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**MA IN ARMED CONFLICT AND PEACE STUDIES**

**FROM IDPS TO REFUGEES AND BACK TO IDPS - THE  
DYNAMICS OF POST ELECTION VIOLENCE VICTIMS IN  
KENYA: A CASE OF BUSIA COUNTY, 2007-2015**

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**DECLARATION**

THIS RESEARCH PROJECT REPORT IS MY ORIGINAL WORK AND HAS NOT BEEN PRESENTED FOR EXAMINATION TO ANY OTHER UNIVERSITY.

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## **DEDICATION**

To my wife Priscillah and daughters Wanjiru, Najabi, and Meta

## **ACKNOWLEDGEMENTS**

I would like to thank God for the gift of life, without which the writing of this project would not have been possible. There are also several people that I would like to give a mention to for their contribution in the writing of this piece of work.

First, I would like to thank the University of Nairobi, through the Department of History and Archaeology for granting me the chance to pursue my M.A studies. Special thanks go to my supervisors, Dr.MisigoAmatsimbi and Dr. Margaret Gachihi for their unrelenting guidance in the writing of this work. I would also like to give a mention to lecturers, among them, Dr.G. Gona and Dr.M. Mwiandi for their comments that polished this work.

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Finally, to all my classmates and departmental lecturers, I am grateful for the company we kept during class work and project consultations. To you all, I say, thanks.

## **ABSTRACT**

This study set out to assess the changing nature of displaced persons in Kenya. The main objective was to explore the nature of displaced persons and the coping mechanisms during the different stages of displacement. The study sought to examine three objectives; one is transition of Kenyan IDPs to refugees in Uganda; secondly is dynamism of the refugees to IDPs; and thirdly, to assess the challenges and coping mechanisms they adopted in transit camps in Malaba.

The research used the theory of Reasoned Action by AjzenIcek and Fishbein Martin. The theory argues that human actions are based on cost-benefit analysis following a rational analysis of available salient information. Data collection began by review of secondary materials accessed from Jomo Kenyatta Memorial Library at the University of Nairobi and McMillan library. There were direct interviews with twenty five respondents and two focus group discussion during the course of this study. The study sample was selected purposively based on researcher's knowledge of key informants in the area. In addition, two focus group discussions with informed respondents were held in Malaba Town.

The study found out that displaced persons of 2007/08 Post Election Violence in Malaba had to periodically and systematically adjust their lifestyles to fit into different environments they found themselves in. For instance, due to limited employment opportunities in refugee settlements, the refugees had to adopt a myriad of economic activities including farming and petty businesses to survive.

Additionally, they faced several challenges including health problems, shortage of social amenities, harassment by agency and state officials and trauma. To survive, they develop coping mechanisms which include seeking guidance and counselling services and developing close relationship with host communities in order to share available resources.

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## **LIST OF ABBREVIATIONS**

ADC	Agricultural Development Cooperation
ASALs	Arid and Semi-Arid Lands
AU	African Union
CIPEV	Commission of Inquiry into Post-Election Violence
CMR	Crude Mortality Rate
CPA	Comprehensive Peace Agreement
DO	District Officer
DCC	Deputy County Commission
DRC	Democratic Republic of Congo
ECK	Electoral Commission of Kenya
FAO	Food and Agricultural Organisation
FGD	Focus Group Discussions
FRY	Federal Republic of Yugoslavia
HPG	Humanitarian Policy Group
ICPD	International Conference on Population and Development
IDPs	Internally Displaced Persons
IEBC	Independent Electoral and Boundaries Commission
IGAD	Inter-Governmental Authority on Development
IOM	International Organisation of Migration
IRC	International Rescue Committee
IRCC	International Red Cross Committee
KADU	Kenya African Democratic Party
KAMATUSA	Kalenjin, Maasai, Turkana and Samburu Association
KANU	Kenya African National Union
KES	Kenya Shillings

KHRC	Kenya Human Rights Commission
KNDR	Kenya National Dialogue and Reconciliation
KNEC	Kenya National Examination Council
KPU	Kenya People's Union
KRCS	Kenyan Red Cross Society
LDGI	Land development and Governance Institute
MCA	Member of County Assembly
MOSSP	Ministry of State for Special Programmes
MoU	Memorandum of Understanding
MPs	Members of Parliament
NARC	National Alliance Rainbow Coalition
NCP	National Congress Part
NDR	National Dialogue and Reconciliation Process
NGOs	Non-Governmental Organisations
NIS	National Intelligence Service
NYS	National Youth Service
OCHA Affairs	United Nations Office for the Coordination of Humanitarian
ODM	Orange Democratic Movement
OHCHR	Office of the High Commissioner for Human Rights
OPM	Office of the Prime Minister
ORN	Operation Rudi Nyumbani
PEV	Post-Election Violence
PNU	Party of National Unity
SGBV	Sexual and Gender Based Violence
SLDF	Sabaoti Land Defence Forces
SPLM/A	Sudan Peoples' Liberation Army/Movement

TJRC	Truth Justice and Reconciliation Commission
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Program
UNDPKOs	United Nations Department of Peace Keeping Operations
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children 's Emergency Fund
USAID	United States Agency for International Development
WFP	World Food Program

## DEFINITION OF TERMS

**Refugee:** UN Convention on Refugees status defined a refugee as one who, is outside the country of his nationality due well-founded fear of persecution because of political opinion, race, nationality, or religion and is unwilling or unable to seek the protection of that country.<sup>1</sup>

**Internally displaced persons (IDPs)** –These are people/ groups of people forced to leave homes to avoid the effects of armed conflict, natural or man-made disaster and violations of human rights and but who within their countries of nationality.

**Conflict** - The English word ‘conflict’ comes from the Latin word ‘confligere’ meaning to be antagonistic, incompatible, contradictory or being in opposition. Thus a conflict arises when two or more parties have incompatible goals about something.<sup>2</sup>

**Transit IDP Camp** – These are camps regarded as temporary where IDPs settle awaiting resettlement or return. In this study, the term is used to refer to IDP camps established in Malaba by refugees returning from Uganda.

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<sup>1</sup> Robbins, R., 1956. The Refugee Status: Challenge and Response. Law and Contemporary Problems, Vol. 21, No. 2, Immigration: Duke University School of Law, pp 311-333.

<sup>2</sup>Mitchell, C. R. 1998. The Structure of International Conflict. London: Macmillan, pp.15-25.

## CHAPTER ONE

### INTRODUCTION

#### 1.1 Introduction

The World has been embattled in unending cycles of violence since time immemorial. The last decade of the 20th century and the start of the 21st century have been characterised by violent intra-state conflicts around the globe. Countries such as Somalia, Rwanda, DRC, Chechnya, Iraq, Bosnia, Eritrea and Ethiopia, Sierra Leone and Liberia are just but distinct examples of domestic and local conflicts that have occurred. Ethnic cleansing, insurgency movements and terrorist attacks have emerged the new forms of war that have plagued political scene of the developing countries.<sup>3</sup>

The main consequence of violent conflict is displacement as people or sometimes entire populations are forced to flee their homes in fear. Tens of millions of people are on the move in search of a peaceful place of residence. UNHCR recognises around twenty million persons as refugees seeking protection. In addition to these recognised refugees, many others are internally displaced. As a result of these large-scale displacements, and their cross-border effects, the international community has increasingly been forced to consider forced displacement as an international affair. Situations of forced displacement present both security concerns over peace and stability in a region and humanitarian concerns over the plight of large numbers of displaced people.<sup>4</sup> These concerns have motivated the international community, to intervene in a number of wars including Bosnia, Somalia, and Kosovo.<sup>5</sup>

The violent conflicts leading to displacements have had as many varied causes as are the participants and casualties. Majority of analysts tend to point fingers at competition for resources, poor governance, inequitable resources distribution and endowment among nations as part of the causes. The process of nation-state formation and disintegration, and the role of the state in the generation of conflict and the creation of situations that advance forced migration as well as the differential impact of the development of the

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<sup>3</sup>Bolesta, A., 2004. Conflict and Displacement; International Politics in the Developing World. Bialystok:WydawnictwoiDrukarnia, Poland, pp. 8-13.

<sup>4</sup>Lohrmann R.,2000. 'Migrants, Refugees and Insecurity: Current Threats to Peace?',*International Migration*, 38(4): 3-21.

<sup>5</sup>Bolesta,. Conflict and Displacement, pp. 8-13.

state model on types of migration have also been cited as a challenge to international peace and hence a basis for displacement.<sup>6</sup>

In recent years, forced displacement has moved from being a by-product of armed conflict to becoming a key component in the logic of modern war. In conflicts ranging from Somalia to Haiti, to the former Yugoslavia, the forced displacement of large numbers of people has played a central role in both the conflict and the response of the international community. The centrality of forced displacement in armed conflicts reflects the changing dynamics of organized violence on the ground. These new dynamics are clearly illustrated by the statistic indicating that 90% of casualties in the post-cold-war conflicts are civilians as opposed to about 10% at the beginning of the twentieth century.<sup>7</sup> While this statistic is reflective of the decentralization of violence away from standard armed forces to non-regular, civilian-based armed groups, it is also indicative of a fundamental shift in the objectives of the new war conflicts. The primary goal of modern organized violence is the political control of territory through ‘ethnic engineering’ involving the expulsion of political and ethnic opponents.<sup>8</sup> As a result, civilian populations more often the central targets of organized violence, with the explicit aim of inducing large-scale displacements. The forced displacement of large numbers of people thus, plays a key component in the calculus of modern conflict.<sup>9</sup>

The displacements of large numbers of people have become a primary aim of many of modern conflicts making international community to increasingly consider the importance of forced migration and its cross-border effects in international affairs. Often occurring in economically developing and politically fragile regions of the world, large-scale displacements usually precipitate acute humanitarian crises and carry with them potentially destabilizing pressures on neighbouring states. In some instances, the confluence of humanitarian and security concerns over large-scale population movements has led Western states to intervene militarily in such ‘new war’ situations, usually through high-altitude bombing campaigns using precision-guided weaponry. This, in many cases, has proven counter-productive at least in the short run, as it results

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<sup>6</sup>Bolesta, *Conflict and Displacement*, pp. 8-13.

<sup>7</sup>*Ibid*, pp.11-12.

<sup>8</sup>Kaldor, M. (ed.) 2000. *Global Insecurity*, London, Pinter. \_ *New and Old Wars: Organized Violence in a Global Era*; Cambridge, Polity Press, pp. 1-15.

<sup>9</sup>*Ibid*

in more displacement of the non-combatant populations.<sup>10</sup> These developments in World security and peace have necessitated the need to have a clear look at the issues of refugees and IDPs whose numbers are rapidly on the increase despite various efforts to curb the same.

