPs than displaced people around the world. Facilitate there has been extremely insignificant subjective confirmation construct information in light of the achievement rate of usage of solid arrangements because of the absence of exhaustive, efficient accumulation of present and dependable disaggregated information on this concept.

This research therefore seeks to analyze the extent to which these legal and policy frameworks define and promote mainstreaming of development-oriented approaches in the implementation of the sturdy solutions for IDPs. It also seeks to analyze the gaps in interpretation and

implementation of this concept by states, humanitarian and development actors and inform advocacy programmes for the full implementation of the concept of robust solutions. Consequently this work will add to the already existing academic literature on the topic.

1.4.2 Policy Justifications

In most instances, situations of protracted displacement often impoverish affected persons and forces them into a downward trajectory of poverty and exacerbates their vulnerability.⁷ Displacement also emasculates the progress of affected areas and countries as a whole. To this end, in the last decade, there has been great focus within the international community to generate new initiatives aimed at profiling the need for a paradigm shift in conceptualizing displacement as a development challenge. To begin with, the UN Special Rapporteur on the Human Rights of IDPs in his July 2013 report⁸ to the UN General Assembly's 68th session welcomed the progressively broad acknowledgment of the requirement for a change in outlook that perceives dislodging as a philanthropic worry as well as an advancement and peacebuilding challenge in the period after outfitted clash.

Another recent initiative from the UN has been the steering of the UNSG's 2011 Policy Committee Decision on Sturdy Solutions and the piloting of its accompanying preliminary Framework on Sturdy Solutions in the result of Conflict. This framework seeks to identify priorities and to allocate responsibilities between key international stakeholders (humanitarian agencies as well as development and peace building actors) to support robust solutions for IDPs

⁷ Kaelin W., Schrepfer N., 'On the Margin: Kenya's Pastoralists: From Displacement to Solutions, A Conceptual Study on the Internal Displacement of Pastoralists.' IDMC, 2014

⁸ Report A/68/225 of UNSR on Human Rights of IDPs

as well as returning refugees. The preliminary framework is currently being piloted in Afghanistan, Cote d'Ivoire and Kyrgyzstan. The policy decision by the UN Secretary General reiterates the commitment of his mandate to ensure that there is an entrenching of cross sectoral, participatory advancement of rights-based and development-oriented approaches to facilitating sturdy solutions for DACs in different parts of the world.

Additionally, the launching of the Transitional Solutions Initiative⁹ through the signing of a tripartite agreement between UNHCR, World Bank and UNDP, is another case example of recent initiatives that are championing the need to work towards including displacement needs of IDPs in the developmental agenda. The activity additionally tries to help organize relocation needs on the advancement plan of governments and universal improvement givers and other private on-screen characters. The findings of this research will help policy makers to formulate appropriate policies on internally displaced persons.

1.5 Literature Review

This section offers a review and analysis of various literature materials (reports, journals and books) on internal displacement with a specific focus on the concept of sturdy solutions in the context of development-oriented approaches for IDPs. Internal displacement has been described as a life changing event and for most countries (especially African countries), it has been a historical problem due to the lack of comprehensive normative frameworks to provide for the support of persons displaced as well as affected communities. Equally, there has been a lack of comprehensive understanding on the part of various state and non-state actors alike of the

⁹ UNHCR, Transitional Solutions Initiative, <http://bit.ly/2irh58X> Accessed on 20 October 2017

dynamic and complex nature of some instances of displacement. For some countries, internal displacement is compounded by the multiplicity of the causes of displacement (*multi-causal factors*). For example in Kenya, causes of internal displacement have included political-related violence¹⁰; natural hazards (both rapid and slow on set disasters) for instance mudslides ,floods and prolonged drought situations; forceful evictions, and development induced displacement while in countries like Uganda, internal displacement has been caused by armed groups for instance the LRA and mudslide disasters.

The previous UNSRHR of IDPs, Walter Kalin, in his answer to the Human Rights Council noticed that, "the particular needs and human rights worries of IDPs don't consequently vanish when a contention or catastrophic event closes, neither do their [needs] blur away when individuals at first discover security from progressing strife or fiasco. Or maybe the uprooted generally confront proceeding with issues, requiring support until the point that they accomplish sturdy answer for their dislodging."¹¹ This statement illustrates the complexity of finding lasting solutions to displaced persons, that even though they may come back to their routine homes, settle somewhere else in the nation or attempt to incorporate locally at the place of their uprooting, they still need continued follow up of other development-related assistance and facilitation.

¹⁰ Since July 2013 there have been periodic eruption of ethnic-politically instigated violence in Moyale County

¹¹ Kalin W., Schrepfer N. 'On the Margin: Kenya's Pastoralists.' <http://bit.ly/2stpbjR> Accessed on 21 October 2017

Over the years, there have been raging debates on: when does displacement end?¹², what is the ideal sturdy solution to ending internal displacement? and to what extent is internal displacement a humanitarian or development challenge or opportunity?¹³. These debates have not ended but there has been progressive attempts in developing international and regional legal frameworks in an attempt to prevent internal displacement and to offer safety and support to the displaced persons and affected communities.

To this effect, at the international level one IDP-specific normative framework was developed: the UN Guiding Principles on Internal Displacement (1998) while at the regional level, the Great Lakes Protocol on IDPs¹⁴ and the Kampala Convention¹⁵ were also developed with the Kampala Convention coming into effect on 6th December 2012. All these frameworks provide for the safety and support of IDPs through the different periods of displacement, that is: prevention of displacement, safety and support during displacement and facilitation of sturdy solutions in the aftermath of conflict, occurrence of a natural hazard or in the context of climate change. The frameworks also established the basic values of a human-rights based approach to addressing IDPs. This approach takes the premise that IDPs are rights holders who deserve safety and support to enjoy their socio-economic as well as political rights. The normative frameworks also mandate states (national authorities)¹⁶ as being solely responsible for the defense and support to IDPs and affected communities.

¹² Mooney E. "When Does Displacement End?", <http://brook.gs/2l8GDZy> , Accessed on 21 October 2017

¹³ Kaelin W., Schrepfer N. 'On the Margin: Kenya's Pastoralists.

¹⁴ Protocol adopted on 30 November

¹⁵ This Convention was adopted in October 2009

¹⁶ *Principle 3, para 1* of the UNGP on Internal Displacement

The development of these legal frameworks has provided a unified definition of who an IDP is, the different causes of displacement and ascribed the responsibility of avoidance of displacement as well as safety and support of IDPs on national authorities (states). This definition has contributed greatly to the protection of IDPs since for a long while issues of internal displacement had not been given much attention and IDPs were only recognized in instances of conflict-related displacement. For instance in Kenya, the term “IDP” came to the lime light after the 2007/08 post-election violence yet before that there were scores of displaced persons scattered all over the country as a result of other causes such as the perennial Budalangi floods, persons displaced as a result of Government-initiated projects and persons displaced by sudden and slow on-set natural hazards such as the perennial protracted drought situations in the northern frontier districts of Kenya.

The legal frameworks also introduced and defined the concept of sturdy solutions which has been well defined within the IASC Framework on Sturdy Solutions as “[being] accomplished when IDPs never again have a particular help and insurance needs that are connected to their dislodging and can make the most of their human rights without segregation because of their relocation.”¹⁷

The challenge with this has been the actualization and facilitation of sturdy solutions to displacement-affected population by state practice and various non-state actors to reach this end point of displacement. Questions have arisen as to: does achievement of sturdy solutions only mean the facilitation of either of the three options (return, resettlement or local integration) to the victims and affected communities?; Does achievement of sturdy solutions only entail human-

¹⁷ IASC Framework on Durable Solutions, The Brookings Institution, 2010, p.5

rights based approaches or also development-oriented approaches? What is the place of the hosting communities in achievement of sturdy solutions?

A recent study conducted by Walter Kaelin and Nina Schrepfer¹⁸ on behalf of the IDMC note that internal displacement should be conceptualized as both a development challenge and opportunity.¹⁹ In their report they argue that there is a very strong nexus between development and displacement. They do this by highlighting three dimensions that try to explain the displacement development nexus. The first is that “in pre-relocation circumstances, the absence of improvement or its disappointment may essentially add to flimsiness that triggers removal.” Kaelin and Nina take note of that there is by all accounts some solid connection between destitution levels in a nation and the level of dislodging. Linked to this argument has been the view that protracted displacement is clearly a central development challenge for both origin and host communities²⁰, simply because it is protracted in nature: the costs, benefits and dynamics caused are not transitional and need to be taken into account in development planning.

The second dimension is that “at the point when dislodging happens, it not just builds the helplessness of people, families and groups yet additionally undermines the general improvement of affected areas or countries.” The argument here is that the loss of livelihood and property that IDPs face during displacement, has noteworthy formative effects influencing human and social capital, monetary development, states' neediness decrease endeavors and natural manageability.”

¹⁸ Walter Kaelin is the immediate former Representative of the UN Secretary General

¹⁹ Kaelin W., Schrepfer N., ‘Internal Displacement and the Kampala Convention,’ <http://bit.ly/2yYGEVQ>
Updated on 21 October 2017

²⁰ *Addressing Protracted Displacement*, December 2015, p. 3.

According to them, inability to address the long haul formative needs of beforehand removed populaces chances new cycles of national unsteadiness and populace relocation.

The third dimension that Kaelin and Nina note is “circumstances of inward uprooting may offer advancement openings.” In a circumstance of removal, the convergence of better qualified or more entrepreneurial people into a range with low abilities and limits may profit the nearby economy of that region. In another view, the entry of philanthropic and advancement performing artists to help IDPs offers an open door for mediations, for example, the overhauling of wellbeing administrations and training, which remain when IDPs return and have a supportable effect. For example during the 2007/08 PEV in Kenya, in the hot spot areas such as in Uasin Gishu county, the Kenya Government decided to set up police posts in a bid to bolster security in particular areas. The establishment of the police posts in areas that previously did not have a police presence boosted security and enhanced access to police for the local residents in these areas.

In concluding their research, Walter and Nina identified various substantive areas that require further research which included the following two questions which form the center of this research: “what exactly degree are uprooting issues mainstreamed into improvement designs and destitution mitigation programs and is this being done in a way that is helpful for regard for the human privileges of IDPs? what's more, "to what degree do human rights-based methodologies that have really been incorporated into improvement projects and ventures particularly address

displacement?”²¹ These two questions will form the crux of this research question and the specific objectives of the entire research project.

To further this argument on the development-displacement nexus and the quest of sturdy solutions in the context of development, a research done by the Refugee Law Project in Uganda discovered that the meaning of tough arrangements as characterized by the IASC Framework on Sturdy Solutions is "not an extremely valuable gauge when endeavoring to utilize it in the removal circumstances [of Uganda]."²² The report illustrates the glaring disconnect of the definition of sturdy solutions and development-oriented approaches by showing that even though IDPs may be assisted to be resettled, this does not guarantee that they have achieved a sturdy solution in terms of the developmental aspects of their lives. For instance, the report cites the example of a former IDP woman who was resettled in Kitgum District and was very happy that her children now had access to a nearby school and health centre which had been built by the Government and NGOs but the IDP having been resettled in a new area was now very worried about the high drug abuse that had never been a problem before encampment.

In other instances in Uganda, there were those who were willing to return to their original homes as opposed to staying in the camps but they could not return to their homes since their area was prone to mudslides and the Government was slow in putting in place disaster risk reduction measures as mitigation initiatives to prevent the impact of the mudslides and the resulting displacement of persons. These two examples from Uganda then beg the question can this former

²¹ NRC. 'Internal Displacement and the Kampala Convention,' <http://bit.ly/2zFEI7n> , accessed on 22 October 2017

²² From Arid Zone into the Desert: The Uganda National IDP Policy Implementation 2004-2012

IDPs say they have achieved a sturdy solution using the benchmark of criteria set by the IASC Framework n Sturdy Solutions? The report concludes that “the very subjective meaning of a definitive objective of solid arrangement hinders the capacity to quantify when that objective is accomplished.”²³

Another research on internal displacement conducted by the IDMC noted that a challenge faced by most states in implementing intricate and requesting directions, for example, those emerging from the African Union Convention on IDPs and the Great Lakes IDP Protocol is the absence of limit by the state at various levels.²⁴ The first being that in numerous nations there is an absence of appropriate comprehension of key ideas, for example, what constitutes an IDP, their particular security needs or the procedures and components that are important to accomplish solid answers for them. This lack of capacity can be explained by the fact that for a long time displaced persons were only assisted by states and humanitarian actors in the context of humanitarian grounds and on an ad hoc basis but not as a human-rights issue neither as a development related issue.

Secondly is that there is an absence of ability to gather and investigate the sort of data about the uprooting circumstance that is essential for any sufficient reaction.²⁵ For instance in the Kenyan situation of the PEV of 2007-08 victims, the Government did a very skewed profiling exercise which did not provide enough information on the specific needs and vulnerabilities of the displaced persons and hence the state ended up prescribing various reparative measures in the quest of facilitating sturdy solution for the victims of displacement. For example in 2008, the

²³ RLP. “From Arid Zones into the Desert” <http://bit.ly/2zt8mXb> , Accessed on 21 October 2017

²⁴ Kaelin W., and Schrepfer N. ‘Internal Displacement and the Kampala Convention,’ <http://bit.ly/2yYGEVQ> Updated on 21 October 2017

²⁵ Ibid

Government through the then MoSSP embarked on a number of initiatives which included: payment of *ex gratia* payments to the victims, launch of Operation *Rudi Nyumbani* (return home), profiling of displaced persons camped at various places, restoration of livelihoods and peace building and reconciliation initiatives through the Peace Committees in areas identifies as hot spots following the PEV. Despite all these efforts, questions still arise as to whether the persons who were resettled through Operation *Rudi Nyumbani* (Return Home) have indeed been able to find sustainable explanation to their dislocation. The reason is because 5 years down the line, majority of the victims now resettled in various places continue to live in deplorable conditions and poverty in their areas of resettlement or return.

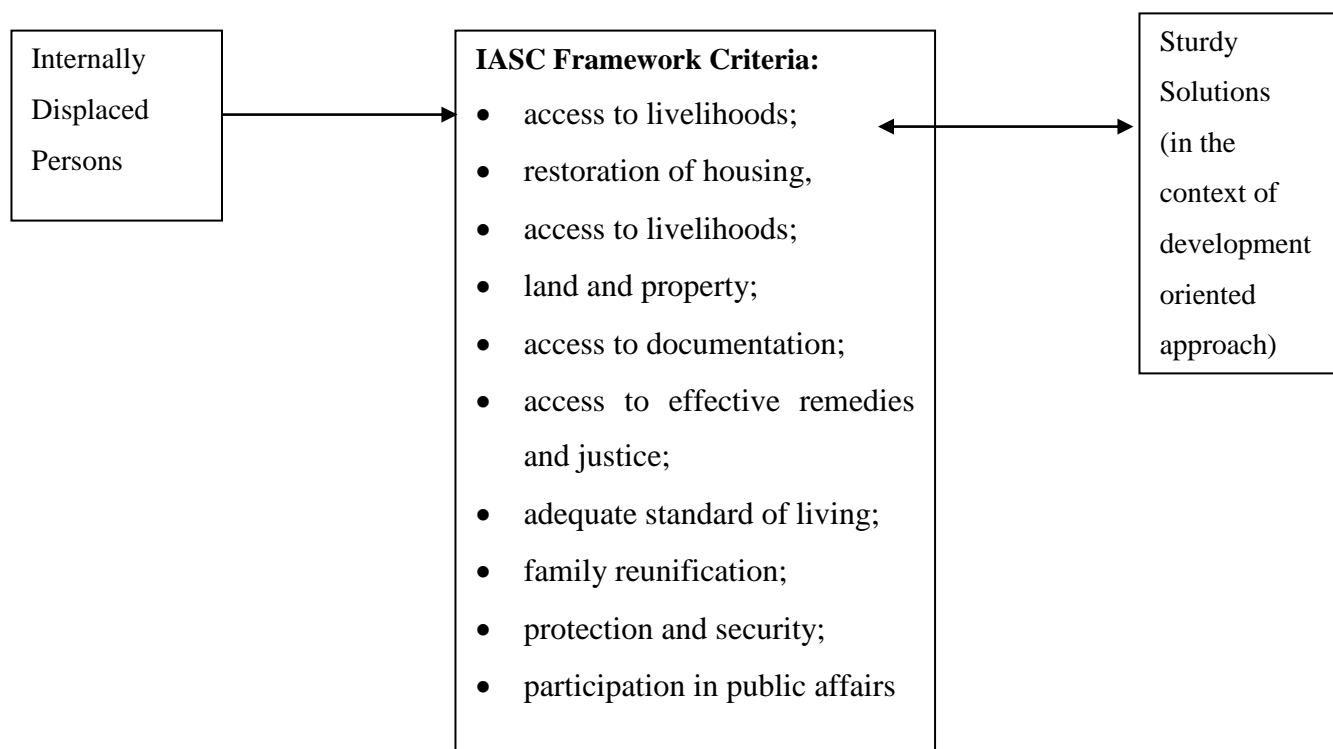
From the literature reviewed, it is apparent that there is very little data and analyses available on achievement of sturdy solutions in the setting of development-oriented approaches. This is corroborated by a report issued by the IDMC where they note, “information on the accomplishment of solid arrangements by IDPs don't exist. Data is additionally rare on how much returned IDPs have achieved tough arrangements.”²⁶ From the foregoing discussion, it is also evident that there is increasing consensus within the global community on the need for a paradigm shift to conceptualize internal dislocation as a development challenge and opportunity. Therefore this study proposes to assess the concept of facilitation of sturdy solution in the context of development-oriented approach while utilizing the criteria set out under the IASC Framework on Sturdy Solutions for IDPs and other relevant normative frameworks dealing with internal displacement.