The history of the development of principles and guidelines on conduct and status of refugees owe their origin in World War Two, which resulted in many Russian refugees entering the Western Europe. This made it necessary for the United Nations to formulate rules on how the refugees were to be treated. The endeavour resulted in the 1951 Convention on the Status of refugees that highlighted how this category of people was to be treated. Over the years, a number of Conventions have been advanced in a bid to strengthen the well treatment of refugees globally. This has resulted in refugees having an international regime which is responsible to their affairs though - United Nations High Commissioner for Refugees, which has representation in all the UN member states. However, the large numbers of refugees plus their much varied demands have at times overwhelmed the capacity of UNHCR making service delivery insufficient.<sup>11</sup>

Unlike a refugee, an IDP is a forced migrant who relocates within the borders of her/his country of origin. The forcing relates to founded fear of persecution political, religious or ethnic reasons.<sup>12</sup> Ever since the end of the Cold War, much of the World attention has been diverted towards IDPs as it has emerged that this category of concern has been increasing at a very alarming rate. Civil wars, inter-state conflicts, and conflicts caused by socio-economic factors or changes in governments, ethnic conflicts, terrorist activities, abuses of human and individual rights, together with natural disasters, have led to the number of individuals uprooted from their habitual residences and settling within their countries of nationality rising.<sup>13</sup>

Many of the conflicts that occurred at the end of Cold War were mainly internal, ethnic clashes and power struggles within various factions of government that led to coups

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<sup>10</sup>Bolesta, A. 2004. pp 2-14, op cit.

<sup>11</sup>Loescher, G., 2001. The UNHCR and World Politics: State Interests vs. Institutional Autonomy. *International Migration Review*, Vol. 35, No. 1, Special Issue: *UNHCR at 50: Past, Present and Future of Refugee Assistance*, pp. 33-56.

<sup>12</sup>Moore, W. H., and hellman, M.S. 2003. Refugee or Internally Displaced Person? To Where Should One Flee? *Department of Political Science*, Florida State University USA. Pp 1-16.

<sup>13</sup>Ibid. Pp 1-16.

d'état. Internal instability brought about by factors such as dictatorship, multiparty democracies which took an ethnic twist, military interference in governance was witnessed. The Great Lakes Region, for instance, was characterised by bad governance and leadership, weak institutions, state collapse, genocide, and seemingly intractable conflicts. Despite abundant natural resources, the people lacked basic services and infrastructure. This resulted in the genocide in Rwanda in 1994 that claimed the lives of almost a million people, the devastating rebellion in northern Uganda that has been on since 1987, and the deaths of more than four million victims of the conflict in DRC since year 2000.<sup>14</sup> The other phenomenon was that many of the displaced persons were no longer crossing internationally defined boundaries but simply relocated to other regions or designated camps within their mother countries. These necessitated the need to have a different look at the newly emerging group of the displaced persons hence the establishment of a UN Secretary-General special Representative to formulate Guiding Principles on IDPs in 1998.<sup>15</sup>

This study focuses at the displaced persons of the 2007/08 PEV in Kenya. The aim is to understand how the nature of their status changed from being IDPS to refugees and then back to IDPs upon return from Uganda.

### **1.1.1 Historical Background to 2007/08 Post Election Violence and Displacement in Kenya**

In Kenya, the issue of displacement is not a new phenomenon. Since 1963, when Kenya gained self-governance from the British, ethnic politics have been demonstrated on the Kenyan political scene.<sup>16</sup> Since the reintroduction of multi-party politics in 1991, ethnically-heterogeneous regions of the Rift Valley, Nyanza, Western and Coast provinces have experienced violence in which some members of 'indigenous' tribes are pitted against migrants who are constructed as 'outsiders.' Claims that migrants acquired other communities' lands unjustly through patronage networks undermine respect for their land and property rights. These claims have been used by politicians to

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<sup>14</sup>Okumu, W., 2006.Challenges and Prospects for Peace in the Great Lakes Region of Africa. *African Security Review*, Vol 16 no 1: Pp 2-13.

<sup>15</sup>Stremlau, J. 2000. Ending Africa's Wars. *Journal of Foreign Affairs*, Vol. 79, No. 4, pp. 117-132. Council on Foreign Relations , pp. 2-11.

<sup>16</sup>Lekha, C., andWermester, K., eds., 2003. Quiet Diplomacy and Recurring 'Ethnic Clashes' in Kenya. in *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict*, Boulder: Lynne Rienner, p.2.



mobilize ethnic militia to forcibly displace ‘outsiders’ and dispossess them of their land and property. The 2007 displacement was triggered by a dispute over the results of the presidential election. Hundreds of thousands of households have been displaced during election: 300,000 in 1992; 150,000 in 1997; 20,000 in 2002; and over 660,000 in 2007.<sup>17</sup>

While the general elections of 2002 were generally peaceful, serious political and ethnic divisions, tensions and sporadic violent confrontations among political and ethnic groups emerged soon after, and continued for a number of years.<sup>18</sup> By the time Kenya approached the 2007 general election, it had become routine for politicians to incite inter-ethnic violence on account of perceived or real land injustices by outsiders. This provided fertile environment for the violence that erupted following the disputed elections.<sup>19</sup> These culminated into large scale and widespread violence and forced displacement prior to, during and after the disputed results of the 2007 presidential elections.

The announcement of the presidential election results in 2007 sparked a wave of violence in many parts of Kenya. The results were disputed by the ODM Party led by Raila Odinga who questioned the validity of Mwai Kibaki PNU’s win. The contention was that Raila had won in six provinces while Kibaki had won in only two of the total eight provinces. The ensuing mass protests degenerated into mass violence that spread rapidly throughout the country. The violence led to an estimated loss of 1,200 lives, destruction of property estimated at 90 billion shillings and general disruption of social and economic life.<sup>20</sup> In December 2008, the Ministry of State for Special Programmes in conjunction with the UNHCR released the results of a profiling exercise which showed that the 2007 PEV produced 663,921 IDPs.<sup>21</sup>

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<sup>17</sup>Kamungi, P. 2013. Municipalities and IDPs Outside Camps: The Case of Kenya’s ‘Integrated’ displaced persons. Project on Internal Displacement: the Brookings Institution-London School for Economics, p.1.

<sup>18</sup> The Baring Foundation, December, 2011. The Baseline Report. The Right to Information for Internally Displaced Persons in Kenya. Human Rights Edition, pp.17.

<sup>19</sup>Mwathane, p. 6, op cit.

<sup>20</sup>Ng’ang’a, p2-3, Op cit.

<sup>21</sup>Ibid

In May 2008, the Ministry then launched, *Operation Rudi Nyumbani*(ORN)(Return Home) and related operations *Tujenge Pamoja* (Build Together) and *Ujirani Mwema* (Good Neighbourliness), using the provincial administration to manage these operations.<sup>22</sup> The government was to meet the full cost of resettlement of the displaced persons, including reconstruction of basic housing, replacement of household effects and rehabilitation of infrastructure, such as community utilities and institutions during the PEV. The government also sought to increase physical security, rehabilitate key services, provide the IDPs assistance for the first three months of return and engage in peace and reconciliation activities.<sup>23</sup>

Of the over 660,000 persons displaced in 2007, 640 cosmopolitan families crossed over to Uganda. These families fled to Kiryandongo Refugee Settlement in Masindi District in Uganda in 2008. They had been displaced from Lwakhakha, Wamono, Lwandanyi and Chebukube in Bungoma County and Malaba and Nambale in Busia County. Upon their return in 2015, they ended up in IDP camps in Malaba.

This study focused on this group of refugees-cum IDPs. It sought to establish their experiences as refugees in Uganda, the pull factors for their return to Kenya and mechanisms they used to cope with the challenges they faced in different stages of their displacement.

## **1.2 STATEMENT OF THE RESEARCH PROBLEM**

Kenya has experienced violence during elections ever since the reintroduction of multiparty politics in 1991. The 2007 General election was marred by violence following claims of rampant rigging in favour of the ruling party, PNU. The allegations were supported by the fact that the opposition had won in 6 provinces out of the 8 provinces. The announcement of presidential election results sparked violent protests in many parts of the country, especially Rift Valley, Western, Nyanza, coast and Nairobi provinces. The resultant violence resulted in displacement of about 640,000 people.

Most of the displaced persons in the 2007/08 PEV became IDPs in various camps established within the country, while some families crossed the border to neighbouring

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<sup>22</sup>Klopp, J.M., et al., 2010. Internal Displacement and Local Peace-building in Kenya. Washington, p. 8.

<sup>23</sup>Klopp, J., 2009. Kenya's Unfinished Agendas. *Journal of International Affairs*, Spring/Summer Vol.62, No. 2, Washington, p. 148.

countries. Among this category are 640 families who fled to Kiryandongo Refugee Settlement in Masindi District in Uganda. This group was multi-ethnic, though it comprised mostly of Kikuyu displaced from Bungoma and Busia counties. Prior to crossing over, they gathered in Malaba as IDPs where well-wishers temporarily catered for them for three days before they crossed into Uganda. In Uganda, they faced a number of challenges from which they coped through adoption of various lifestyles and activities. Following an eight year stay in Uganda, the refugees finally returned to Kenya in April and May 2015.

However, the returning refugees camped in Malaba at the DO's ground and at nearby St, Theresa primary school where they became IDPs. This study focuses on this group of displaced persons who became IDPs immediately after displacement in 2008, became refugees in February 2008 in Uganda before they were again rendered IDPs upon their return to Kenya in April 2015. The main research problem of the study, therefore, is to assess this dynamism of the victims. The aim is to establish push factors that resulted in the displacement, the pull factors that led to their return from refugee-hood and establish the coping mechanisms they adopted to cope with the challenges they faced during the different phases of their displacement. To achieve its aim, the study looked into several issues, among them; background to displacement in Kenya; experience of Kenyan refugees in Uganda; motivations for the return of the refugees to Kenya; and coping mechanisms adopted by the refugees-cum-IDPs in dealing with the challenges they faced.

### **1.3 RESEARCH QUESTIONS**

Analysis of literature revealed a number of questions in relation to the emerging complex trend of refugees and IDPs. These questions include;

1. What led to the settlement of Kenyan refugees at Kiryandongo Settlement in Uganda?
2. What were the motivations for the return of the Kenyan refugees from Kiryandongo Refugee Settlement?
3. What were the coping mechanisms adopted by the displaced persons in camps?

## **1.4 OBJECTIVES OF THE RESEARCH**

1. To examine livelihoods of Kenyan refugees in Kiryandongo settlement in Uganda.
2. To assess factors that account for the return of Kenyan refugees from Kiryandongo settlement.
3. To examine the challenges and coping mechanisms of the 640 displaced families.

## **1.5 JUSTIFICATION OF THE STUDY**

Since 2014, there has been a new scenario in the concept of refugees and IDPs in Kenya. Following the post-election violence which gripped the country in 2007-2008, a number of families were displaced from their homes in Bungoma and Busia counties. They crossed the border to Uganda where they stayed as refugees until 2015. However, after government announced resettlement programs for the 20007 PEV displaced persons, they returned only to end up as IDPs in Malaba sub-county.

Several studies have been done on areas of displacement around the globe. However, majority of such studies focus on areas of refugee-hood or IDP-hood. Such studies omit the emerging trend in which displaced persons sometime experience changing fortunes in which they could be IDPs today, refugees tomorrow and then IDPs again the next day. Thus, the transition of Kenyan refugees to IDPs upon their return has added a new dimension to the study of displacement, worthy academic study. This omission is what provided a reason for this study. By including the concept of the complex transition of refugees to IDPs, the study hopes to add to existing literature on refugee and IDP return and resettlement in Kenya. The findings of the research could also be useful to policy makers in designing policy on refugee and IDP issues in Kenya.

## **1.6 SCOPE AND LIMITATIONS**

The study was conducted in Busia County where Kenyan refugees from Masindi District in Uganda settled when they returned to Kenya. This study covered a period from 2007 to May 2015. The period was chosen based on the fact that it covers the range from which the general elections of 2007 which resulted in the displacement to the period when the refugees returned. The target group comprised displaced persons from Busia County who fled to Uganda.

While conducting the research, a number of challenges were encountered. They included language barrier as the researcher was not conversant with local language of some of the respondents. In addition, identifying key respondents posed challenge as some of them had moved from the camps. The challenges were addressed through the use of a research assistant conversant with the local languages of the displaced persons as well as use of friends on the ground who understood various languages. The researcher worked with UNHCR and county government authorities in locating respondents who had moved from the camps.

## **1.7 LITERATURE REVIEW**

There are various literatures on the concept of refugee and Internally Displaced Persons. Much of those on refugee deal with areas like refugee rights, well-being, the return of refugees and their movement. Refugees have been the focus of considerable public concern in recent years and of a range of government and community responses.

Refugees have different feelings regarding the societies they leave behind [countries of origin] based on the feeling of marginalization they have. This is related to the events immediately preceding the refugee situation. The ambivalence of those in this group derives from their original desire to be identified with the nation, and their subsequent realization of their rejection by the nation as a whole, or by a section of its citizens. Egon Kunz calls them, events-alienated refugees. What is common among them is their knowledge that events have irrevocably alienated them from their fellow citizens of the past, and unlike the majority-identified refugees, they seldom entertain the hope, and only rarely the wish, to return to live among their former compatriots.<sup>24</sup> The author identifies the existence of refugee connection to their mother countries and factors that may make them not want to go back. However, it fails to address the refugees in protracted situations.

The idea of repatriation of refugees back to their mother countries is not a new concept. A number of scholars have written about the great feeling of satisfaction that refugees can have when aware that they are on their way back home following months or even years of habitation in foreign countries or localities for the case of IDPs. Naoko

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<sup>24</sup>Egon, K., 1981. Exile and Resettlement: Refugee. *The Center for Migration Studies, International Migration Review*, New York, Vol. 15, pp. 42-51.

Hashimoto writes following the signing of a Military Technical Agreement on June 10th, 1999 with the Federal Republic of Yugoslavia (FRY) over 800,000 ethnic Albanians displaced from Kosovo in the previous three months reversed their exodus with an equally dramatic spontaneous repatriation. Within three weeks, an estimated 600,000 Albanian refugees returned to Kosovo. The returning Albanians felt a ‘euphoric feeling of victory and liberation’ after decades of repression and struggles.<sup>25</sup> This underlines the importance of state-sponsored return of IDPs to their countries. However, the author does not look into the issue of refugees who end up being displaced and becoming IDPs upon their return home as is the Kenyan case.

Bahram Rajaei quotes Iran's Representative to the United Nations statement to the UNHCR in which he argues that durable assurances for refugee protection and well-being necessitate two-dimensional approach: Peaceful settlements of disputes and foundations for development activities; and support of political initiatives to prevent refugee inflows, along with immediate and viable responses to emergency situations will secure regional peace and stability. In addition, cooperation among international, intergovernmental and national agencies, as well as humanitarian non-governmental organizations, would promote conditions conducive to voluntary repatriation of refugees.<sup>26</sup> This argument reflects the need for refugees to voluntarily give in to their repatriation. For this to be realized, there is need for concerted efforts from all stakeholders at the national and international level to participate. However, the paper fails to address the unclear fate of “returnees” who are rendered as IDPs after government fails to resettle them. This category generally is not under international regimes like UNHCR since they have entered their home countries. When such governments fail to address the IDPs’ need and right for resettlement, what role can international regimes or regional bodies play to in such a “domestic issue”?

Since the end of the Cold War, there has been a change in the nature of armed conflicts. Interstate wars have increasingly declined giving way to the predominance of intra-state wars. In Africa, this was often explained by the fact that the end of the Cold War rendered Africa unimportant to the west with the exception of a few strategic African

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<sup>25</sup>Bolesta, Conflict and Displacement, Pp 1-16.

<sup>26</sup> Rajaei, B., 2000. The Politics of Refugee Policy in Post-Revolutionary Iran: *Middle East Journal*, Vol. 54, No. 1, pp. 44-63..

nations. The state became an even more powerful entity and yet at the same time it was weak with neither accountability nor legitimacy. This led internally to a lot of anger especially from those who felt left out of power, which signified control of resources. This was the beginning of civil wars, whereby those affected were now civilians as opposed to soldiers in inter-state/conventional warfare. One of the consequences of this has been a rise in the number of internally displaced people as opposed to refugees in Africa.<sup>27</sup> Ng'ang'a discussed the changing phenomena of modern warfare. However, there exist a gap in understanding the challenges, coping mechanisms and the motivations for the decisions made by displaced persons following warfare.

Despite the growing interest in areas of IDPs, the International Community has done very little to enforce the Guiding Principles which came to force in the late 1990s. According to Thomas G. Weise, productivity and output in regard to formulation and implementation of the Guiding Principles have been impressive. A normative framework is in place and international discourse has changed, guiding principles are circulating, and institutions have begun to emphasize the particular problems of IDPs. However, there is no capacity to undertake systematic monitoring or follow-up of previous visits to countries that continue to flout international decisions. Greater in-depth analyses are prerequisites for better policy and advocacy. At the outset of the 1990s the growing and massive numbers of IDPs and the changing nature of warfare suggested that what formerly had seemed a blemish [IDP-hood] was actually an ugly structural scar.<sup>28</sup> It's such lack of enforcement that resulted in IDPs remaining in camps for long without governmental assistance or resettlement. However, the author did not discuss cases of IDPs who were formerly refugees.

Uffelen indicates that forced displacement and the response of the international community is one of the most pressing challenges of contemporary times. Whether in dealing with refugees or internally displaced people the international system has been struggling to prevent forced migration, address its consequences and find durable solutions. Repatriation policy and practice lack responsiveness to the needs, initiatives and strategies of the displaced as the prime actors. A better understanding of displaced

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<sup>27</sup> Ng'ang'a, E.K., 2013. Evaluating Efforts to Resettle Internally Displaced Persons: a Case Study of Molo Conflict Area, 1990-2012. An MA Research Project, pp. 4-5.

<sup>28</sup> Thomas, W. G., June 2003. Internal Exiles: What Next for Internally Displaced Persons? *Third World Quarterly*, Vol. 24, No. 3, Taylor & Francis, Ltd, pp. 429-447.

people's return planning, and the beliefs, values and motivations underpinning them, is fundamental to developing effective strategies that result in appropriate protection, humanitarian assistance and reintegration support as well as sustainable development for people displaced by conflict. Displaced people are not helpless and passive recipients of 'well-intended' aid. The importance of human agency in informing both repatriation policy and practice cannot therefore be ignored. According to the author, refugees or IDPs make conscious decision on their return based on a number factors including their perceptions on vulnerability of returning, the ability of the place to sustain them economically as well as their cultural connections to practices such as burials.<sup>29</sup> The author covers clearly the influence of psychological factors on the decision to return to 'home' in the case of refugees and IDPs. However, there is still need to assess the role of government in influencing refugee return.

Displaced persons in camps face acute shortage of food. It was also feared that droughts had impacted more on refugee food situation as the short rains experienced in 2008 and after could derail efforts to sustain them. It was further argued that the Kenyan government had raised Ksh1.46 billion (US\$22.4 million) of the Ksh30 billion (\$462 million) it says it needs to resettle at least 350,000 people displaced during the post-election crisis.<sup>30</sup> This author brings out the challenges experienced by the displaced. Food provision in camps has been inadequate. The report addressed resettlement of persons displaced inside Kenya. Nonetheless, there was still need to assess the program for resettling individuals displaced who had fled to neighbouring countries.

Caroline Clarinval and Matthew R. Hunt support the idea that displaced persons are a vulnerable group exposed to various injustices. According to them disasters have major impacts on populations, disrupting people's lives and exposing them to harm and, potentially, injustice. A range of actors, including national and international non-governmental organisations, provide assistance to victims of disasters. Initial disaster relief efforts primarily focus on saving lives. Given the heightened vulnerability and widespread needs of populations choices have to be made on which form of response

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<sup>29</sup>Uffelenvan J.G. 2006. Return after Flight: Exploring the Decision Making Process of Sudanese War-displaced People by Employing an Extended Version of the Theory of Reasoned Action, Wageningen Publication. Pp 2-38.

<sup>30</sup> Ibid, Pp 2-38.



to give. In consequence, questions of equity and justice arise related to these decisions, particularly as the acute crisis abates and a range of assistance programs aimed at promoting recovery is considered.<sup>31</sup> It's this sort of injustice that the government of Kenya had exposed the Malaba IDPs to. Giving them less start-up capital/compensation money was in itself a form of injustice that ended, albeit temporarily, their dreams of starting a new life upon their return following several years of challenging stay in a foreign country. An analysis of circumstances as to why one faction of displaced was given full sum of money promised by government and the others not, was a question worth analysis. However, the author doesn't link the problems of the displaced to failure of state to resettle them as was the case with the Malaba IDPs.

Verdirame posits that Kenya is a party both to the main refugee-specific international instruments— the 1951 Convention relating to the Status of Refugees and the 1969 OAU Convention on the Specific Aspects of Refugee Problems in Africa—and to general human rights treaties, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the African Charter on Human and Peoples' Rights.<sup>32</sup> It's, therefore, correct to say that 'in Kenya the issue was not lack of applicable refugee law on an international level, rather it was the deficiency in the implementation of the international treaties mentioned above on a domestic level. This highlighted the need for a study on the level of applicability of International Conventions on refugees and IDPs at the national level.

Causes of internal displacement in Kenya are many and varied. In areas such as Kano plains, Budalangi and lower parts of Tana River district, floods are a common cause of displacements while in the arid and semi arid lands (ASALs) of North Rift Valley, North Eastern, Upper Eastern and Coast province which cover about 70% of the country, displacements often arise from either drought as people move to areas where they can get food, water and pastures for their animals or conflicts over access to water and pasture. In 1992, an election year, violence was experienced in parts of Western,

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<sup>31</sup> Clarinval, C. and Hunt, M.R. 2014. Disaster, Displacement and Justice: Powers and Faden's Theory of Social Justice and the Obligations of Non-governmental Organizations towards Internally Displaced Persons, pp 2-11.

<sup>32</sup> Vardirame, G. 1999. Human Rights and Refugees: The Case of Kenya. London School of Economics and Political Science. *Journal of Refugee Studies* Vol. 12, No. I. pp2-22.