²⁶ IDMC, ‘Is Local Integration a Solution?’ (Second Expert Seminar on Protracted Internal Displacement), 19-20 January 2011, Geneva

1.6 Conceptual Framework

This research will rely on the IASC Framework on Sturdy Solutions for IDPs to assess extent to which solutions for displacement affected populations can be achieved through a development lens. The eight criteria set out by the IASC Framework will be used as the research's conceptualization of when a sturdy solution is to be achieved. The criteria include: access to livelihoods; restoration of housing, access to livelihoods; land and property; access to documentation; admittance to effective justice; adequate standard of living; family reunification; safety and security; participation in public affairs

Figure 1.1: Conceptual Framework of the Study



The decision to use these criteria as a conceptual framework is informed by the fact that these 8 criteria often are used by humanitarian actors as well as national authorities as the benchmarks for measuring progress towards achieving sturdy solutions. The other is because the outlined criteria are interlinked and overlap between indicators of the human rights based approach as

well as being indicators of development in a society. For instance the restoration of land to internally displaced persons has a positive effect on the livelihoods and adequate standard of living for IDPs since they can farm and be productive as they were before their displacement. This situation of improvement on the livelihood of the displaced populations translates to reversing of their situation of impoverishment and enables them to be economically viable which further translates to an improved economy.

1.7 Hypotheses

- Return, relocation and resettlement of IDPs towards sustainable (re)integration are not by themselves sturdy solutions.
- Early solutions planning and processes in displacement contexts must be accompanied by sustained developmental assistance for IDPs to achieve sturdy solutions.
- There are constraining factors that hinder development oriented sturdy solutions for IDPs

1.8 Methodology of the Study

The research will make use of primary and secondary data to collate information regarding internal displacement and achievement of sturdy solutions. As its study design, the research will use transformative mixed methods research design where the gaps identified in the research would be used to generate recommendations to states (national authorities) and humanitarian practitioners working on issues of internal displacement to conceptualize internal displacement as a development challenge and opportunity.

1.8.1 Secondary Sources

As a way of gathering secondary data, various reports, journals, books and publications as well as national, regional and international frameworks on internal displacement will be reviewed and analyzed to establish the existing gaps on achievement of sturdy solutions for the IDPs. The legal and policy frameworks to be reviewed include: the UNGP on Internal Displacement, the GLP on Internal Displacement, the AU Convention on the Safety and support of IDPs in Africa (Kampala Convention), Kenya's National Policy on Protecting and Assisting IDPs and IDP Act, 2012 and Uganda's Policy on Assisting IDPs, UNHCR Handbook on Protecting IDPs.

1.8.2 Primary Sources

The study will target to interview at least 50 IDPs and host communities with an aim of understanding their displacement experiences, analyzing the extent to which they have been facilitated to achieve sturdy solutions and to what extent these sturdy solutions have mainstreamed development-oriented approaches. The study will target individual practitioners and experts in the field of forced displacement as key informant interviewees (KII), particularly those working on internal displacement and who have relevant knowledge and experience on the concept of sturdy solutions for IDPs.

1.8.2.1 Data Collection and Sampling Procedures

The study proposes to make use of purposive sampling where key respondents from various local and international organizations dealing with internal displacement will be interviewed through an open-ended questionnaire. For those individuals working in international organizations not based in Kenya such as UNHCR officials based in Geneva, Refugee Law Project in Uganda and IDMC, and JIPS (Joint Internal Displacement Profiling Service), self-administered

questionnaires will be utilized where the identified respondents will fill the questionnaires and e-mail it back for analysis.

1.8.2.2 Case Studies

The research will focus on the Kenyan internal displacement situation and will draw lessons from other states such as Uganda and Somalia which have also experienced internal displacement. Both Uganda and Kenya have experienced displacement situations resulting out of conflicts, the former as a result of LRA conflict while the latter following the 2007-08 disputed elections where 1,600 persons were killed and over 600,000 persons were displaced. The other reason for comparing the Kenya situation to Uganda is because both countries have been able to develop policy and legal frameworks on internal displacement; Uganda adopted and started implementing their IDP Policy in 2004 while Kenya has a recently enacted an IDP Act on 31st December 2012 and the draft national IDP Policy was approved by Cabinet in October 2013.

1.8.2.3 Data Analysis

The information collected while undertaking the research will be analyzed after the data collection period and conclusions will be drawn with the aim of making relevant recommendations.

1.9 Scope and Limitations

Given that the research seeks to study a phenomenon that is very emotive and political in Kenya, the sample population from which data will be collected will be very limited. Also due to resource constraints, it may not be feasible to make arrangements to collect data in all the areas

in Kenya where internal displacement has occurred. To this end the research will rely heavily on secondary sources of literature but there will also be an attempt to conduct skype interviews with practitioners not based in Kenya.

1.10 Chapter Outline

Chapter 1 - Introduction to the Study

This chapter will seek to introduce the broad context of internal displacement, the statement of the research problem, justification for the research, theoretical framework, highlight the gaps identified through literature review, state the research objectives and methodology of the study.

Chapter 2 - Assessment of Concepts: Sturdy Solutions and Humanitarian-Development Nexus

This chapter will situate the debate of sturdy solutions by assessing the various normative frameworks and the extent to which they provide for mainstreaming of development oriented approaches to facilitating sturdy solutions. It will also define the key aspects of the displacement-development nexus by juxtaposing the various scholarly and practitioner's perspectives on this concept.

Chapter 3 - Analysis of Policy Frameworks on Protection of IDPs in the Context of Facilitating Sturdy Solutions

This chapter will seek to assess the various policy frameworks available globally and in Kenya for the defense and support of IDPs and examine the extent to which these frameworks provide

for the concept of sturdy solutions within the lens of enshrining development focused perspective in facilitating sturdy solutions for IDPs and affected communities.

Chapter 4 - Analysis and Interpretation of Findings on Implementation of Sturdy Solutions

This chapter will seek to assess and analyse the practical implementation of sturdy solutions based on data collected from various sources. This analysis will seek assess the practical application of the concept of sturdy solutions and actual practice and experiences on the ground by various state and non-state actors as well as the experiences of the IDPs and affected communities.

Chapter 5 - Summary, Conclusions and Recommendations of the Study

This will provide the key conclusions from the research and provide recommendations directed to various actors (states, humanitarian and development actors as well as the IDP community). The chapter will also provide potential areas for further study that emerged during the research process but due to the limited scope of the study could not be pursued.

CHAPTER 2: ASSESSMENT OF CONCEPTS OF STURDY SOLUTIONS, HUMANITARIAN-DEVELOPMENT NEXUS

2.1 Introduction

The concept of sturdy solution has been well defined by the IASCF on Sturdy Solutions for IDPs. “The Framework provides that a sturdy arrangement is accomplished when inside dislodged people never again have a particular help and assurance needs that are connected to their uprooting and they can make the most of their human rights without separation by virtue of their removal.”²⁷

The framework further provides three set of options on which a tough arrangement can be accomplished and this is through: feasible reintegration at the place of inception (return); manageable neighborhood combination in territories where inside dislodged people take asylum (nearby coordination) and reasonable joining in another piece of the nation (resettlement).

The UNHCR Handbook on Protection of IDPs notes that “there is no innate chain of importance between the three sorts of arrangements, and arrangements must be solid if various conditions are satisfied.”²⁸ The conditions referred to here include the following rights: long haul wellbeing, security and flexibility of development; satisfactory way of life, including at the very least access to sufficient nourishment, water, lodging, social insurance and essential training; access to work and jobs; and access to powerful components that reestablish IDP's lodging, land and property or give them pay. A careful look into these conditions reveal that the rights articulated here are very

²⁷ IASC Framework, Brookings Institute, Geneva, 1998, p.1

²⁸ UNHCR Handbook on the Protection of IDPs, Part VI, p. 451

much linked to development benchmarks, for instance the “right to access employment and livelihoods” or the “right to access land and property.” This reveals that the criteria established by the Framework and the UNHCR handbook on protecting IDPs already appreciate the need for a linkage of the rights of IDPs to development standards as to when a sturdy solution for displaced persons is achieved.

The Handbook further notes that in many contexts of displacements, particularly in protracted internal displacement situations, achieving the conditions enumerated above, may just be accomplished through "long haul remaking and improvement forms." This is in acknowledgment of the way that accomplishment of strong arrangements requires a watchful examination of the conditions or eight criteria set out in the Framework and in addition the procedure executed to accomplish them. It is pivotal to note here that accomplishing these conditions will frequently be a steady, long and complex process which involves tending to a scope of issues including philanthropic requirements, human rights issues, and advancement as well as peace challenges in some situations.

The development of this concise definition of sturdy solution has not been an easy process since the concept itself remains contested and somewhat abstract for both the displaced communities and humanitarian practitioners as well as government actors. Before the development of the Framework on Sturdy Solutions by the IASC, there was a lot of confusion and varied state and humanitarian understanding of the concept of sturdy solutions and conceptualization of when internal displacement ends. This is something that the former UN Special Rapporteur on the Rights of IDPs noted when he stated, “Without settled upon criteria concerning when an IDP

should stop to be considered thusly, approaches have fluctuated or have been specially appointed, even self-assertive, reflecting significantly unique conclusions among the distinctive national and universal performers.”²⁹

2.2 Approaches to Sturdy Solutions

There are three approaches/lenses that scholars have debated on regarding sturdy solutions and it is useful to examine these approaches in a bid to fully comprehend the concept of sturdy solutions. These approaches are: Needs-based, Rights-based and Solutions-based.

The needs-construct approach centers in light of the particular needs and vulnerabilities of IDPs. Mooney contends that this approach would apply to IDPs who can get to the insurance and help of their national governments consequently never again have neglected needs on the premise of being dislodged and in this way don't need exceptional global assurance and support.³⁰ This approach has been widely accepted by most humanitarian actors as it is the basis on which the determination of when displacement situation ends. The IASC Framework on Sturdy Solutions states that displacement ends at the point when, "IDPs never again have particular help and insurance needs that are connected to their relocation and such people can make the most of their human rights without separation coming about because of their dislodging.”³¹

The **solutions-based approach** focuses on the long term sustainable options for IDPs that ensures their wellbeing is restored. The UNHCR Handbook argues that adoption of such an

²⁹ Kaelin W. 'When Displacement Ends: A Framework for Durable Solutions', 2007

³⁰ Mooney E. 'Bringing the End Into Sight for IDPs,' <http://brook.gs/2xdJMc9>

³¹ IASC Framework, 2009

approach entails conducting an analysis of the reasons for relocation, especially when IDPs look to re-build up themselves in their places of starting point . This approach would also analyse the length of displacement, the displacement setting and the way in which displacement has affected different populations. This approach focuses on the three solutions provided within the IASC Framework on Sturdy Solutions which are: return, reintegration and resettlement. Over the years humanitarian actors have embraced this approach to sturdy solutions as it is more analytical and comprehensive in that it moves away from a very narrowed perspective of looking at finding solutions to IDPs only in the context of their needs.

The **rights-based approach** begins on the premise that sturdy arrangements are most importantly about the rebuilding of rights for IDPs. This implies all intercessions for tough arrangements must be effectively outlined keeping in mind the end goal to facilitate the acknowledgment of human rights, human rights norms, for instance access to health, education, clean water and housing. In addition, proponents of this approach argue that any programming done on assisting IDPs must add to building up the limit of states to meet their commitments and those of IDPs themselves to guarantee their rights.³²

The **area-based approach** is a fairly new concept which is being piloted by various humanitarian and development actors particularly in cases of extended relocation circumstance.³³

An approach that characterizes a territory, as opposed to a part or target gathering, as the primary section point. All partners, administrations and requirements for removal influenced populace are

³² UNHCR Handbook on Protection of IDPs

³³ www.alnap.org/pool/files/area-based-approaches-dfid-irc-discussion-paper.pdf

mapped and surveyed and important performers activated and composed with. A case example of this approach has been applied by the ReDSS which has adapted the IASC Framework into a Solutions Framework of 31 indicators that it has used to conduct solutions analyses in Kismayu³⁴, Baidoa³⁵ and Mogadishu³⁶.

2.3 Development- Humanitarian Nexus

Roger Zetter in a briefing paper prepared for the Global Initiative on Solutions meeting held in Copenhagen³⁷ argues that the development-led approach in the context of protracted displacement gives a complete and deliberate reaction to relocation emergencies. This is through alleviating the negative effects of removal; enhancing techniques that handle the financial expenses and effects of relocations and by boosting the formative open doors and capability of dislodging circumstances. His contention for this idea is that "advancement drove mediations would more be able to adequately address the social, monetary and political difficulties which dislodged populaces introduce."

He argues further that the improvement drove approach standards dislodged populaces into formative programming at the group, national and worldwide levels. It likewise connects with the capability of the private part to enhance the lives and occupations of uprooted populaces and their hosts, while extending the gainful limit of the host economy. He illustrates this point by

³⁴http://www.regionaldss.org/sites/default/files/ReDSS_Somalia%20Lower%20Juba%20region%20Solutions%20analysis.pdf

³⁵http://www.regionaldss.org/sites/default/files/ReDSS_Somalia%20Bay%20region%20Solutions%20analysis%20Final.pdf

³⁶http://www.regionaldss.org/sites/default/files/ReDSS_Somalia%20Benadir%20region%20Solutions%20analysis_0.pdf

³⁷ The Global Initiative on Solutions meeting was held from the 2nd – 3rd April, 2014 in Copenhagen.

using the example of the cash transfer platforms which are heavily used by humanitarian actors as opportunities for which have the potential to reduce the vulnerability of displaced persons and from a formative viewpoint help to coordinate them into neighborhood markets. Within such a platform, the cash advanced to displaced communities feeds into the local economy which in turn encourages consumption and stimulates demand within the market system and hence expanding the industrious capability of the host nation. A key aspect of this development-led approach to providing sturdy solutions to protracted situations of displacement is that it recognizes the displaced persons as agents of their own economic well-being not as dependent victims. To this end, Zetter argues that this approach assists humanitarian actors and development partners to frame interventions on protracted situations of displacement round securing occupations, expanding versatility and making dislodged people financial on-screen characters occupied with economical and confident advancement.

In analyzing current practice within the humanitarian sector on embracing this development-displaced nexus, Zetter notes that “there is an expanding force for advancement drove praxis which had just yielded positive results since the advantages of putting evacuees and IDPs at the center of formative praxis are broadly archived.”

For instance, within the UN, global initiatives such as the Delivering as One³⁸, the IASC's 2010 Urban Strategy and the 2011 UNSG Report on Sturdy Solutions in the Aftermath of Conflict, utilize the dialect of financial improvement drove methodologies and place expanding accentuation on programming that fortifies monetary and social recuperation.