Nyanza, Coast and Rift Valley provinces. It was particularly intense in places such as Molo, Narok and UasinGishu district of Rift Valley province. By early 1993 when the ethnic clashes ended, over 1,500 people were reported killed and an estimated 300,000 displaced and dispossessed. Sporadic ethnic related violence continued to be reported between 1992 and 2002 but it was 1997, an election year that saw another major wave of violence and displacement. Kenya Human Rights Commission estimates that state-sponsored or state condoned violence led to the deaths of 4,000 people and displaced 600,000 others over the period 1991- 2001.<sup>33</sup> The author established the foundation of displacement in Kenya. However, the conditions of the displaced and how they adapt to the challenges they face were not discussed.

Discussing causes of displacement in Kenya, Kamungi argues that internal displacement in Kenya has occurred periodically throughout the country's history, resulting from a diverse range of causes. These include politically-instigated violence; land and boundary disputes; natural disasters such as drought and other impacts of climate change; floods and landslides; development projects such as the construction of dams, roads and hydro-electric power plants; cattle rustling; conflicts over access to water and pasture; environmental conservation projects; activities of local-level armed groups/gangs; and cross-border incursions. Since the early 1990s transition to democracy, displacement occurred primarily in ethnically-mixed regions. However, the problem has spread and is now felt in nearly all parts of the country – including international border areas and arid lands inhabited by pastoralists. The frequency of displacement in Kenya has been rising over the last two decades, yet durable solutions have become increasingly difficult to achieve. Internally displaced populations sometimes find themselves in protracted displacement.<sup>34</sup> Kamungi noted the escalating scale of internal displacement in Kenya and the problem of resettling the displaced. However, her focus was on IDPs only and didn't mention the fate of those who become IDPs after returning from a state of refugee-hood. Their experiences, the problems faced and coping mechanisms adopted werethus not been discussed.

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<sup>33</sup>The Baring Foundation, December 2011. The Baseline Report: The Right to Information for Internally Displaced Persons in Kenya. *Human Rights Edition*, pp 16-17.

<sup>34</sup>Kamungi, P. 2013. Municipalities and IDPs Outside of Camps: The case of Kenya's 'Integrated' Displaced Persons. Project on Internal Displacement; The Brookings Institution – the London School of Economics, pp. i-ii.

In addition, Kamungi argued that since the transition to multi-partyism in the 1990s, internal displacement in Kenya has been part of political strategies to retain or win power. Cycles of aggression and antagonist articulation of ethnic identity of perceived hostile voters have enmeshed grievances over unequal land distribution into political discourses of exclusion. Increased use of hate speech, intimidation and inability to recover from the effects of cyclic violence has encouraged ethnic Balkanisation in some areas and institutions. She argues that pervasive impunity for all perpetrators and lack of political will to address perceived marginalisation and landlessness has made durable solutions impractical for the majority of internally displaced persons.<sup>35</sup> Kamungi revealed the role of politics in causing displacement and argued that politics have made displacement an unwanted reality. However, the possibility of politics hindering resettlement of the displaced persons was not analysed.

In Bungoma, land is at the heart of the conflict in Mt. Elgon. While there were several other contributing factors to the insecurity and displacement seen in the area since 1991, disputes over land were constant. The report noted that the cumulative consequence in Kenya of land theft, illegal or chaotic land allocation, forced evictions, corruption, impunity, and the manipulation of ethnicity for political purposes over decades was a culture of violence and widespread abuse of human rights. This was witnessed dramatically in the violence, much of which orchestrated the flawed presidential election of December 2007. The roots of the conflict in Mt. Elgon were no different. All of these factors played a key role in the successive waves of violence and insecurity that have wracked the area since 1991, and that have led to the death, dispossession, torture, and repression of thousands of people, the vast majority of them civilians. As was the case in much of Kenya, these land disputes have their roots in the colonial era, but current grievances centre on how those disputes have been managed and the politicization of the various attempts to resolve earlier displacements through resettlement schemes.<sup>36</sup>

Following the massive displacements that were occasioned by post election violence in 2007, unlike past displacements, there was much more political will and

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<sup>35</sup>Kamungi, P.M. 2009. The Politics of Displacement in Multiparty Kenya. *Journal of Contemporary African Studies*, 345-364.

<sup>36</sup> Simiyu, R.R, 2008. Militianisation of Resource Conflicts: The Case of Land-based Conflict in Mount Elgon region of Western Kenya, pp. 3-11.

coordinated approach by the Government and partners to find durable solution to the challenge of internal displacement. For instance, the two major feuding political groups PNU and ODM signed the Kenya National Dialogue and Reconciliation Agreement that aimed at addressing the political crisis, providing humanitarian support, promoting reconciliation and healing; and addressing the underlying long term issues and historical injustices. This agreement in turn informed the Government and other partners' efforts to support IDPs. The government through Legal Notice Number 11 of 30 January 2008 established a humanitarian fund for the mitigation of effects and displacement of victims of post 2007 election violence. The Ministry of State for Special Programmes (MOSSP) availed funds to the Provincial Administration for profiling operations and maintenance. The affected IDPs who appeared in the approved register received ex-gratia payments of Kenya Shillings (KES) 10,000 each while IDPs whose houses were destroyed or partially burnt received building materials or given ex-gratia payments of KES 25000.<sup>37</sup> Though true that government made efforts toward helping the displaced, there were still hundreds of unsettled persons, contrary to government's pledge. This was not discussed by the author.

Kagwiria notes that over 660,000 people became IDPs while over 640 families became refugees in Uganda. About 300,000 or around 47 percent of the displaced persons were 'integrated' by the families or community members across the country. Integrated IDPs also entailed those that rented houses in urban or peri-urban area.<sup>38</sup> Kamugi reflects on understanding of integrated refugees. However, there coping strategies to challenges faced is an area that was left in need of further analysis.

The 2007 post election violence produced the largest wave of internal displacement Kenya had ever witnessed. During the violence, 78,254 houses were destroyed and 1,300 people lost their lives. By 2011, some progress had been made towards addressing the problem of internal displacement in Kenya. These include: the drafting of national IDP policy providing a comprehensive framework for protection and identification of durable solutions for IDPs; the establishment of a Parliamentary Select Committee on Resettlement of IDPs vested with a wide mandate to look into

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<sup>37</sup>Simiyu, *Militianisation of Resource Conflicts*, pp. 3-11.

<sup>38</sup> Kamugi, *Municipalities and IDPs Outside of Camps*, pp i-ii.

the nature of the problem and review and enact legislation on IDPs; disbursement of start up funds and shelter reconstructions to IDPs, ongoing shelter and livelihoods projects. In addition, the government took a number of steps to bring things to normalcy, including the launch of *Operation Rudi Nyumbani* (ORN) in May 2008 to help displaced people return to their homes.<sup>39</sup> This analysis identifies measures that have been taken to address the challenges that IDPs face in Kenya. However, this doesn't explain how the plight of the IDPs in protracted displacement in Malaba camps could be addressed by the policy paper. In addition, these measures were tailored to address issues of displaced who remained in Kenya and not those who crossed over to Uganda. Thus, a holistic study of all the displaced persons was not covered.

Kamugi argues that despite government's efforts, the implementation of the '*Operation Rudi Nyumbani*' project was affected by a combination of political, socio-cultural, economic and logistical factors which stand in the way of return. The IDPs lost confidence in the government's commitment to protect them and safeguard their rights. Inter-tribal tensions and mistrust remained high, and most of the IDPs never secured sustainable means of livelihood and therefore remained unable to re-establish their lives. The government interventions failed to address the diverse needs of the IDPs addresses the root causes of their plight and did not guarantee non-repetition of the displacement and other human rights violations against them.<sup>40</sup> This captured some of the factors hindering the return of Malaba IDPs to their habitual residences. Partly due to the government's inability to assure them security and start-up capital, it has proven a challenge to convince them to leave. Though facing similar challenges discussed by the author, the Malaba IDPs' conditions were different from those discussed by the author, bearing in mind their situation was not factored in during the formulation of *Operation Rudi Nyumbani* program as they were refugees at the time when the program was being planned.

## **1.8 THEORETICAL FRAMEWORK**

A number of theories in the fields of Armed Conflict, History, Political Science and Conflict Management can be applied in the analysis of refugee/IDP return and

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<sup>39</sup> Kamungi, *The Politics of Displacement in Multiparty Kenya*, 27:3, 345-364.

<sup>40</sup> Kagwiria, *Factors Influencing the Implementation of 'Operation Rudi Nyumbani'*, pp 2-17.

repatriation. The purpose is to help collect data on factors that motivate the refugees to return to their home countries. The role of government to make the refugees feel assured of normalcy once the return is also crucial.

For the purpose of this study, the Theory of Reasoned Action was applied. The main proponents of the theory are Ajzen Icek and Fishbein Martin. The theory holds that behavioural intentions which are the immediate antecedents to behaviour are a function of salient information or beliefs about the likelihood that performing a particular behaviour will lead to a specific outcome. Fishbein and Ajzen divide the beliefs antecedent to behaviour into two conceptually distinct sets; behaviour and normative.<sup>41</sup> The behavioural beliefs are postulated to be the underlying influence on individual's attitude towards performing behaviour while normative influence the individual's subjective norm towards performing the behaviour. Hence information or salient beliefs affect intentions and hence subsequent behaviour either through attitudes and /or subjective norms. This is a psychological theory though its application is cross-cutting in a number of disciplines. It is based on the reasoned/rational decision-making.<sup>42</sup>

Critics of the theory such as Rhodes, R, argue that the Theory of Reasoned Action (TRA) on its own is not sufficient to predict behaviours in which volitional control is limited.<sup>43</sup> According to the assumptions of the model, effects of external variables, such as past behaviour, on intention and behaviour should be mediated by the TRA / TPB constructs. However, a number of studies have shown that there is a residual effect of past behaviour on the target behaviour. The theory was however used in this theory because of its ability to analyse the linkage between behaviour/actions and existing information on outcomes of such actions.

The decision of refugees in Uganda to return to Kenya following cessation of hostilities was based on conscious consideration of economic, social and political vulnerabilities. With the end of the push factors which had resulted in their fleeing and stabilization of the political environment, they wished to restart their lives a fresh and

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<sup>41</sup>Fishbein M. and Ajzen I. 1975. *Belief, Attitude, Intention and Behaviour: An introduction to Theory and Research*. Reading, M.A: Addison-Wesley. Pp, 2-7.

<sup>42</sup> Thomas, M.J. and Icek A. 1992. *A Comparison of the Theory of Planned Behaviour and the Theory of Reasoned Action*. Carolina: University of Carolina, pp 3-22.

<sup>43</sup> Rhodes, R.E., and Courneya, K.S. 2003. *Modelling the theory of planned behaviour and past behaviour*. Psychology. Health and Medicine

rebuild themselves again. The return intent, and ultimately return behaviour, of the refugees was governed by displaced people's own reasoning and perspectives regarding return, as opposed to social influences or pressures from the host community or country. Having no reliable income from a permanent job or daily labour purportedly posed more vulnerability in displacement · Lack of benefits in residing in foreign land prompted the desire to return home and restart life.

However, the decision of returning was also influenced by government's pledge of resettling all the displaced persons. With a promise of KES 100,000 for every displaced person, the refugees made a conscious decision aware that that much was to be relatively sufficient to help them begin reconstructing their lives. However, these plans were bitterly ended upon their entry in Kenya, when it was made clear to them that government was only ready to offer a paltry Ksh. 10,000. To them, this was hardly enough. Having been given verbal assurance of security in the event they returned to their previous habitual residences, the returning refugees were confined into IDP camps on the Kenya-Uganda border at Malaba in Busia County. However, this led to a new status of refugee-hood. The problem of the returning refugees can therefore be conceptualized in terms of government failure to honour its pledge to the refugees. Otherwise the decision to return assessed on the basis of the Theory of Reason Action, is a rational one, as consideration of the vulnerability as well as an assurance of a new profound start to life looked promising in light of what had been promised.

The theory was therefore used in analyzing factors that led to displacement, motivation for return and reasons that brought about the transition to IDP-hood despite previous promise by government to resettle the returning refugees.

## **1.9 RESEARCH HYPOTHESES**

The study sets out to assess the hypotheses that;

1. Kenyan refugees settled at Kiryandongo Settlement.
2. The refugees' return to Kenya was influenced by the insecurity in Ugandan camps.

3. Various counseling and coping mechanisms were adopted against trauma by the displaced persons in camps.

## **1.10 METHODOLOGY**

This study utilized both secondary and primary sources. Secondary sources included books, articles from scholarly journals, periodicals and the internet. I utilized relevant books, journals and articles found in the University of Nairobi's Jomo Kenyatta Memorial Library (JKML), McMillan Library at the CBD, and the United Nations High Commission for Refugees (UNHCR) Library in Westlands, Nairobi. The researcher sought and used relevant periodicals and internet materials. He also analyzed relevant newspaper reports. Knowledge gaps that were found in the books, journals, periodicals and the internet were filled by use of primary data.

Primary data collection started by consulting reports, and UNHCR Library in Westlands, Nairobi. More materials from the MOSSP on IDPs and refugees were also consulted. These reports dealt with issues of 2007/08 PEV victims in Kenya and those that went to Uganda, and were critical in providing a perspective on the movement of the IDPs into Ugandan camps and back. These materials entailed the unprocessed information on the study topic.

Literature review was followed by oral interviews in Nairobi, Malaba sub-county of Kenya, Amagoro, and in Malaba in Uganda. The researcher acquired an introductory letter from the University of Nairobi and a Research permit from the relevant Ministry of Higher education that allowed my access to former IDP camps in Malaba Kenya. A passport that facilitated the researcher's entry into Uganda where I met several respondents was procured in Nairobi. While in the field, he relied on the trust and connections of my research assistant. The study used oral interviews with open-ended questions which gave the interviewees adequate room to talk and give additional information on the questions. Note taking was used to record and store collected information.

To get the informants, the study used purposive and snowballing sampling methods. This is where initial informants are identified and interviewed after which they name other people with desired information.<sup>44</sup> The informants included former refugees

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<sup>44</sup> Mugenda, O. and Abel M., 1999. *Research Methods*, Nairobi: Acts Press, p. 51.



from Uganda, current IDPs in Malaba, integrated IDPs who had moved in with relatives, local leaders, leaders in churches where the IDPs attended, health officials in Malaba sub-county Dispensary, Deputy County Commissioner, area chiefs, school teachers in nearby schools, hoteliers in whose hotels the IDPs had been accommodated prior to fleeing to Uganda, UNHCR officials, officials from the then Ministry of State for Special Programs, members of Departments charged with return and resettlement of refugees and IDPs, Malaba residents and humanitarian workers.

The entry point to identifying the informants was through George Owinjo, a Teso from Malaba. He is a resident of the area and was around Malaba area during the movement of the displaced persons to Uganda in early 2008. He introduced the researcher to Susan Kiarie a former leader in Kiryandogo refugee camp in Uganda and a resident of Malaba. Kiarie took the researcher to Malaba centre where several focus group discussions with IDPs were organised. Data collection on Malaba side of Uganda took two days. The research process was again headed by Owinjo – through whom several respondents were identified who subsequently introduced the researcher to others. Apart from snowballing, observation method was used to pick visual expressions from the informants, thus enriching the study.

The collected data was analyzed and presented descriptively through arguments, narratives and tables.

## **CHAPTER TWO**

### **2.0 CONFLICT AND DISPLACEMENT IN KENYA**

#### **2.1 Introduction**

In Kenya, conflict is not a new phenomenon. Conflicts occur frequently, although most are minor skirmishes. A significant increase in the severity of such conflicts between the various ethnic groups inhabiting the country was witnessed after the introduction of multi-party politics in the early nineties, especially during the 2007–08 Kenyan crisis. Aspects of conflict have of late revolved around the question of community identities in relation to administrative and political constituency borders, whilst another type of conflict has been that concerning land. This is frequently at low levels – as has been the case along the Samburu-Isiolo, the Narok-Kisii border, the Kericho-Kisumu border and the Kericho-Kisii border.

The causes as well as the consequences of conflicts that take place in Kenya are not easy to categorize. This is perhaps because attachment to ethnicity is subterranean most of the time. Nevertheless, it is common knowledge that such causes and consequences fall under broad categories such as social, economic, political, religious, environmental as well as psychological realms of life. There are various factors that underline conflicts in Kenya. This chapter assesses the historical background to conflicts in Kenya, and how this has led to displacements.

#### **2.2 Seeds of Conflict in the Colonial and Independent Kenya**

One of the long term causes of the clashes in Kenya is attributed to the colonial legacy, which is essentially historical but with ramifications in the post-independence era. In the beginning of the 20<sup>th</sup> century, the British colonialists evicted indigenous nomadic pastoralists (Kalenjin, Maasai, Samburu and Turkana) from the most fertile land in the Rift valley in the west and recruited non-indigenous agricultural labour from the neighbouring provinces to work on their farms, particularly Kikuyus from the Central Province.

On the eve of independence, the British administration worked out a formula of handing over land to the indigenous ethnic groups in Kenya. The British government established a special grant that was aimed at facilitating the re-distribution of land,

particularly in the former white highlands. The transfer on land took various forms, starting from small holdings to medium and large holdings. The obvious expectation during the struggle for independence was that the land would be freely distributed to the people since it had in the first place, been forcefully taken away from them. But this was not to be the case because under the independence agreement with Britain, the Kenya government was to buy it from the settlers. In fact, the British advanced a loan to Kenya to facilitate this purchase.<sup>45</sup> That in turn meant that there was no free land for distribution. The price-tag made land very scarce. This is the critical point at which the subsequent land-tenure became a factor of ethnicity and hence animosity intensified.

According to Harold, the largest beneficiaries of this land distribution programme were the Kikuyu and their allies, thus the Embu and Meru. By projecting some mythological kinship and taking advantage of neighbourliness, the Kikuyu managed to win the Embu and Meru into 'land alliance' within the framework of GEMA which was a bargaining organ for these communities on the sharing of the 'national cake'. The Kikuyu with their allies quickly formed land buying companies and cooperatives with the blessing of Mzee Jomo Kenyatta. The membership of these land buying companies and cooperatives was strictly ethnical-contrary to constitutional and company law provisions against this form of discrimination.<sup>46</sup>

According to Nyukuri, by 1978 when President Kenyatta died, the Kikuyu had, far more than all other ethnic groups put together, bought the bulk of the so-called "white highlands". Besides, they were the main beneficiaries of the government's settlement plan for the landless at no cost or at minimal rates. They thus expanded their land ownership and settlement beyond their traditional home-Central Province-into the Rift Valley province, and a bit into the Coast province, apart from their widespread networks in urban centres within Kenya. The distribution of land formerly occupied by the white settlers to Kikuyu people mainly was perceived by as unfair by other groups and there were parliamentary debates that called for equal distribution. Unfortunately, these debates did not address the issue of ethnic imbalance, and the subsequent animosity that later on degenerated in the ethnic conflicts between the Kikuyu and the

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<sup>45</sup> Nelson, H., 1984, Kenya - A Country Study, US. Govt. Publication, p.142.

<sup>46</sup> The Constitution of Kenya, Act No.5 of 1969 expressly prohibits the denial of a person's fundamental rights on account of his tribe: Sect. 70. The Companies Act. Cap.486, Section 128 does not define member of a company in tribal nor racial terms.

Kalenjins in the Rift Valley.<sup>47</sup> The selling of former white highlands to primarily Kikuyu dominated cooperatives, denied nomadic pastoralists who had been evicted by the colonialists from some of the lands, what they perceived as their right to recover their own land. This situation was largely maintained throughout the KANU period until 1992-1993 when the non-local agriculturalists were ordered to leave the Rift valley and return to their “home land” in the Central Provinces.<sup>48</sup>

Also, the indirect rule administered by the British colonialists which later turned out to be the ‘divide and rule’ strategy which polarized the various ethnic groups in Kenya. This in turn contributed to the subsequent incompatibility of these ethnic groups as actors on one nation-state called Kenya. It was unfortunate that the early political parties in Kenya that championed the nationalist struggle against colonial establishments were basically ‘distinct ethnic unions’. The Kikuyu for instance, formed the Kikuyu Central Association (KCA), the Akamba formed the Ukambani Members Association (UMA), the Luhya formed the Luhya Union (LU), the Luo formed the Young Kavirondo Association (YKA), the Kalenjin formed the Kalenjin Political Alliance (KPA), the Coastal tribes formed the Mwambao Union Front (MUF), Taita formed the Taita Hills Association (THA), in that order of ethnic conglomerations.<sup>49</sup>

At the dawn of independence, African leaders ascended to governmental structures which had been intended to preserve the colonial administrative legacy. These leaders were armed with the Western Constitution and ill-trained manpower to soldier on and make provisions for the enlarged nation-state, now encompassing diverse ethnic groups with variegated interests. As if this was not enough, Kenya, like most other African countries, inherited from the colonialists, scarce national resources, inadequate infrastructure, inadequate human resource capacity, inadequate capital, inadequate education and health facilities, among others. The scramble for the scarce national resources and facilities intensified and ethnicity became the main vehicle through which the dominance and preservation of power as well as resources could be achieved.<sup>50</sup>

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<sup>47</sup>Nyukuri, K. 1997, Op cit.

<sup>48</sup> Global IDP Database, October 2003. Profile of Internal Displacement: Kenya. Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council. p.8.

<sup>49</sup> Stanley D., et.al, 1966 (eds). *The Transformation of East Africa*: pp.64, 183, 186.