³⁸ http://www.undg.org/content/un_reform_and_coherence/delivering_as_one

Additionally, within the refugee sector, the High Commissioner's High Level Panel Dialogue forums and the UNHCR ex-Comm meetings, UNHCR has embarked on significant new activities that feature the significance of improvement drove reactions to extended displaced person emergencies that expand on beneficial limits and advance confidence as the reason for accomplishing strong answers for the necessities of evacuees and returnees and of their host groups. One such initiative by the High Commissioner has been the "High Commissioner's GISR" in which during the first meeting last year, one of the key message was that, "Haven ought to develop from a care and upkeep way to deal with one where human potential could be completely acknowledged, and enduring, stagnation and minimization turned around."³⁹ To this end, the meeting reasoned that there is requirement for a noteworthy reconceptualization of the displaced person involvement with a view to making it a constructive and transformative one through the emphasis on independence, ability building and access to vocations openings.

The World Bank, through its GPFD tries to distinguish open doors for a more orderly commitment to formative reactions to constrained relocation that help monetarily and socially economical arrangements. The European Commission in association with different contributors and universal organizations is likewise advancing improvement drove programs as a way to upgrade security of dislodged people by tackling the human capital, work and aptitudes of evacuees and IDPs and by off-setting the antagonistic effects of uprooted populaces in facilitating groups. Key projects being moved by the European Commission in such manner are contained inside its GAMM and sold through huge activities, for example, the new RDPPs, drove by Denmark in the Middle East.

³⁹ UNHCR, 'Report of the Global Initiative on Somali Refugees' 13-14 November 2013, Geneva

2.4 Situational Analysis of Internal Displacement Situation in Kenya

2.4.1 Internal Displacement in Kenya

Internal displacement in Kenya has been described as a historical problem and its causes have been attributed to the following: colonialism and skewed land distribution after independence, election related violence, border and land related disputes, cattle rustling and banditry, natural and human made disasters, advancement undertakings and activities on the protection of nature, including those coercively removed and the individuals who stay without appropriate movement and maintainable re-coordination. The report of the CIPEV apropos catches the circumstance of interior removal in Kenya by expressing that, "inner uprooting has been a changeless element of Kenya history from pilgrim times onwards. Beginning with the removal of locals from their familial land to clear a path for pilgrims in frontier Kenya to late brutal expulsions going with the 1992, 1997 and 2002 decision, IDPs have been a consistent component of the nation's political scene."⁴⁰

2.4.2 Colonial and Post-colonial period

The presentation of expansionism saw the constrained dislodging of African people group from their tribal terrains to clear a path for white pilgrims. In Kenya, this was exemplified by indigenous itinerant pastoralists removed from the most rich terrains in Rift-Valley and cultivating groups in Central Kenya who saw their property extracted as they were decreased to squatters and a work constrain for frontier pioneers. With the section of freedom, it was normal

⁴⁰ Waki, P., et al. "Internally Displaced Persons," Commission of Inquiry into PEV," p. 272

that the antagonistic inheritance of frontier arrive distance procedures would be remedied and shared land rights reestablished.⁴¹

In any case, the post-autonomy government managed a land re-dissemination program that rather turned into a further wellspring of dissension as a few groups felt avoided from the procedure to the advantage of others. Introductory land assignments for people who had been workers on the pilgrim ranches frustrated the pastoralist groups in the Rift Valley and filled the assumption of 'outcast communities'. This was further exacerbated by the policy of 'willing buyer, willing seller' which the government adopted in respect of land transfers.

Coupled with a skewed empowerment of groups through development of land purchasing organizations, the approach saw extensive scale arrive obtaining for groups recognized as near the focal point of energy. This chronicled setting imbued itself with the political and ethnic relations of Kenyan culture and has turned into the main source of periodic displacements in Kenya.

2.4.3 Election-related violence

Displacement resulting from election related violence has been more pronounced in Kenya than any other causes. It has been approximated that PEV before the 2007 general races was in charge of the relocation of more than 350,000 people.⁴² The aftermath of the highly contested 2007 general elections resulted in the displacement of 663,921 persons and the death of over 1,300 persons. Out of the 663,921 persons who were displaced, 350,000 looked for asylum in 118

⁴¹ Global IDP Database: Profile of Internal Displacement: Kenya pp 6-7

⁴² Ibid

camps while 313,921 people were coordinated in groups countrywide and 640 family units took shelter in Uganda.⁴³ According to the IDMC there are current 138,000 IDPs (conflict and violence) in Kenya as of 2016 as well as an additional 40,000 IDPs caused by disasters as of 2016.

2.4.4 Border and resource disputes

Nearly connected with political clash are fringe question which emerge from inadequately examined regulatory limits and challenged arrive rights. In Kenya's post pioneer history, the issue with fringe debate is that the regulatory limits that were drawn up by the frontier experts, took an ethnic enclave and minority groups inside these limits soon turned into the subject of powerful removals. Case cases of fringe question saw in Kenya include: clashes saw in Moyale, Marsabit, Isiolo, Chesikaki in Mt. Elgon, Ol Moran in Laikipia West, Thangatha in Tigania and Pokot and Turkana outskirts. Identified with general debate about assets is the advancement of dairy cattle stirring from a customary practice to one of antagonism and criminality filled by governmental issues and the multiplication of little arms and light weapons.⁴⁴ Pastoralist people group, for example, the Pokot, Turkana, Marakwet, Samburu, Tugen and Keiyo keep on enduring frequencies of relocation, passing and loss of domesticated animals over circumstances, as point by point in a recent report on struggle in Northern Kenya assessing the level of uprooting in the pastoralists territories of North Frontier Districts (NFDs) in Kenya at 164,457.

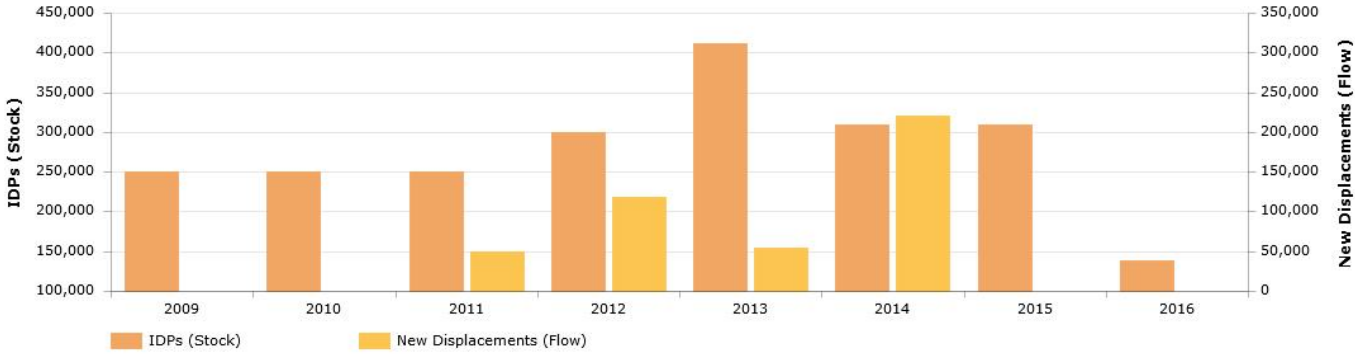
2.4.5 Development projects

⁴³ Ministry of State for Special Programmes.

⁴⁴ Malombe, D.M. and Omolo, J. "Behind the Scenes: Lessons Learnt from Developing a National Policy Framework on Internal Displacement in Kenya" January 2013

Internal displacement in Kenya has also resulted from development projects or what is now known as development-induced displacement. There have been various recent situations that have brought this to light. Cases such as the ejection of persons deemed to have encroached on the Mau Forests complex which was seen as a way to conserve the country’s essential water towers.⁴⁵ As of September 2011, some 6,500 families had been evicted from the complex with a further 23,500 projected for eviction once the next phase of restoration was to commence.⁴⁶ Other huge projects that are currently ongoing and perceived to have great impact on development-induced displacement include the Lamu Port Southern Sudan –Ethiopia Transport (LAPSSET) as well as the prospecting of the oil discovered in Turkana county.

Figure 2.1: Displacement Figures in Kenya (IDMC 2017)



Source: Researcher (2017)

2.4.6 Natural disasters (slow and fast-set disasters)

A chronicled profile from 1975-2004 shows that Kenya has encountered numerous scenes of dry season, avalanches and surges in different parts of the nation with broad financial and social outcomes on the groups included. With 70% of the nation's land mass considered as ASALs, a

⁴⁵ Government of Kenya (2009)
⁴⁶ <http://www.propertykenya.com/news/1524669-forest-evictees-still-waiting-three-years-on>

considerable population within the Rift Valley, Eastern and North Eastern Regions face periodic movement and uprooting of families into zones with nourishment supplies or help sustenance.⁴⁷

Kenya experiences river floods considered to be slow onset and mostly predictable. The areas identified to experience floods on an annual basis include: Nyanza (Kano plains, Nyakach area, Rachuonyo and Migori), Western (Budalangi), Coast (Kilifi, Kwale and the Tana River Basin), North Eastern (Garrissa, Wajir and Ijara), Urban Centres (Nairobi, Nakuru, Mombasa, Kisumu) and Tana River county. Rift Valley province has also reported incidences in Baringo, Elgeyo and Marakwet districts. Landslides and mudslides would occur mostly during the rainy season and are accelerated by flooding. The areas most affected include: Murang'a district, Kirinyaga, Nyeri, Meru, Kisii and Mombasa Island.

2.5: Conclusion

In conclusion, it is important to point out that although this approach has been embraced widely by various humanitarian and state actors, there are some scholars who criticize this approach. Mooney argues that facilitation of one of the sturdy solutions options is not enough. She illustrates this argument by citing the example of internal displacement in Rwanda, where the mass resettlement of IDPs as a major aspect of the 'villagisation' program drove various UN organizations utilizing distinctive criteria, to close in 1999 that there were basically no IDPs left in the nation. However those resettled were found to endure fundamental philanthropic needs and deficient access to land and methods for independence. This experience is similar to the Kenya internal displacement context where the Government through its then MoSSP, also had a similar obsessive focus on its resettlement program for the IDPs affected in the 2007/08 PEV. At the

⁴⁷ UNDP - Enhanced Security Unit, Kenya Natural Disaster Profile

moment the Government has adopted a narrative that there are no more IDPs⁴⁸ in the country since according to the Government's official records all the IDPs that were profiled have been resettled or have been facilitated with the ex-gratia payments that the Government provided to the IDPs.

⁴⁸ <http://www.capitalfm.co.ke/news/2013/09/uhuru-ruto-launch-sh3bn-idp-re-settlement/>

CHAPTER 3: ANALYSIS OF POLICY FRAMEWORKS ON PROTECTION OF IDPS

3.1 Introduction

This chapter will seek to assess the various policy frameworks available globally and in Kenya for the safety and support of IDPs and examine the extent to which these frameworks provide for the concept of sturdy solutions within the lens of enshrining development focused perspective in facilitating sturdy solutions for IDPs and affected communities.

Achievement of sturdy solutions for DACs, especially by working with development and peace building actors has been a perennial challenge that has attracted increased attention in recent years. This pursuit of sturdy solutions is reflected in the various global initiatives and development of normative frameworks such as: development of the 2010 IASCF on Sturdy Solutions for IDPs; the UNSG's Framework on Ending Displacement in the Aftermath of Conflict and the launch of the Solutions Alliance.

This chapter will seek to assess the practical implementation of the various normative frameworks in facilitation of sturdy solutions. It will infuse the data collected from various sources in the assessment of the concepts of sturdy solutions and displacement-development nexus vis a vis the actual practice and experiences on the ground by various state and non-state actors as well as the experiences of the IDPs and affected communities. To be able to make this assessment of the extent to which states and humanitarian actors have been successful or otherwise in facilitating sturdy solutions to IDPs, it is important to first begin by looking into the

legal and policy frameworks on protection of IDPs and examine the extent to which these various legal and policy frameworks provide for the concept of sturdy solution.

3.2 UN Guiding Principles on Internal Displacement

The UN Guiding Principles which have become the foundational instrumental for protection of IDPs and host communities does enshrine the concept of sturdy solution although not by directly mentioning the concept. The right of IDPs to a sturdy solution within the Guiding Principle is articulated in Principles 28 – 30. For example, principle 28 provides that,

“Skilled experts have the essential obligation and duty to build up conditions, and additionally give the methods, to permit inside dislodged to return intentional, in wellbeing and with pride, to their homes or places of constant home, or to resettle willfully in another piece of the nation. Such specialists might attempt to encourage the reintegration of returned or resettled inside dislodged people.”⁴⁹

This principle brings out the element of national responsibility and bestows national authorities with the greatest responsibility of addressing internal displacement as well as with the duty to establish the conditions enabling sturdy solutions.

3.3 African Union Convention for the Safety and support of IDPs in Africa (Kampala Convention)

⁴⁹ Principle 28 of the UN Guiding Principles on Protection of IDPs

The Convention, which has been hailed internationally as a very strong regional framework on protecting IDPs, provides within its pre-ambule and objectives references to sturdy solutions. In Article 2 para (c), the Convention provides that the objective of the Convention is to “set up a lawful system for solidarity, participation, advancement of sturdy arrangements and shared help between the State Parties keeping in mind the end goal to battle dislodging and address its results." It likewise gives inside this article another goal being to "advance and fortify territorial and national measures to avoid or moderate, preclude and dispose of underlying drivers of interior removal and additionally accommodate strong arrangements.”

As a critique to this Convention, it falls short of entrenching more on this crucial protection mechanism by elaborating more about the states responsibility to facilitating sturdy solutions. It is interesting to note that under Article 5 of the Convention relating to “Obligation of state parties relating to safety and support” the issue of sturdy solutions is not mentioned. This gap in my view is quite interesting given that by the time the Convention was being negotiated and developed⁵⁰ by African state parties, the concept of sturdy solutions had well been defined and the IASC Working Group on Sturdy Solutions had adopted the Framework on Sturdy Solutions in December 2009. The only obligation on sturdy solutions that the Convention provides is on the African Union where in Article 8 para 2 it provides that, “The AU should regard the privileges of State Parties to ask for mediation from the Union so as to reestablish peace and security as per Article 4(j) of the Constitutive Act and along these lines add to the making of great conditions for finding strong answers for the issue of inward relocation."

⁵⁰ The Kampala Convention was adopted in October 2009

Kenya is yet to sign and sanction the Kampala Convention. Throughout the years there have been different endeavors by common society associations working in Kenya to campaign the Government of Kenya to sign and confirm the Convention. Some contend that the endorsement of the Convention by Kenya was postponed by the way that the nation's new constitution of 2010 changed the lawful method for holding fast to global commitments, which thusly implied that a law on training of arrangements was required.⁵¹ Notwithstanding, the appropriation and resulting authorization of the Treaty Making and Ratification Act in December 2012 made room for the procedure to continue.

Different savants inside the area, government authorities and a few individuals from Parliament contend that confirmation is superfluous, given that Kenya has gained huge ground in setting up a complete legitimate and arrangement system that is to a great extent agreeable with global norms as a major aspect of its endeavors to execute its duties under the Great Lakes Pact. “Why should Kenya be party to the Kampala Convention, yet we have enacted a comprehensive IDP Act that very much mirrors and enshrines the principles of the Convention,” asserted Hon. Ekwe Ethuro, Chair of the Parliamentary Select Committee on IDPs.⁵²

In support of ratification, practitioners have given various justifications on why Kenya should still ratify the Kampala Convention. “Firstly, ratification would re-affirm the government’s duty regarding reacting to uprooting, exhibit its validity and grandstand its approach in universal

⁵¹ <http://www.internal-displacement.org/assets/library/Africa/Kenya/pdf/201508-af-kenya-towards-a-comprehensive-response-to-internal-displacement-en.pdf>

⁵² Interview with Hon. Ekwe Ethuro, Chair of the Parliamentary Select Committee, 5th November 2012

gatherings. Also, it would maintain and incorporate extra security norms contained in the tradition. Thirdly and this maybe is the most grounded of the supports is that the Conference of State Parties would fill in as system for observing consistence. This would give a stage to the legislature to provide details regarding its encouraging in helping IDPs and encouraging tough answers for them, and to share its encounters and best practice in the improvement of lawful and strategy systems as a motivation to different nations in the locale and past.”⁵³

3.4 Protocol on Safety and support to IDPs (Great Lakes Protocol)

The ICGLR Protocol on Safety and support to IDPs (Great Lakes Protocol), which is one of the 10 protocols of the Great Lakes Pact, does not expressly provide or define the concept of sturdy solutions but alludes to it in Article 3(3). In this article relating to responsibility for protecting IDPs, the Protocol provides that, "Part states acknowledge that they bear the essential duty regarding the insurance of the physical and material security of inside uprooted people amid flight, in spots of removal, and upon return or resettlement somewhere else inside the region of the State.” In this article, one can see the indirect reference to three sturdy solutions as conceptualized in the UN Guiding Principles as well as the IASC Framework on Sturdy solutions.