<sup>50</sup>Nyukuri B., 1995. Ethnicity, Nationalism and Democracy in Africa: The Dilemma of

In the prelude to independence, the Kalenjin, Masai, Turkana and Samburu Association (KAMATUSA) of the Rift Valley, coastal tribes and some Luhya in western Kenya agitated for continuing the exclusive ethno-regional zones of the colonial native reserves policy. In 1960 they formed the Kenya African Democratic Party (KADU) to advance this position, and agitated for a federal government with regional assemblies whose major task would be administration of land matters.<sup>51</sup> In their view, regional government (*majimbo*) would devolve power and check the settlement of outsiders on their territory. The bigger tribes, the Kikuyu and Luo formed KANU and favoured a unitary form of government with a powerful centre.

Splits emerged between Kikuyu and Luo led by Oginga Odinga (Luo) who argued that land alienated by settlers should be nationalised and converted to state farms or redistributed to the displaced in a system that ensured a 60:40 access by indigenous owners and outsiders, respectively. The Kikuyu were averse to radical land reforms, preferring promotion of agriculture based economic growth and foreign investment. Ensuing divisions weakened the party and in 1966, the Luo (and only one Kikuyu) walked out to form an opposition party, the Kenya People's Union (KPU). However, the party was banned in 1969 and severe repression of dissidents followed, silencing overt discussion of the unresolved land question.

Jomo Kenyatta, the first president, gagged the articulation of ethnic grievances over land by rewarding individual leaders rather than addressing the matter at the community level. During the Moi era, privatisation of public land and use of land as a currency of patronage alienated the Kalenjins' quest for their ancestral land. Efforts to resettle the displaced and landless were defeated by corruption. The land question was never resolved.<sup>52</sup> This was to become a contentious issue in the 1990s politically-instigated displacements which targeted land owners from communities outside the region.

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Sustainability. *A paper read at a UNESCO seminar, 28 - 31 May.*

<sup>51</sup>Kanyinga, K. 2000. Beyond the colonial legacy: The Land Question, Politics and Constitutionalism in Kenya. In *Essays on Land Law: The Reform Debate in Kenya*, ed. S. Wanjala, 45\_62. Nairobi: University of Nairobi.

<sup>52</sup> Ibid

### 2.3 Re-introduction of Multiparty Politics and Conflict of the 1990s

Prior to the re-introduction of multi-party politics, election violence was restricted to fights between supporters of different candidates, as competition was for power and influence in only one party. Large-scale inter-ethnic violence never happened, as Kenyans were not overly ethnically conscious.<sup>53</sup> Repression by the ruling party was directed at individuals considered to be threats to the system, hence a crackdown on academics, musicians and journalists who criticized government policies or exposed shady deals of the so-called 'politically-correct.' Repression took the form of banning of books and music, detention without trial, torture, police brutality, and the abuse of courts to quell dissent. This resulting oppression and repression led to the demand for change, regarded possible only through multi-party politics. This pressure was led by urban professional and church leaders.

After the failed military coup in 1982, the Moi regime stepped up repression through arbitrary arrests and detention without trial, disappearances, torture, police brutality and state control of the media, the judiciary and parliament.<sup>54</sup> The severity of suppression created a climate of terror and silence which culminated in public protests and clamour for multiparty politics. A pressure group named the Forum for the Restoration of Democracy coalesced around public demands for alternative governance and led mass protests and demands for release of political prisoners and restoration of fundamental freedoms. Threatened with possible removal from power, the ruling elite by this time comprised of the KAMATUSA group (notably Kalenjin and Maasai) and allies from the coast progressively accentuated ethnic consciousness by labelling pro-democracy forces land-grabbers and outsiders.<sup>55</sup>

At political rallies, politicians resuscitated the 1960s land question and vilified outsiders in hate speech. Political federalism or devolution was reinterpreted to mean return to colonial era ethno-geographical native reserves, and outsiders in the Rift Valley were ordered to leave. Politicians alleged that outsiders had stolen and polluted

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<sup>53</sup> B. A. Ogot, 1996. *Ethnicity, Nationalism and Democracy – A Kind of Historiography*, in Bethwell A. Ogot(ed.) *Ethnicity, Nationalism and Democracy in Africa*. Maseno, Kenya: Institute of Research and Postgraduate Studies, Maseno University College, pp. 16-26.

<sup>54</sup> Kenya Human Rights Commission (KHRC). 1997. Quarterly repression reports. Nairobi: KHRC.

<sup>55</sup> Kenya Human Rights Commission (KHRC). 1998. *Kayas of Violence, Kayas of Blood: Violence, Ethnicity and the State in Coastal Kenya*. Nairobi: KHRC.

their land, dominated them economically and politically and renamed their land with ‘foreign’ names instead of merging with the local communities. They called on youths not to allow outsiders to register as voters.<sup>56</sup> Urban poor who supported opposition parties were intimidated by the flattening of their slums and markets in ‘operations’ to ‘clean-up’ Kenyan towns.<sup>57</sup>

Despite the efforts by the KANU politicians, by the dawn of 1990, it was clear that there was no turning back in the quest for multiparty democracy. However, the misunderstanding of pluralism and *majimboism* became a source of conflicts in Kenya. The re-introduction of multi-party politics in Kenya in the early 1990s had a number of far reaching consequences, one of which was the eruption of ethnic clashes in Western, Rift Valley, Nyanza and Coast provinces. It was also because of the misconception of pluralism and *Majimboism* by leaders from the ruling party and opposition parties as well as the general public. Beginning with the late 1980s, after the 1988 rigged elections and early 1990s, many Kenyan political elites started questioning the quo perpetuated by the one party political system in the name of Kenya Africa National Union (KANU). They began to view multiparty political system (pluralism) as a panacea to democratic governance which was and was not the case. It was the case because pluralism could offer a forum for competitive politics and hence guarantee freedom of choice. It was not the case because multi-partism is not synonymous to democracy and single partism is not synonymous to autocracy.

Therefore, the advent of pluralism was misconceived as the advent for democracy as implied in some of the political slogans and ideologies propagated by the various pressure groups and political parties that were formed in the early, 1990s. The so called champions of the “Democratic” political parties and pressure groups such as DP, SDP and FORD never took enough time to explain to their euphoric supporter the meaning and practice of pluralism, and hence the subsequent confusion, conflict and instability.<sup>58</sup>

As a result, Kenya’s transition from single-party system of government to multi-partyism was accompanied by violent conflicts mostly in the form of land and ethnic

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<sup>56</sup> Klopp, J. 2001. Ethnic Clashes and Winning Elections: The Case of Kenya’s Electoral Despotism. Reformed Church of East Africa (RCEA).

<sup>57</sup> Africa, Rights 1997. Destroying Soweto. New York: Africa Rights.

<sup>58</sup> Nyukuri, B.K, 1997, Op cit

clashes. The first such attack happened in October 1991 at Miteitei Farm in Nandi district. Miteitei farm was one of the settler farms sold off to Kenyans after independence.<sup>59</sup> In 1991, a dispute over who legitimately owned shares in the Miteitei land buying company escalated. On 29th October, several houses were razed to the ground and several people killed. Those targeted were mainly migrant labourers from outside the district. Similar incidents followed in multi-ethnic regions of southern Rift Valley. Tensions that often resulted in violence were also prevalent in areas of common borders like Gucha, Kuria, Mt. Elgon, Trans Mara, and Migori in Western and Nyanza provinces.<sup>60</sup>

These conflicts similarly affected multi-ethnic parts of the Coast, Western and Rift Valley provinces, and also areas of common borders in Eastern province. The conflicts resulted in loss of life, destruction of property and means of livelihood, fear and insecurity in society, and massive population displacement. Survivors of the clashes sought refuge in market centres, abandoned buildings and school and church compounds. In these temporary camps they received assistance from the church, the local community and well-wishers. Some bought land and settled elsewhere, some drifted into shanties in towns, while others fled to relatives living in other parts of the country.<sup>61</sup>

It was reported by Kenya Human Rights Commission that local Kalenjin population had been urged by politicians from the region to remove ‘madoadoa’ (stains) from the area. At the coast, up-country people referred to as *wabara* or *wakirienge*, were killed, raped, their property looted, and ordered to leave. New districts such as Gucha, Trans Mara defined ethnic boundaries and pitted communities violently against each other as people who had lived harmoniously together suddenly found themselves in the ‘wrong’ district and had to move.<sup>62</sup>

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<sup>59</sup>Holmquist, F.S et al, 1994. The Structural Development of Kenya’s Political Economy. *African Studies Review*, Vol. 37, No. 1.

<sup>60</sup> Republic of Kenya, National Assembly, 1992, *Report of the Parliamentary Select Committee to Investigate Ethnic Clashes in Western and Other Parts of Kenya* (Nairobi: Government Publisher.

<sup>61</sup>Kamungi M.P., 2001. The Current Situation of Internally Displaced Persons. Jesuit Refugee Services. Pp. 3-6

<sup>62</sup> Kenya Human Rights Commission, *Quarterly Repression Report*, July-Sept, 1997.



It was estimated that about 300,000 persons were displaced by the clashes.<sup>63</sup> Shortly after the 1992 elections in which KANU won, relative calm was restored to a number of the affected areas and those who could return went back to their farms or businesses. This was mainly at the Coast, although another wave of violence in the period leading up to the 1997 General Elections resulted in another case of displacement.<sup>64</sup>

The incidences of violence of the 1990s were politically instigated. Politicians either hired perpetrators to unleash violence on their opponents, or sensationalized existing ethnic differences turning people against each other. Opposition sympathizers were identified, warned, then systematically killed or driven out of the area. Their houses and property was looted, burnt down or otherwise vandalized, and their land illegally occupied. At the coast, it is alleged that the plan to destabilize the growing opposition through violence was hatched much earlier than the date of actual attacks.<sup>65</sup> Would-be targets started receiving warnings that they would have to go upcountry to vote long before the 1997 election date. In the Rift Valley, tea factories were closed and workers (mainly from Luhya, Luo and Kisii tribes) ordered to go to their ancestral homes.<sup>66</sup>

The violence, displacement and dispossession in the Rift Valley were used to punish communities who did not vote for the ruling party. Although IDPs returned to the Rift Valley after 1993, steps to punish them persisted through illegal transfers of their land, malicious grazing on their crops and corrupt diversion of humanitarian aid and privatisation of public land allocated for previous IDP resettlement. Government Agricultural Development Corporation (ADC) farms slated for resettlement of IDPs in 1995 were grabbed by politicians, businesspeople and army officers and a small fraction of IDPs were resettled in forests and swamps.<sup>67</sup>

Violence was also instigated to fulfil their predictions that multi-partyism would breed ethnic clashes. 'Predictions' that many parties would polarise the country along ethnic

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<sup>63</sup> Human Rights Watch, *Divide and Rule: State-Sponsored Ethnic Violence in Kenya* (New York: HRW, 1993).

<sup>64</sup> Human Rights Watch, 1997, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya*, New York.

<sup>65</sup> Kenya Human Rights Commission, 1998, *The Kayas of Violence, Kayas of Blood*: Nairobi.

<sup>66</sup> Kamungi, *The Current Situation of Internally Displaced Persons*, pp.8.