3.5 Prevention, Safety and support to IDPs and Affected Communities Act, 2012 (IDP Act, 2012)

⁵³ IDMC. Towards a Comprehensive Response to Internal Displacement in Kenya

Kenya's IDP Act, 2012⁵⁴ has also provided for the facilitation of sturdy solutions for IDPs. In Section 9(1), it provides that "The Government should make the conditions for and furnish inside dislodged people with a tough and maintainable arrangement in wellbeing and nobility and might regard and guarantee regard for the privilege of inside uprooted people to settle on an educated and willful choice on whether to return, locally incorporate or resettle somewhere else in the nation." The extent to which this right has been implemented by the Government of Kenya remains a key gap within the Kenyan context and shall form the basis of the analysis in Chapter 3 and Chapter 4 of this paper. However, the interesting thing about the Kenya legislation is that it adopts the criteria of the IASC Framework on Sturdy Solutions to provide the means through which the extent to which sturdy solutions has been achieved for IDPs.⁵⁵

Five years after the establishment of the IDP Act, 2012, one can state that Kenya is all around outfitted with a strong lawful system that can possibly accommodate a satisfactory reaction to inner dislodging and in addition a decent reason for the assistance of sturdy answers for IDPs and influenced groups. In any case, an evaluate can be leveled that the national institutional and lawful set up still faces a few difficulties which undermine to risk the outcomes achieved this far.⁵⁶ The usage of the Act is still at the extremely incipient stages, while conceivably contending and ungraceful standardizing structures, particularly in the regions of debacle and land administration, convey the danger of appropriating a portion of the assurances visualized under the IDP Act itself.

⁵⁴ The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012

⁵⁵ See Section 9(2) of the IDP Act, 2012

⁵⁶ <http://www.internal-displacement.org/assets/publications/2015/20150827-af-kenya-review-of-normative-framework-relating-to-protection-of-idps-en.pdf>

A crucial worrying aspect for most practitioners within Kenya has been the absence or stale-mate over the adoption of an IDP Policy. “The absence of an IDP Policy articulating some aspects of the government’s action and substantiating individual rights recognized to IDPs may continue to stem the efficacy of the response system,” noted Alexander Bilak, Director of the IDMC.

3.6 Draft National Policy on the Prevention of Internal Displacement, Safety and support to IDPs in Kenya⁵⁷

Kenya’s draft National Policy on Internal Displacement accommodates an exhaustive way to deal with tending to removal caused by struggle, different types of viciousness, fiascos and advancement ventures. It also very elaborately on the concept of sturdy solutions and how the state envisions achievement of sturdy solutions by IDPs. The policy dedicates a whole chapter on the concept and outlines how the Government will facilitate achievement of sturdy solutions. Article 104 of Chapter 9 of the draft Policy states, “The Government acknowledges its primary responsibility to provide IDPs with a sturdy solution to their displacement.” It goes further to affirm the important role that IDPs and affected communities play in the achievement of sturdy solutions. Article 106 states,

“The Government takes into account the role of IDPs in the context of finding a sturdy solution. IDPs, including persons with special needs and minority groups among the displaced communities, shall be involved in the planning and management of sturdy solutions.”

This is a great recognition by the policy on the need for participation and inclusion of IDPs in the pursuit and design of their sturdy solutions. This actually should be considered as a best practice in any context of displacement and should be adopted by states and other actors to ensure that IDPs and affected communities own the sturdy solutions that are agreed on and implemented.

⁵⁷ The version that is referenced here is as at 20th July 2012 available from the Directorate of Special Programmes under the Ministry of Devolution and Planning

The notable aspect about the draft Policy as regards achievement of sturdy solutions is its recognition of the displacement-development nexus. Article 105 of Chapter 9 provides that, “The Government acknowledges the important complementary role of national and international humanitarian, recovery and development actors and seeks their support.” This is a commendable conceptualization of the situation of internal displacement; that achievement of sturdy solutions is a multifaceted effort involving not only the state, as the entity with the sole responsibility, but also other actors particularly development actors.

However, despite having a well drafted IDP Policy, its adoption has stalled over the years since April 2010 with no likelihood of it being adopted. The draft IDP Policy was endorsed by the cabinet as a Sessional Paper, meaning that Parliamentary approval was needed for its adoption and implementation as a National Policy, but there has not been any action on this since April 2010.

The argument from government officials has been that the enactment of IDP Act, 2010 has negated the need to adopt the draft policy, which “now has (IDP policy) has less added value.⁵⁸” However, practitioners within the sector have continued to argue that adoption of the IDP Policy would still help to facilitate implementation of the IDP Act, especially by articulating the roles of

⁵⁸ Interview with Gideon Mukero, officer at Directorate of Special Programmes, Ministry of Devolution and Planning. 13th July 2017

the state and other stakeholders' in the three phases of response and measures to be taken to uphold IDP rights and in the facilitation of sturdy solutions.⁵⁹

3.7 Other relevant legal and policy frameworks in Kenya

The Kenyan government has also made significant strides and efforts in introducing other laws and policies which are relevant, while not specific to IDPs but are crucial to the facilitation of robust solutions to IDPs. These frameworks include those governing disaster management and land-related issues. For example at the moment, Kenya has in place a comprehensive framework on land which includes: a National Land Policy adopted in 2009 as well as a series of new laws – the Land Act, the Land Registration Act and the National Land Commission Act of 2012.

A key critique however that has been leveled has been that there is a risk with the establishment or existence of multiple policy frameworks that touch on IDP issues. The argument is that unless these policy frameworks are harmonized, Kenya may wind up with various systems material to IDPs' insurance that are disconnected, covering or clashing.⁶⁰ This thus could likewise make usage of the IDP Act and draft National IDP Policy more difficult due to non-coherence of the coordination mechanisms for the safety and support of IDPs and the subsequent facilitation of sturdy solutions.

⁵⁹ IDMC. Towards a Comprehensive Response to Internal Displacement in Kenya: A Roadmap for Action. 21 Aug 2015

⁶⁰ IDMC/KNCHR, Unfinished Business: Kenya's Efforts to Address Displacement and Land Issues in the Coast Region, July 2014

3.8 Uganda's National Policy for IDPs (2004)

Uganda's primary national policy framework on protecting and assisting IDPs is its National Policy for IDPs which came into effect in 2004. The Policy does not expressly have a Chapter or specific section on sturdy solutions for IDPs but the concept is well entrenched in various parts of the policy. To begin with, in the Preamble it states, "the Government commits to advancing the look for strong answers for reasons for dislodging and encouraging the deliberate return, reconciliation and re-incorporation of the IDPs."⁶¹ The policy also further recognizes the integral part that development agencies and NGOs play in the facilitation of assistance and sturdy solutions of IDPs. In Chapter 4, the Policy provides that, "The Uganda Red Cross Society (URCS), UN Agencies, Humanitarian and Development Partners, other voluntary organizations and professional bodies make valuable contributions to all aspects of internal displacement."⁶²

As noted elsewhere, obtaining sturdy solutions is regularly a lasting procedure of slowly lessening particular needs, while assuring that IDPs make the most of their rights without segregation identified with their relocation. Much of the time, an answer may wind up plainly solid just years, or even a very long time after the physical development by the dislodged individual to the place of starting point or place of resettlement has occurred. To this end, philanthropic and improvement performers have an essential part to play in supporting strong arrangements.

⁶¹ Preamble of the NPIDP, Government of Uganda, 2004

⁶² Chapter 4 of the NPIDP, Government of Uganda, 2004

3.9 Coordination Mechanisms of Internal Displacement in Kenya

One of the key gaps identified by one of the respondents to this study is “the lack of compelling coordination amongst philanthropic and improvement on-screen characters and also the Government specialists.” The IASC Framework on Sturdy Solutions recommends that national coordination structures, for example, a commission that meets important experts and their universal and non-administrative compassionate and advancement accomplices can guarantee the successful circulation of duties, guaranteeing a reasonable and far reaching system.

In the Kenyan context, issues of internal displacement are relegated to the Ministry of Devolution of Planning where there is a Directorate of Special Programmes that is charged with matters relating to internal displacement. The IDP Act, 2012 provides for the establishment of a NCCC on IDPs⁶³ that is charged with inter alia: coordinating prevention, readiness endeavors, insurance and help to IDPs all through their dislodging until a solid and manageable arrangement is found. Although the IDP Act, 2012 had provided for the establishment of the NCCC, it took a very long time before the Committee was fully constituted and as one respondent noted, “the delay in constitution of the NCCC as provided in the Act is a great impediment to the full implementation of the Act.”⁶⁴ The NCCC Chairperson was only appointed by the president on 19th February 2014⁶⁵, two years later after the enactment of the IDP Act, 2012.

⁶³ Section 12(1) of the IDP Act, 2012

⁶⁴ Karanja R., Interview with Patrick Bonyonte., KNCHR, Nairobi, 27th August 2014

⁶⁵ Kenya Gazette Notice No. 1360, Vol. CXVI-No.30

As presently constituted, the NCCC is comprised of 13 individuals, four from common social orders and non-state members, one from the KNCHR and eight state officers.⁶⁶ Its comprehensive and assorted nature is intended to encourage coordination among a broad spectrum of stakeholders as it is mandated under the IDP Act, 2012. However, a key challenge up to date has been the division of duties and the systems through which the NCCC should arrange with other household institutions which has led to institutional fragmentation and duplication of roles.

The NCCC has a crucial mandate not only of coordinating preventative and preparedness efforts but also serving as the "authority fair and helpful central body liaising between Government Departments, the United Nations, non-state performing artists..."⁶⁷ The non-state actors here are taken to refer to development actors and hence the delay in establishment of the Committee in the Kenyan context has proven to be a costly affair in the coordination of humanitarian interventions and facilitation of sturdy solutions for IDPs. This is well documented as noted by the research conducted by RCK whose reports notes that, "The Government of Kenya has in many occasions reacted to the issue of inside uprooting in an impromptu way and requirements based way."⁶⁸

Another crucial aspect that was affected by the delay in establishment of the NCCC has been on the data collection function of internal displacement as provided for in the IDP Act, 2012. The NCCC as established is required to "guarantee that the enlistment of all inside dislodged people

⁶⁶ Sec 12(3) of the IDP Act, 2012

⁶⁷ Sec 13(a) of the IDP Act, 2012

⁶⁸ Omolo, J., 'Behind the Scenes' <http://bit.ly/2gyDLUb>, RCK, 2013

keeping in mind the end goal to keep up a national database of such people⁶⁹.” It is additionally given in the Act that the enrollment "might begin and close inside 30 days of uprooting" and be only utilized for "reasons of determining the recognizable proof, profile, conditions and quantities of inside dislodged people" to accommodate the insurance and help of IDPs. The challenge remains that up to date, the NCCC has not been able to undertake this mandate of developing a comprehensive national database of internal displacement. This is even after numerous calls by various stakeholders on the need for the establishment of such a database that would ensure the security and help of IDPs and influenced groups. In 2012, the then UN Special Rapporteur on IDPs amid a state mission to Kenya likewise made a comparable proposal taking note of that such a database or enlistment frameworks ought to be precise, far reaching and disaggregated and comprehensive of all classes of IDPs.⁷⁰

As good practice of coordination mechanism, the Framework cites the case of Uganda where the OPM is accused of the obligation of planning, checking and regulating the execution of the national IDP Policy. Given in this approach is that two national level boards, the Inter-Ministerial Policy Committee and the Inter-Agency Technical Committee, which may incorporate individuals from the helpful group, are additionally in charge of arrangement detailing and oversight. At the nearby level, District Disaster Management Committees are entrusted to actualize the national approach. This is perhaps a good model that Kenya should emulate especially because, a crucial aspect of ensuring sturdy solutions is that IDP issues are incorporated into county level coordination mechanisms and development plans.

⁶⁹ Clause 13 (d) of the IDP Act, 2012

⁷⁰ Beyani, C. "Report of the Special Rapporteur on Human Rights of Internally Displaced Persons – Mission to Kenya", UNGA, 6 February 2012

CHAPTER 4: ANALYSIS AND INTERPRETATION OF FINDINGS ON IMPLEMENTATION OF DURATION SOLUTIONS

4.1 Introduction

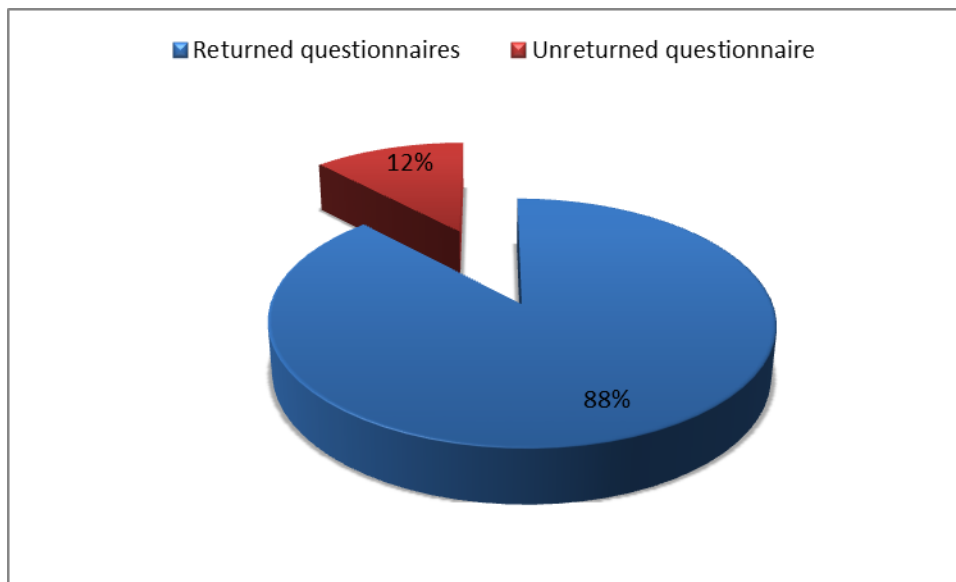
In this chapter the study presents outcomes obtained from field responses and data, broken into two parts. The first part deals with the background information, while the other section presents findings of the analysis, based on the objectives of the study as explored by the questionnaires.

4.2 Response Rate

It was noted from the data collected, out of the 50 questionnaires administered to IDPs, 44 questionnaires were administered and returned. This represented an 88% response rate. According to Mugenda and Mugenda⁷¹ this is considered excellent as it is over 70%. This high response rate can be attributed to the data collection procedures, where the researcher pre-notified the potential participants and applied the drop and pick method where the questionnaires were picked at a later date to allow the respondents ample time to fill the questionnaires.

⁷¹ Mugenda, O.M., & Mugenda, A.G. (2003). *Research Methods; Quantitative and Qualitative Approaches*. Nairobi: African Centre for Technology Studies (ACTS) Press

Figure 4.1: Response rate of questionnaires administered



Source: Researcher (2017)

4.3 Pilot Test

The research instrument was given to practitioners within the field of forced displacement in Kenya who were experienced to evaluate the relevance of each item in the instrument in relation to the objectives. The same were rated on the scale of 1 to 4 where 1=very relevant and 4=not very relevant. CVI for validity was obtained by adding up the items rated 3 and 4 by the experts and dividing this sum by the total number of items in the questionnaire. A CVI of 0.799 was obtained. Oso and Onen⁷², state that a validity coefficient of at least 0.70 is acceptable as a valid research hence the adoption of the research instrument as valid for this study.

The questionnaires used had Likert scale items that were to be responded to. For reliability analysis Cronbach's alpha was calculated by application of SPSS. The value of the

⁷² Oso, W. Y., & Onen, D. (2008). A General Guide Line to Writing Research Proposal and Report. *A Handbook for the Beginning Researchers*. Makerere University, Kampala.

alpha coefficient ranges from 0 to 1 and may be used to describe the reliability of factors extracted from dichotomous (that is, questions with two possible answers) and/or multi-point formatted questionnaires or scales (i.e., rating scale: 1 = poor, 4 = excellent). A higher value shows a more reliable generated scale. Cooper and Schindler⁷³ indicated 0.7 to be an acceptable reliability coefficient. Since, the alpha coefficients were all greater than 0.7, a conclusion was drawn that the instruments had an acceptable reliability coefficient and were appropriate for the study

4.4 General Information

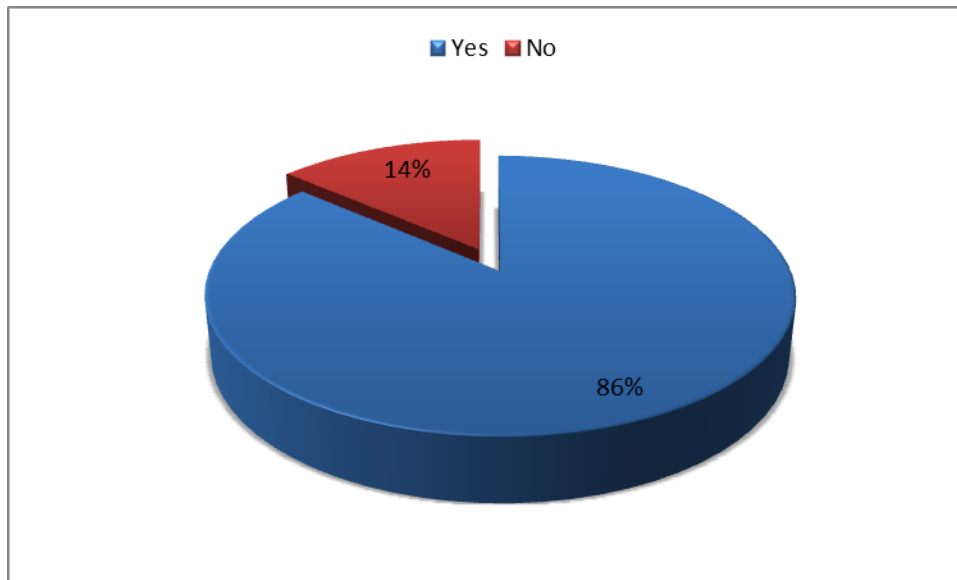
The primary data for this study was collected from persons who had become IDPs following the 2007/08 post-election violence. The site for collection of the data was in the IDP settlement in Gilgil where these group of IDPs were assisted by the Government of Kenya to self-relocate after having been provided with the compensation grant by the then Ministry of Special Programmes.

4.4.1 Reasons for respondents being displaced

The study sought to establish from the respondents if the reason for being displaced or them leaving their usual place of residence was due to conflict, violence, human rights violations, natural or man-made disaster. The results from the analysis of findings are illustrated in the figure below as shown.

⁷³ Cooper, D. R., & Schindler, P. S. (2008). *Business Research Methods*. (9 th edition). USA: McGraw-Hill.

Figure 4.2: Reasons for respondent's displacement



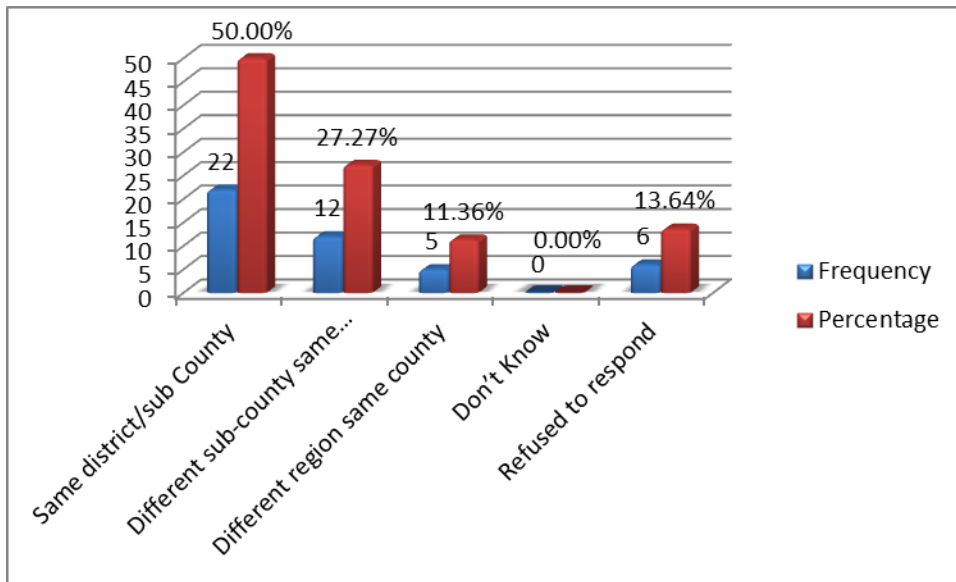
Source: Researcher (2017)

The study established from the analysis that majority (86%) indicated that their main reason was due to conflict and violence as a result of the 2007-2008 PEV. From the analysis it was also established that majority of the respondents had stayed in the dwelling area in Gilgil for a period of more than four years.

4.4.2 Place of residence before moving

The study sought to establish the place of residence of the study participants before moving to the IDP camps. The results from the analysis of findings are illustrated in the figure below as shown.

Figure 4.2: Place of residence before moving



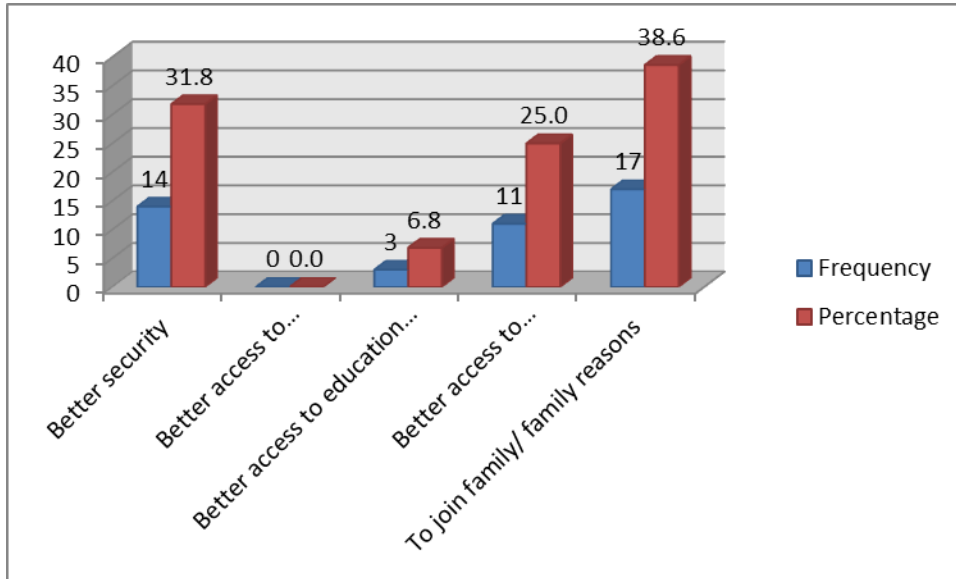
Source: Researcher (2017)

50% of the respondents that they came from the same district or sub county before coming to the camps. 27.27% of the respondents indicated that they came from different sub county but in the same region while 11.36% of the respondents indicated that they came from different region but in the same County. None of the interviewees indicated that they did not know. 13.64% of the respondents however refused to respond.

4.4.3 Reason for settlement into IDP camps

The study sought to establish from the respondents their reason for movement into the internally displaced camps. The results from the analysis of findings are illustrated in the figure below as shown.

Figure 4.3: Reasons for Settlement into IDPs



Source: Researcher (2017)

It was noted that majority of the study participants (38.6%) indicated that their main reason for moving to the camps was because they wanted to join family or due to family reasons. 31.8% of the respondents indicated that their main reason for moving to the IDP camps was due to better security. 25% of the respondents indicated that their reasons for moving to the camps was so that they could have better access to livelihood or employment opportunities while some 6.8% of the respondents indicated that their reasons for moving to the IDPs so that they get access better education.

4.5 Criteria on physical safety-safety and security

The respondents were asked to rate how they feel about different variables related criteria on physical safety on a six point Likert scale. The range was from ‘a very unsafe (6)’ to ‘refused respond (1)’. A standard deviation of >1.5 implies a significant difference on the impact of the

variable among respondents. The results from the analysis of findings are illustrated in the table below as shown.

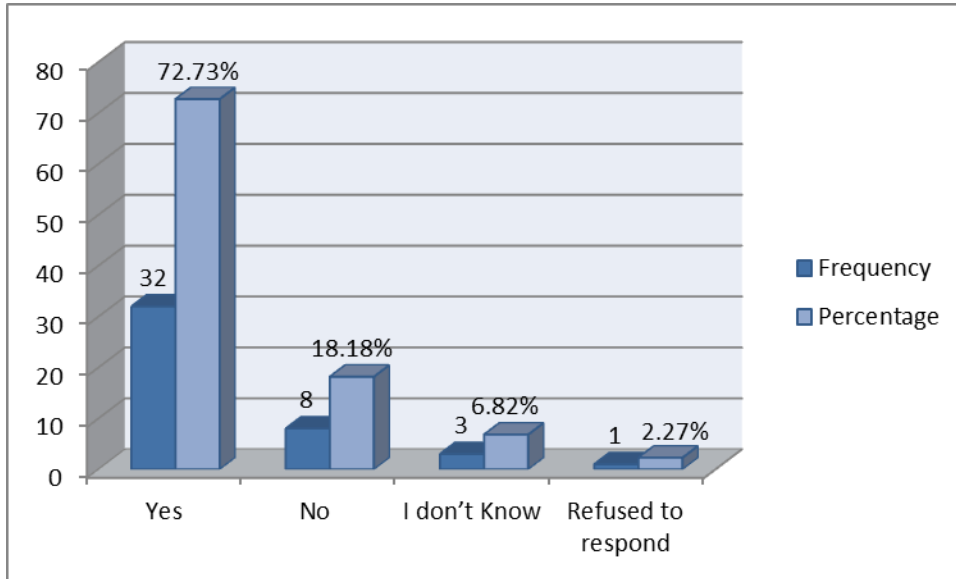
Table 5.1 Confidence level among IDPs on security situation in camps

	M	SD
Walking around your neighbourhood	5.44	.0323
Travelling to other districts in your region	4.32	0.4345
What level of confidence do you have in the police to protect you, your household and your property from crime and violence	4.15	0.2253

Source: Researcher (2017)

The analysis in table 5.1 shows that the respondents felt unsafe walking around their IDP camp neighborhoods. This response scored a high mean of (5.44). A small standard deviation of 0.0323 was noted after the analysis indicating high cohesion amongst the response collected. Majority of the IDP respondents indicated that they also felt unsafe travelling to other districts even long after the post-election violence had subsided. This was established by the mean calculated of 4.32, the standard deviation of 0.4345 indicates that there was uniformity of the responses made by respondents. The respondents also indicated that they had a great deal of confidence in the police to protect them, their household and their property from crime and violence. This inference was made from the mean calculated of 4.15 and small standard deviation of 0.2253 which implies that the responses were homogenous. The work also sought to establish whether if the respondents became a victim of crime, such as theft or violence, they'd report it and ask for help. The results from the analysis of findings are illustrated in the figure below as shown

Figure 4.4: Crime Victims



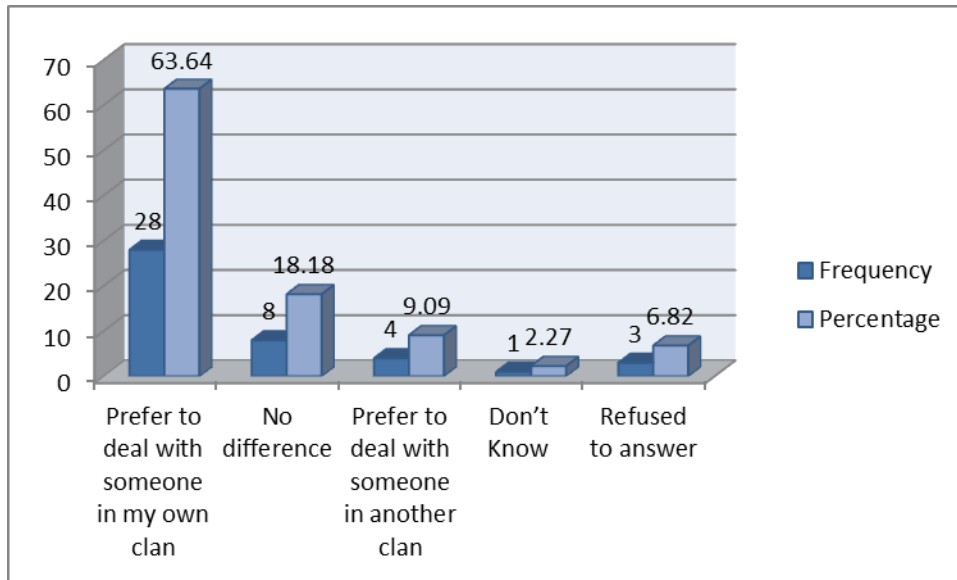
Source: Researcher (2017)

From the analysis of findings, majority of the respondents (72.23%) indicated that if they became a victim of crime, such as theft or violence, they would go to the police and report it. 18.18% of the respondents indicated they would not report it to the police while 6.82% of the respondents indicated that they did not know if they would report while another 2.27% of the respondents refused to answer for fear of victimization.

4.6 Criteria on physical safety-Social Cohesion

This also sought to establish from the respondents their thoughts about daily life and interactions with other people especially their host community residents. The results from the findings are illustrated in the table below as shown.

Figure 4.5: Criteria and Physical Cohesion



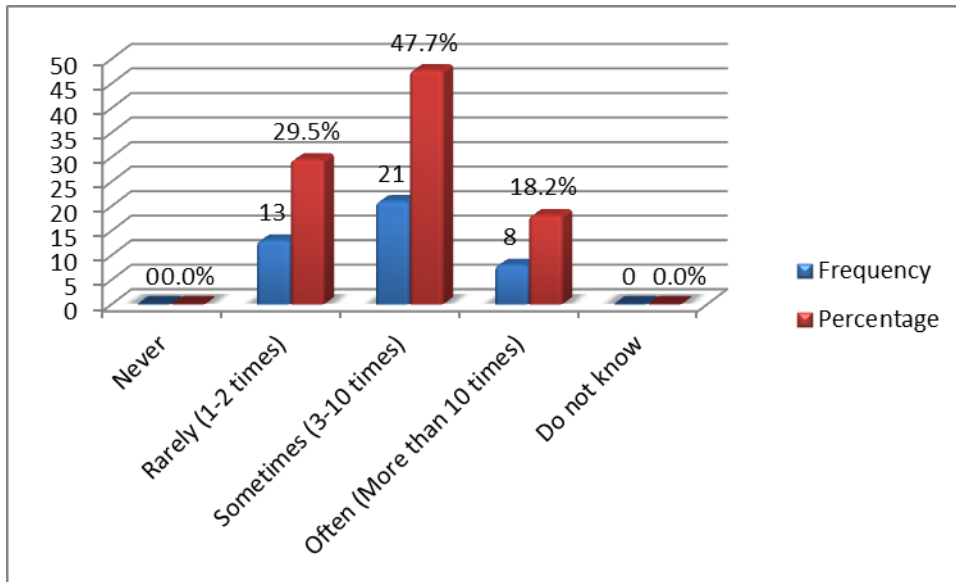
Source: Researcher (2017)

From the analysis of findings, majority of the respondents (28, 63.64%) indicated that they would prefer to deal with persons in their own clans/tribes. 18.18% of the respondents indicated that there was no difference. It was however noted that there was 9.09% of the study respondents who indicated that they prefer to deal with someone in another clan. 6.82% of the respondents refused to answer while 2.27% of the respondents indicated that they did not know.