<sup>67</sup> *Ibid*, pp.8.

lines and catalyse violence saw politicians fan tribalism, and instigate and fund violence using personal armies and goons for hire such as the '*Kalenjin Boys*' and the '*12 Disciples*.' Fifthly, forced displacement served to release land for appropriation as a prize. Fleeing IDPs abandoned land or sold it at rock-bottom prices, and in some regions of the Rift Valley it was grabbed and given to political clients.<sup>68</sup> Large government ADC farms and forests excised for the resettlement of IDPs in 1995 were fraudulently given to politicians and cronies who ensured that KANU remained in power.<sup>69</sup>

## **2.4 Displacement in Kenya**

The main and most devastating cause of internal displacement in Kenya is politically-motivated ethnic violence, which tends to recur during general elections held every five years. Since the reintroduction of multi-party politics in 1991, ethnically-heterogeneous regions of the Rift Valley, Nyanza, Western and Coast provinces have experienced violence in which some members of 'indigenous' tribes are pitted against migrants who are constructed as 'outsiders.' Claims that migrants acquired other communities' lands unjustly through patronage networks undermine respect for their land and property rights. These claims have been used by politicians to mobilize ethnic militia to forcibly displace 'outsiders' and dispossess them of their land and property.<sup>70</sup> In 1992, 1997 and 2002, the displacement occurred before elections, but in 2007 it was triggered by a dispute over the results of the presidential election. Hundreds of thousands of households have been displaced around these elections. Conflicts related to politics can be traced back the independent Kenya of 1963.

Internal displacement has been a feature of the Kenyan history since the colonial times. This started with the eviction of locals from their land to make way for settlers. Since then, internal displacement in Kenya has occurred periodically in the country's history, resulting from a diverse range of causes. These include politically-instigated violence; land and boundary disputes; natural disasters such as drought and other impacts of climate change; floods and landslides; development projects such as the construction of dams, roads and hydro-electric power plants; cattle rustling; conflicts

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<sup>68</sup> International Commission of Jurists (ICJ). 2000. Ours by right, theirs by might. Nairobi: ICJ.

<sup>69</sup>Ibid

<sup>70</sup>Kamungi, Internal displacement and the land Question..

over access to water and pasture; environmental conservation projects; activities of local-level armed groups/gangs; and cross-border incursions. Since the transition to democracy in early 1990s, displacement has occurred primarily in ethnically-mixed regions. However, the problem has spread and is now felt in nearly all parts of the country – including international border areas and arid lands inhabited by pastoralists.

Political displacements in Kenya, especially in the former Rift Valley and Coastal Provinces in the 1990s and early 2000 were meant to alter the electoral demography and predetermined election results. The multiparty political system required the winning presidential candidate to obtain at least 25% of the popular vote in five of the eight provinces. Due to the ethno-regional factionalism of registered opposition parties, only KANU had national reach and stood a chance of getting the 25%. In view of this, KANU embarked on strategies to consolidate its political base in the Rift Valley and Coast provinces and to depopulate opposition strongholds. Opposition politicians were barred from ‘encroaching’ on declared KANU zones.<sup>71</sup> The violence that began in Nandi spread rapidly and systematically, targeting voters from outsider communities to prevent them from voting. This eliminated the likelihood of opposition parties getting 25% in the Rift Valley and the Coast. About 300,000 ‘madoadoa’ were displaced from KANU strongholds, which were closed to the media and civil society. KANU remained in power.

## **2.5 The Vitality of Land to Conflict and Displacement in Kenya**

Access to land in Kenya is important because only about 24% of it is arable. For a country where agriculture is a main pillar of the economy, land access for subsistence and commercial farming is a competitive process. Concerns over the inequitable distribution of land accentuate resentments over exclusion, especially when perceived inequality and marginalisation are expressed in ethno-geographical terms. Most of the conflicts of the 1990s could be traced to the land distribution and redistribution during and after colonialism.<sup>72</sup>

Land differences have periodically been exploited in Kenya to cause displacement. Grievances regarding land redistribution at independence and the quest for political

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<sup>71</sup>Kamungi, *The Current Situation of Internally Displaced Persons*

<sup>72</sup> Republic of Kenya. 2008. *Report of the Commission of Inquiry into the post-election violence in Kenya*. Nairobi: Government Printer.

power are major factors that cause violence. The promise of land is often used to entice perpetrators into violence.<sup>73</sup> The loss of land rights due to rapid individualisation of land tenure and the government's economic strategies on agricultural development at independence entrenched and perpetuated deep inequalities between wealthy landowners and the landless poor.<sup>74</sup> Political strategies to capture or retain the state's resources capitalised on unequal land distribution patterns and unresolved land disputes to mobilise support.

## **2.6 Hope, Despair and Conflict in the Kibaki Presidency**

Prior to the 2002 elections, Kenya was ruled by two men in succession from 1963 to 2002: Jomo Kenyatta (1963-1978) and Daniel Moi (1978-2002). In 2002, there was a change as the ruling political party, the Kenya African National Union (KANU) that had ruled the country since independence collapsed. The winning political alliance was named the National Rainbow Coalition (NARC). The election victory was a landslide. Mwai Kibaki of the NARC won 62% of the vote on a platform of fighting corruption, forming a coalition government that shared power amongst the various tribes, and changing the constitution within 100 days of being elected to limit the executive power that had ballooned over the previous four decades.<sup>75</sup> People across all tribes had hope that the country's government was finally on the verge of a system of governance that would have accountability through shared power.

The 2002 general elections witnessed only a few isolated incidents of violence. Due to past experience of violence during elections, many Kenyans and sections of the international community expected the 2002 General Elections to be marred by bloodshed. Expectation of violence was heightened by the emergence of 'armies' and vigilante groups (*jeshis*), known to cause mayhem in urban areas or to unleash or threaten violence on supporters of political opponents. *Jeshis* were supported or

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<sup>73</sup> Report of the judicial commission appointed to inquire into tribal clashes in Kenya, 1999. The report argues that the ethnic violence preceding the transition to democracy was fuelled by three factors: ambition by the Kalenjin to recover what they thought they had lost when the Europeans forcibly acquired their ancestral land; desire to remove outsiders derogatively referred to as *madoadoa* or 'spots' from their midst; and political and ethnic loyalty.

<sup>74</sup>Sorrenson, M. 1968. The origin of European settlement in Kenya. Nairobi: Oxford University Press, pp2-23.

<sup>75</sup> Mutua, M. 2008. Kenya's Quest for Democracy: Taming the Leviathan. London: Lynne Rienner Publishers.

sponsored by influential individuals or political parties. During the campaign period, however, only a few isolated cases of violence were reported. These incidents were often between supporters of different candidates, sometimes even within the same party. They thus, did not reflect underlying ethnic tensions.<sup>76</sup>

The absence of violence in 2002 could be attributed to various factors: firstly, the unification of thirteen political parties into one coalition meant that communities that were hitherto conflicting drew closer on the same side. Secondly, with the weakening of KANU and subsequent defections, politicians' loyalties were divided, especially because they were uncertain how the incoming government would treat the issue of impunity for electoral violence. Besides, those who had instigated the ethnic clashes were afraid of being exposed by those who had defected from the party widely associated with the conflict. Thirdly, the electorate shunned violence and militant politicians due to painful memories of the clashes and remorse, in addition to the negative effect bloodshed had had on their livelihoods. Therefore, aspirants were unable to influence people to engage in violence, in spite of existing differences that could easily have been manipulated. The youth who had been used to perpetrate violence in 1992 are said to have 'refused to be used' because the promises made to them then (especially of employment) had not been honoured.<sup>77</sup>

Fourthly, in parts of the Rift Valley and Western, eviction or displacement of communities associated particular parties had been successfully accomplished during the KANU era; hence local support for the said parties could only be tolerated. Fifth, the Electoral Commission of Kenya (ECK), the civil society, and the media engaged in a rigorous and aggressive civic education campaign which went a long way in promoting political maturity amongst Kenyans. The electorate this time round was tolerant of people who differed with their political views. Furthermore, the political culture of voting for candidates who gave tokens was countered by the desire for change which seemed to be sweeping across Kenya after the formation of the umbrella opposition party, the NARC.<sup>78</sup>

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<sup>76</sup> Mutua, Kenya's Quest for Democracy

<sup>77</sup> Ibid

<sup>78</sup> Ibid, p.10.

The defeat of KANU without widespread violence created new hope for peace and unity among the people of Kenya. It led to an environment of great public goodwill and high expectations for reforms in governance and socio-economic improvement. Kenyans embraced a reform ethos at all levels of society, and many IDPs returned to their farms. In a few weeks, however, deep cracks began to emerge in the NARC coalition government over the implementation of the MoU. Within months of the election, the Memorandum of Understanding (MoU) that forged the tribal factions into the NARC alliance and that got Kibaki elected had effectively collapsed. The agreement in the MOU to share power within the cabinet did not occur, as four key positions that were to be created, including that of a Prime Minister position, did not materialize. Kibaki, from the Kikuyu tribe, broke his election promise and filled many appointed positions with fellow tribesmen, thus following in the footsteps of his presidential predecessors by selecting people for appointed positions primarily through tribal bias. This in turn led to discrimination of many people of other tribes who were more qualified.

Once sworn in, President Kibaki and a clique of powerful politicians from the Central province – popularly known as Mount Kenya Mafia – reneged on power-sharing arrangements, isolating non-Kikuyu from key government positions. Ensuing disappointment and bitterness led to the collapse of the NARC Coalition in 2004, fracturing the government and Kenyans sharply along ethnic lines. For political survival, the president reshuffled the cabinet leaving out the disgruntled MPs and brought into government many ‘political rejects’ and KANU architects of violence and displacement.<sup>79</sup> This froze efforts to fight lawlessness and find durable solutions for IDPs. Plans for a Truth, Justice and Reconciliation Commission that would have addressed the land question, human rights violations and lawlessness were shelved. The public goodwill was quickly eroded, and communities particularly in the Rift Valley resisted the full return of internally displaced Kikuyu.

With the failure of the NARC party, many who were left out of power from the failed power-sharing MOU in 2002 formed the Orange Democratic Movement (ODM). The ODM was largely comprised of a tribal alliance between the Kalenjin, Luhyas and

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<sup>79</sup> Kamungi P.M., and J. Klopp. 2007. Failure to Protect: Lessons from Kenya’s IDP network. *Forced Migration Review* 28: 52-53.

Luos. Kibaki and the Kikuyu in power formed the Party of National Unity (PNU). Kalenjin and Luo politicians in the ODM revived anti-Kikuyu sentiments around the land question and political hegemony. They recalled the 1960s displacement of indigenous communities by outsiders and the creation of a powerful Kikuyu ‘cartel’ after the 1964 neutralisation of KADU and the exit from government of the Luo radicals in 1966. They stressed the Kikuyu’s economic domination outside their ancestral Central province, and their persistent betrayal of other ethnic groups and unwillingness to relinquish or share power.