4.7 Criteria for material Safety- Adequate standards of living

This work sought to establish the scarcity of food in the households. The results from the analysis of findings are illustrated in the figure below as shown.

Figure 4.6: Criteria to establish material safety



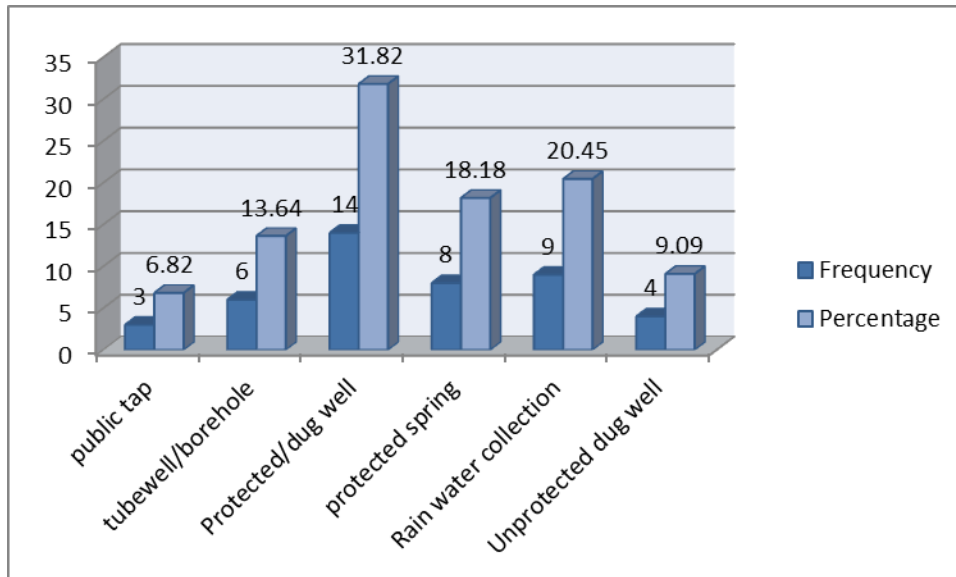
Source: Researcher (2017)

From the analysis of findings, majority of the respondents (32, 72.73%) responded that in sometimes (3-10 times) there was no food in the homestead because of lack of money to buy food. Closely after were respondents (13, 29.5%) who indicated there was rarely (1-2 times) food to eat of any kind because of lack of money to buy food. None of the respondents responded that there was never any food because of lack of resources. It was therefore established that there was a some food within the Gilgil IDP camps.

4.7.1 Water Sanitation and Hygiene

This endeavor sought to establish the main source of drinking water for the households. The results from the analysis of findings are illustrated in the table below as shown.

Figure 4.7: Water Sanitation and Hygiene



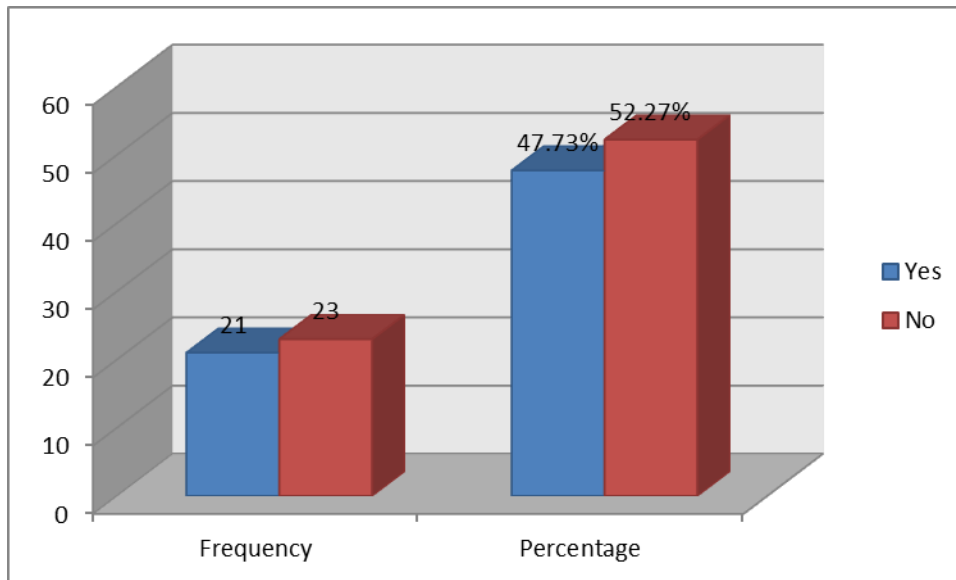
Source: Researcher (2017)

From the analysis, majority of the respondents (31.82%) showed that their main source of drinking water was protected or dug wells. 20.45% of the respondents affirmed that their main source of drinking water was rain water while 18.18% of the respondents said that their main source of drinking water was a borehole.13.64% of the respondents indicated it was from a borehole while 9.09% of the respondents said that their main source of drinking water was from a borehole.

4.8 Criteria on material safety-Access to livelihood

The study sought to establish from the respondents if they had a different main activity before they were forced to leave the last permanent place of residence. The results from the analysis are illustrated in the figure below as shown.

Figure 4.8: Criteria on material safety-Access to livelihood



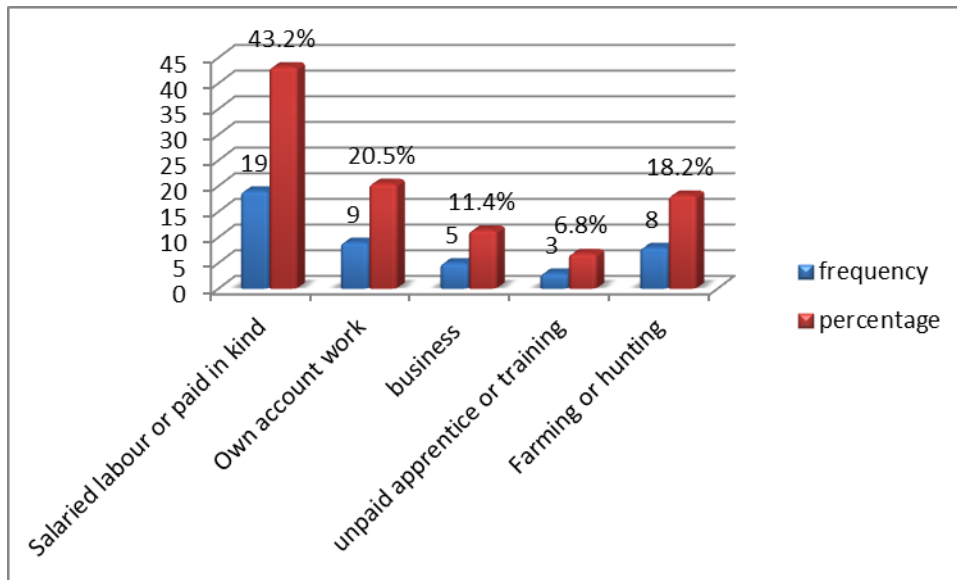
Source: Researcher (2017)

From the analysis majority of the respondents (23 respondents representing 52.27%) indicated that they were were working before the last place of displacement. Only a mere (21 respondents representing 47.73%) of the respondents indicated that were not working before they were forced to leave from their permanent place of residence.

4.8.1 Main activity before movement

This work also sought to establish from the respondents their main activity before they were involuntarily made to leave their last place of residence. The results from the analysis of findings are illustrated in the figure below as shown.

Figure 4.9: Main activity before movement



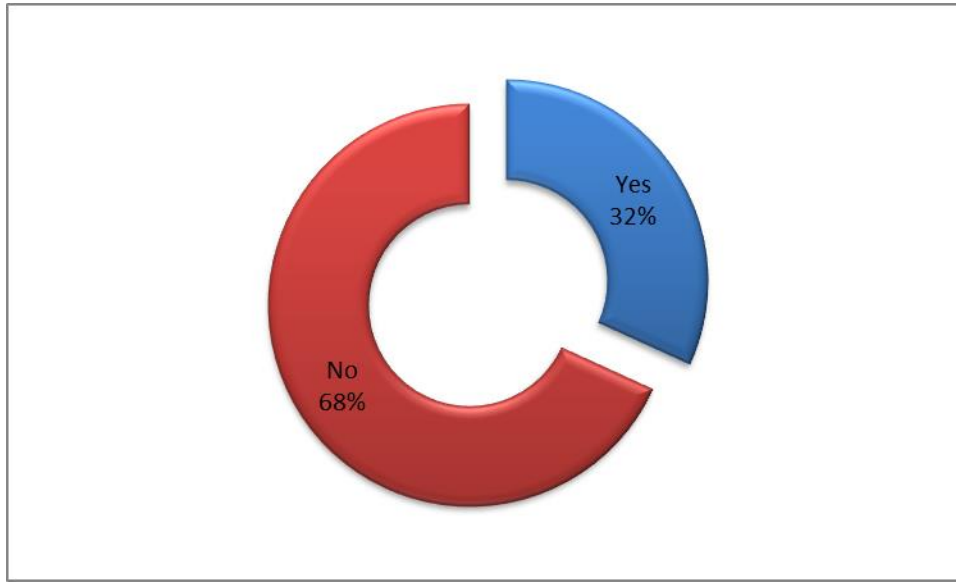
Source: Researcher (2017)

From the analysis, the highest frequency of (19) respondents indicated that they had salaried labour or labour in kind. This calculated to 43.2% of the total respondents. It was also noted that 20.5% of the total respondents had their own account work while 18.2% of the total respondents indicated that their major activity was farming. 11.4% of the respondents indicated that they were in business while 6.8% of the respondents indicated they had unpaid apprentice or training.

4.8.2 Recent Job search

The research also sought to establish from the respondents if they had searched for a job in the last month. The results from the analysis are illustrated in the figure below as shown.

Figure 4.10: Recent job Search



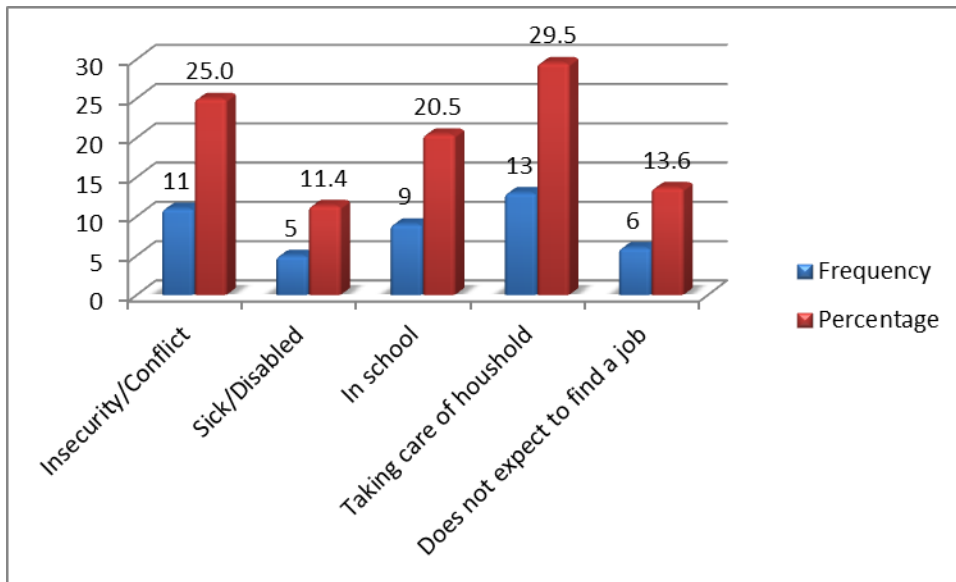
Source: Researcher (2017)

From the analysis, majority of the respondents (68%) admitted that they had not looked for any job in the last four weeks. Only a mere 32% of the respondents indicated that they had in the past four weeks looked for a job.

4.8.3 Reasons for not searching for a job

The study also sought from the respondents, the reasons for not searching for a job within the last month. The results from the analysis are illustrated in the figure below as shown.

Figure 4.11: Reasons for not searching for a job



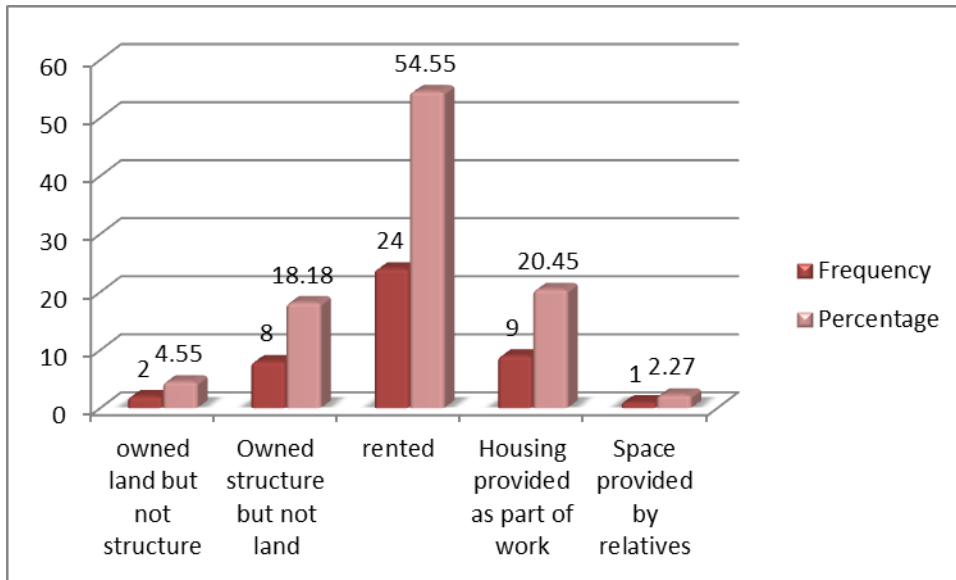
Source: Researcher (2017)

From the analysis majority of the respondents (13, 29.5%) conceded that the main cause of searching for a job was to take care of the household. Closely after were respondent (11,25%) who indicated that the main reason for not searching for a job within 4 weeks of displacement was because of insecurity. 20.5% of the respondents who indicated to not having searched for a job in the last month indicated that it was due to the fact the they were still in school.

4.9 Criteria on material safety-Housing and land property

The study sought to establish from the respondents if they owned, rented or occupied the structures or land. The results from the analysis are illustrated in the figure below as shown.

Figure 4.12: Criteria on material safety-Housing and land property



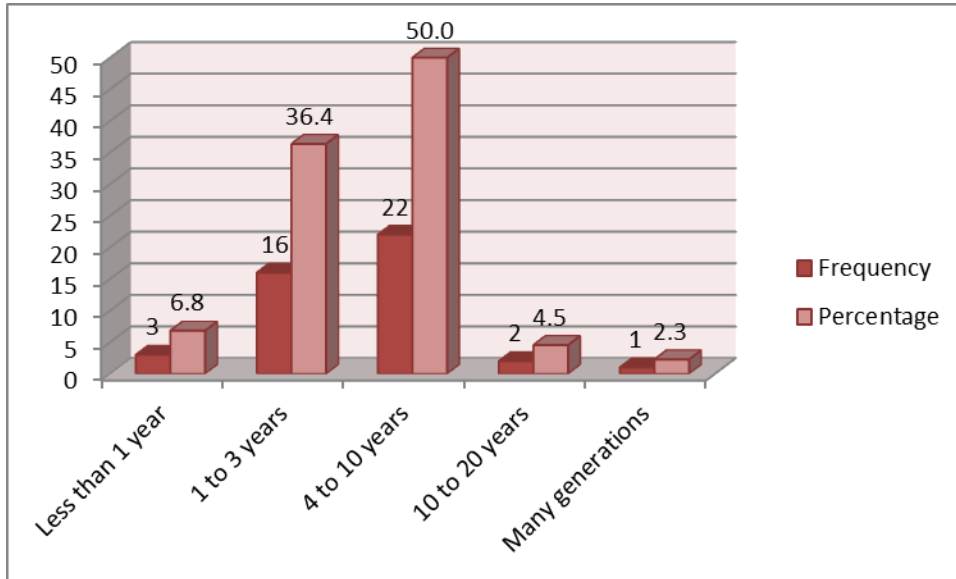
Source: Researcher (2017)

Majority (24) of the respondents indicated that they had rented the study location. This calculated to 54.55% of the total respondents. Closely after were respondents (9, 20.45%) who indicated that their housing was provided as part of work. 18.18% of the respondents they owned the structures but not the land while 4.55% of the respondents indicated that they owned the land but not the structures.

4.9.1 Time the land had been owned

The research sought to establish from the respondents the period the land had been owned. The results from the analysis are illustrated in the figure below as shown.

Figure 4.13: Time the land had been owned



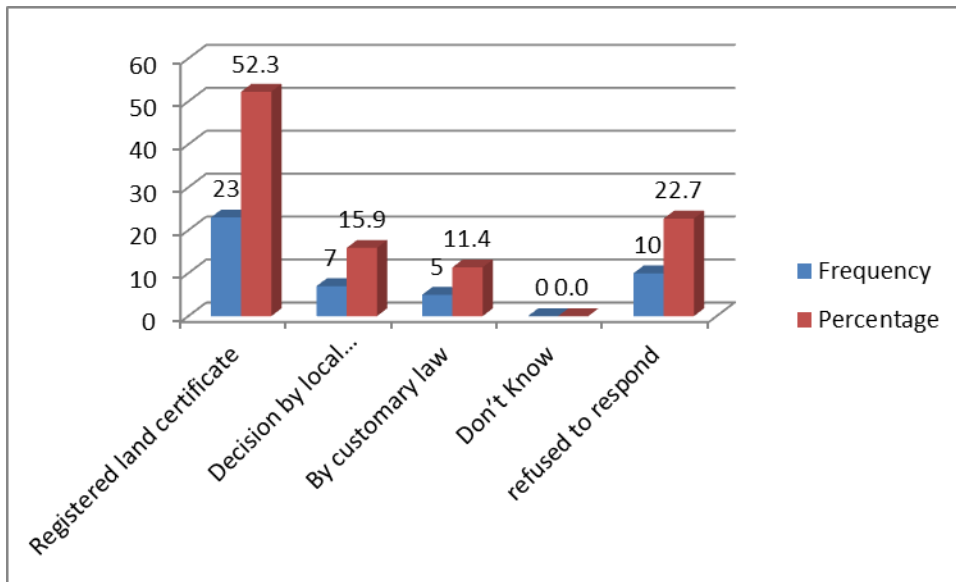
Source: Researcher (2017)

From the analysis, 22 of the respondents indicated that they had stayed in their specific land for a period of 4 to 10 years. This frequency calculated to 50% of the total responses. 36.4% of the interviewees indicated that they had been in the given area for a period of 1 to 3 years. It was noted from the findings that 6.8% of the respondents indicated that they had been in the given piece of land for a period of less than 1 year while 4.5% indicated that they had been in the given piece for a period of 10 to 20 years. Only a mere 2.3% of the respondents indicated to having stayed in the region for generations.

4.9.2 Legal recognition for the land

The study also sought to establish from the respondents the legal recognition they had for the land. The results from the analysis of findings are illustrated in the figure below as shown

Figure 4.14: Legal Recognition for Land



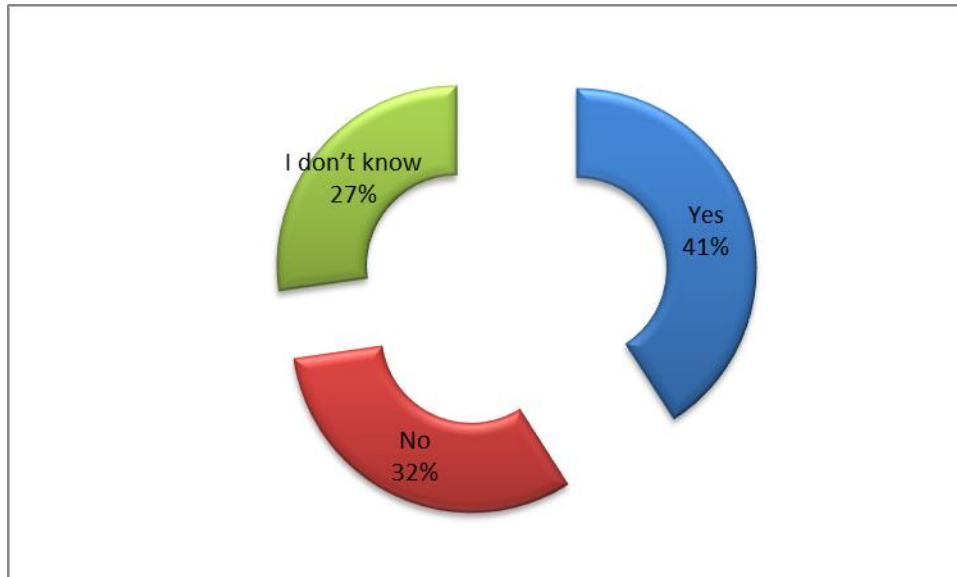
Source: Researcher, (2017)

From the analysis of findings, majority of the respondents (23,52.3%) indicated that they had a registered land certificate. Closely after were respondents (10, 22.7%) who refused to answer, 15.9% of the respondents indicated that the legal recognition of their land or structure was through a decision by the local administration. 11.4% of the respondents indicated that the legal recognition of their land was through customary law.

4.9.3 Secure tenure for their land/structure

The research sought to establish from the respondents if they had secure tenure for their structure or land and that no one would come and force them to leave without official legal process. The results from analysis of findings are illustrated in the figure below as shown.

Figure 4.15: Secure tenure for their land/structure



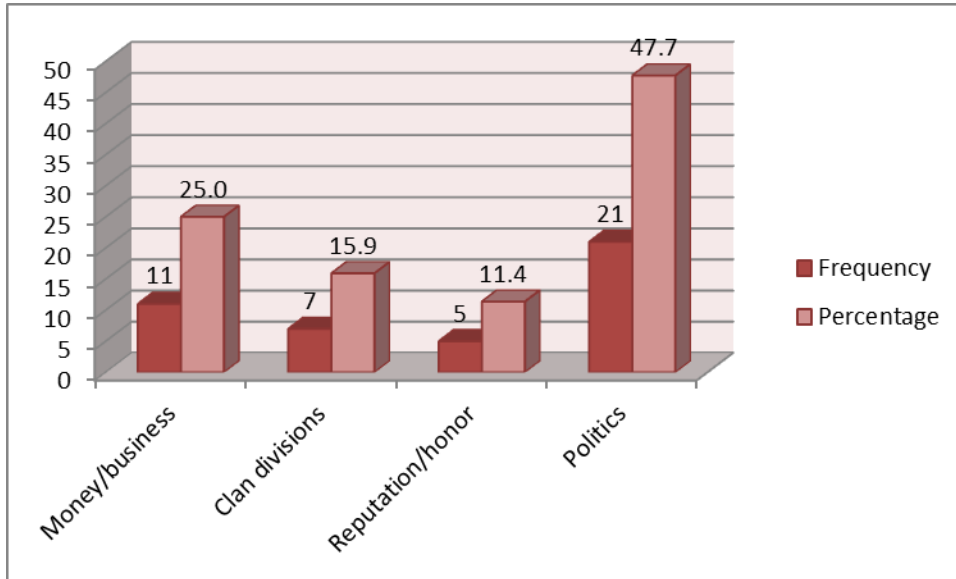
Source: Researcher (2017)

From the analysis, it was noted that majority of the respondents (41%) indicated that they had secure tenure for their structure. However, a lot of the respondents (32%) also said that they did not have secure tenure for their structure or land. 27% of the respondents said that they did not know whether they had a secure tenure for their land/structure.

4.10 Criteria on legal safety - Access to Justice

The study sought to establish from the respondents the most common reason for disputes or disagreement in the region. The results from the analysis are illustrated in the figure below as shown.

Figure 4.16 Criteria on legal safety - Access to effective Remedies and Justice



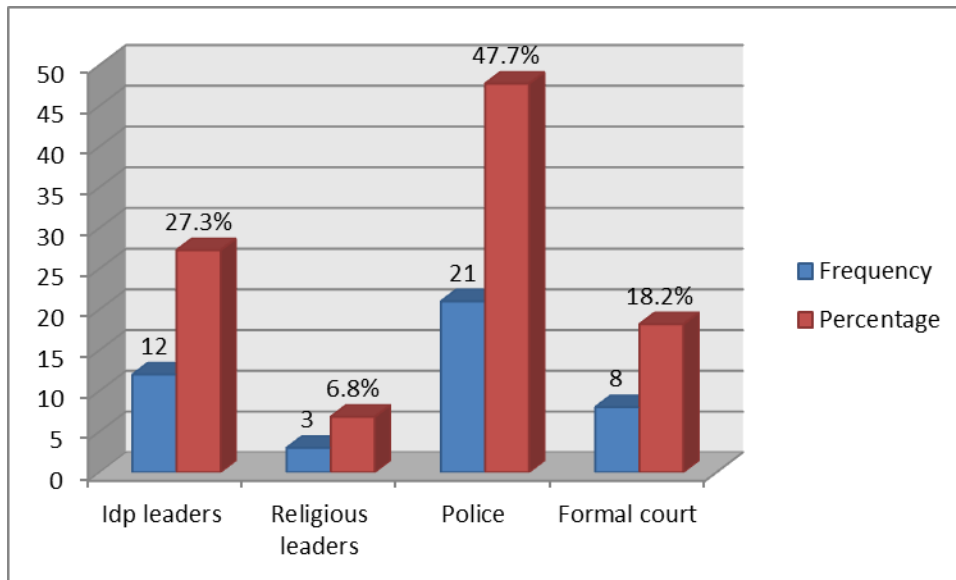
From the analysis of findings, 21, 47.7% said that the most common cause for dispute was due to politics. Closely after were respondents (11, 25%) who indicated that the main reason for conflict in the region was due to money or business. 15.9% of the respondents indicated that the source of conflict in the area was due to clan divisions. The least response was of respondents who indicated the main cause of conflict was due to reputation/honor.

4.10.1 Settling of disputes

The study sought to establish from the respondents, who they turned to in order to settle disputes.

The results from the analysis of findings are illustrated in the figure below as shown.

Figure 4.17: Settling of disputes



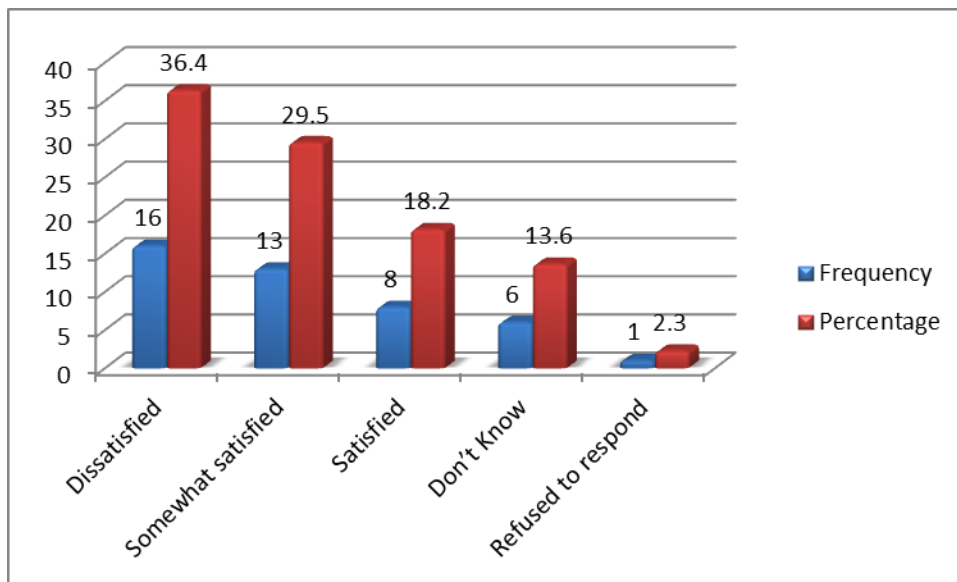
Source: Researcher (2017)

From the analysis of findings, majority of the respondents (21, 47.7%) indicated that they got disputes were mostly settled through the police. 27.3% of the respondents indicated that they settled disputes from the IDP leaders while 6.8% of the respondents indicated they solved disputes through the religious leaders.

4.11 Criteria for legal safety-participation

The study sought to establish from the respondents if they were satisfied with the performance of the political leaders in representing their interests. The results from the analysis are illustrated in the figure below as shown

Figure 4.18: Criteria for legal safety-participation



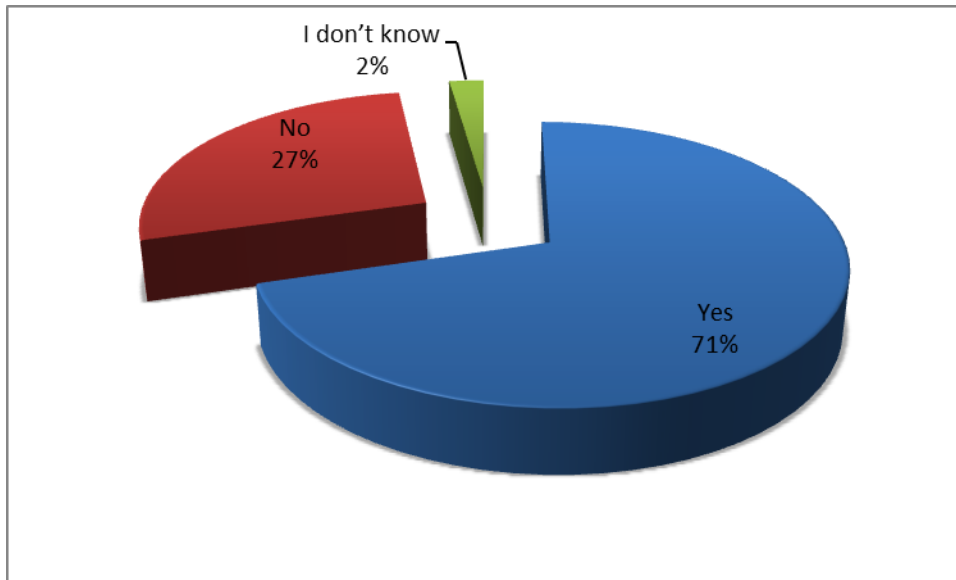
Source: Researcher (2017)

From the findings, majority of the respondents (16, 36.4%) indicated that they were dissatisfied with the performance of political leaders. 29.5% of the respondents indicated that they were somewhat dissatisfied. 18.2% of the respondents indicated that they were satisfied while 13.6% were noted to either not know or were neutral.

4.12 Criteria on legal safety-Access to documentation

The research sought to establish whether the head of the household had any form of legal identification. The result from the analysis is shown in the figure below.

Figure 4.19: Criteria on legal safety



Source: Researcher (2017)

Majority of the respondents (71%) indicated to having legal form of identification. Closely after were respondents (27%) who indicated that the head of their household did not have any form of legal identification. Only mere 2% of the total respondents indicated that they didn't know.

CHAPTER 5

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This section presents the summary of the findings, conclusions, recommendation and suggestions for further studies.

5.2 Summary of Findings

Internal dislocation of populations in Kenya can be described as a historical problem which can be attributed to multiple causes including, politically-related violence, ethnic violence, border disputes, slow onset disasters, cattle rustling and development-induced displacement. Verifiably, mass dislodging of Kenyans can be contended to have begun in 1915 when the British pilgrim control stipulated that all land had a place with the ruler to be held in trust by the representative. Huge numbers of the indigenous populace were rendered landless and compelled to work for European-possessed homesteads⁷⁴.

The research aimed to assess and analyze the extent to which the current normative and policy frameworks on internal displacement within Kenya provide for the advancement of sturdy solutions in the context of development interventions and approaches. In addition it also sought to determine the key constraining factors that hinder the paradigm shift within humanitarian and development actors to adapt their interventions towards incorporating development-oriented

⁷⁴ Lynch, G. 2009. "Sturdy 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* 36(122): 604-610.

sturdy solutions for IDPs and to draw out key recommendations towards various actors to incorporate a development-oriented approach in facilitating sturdy solutions for IDPs and affected communities.

From the analysis, it was established that the majority of IDPs had been displaced from their homes and places of habitual residence due to politically-related violence particularly 2007-2008 PEV. From the analysis it was also affirmed that majority of those interviewed had stayed in IDP camps for a period of more than four years with very little prospects of finding sturdy solutions.

The study also established that the way toward building up a legitimate and strategy system on security and help of IDPs started decisively in 2009 after joint endeavors by the then Ministry of Special Programs and different partners (counting INGOs, CSOs, UN organizations, KNCHR). A working group on IDPs was shaped with a double command to advocate for the advancement and establishment of a strategy for helping IDPs in Kenya⁷⁵ The study found that these efforts of developing and successful enactment of an IDP Act, 2012 formed a watershed moment and is a strong entry point for a paradigm shift on how sturdy solutions for IDPs is pursued within Kenya, since the policy framework adopted a comprehensive understanding of what sturdy solution is and how IDPs and affected communities can be protected and assisted.

⁷⁵ Omolo Joseph et al, '*Behind the Scenes*' <http://bit.ly/2gyDLUb> 2013

5.3 Conclusions

The pursuit of sturdy solutions for internally displaced populations in Kenya has been set apart by the two victories and difficulties. The fundamental achievement has been the entry of the IDP Act, 2012 which has been authorized in spite of the deferral in selection of the draft National IDP strategy. Order of this enactment, is an exceptionally positive advance towards tying down help of tough arrangements and the aversion of inner uprooting and insurance of IDPs inside a far reaching strategy stage. This has additionally made Kenya one of only a few states within Africa to have local laws on IDPs.

The study has also found out that the conceptualization of displacement as a humanitarian and development challenge and opportunity has begun to be embraced by varied stakeholders including government officials, development donors and non-governmental practitioners. However, key challenges still remain as relates to institutional resistance to multi-actor response and funding modalities among donors that would enable multi-year funding that incorporates development funding towards addressing internal displacement. There is need for the various stakeholders to embrace the reality that creating sturdy solutions for displacement affected populations entails a multi-stakeholder and sectoral, rights and needs based programming. Addressing physical, material and legal safety of displaced persons as a whole is crucial in the search for sturdy solutions and requires contributions from all sectors (humanitarian, development, human rights, peace building) in creating favorable conditions for sturdy solutions.

In this regard, in order for the linkage of humanitarian and development to be achieved, the process must be viewed as a cooperative action rather than mandate driven based on an inclusive,

participatory and consensus building approach. The goal being to give the millions of displaced persons a chance of a better life with dignity and self-reliance.

The presence of a varied based of development donors such as the World Bank, UNDP and various diplomatic corps engaged on displacement issues in Kenya and the region is a huge impetus for grounding discussions on humanitarian-development nexus in Kenya. The Government of Kenya and forced displacement practitioners in the country should take advantage of this and draw on resources and expertise that will help steer the focus of addressing internal displacement in the country within the lens of development-based response.

5.4 Limitations of the study

The researcher experienced a significant number of difficulties identified with the examination and most especially amid the procedure of information gathering. Because of insufficient assets, the analyst led this examination under imperatives of funds. A few respondents were one-sided while giving data because of reasons, for example, exploitation in the occasion the exploration discoveries went bad.

Respondents were normally suspicious and uneasy when coordinated to participate in an investigation that they didn't know about its outcome. To additionally quiet and set calm the respondents, the scientist clarified the idea of the examination and its expected reason and that it was simply a scholarly endeavor and that data unveiled would be held in classification by the analyst.

Owing to the sensitivity of information sought, the management considered it confidential; therefore, access was at times denied or otherwise limited. This negatively affected the validity and reliability of the data collected or unnecessarily made the research impossible. The researcher mitigated this by obtaining an introduction letter from the county government and pledge confidentiality and assured the management of the institution that the data was to be used solely for academic purposes.

5.5 Recommendations

Based on the foregoing analysis in Chapter 4 and the conclusion, below are recommendations to the Government of Kenya and international community that will help in addressing the sturdy solutions of IDPs within the humanitarian-development nexus:

Specific recommendations to Government of Kenya

- Endorse and implement the Kampala convention, to ensure that the IDP Act 2012 is aligned with the convention's provisions.
- The Ministry of Devolution and Planning should fast track the official adoption through the National Assembly the Cabinet-approved National Policy on IDPs.
- The State through the National Consultative Coordination Committee should undertake a comprehensive national profiling exercise in order to ascertain a nation-wide database on all displacement-affected population.
- Harmonies the various legislations that touch on IDP issues so that any gaps or overlaps between legislations may be aligned to the current IDP Act, 2012.

- The Government through the Ministry of Devolution and Planning should lead efforts, wherever possible, to achieve collective outcomes that address protracted displacement and prevent new displacement from becoming protracted
- The Government of Kenya should define, integrate and prioritize collective outcomes that address protracted internal displacement within National Development Plan and other relevant county plans as well as in poverty reduction and alleviation plans, urban development plans and peace building efforts.

Specific Recommendations to Humanitarian and Development actors:

- Systematically assimilate DACs into relevant development programmes and projects, including for longer-term interventions close to the contact line, in order to mitigate negative socioeconomic impacts that might trigger additional displacement
- Foster synergies between humanitarian and development actors to facilitate working across silos
- Donors should provide more flexible and long-term funding and should allow a proportion of the humanitarian and development funding to go directly to national authorities.
- Donors should allocate development funding to country-level Multi-Partner Trust Funds that have a broad programmatic scope that includes addressing protracted internal displacement.

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ANNEX I: IDP HOUSEHOLD SURVEY QUESTIONNAIRE

Introduction

Good morning/Good afternoon, my name is Rufus Karanja and I am a graduate student at the Institute of Diplomacy and International Studies at the University of Nairobi. In partial fulfillment of the requirements of the Degree of MA International Studies, I am doing a study on “Addressing Internal Displacement as a Humanitarian-Development Challenge and Opportunity in Africa: A Case Study of Kenya.” The study aims to make a case for the need for the government of Kenya, humanitarian actors, development actors, international and local NGOs to promote the conceptualization of internal displacement not only as a humanitarian and human rights challenge but also as development challenge and opportunity.

I would like to ask some questions about your household that will help me to understand more about your community and how displacement has affected you or your community.

The interview will take about 45 minutes and your answers will be completely confidential.

In this regard, I kindly ask you to take a few minutes and respond to this questionnaire. Please note that all information you provide will be treated with confidentiality, and will be used for academic purposes only.

Part 1: General Household Information

- 1. Are you living here because you were forced to leave your usual place of residence due to conflict, violence, human rights violations, natural or man-made disaster (e.g., drought or famine)?*

Yes; No

2. *How many years and months ago did your household move to this dwelling/area?*

Indicate Years ____; Indicate Months ____; Don't know; Refused to respond

3. *Where did your household live before moving here?*

Same district/sub-county; Different sub-county same region; Different region same county;

Don't know; Refused to respond

4. *Why did your household move to this district/sub-county?*

Better security; Better access to home /land / livestock; Better access to education and health services; Better access to livelihood/employment opportunities; To join family / family reasons; Official transfer for work; Other reasons (specify); Don't know; Refused to respond

Part II: Criteria on Physical Safety – Safety and Security

5. *Please tell me how safe you feel when doing the following things:*

5.1 *Walking around your neighbourhood:*

Very unsafe; Unsafe; Somewhat safe; Very safe; Don't know; Refused to respond

5.6 *Travelling to other districts in your region:*

Very unsafe; Unsafe; Somewhat safe; Very safe; Don't know; Refused to respond

6. *What level of confidence do you have in the police to protect you, your household and your property from crime and violence?*

Not at all; A little; Somewhat; A great Deal ; Don't know; Refused to respond

7. *If you become the victim of a crime, such as theft or violence, will you go to the police to report it and ask for help?*

Yes; No; Don't know; Refused to respond

8. *What is the most important thing that could be done to improve security in your neighbourhood?*

Increase number of police; Improve training of police officers; Provide police with better equipment; Increase police consultation with community; Increase patrols at night; Increase AMISOM presence; Increase government forces; Add additional checkpoints; Remove illegal checkpoints; Remove police or government forces; Other (please specify); Don't know; Refused to respond

Part II: Criteria on Physical Safety – Social Cohesion

9. *Thinking about your daily life and interactions with other people, do you generally prefer to deal with people who were displaced as you or those from the host communities, or is there no difference?*

Prefer to deal with someone from my own clan; No difference; Prefer to deal with someone from another clan; Don't know; Refused to respond

10. *Have people who have been displaced due to conflict settled in your neighbourhood?*

Yes; No; Don't know

Part III: Criteria on Material Safety – Adequate Standard of Living (Access to Basic and Social Services)

Access to Food

11. *In the past 4 weeks, how often was there no food to eat of any kind in your house because of lack of resources to get food?*

Never; Rarely (1-2 times); Sometimes (3-10 times); Often (more than 10 times); Don't know; Refused to respond

12. *In the past 4 weeks before household's displacement from their last permanent place of residence, how often was there no food to eat of any kind in your house because of lack of resources to buy food?*

Never; Rarely (1-2 times); Sometimes (3-10 times); Often (more than 10 times); Don't know; Refused to respond

13. *What was your main strategy to cope with your lack of food in your household?*

Less preferred food; Reduce number of meals per day; Limit portion size; Restrict adult consumption; Borrow food / money to buy food; Skip entire days without food; Collect unusual wild foods / tree leaves; Sell more animals / personal belongings; Consume seed stocks; Sent family members to live elsewhere; Other (please specify); Don't know; ^[]_[SEP]Refused to respond

Water, Sanitation and Hygiene

14. *What is the main source of drinking water for the household?*

Piped water into the home; Piped water into compound; Public tap; Tubewell / borehole; Protected dug well; Unprotected dug well; Protected spring; Unprotected spring; Rainwater collection; Bottled water; Cart with small tank / drum; Tanker-truck; Surface water (river, dam, lake, pond, stream, canal, irrigation ^[]_[SEP]channels); Other; Don't know; Refused to respond ^[]_[SEP]

15. *Who is your water service provider, that is, the agency or company that is responsible for the water supply?*

The public (government/council) water company (of your town); A private water company; It is a system (well, borehole etc.) that is owned by my ^[]_{SEP}household; It is a community / ^[]_{SEP}neighbourhood / self-help system (including shared boreholes); Don't know

Education

16. *Does any children in the household currently attend school or college?*

Yes, all of them; Only some of them; No, none of them; Don't know

17. *What is the main reason why the children in the household (or some of them) are not attending school or college currently?*

Still too young; Too old to go to school / college; Illness; Works; Takes care of home / younger siblings; Will work on land / in home; No need to study; Lack of financial resources; Parents do not understand how to enroll; No documents to enroll in schools; The school nearby is poor quality; Absence of female teachers; Schools / colleges are full and not accepting new students; There are no schools/colleges nearby; The way to school / college is not safe because of conflict; The school / college is closed due to the conflict; The school / college is occupied due to the conflict ^[]_{SEP}

18. *Were the children in the household attending school or college immediately before displacement from the last permanent place of residence?*

Yes, all of them; Only some of them; No, none of them; Don't know

19. *[If any members of the household are in primary school/secondary]: Overall, how satisfied are you with the quality of primary education?*

No member of the household is going to primary school; Dissatisfied; Somewhat Satisfied; Satisfied; Don't know; Refused to respond

Part III: Criteria on Material Safety – Access to Livelihoods (Job Creation and Income Generation)

20. Did you have a different main activity before you were forced to leave the last permanent place of residence?

Yes; No; Did not work before displacement from the last permanent place of residence; Don't know

21. What was your main activity before you were forced to leave the last permanent place of residence?

Salaried labour or labour paid in kind (including agricultural salaried job); ^{[[[]]]}_{[[SEP]]}(Non farm) Own-account work, for example as a business owner; Help in any kind of non-farm business owned by the household^{[[[]]]}_{[[SEP]]}; Unpaid apprenticeship or training; Farming or hunting or fishing at own account / help on family farm; Don't know; Refused to respond

22. During the last 4 weeks, have you tried to find any kind of job, or tried to start a business of any kind?

Yes; No; Don't know

23. What is the main reason you did not look for any job in the last 4 weeks?

Insecurity / conflict; Ill / sick; Disabled; In school; Too young / too old for work; Retired; Taking care of household / family; Waiting for reply from employer; Waiting for busy season; Does not want to work; Husband does not allow; Does not expect to find a job; Other (please specify); Don't know; Refused to respond

24. *What do you think is the main obstacle that you face in securing a job?*

Lack or inadequate skills; Lack of information about the local labour market; Lack of personal or political connections; Language barrier; Disability / chronic illness; Lack of proper documentation; Ethnic / political / religious discrimination; Limited or irregular work opportunities; Lack of work opportunities; Conflict and Insecurity in the area; Other (Specify); Don't know; Refused to respond

Part IV: Criteria on Material Safety – Housing Land and Property

25. *Do you own, rent, or occupy this structure and land?*

Owned; Own the land but not the structure; Own the structure but not the land; Rented; Housing provided as part of work; Space provided by relatives / friends / host family; Temporary shelter arranged by UN/NGOs; Squatting on community owned land; Squatting on public owned land; Squatting on privately owned land; Don't know; ^[]_[SEP]Refused to respond

26. *How many years have you owned this land / structure?*

Less than 1 year; 1 to 3years; 4 to 10 years; 10 to 20 years; Many generations ^[]_[SEP]

27. *What kind of legal recognition do you have for this land / structure?*

Registered land certification; Decision by local administration; By customary law; Don't know; Refused to respond

28. *Do you feel you have secure tenure to your land/structure? By “secure” I mean that no one could just come and force you to leave without an official legal process in which you would participate.*

Yes, No; ^[]_[SEP]Don't know; Refuse to respond

29. *What is one of the main factors that would make you feel less secure about your land and housing rights?*

New groups moving in to the community; Increases in housing costs; Requirements to have formal title; Weather and climate changes; Conflict in the community; Other (specify); Don't know

Part V: Criteria on Legal Safety – Access to Effective Remedies and Justice

30. *Communities often have disputes or disagreements. What is the most common reason for a dispute or disagreement in this neighbourhood?*

Money / business; Land / property; [SEP] Family dispute; Clan divisions; Honor / reputation; Religion; Politics; General mistrust; Other (specify); Don't know; Refused to respond

31. *In case you have a dispute in your community, who do you mainly turn to in order to settle the dispute?* [SEP]

IDP leaders; Religious leaders / Shari'a; Informal court; Police; Formal Court; Other (specify); Don't know; Refused to respond

32. *How satisfied are you with the performance of who was meant to settle your dispute?*

Dissatisfied; Somewhat satisfied; Satisfied; Don't know; Refused to respond

33. *Does your household have access to legal aid assistance?*

Yes; No; Don't know

Part V: Criteria on Legal Safety – Participation in Public Affairs

34. *How many times in the past twelve months have you attended any public meeting in which there was discussion of community affairs?*

Never; Once; 2-4 times; 5-9 times; About once a month on average; About twice a month

on average; About once a week on average; More than once a week; Don't know;
Refused to respond

35. *How satisfied are you with the performance of the political leaders in representing your interests?*

Dissatisfied; Somewhat satisfied; Satisfied; Don't know Refused to respond

36. *Thinking a moment about the elections in Kenya in August, do you have confidence in the honesty of the electoral process?*

Not all; A little; Somewhat; A great Deal; No opinion about the electoral process; Don't know; Refused to respond

Part V: Criteria on Legal Safety – Access to Documentation

37. *Does the head of the household have any form of legal identification?*

Yes; No; Don't know

38. *Which form of legal identification does the head of the household own?*

Birth Certificate; Identity card; Vote ID; Driver's License; Passport; Other (specify);
Don't know; Refused to respond [SEP]

39. *How many times in the past year have you tried to get/renew a document? Were you successful?*

Never; 1 time; 2 times; 3 times; 4 times; 5 times; 6 to 10 times; 11 to 15 times; More than 15 times; Don't know; Refused to respond

Part V: Criteria on Legal Safety – Family Reunification

40. *Are there any members who would normally be living in your household but who have been separated from the household due to conflict, violence, human rights violations, natural or man-made disaster (for example, drought or famine)?*

Yes; No; Don't know; Refuse to respond

Please list those members: _____