Campaigns before the 2005 referendum on the constitution were characterised by robust language that occasionally lapsed into ethnic hate speech.<sup>80</sup> Raised tensions split the country into two and stalled the reform agenda as the political conflict played out through the constitutional review. New threats against IDPs who had returned began to be reported. ODM harped on the political betrayal by the Kikuyu and urged the rest of the country to break Kikuyu domination. The phrase ‘forty-plus-one’ was coined to urge the 42 tribes to shun one tribe - the Kikuyu. ODM also articulated the same grievances expressed by KADU before independence – fear of ethnic domination, land and the need to devolve power through a regional (federal or majimbo) government.

The government lost the referendum, with three of the four largest tribes (Luo, Luhya, Kalenjin) and smaller ethnic groups in six of the eight provinces supporting the ODM. After this, political discourse in most parts of Kenya focused on the presidential contest and how it would re-enact the referendum. ODM ran a long and organised political campaign claiming prominently that only rigging could prevent them from winning the 2007 general elections. Citizens therefore, became vigilant about attempts to rig and suspicion led to the killing of several police officers and destruction of property belonging to Kikuyu politicians.

In some parts of the Rift Valley, the hate speech provided an opportunity to advance an agenda of permanent displacement of outsiders. Thus, by the time Kenya approached the 2007 general election, it had become routine for politicians to incite

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<sup>80</sup> Republic of Kenya. 2008. Report of the Independent Review Commission on the General Elections Held in Kenya on 27 December 2007. Nairobi: Government Printer, pp.2-18.

inter-ethnic violence on account of perceived or injustices by outsiders. This provided fertile environment for the violence that erupted following the disputed elections.<sup>81</sup>

## **2.7 Background to the 2007/08 Elections and the PEV**

On December 27, 2007 Kenyans went to the polls for the fourth time since the re-introduction of multi-party politics in 1991. As in previous electoral contests, the 2007 election polarized Kenyan voters along ethnic lines, with parties forming around competing ethnic blocs and citizens voting largely along communal lines. Debates about constitutional reform once again played a central role in the campaigns, with the opposition parties calling for decentralization of power and resources to regional authorities and the incumbent party promising to maintain a unitary system. Irregularities in the vote tallying process led to claims of fraud from opposition parties with foreign and domestic observers casting doubt on the capacity and independence of the Electoral Commission.

Although tensions remained high in the period leading to the 2007 general elections, widespread violence did not occur until President Kibaki was declared winner on 31 December 2007. This was perhaps because the ODM side felt safe with the calculation that, even if every PNU supporter voted, the government side could not raise the required 25% of votes in five of the eight provinces as required by the constitution. This view was reinforced by internal wrangles within the PNU electoral alliance, its disorganised campaign and opinion polls showing ODM enjoyed support in six and a half provinces. The chances that the PNU could win thus appeared insignificant, obviating the need to disenfranchise voters.

However, ECK announced Mwai Kibaki, the incumbent president, as the winner of the presidential race on December 30 with a 2.5 per cent lead margin indicated both a rapid disintegration of Odinga's large early lead. ODM's suspicions of tampering were high—not least because the opposition had won ninety-nine seats at the parliamentary level to the PNU's forty-three. Most international observers noted that there had been definite irregularities in the tabulation of the presidential vote and in reporting the tabulation of the vote.<sup>82</sup> Thus, the violence that broke out appeared to be spontaneous

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<sup>81</sup>Kamungi, *The Current Situation of Internally Displaced Persons*, pp.4-11.

<sup>82</sup>Lindenmayer, E. and Josie L. K.. 2009. *A choice for Peace? The Story of Fourty-One Days of Mediation in Kenya*. International Peace Institute, p8



and motivated by a sense of injustice at the apparent discrepancies between the expected and actual outcomes of the election, but time and hindsight revealed very different roots and manifestations.<sup>83</sup> The election, however, was certainly the trigger. There was an overwhelming perception that the elections had been rigged and that, combined with a lack of faith in the ethnic neutrality of the government, caused some members of communities around the country to turn to violence. Basic trust in state institutions had been eroded by decades of discontent with disparity and impunity, and heightened by the collapse of the multiethnic NARC, the country's most recent attempt at inclusion and reform which did not stand the test of time. Within minutes of the announcement of the results, incidences of violence were reported, especially in the Rift Valley, where the perception of exclusion was at its strongest. There seemed to be a sense that the system could only produce an ethnically biased outcome, and that the elections were not going to change the status quo.<sup>84</sup>

Following the announcement of the results, attempts by ODM to stage public, peaceful protests in Nairobi and other cities were squashed by the police after Kibaki made them illegal through an executive order. Kibaki, on the other hand, was legally certified as the president and had the legal right to ban the protests, especially if the protests could compromise the stability of the government. This gave more credence to the demonstrators who viewed Kibaki's actions as an attempt to subvert justice by preventing expression of genuine grievances. The scale and magnitude of violence escalated.

Post-election violence resulting from the abnormalities seen in the 2007 election in Kenya involved many facets of society. Perhaps the most volatile of these were youth with little opportunity within the previous Kibaki government for jobs and had even less hope for the future with Kibaki in government again. ODM understood this and harnessed the youth vote by organizing them for the first time in a Kenyan election, into voting blocks. This vehicle of organization combined with Kibaki making peaceful demonstrations illegal is thought to have been why the youth violently

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<sup>83</sup> Human Rights Watch, "Ballots to Bullets: Organized Political Violence and Kenya's Crisis of Governance," (New York, March 2008).

<sup>84</sup> Jeffrey Gettleman, "Disputed Vote Plunges Kenya into Bloodshed," *New York Times*, December 31, 2007, p. 1.

reacted after the announcement of the Kibaki victory.<sup>85</sup> Other than the youth and their problems, land is also another key factor that is believed to have played an integral role in advancing the 2007 post-election violence in Kenya.

It's worth noting that the issue of land in Kenya is central in its history of conflict and is an example of structural violence. This is in part because of long and complex histories of land dealings among tribes. Often, the members of the tribe in power were unethically given or allowed to use land frequently at the expense of other tribes. This is also in part due to the complex legal structure surrounding land combined with the weak judicial branch to carry out these laws effectively.<sup>86</sup>

After Kenya became independent from Britain, even more people from the Kikuyu tribe settled in the Rift Valley, protected by Kenyatta's power. Similar to what Kenyatta did with the Kikuyu in the Rift Valley during his tenure (1963-1978), Moi (1978-2002) did with the Mau Forest, the lushest part of the Rift Valley. Given that the forest is government trust land, Moi used his position to grant executive permission for his tribal community, the Kalenjins, to settle there. Kibaki, also using the same executive power, expelled the Kalenjins from the Mau Forest in 2003, with most returning, arguing that they had a right to the land that "Moi gave them".<sup>87</sup> During the 2007 post-election violence, the historic land issues between the Kikuyu and Kalenjin continued to be a major cause of conflict.<sup>88</sup>

However, not all of the violence, however, was a spontaneous reaction to unjust processes. Inquiries undertaken by human-rights bodies such as Human Rights Watch revealed that much of it was organized in nature.<sup>89</sup> Well-known gangs that had been financed and organized by business and political groups in previous elections, such as the Mungiki, were apparently being armed with machetes and other weapons before the elections and later, even as negotiations began.<sup>90</sup> The Mungiki, drawn from a Kikuyu base, which has a reputation for using brutal methods of instilling terror and a

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<sup>85</sup> Mara J. R., September, 2009. Conflict Analysis of the 2007 Post-election Violence in Kenya. p11.

<sup>86</sup> Ibid, p10.

<sup>87</sup> Cussac, A., 2008. "Kibaki Tena?" The challenges of a campaign. Lafargue, J. (Ed.). The general elections in Kenya, 2007. Dar es Salaam: MkukinaNyotaPublishers, Ltd, pp. 55-104.

<sup>88</sup> Horowitz, J., 2008. Power-sharing in Kenya. Centre for Study of Civil War. University of California, San Diego. Pp1-4

<sup>89</sup> Ibid

<sup>90</sup> IRIN News, "Kenya: Armed and Dangerous," February 22, 2008, available at [www.irinnews.org/Report.aspx](http://www.irinnews.org/Report.aspx). Accessed 28th July 2018

long history of violence dating back to the 1980s, received support from elite members of Kenyan society and had been prepared for the violence ahead of time. Non- Kikuyu gangs such as the Taliban and Baghdad Boys—largely Luo-based—and the *Sungusungu* of generally Kisii origin were also responsible for some of the more organized violence, drawing on the large numbers of unemployed and disenfranchised youths.<sup>91</sup>

## **2.8 Impact of the PEV**

By January 15th, over 500 people were dead and more than 250,000 displaced. What might have been small-scale—albeit organized and brutal—gang violence, accompanied by incidences of post-election, public, spontaneous rage revealed itself to run much deeper and resulted in much more pervasive patterns of violence. The scale of the violence reflected long-held grievances combined with severe poverty. According to the 2004-2008 UN Development Assistance Framework report, 56 percent of the population was living in poverty by 2013.<sup>92</sup> Violence was conducted, therefore, primarily along ethnic lines, motivated by the endemic sense of marginalization; retaliatory violence made the numbers of dead and injured rise even more. The police were accused of excessive use of violence in response to public demonstrations and looting, resulting in even more deaths. The violence continued until early February 2008.<sup>93</sup> Thousands of people were trapped in Kibera without access to medical aid, houses in the Rift Valley continued to be subjected to arson attacks, and gangs which had been operating largely underground re-emerged in Nairobi to offer protection to slum-dwellers living in fear. As students and teachers alike fled to safer areas, with many victims forced to live under tents, international airlines cut the number of flights to Nairobi almost by half in response to the sharp drop in tourism, a terrible blow to the Kenyan economy. Furthermore, the region was also severely affected due to road blocks put in place on the major transit routes, thereby causing a huge increase in the price of wheat and other staples.

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<sup>91</sup>Ibid

<sup>92</sup>United Nations, “United Nations Development Assistance Framework: Kenya (2004-2008),” (Nairobi: United Nations Country Team, June 2013), available at [www.un-kenya.org/UNDAF](http://www.un-kenya.org/UNDAF), Accessed 22 June, 2018.

<sup>93</sup>BBC News, “Kenya to Probe Hate Speech,” February 14, 2008, available at <http://news.bbc.co.uk/2/hi/africa/7245319.stm> ., Accessed 10th April, 2018.

The peak of the conflict was reported to be January 3, 2008 with ODM-PNU confrontations evolving into tribal violence that left hundreds of people dead and hundreds of thousands displaced.<sup>94</sup>The violence led to the death of more than 1,133 people and displacement of more than 650,000 people.<sup>95</sup>

**Table 1: Geographic distribution of IDPs following the 2007 Post-Election Violence**

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

Source, Wamai N. 2013, *UN Security Council Resolution 1325 in Kenya: Dilemmas and Opportunities*, pp5-7.

## 2.9 Conclusion

This chapter aimed at examining the background to conflict and displacement in Kenya. This was to provide a preview to the 2007/08 violence. The 2007/08 violence is better understood within a framework of political oppression and economic exploitation, exclusion and marginalization that has characterised politics and economic life in Kenya. The elections were a catalyst for an explosion of discontent and resentment due to the long held politics of exploitation that has resulted in heavy unemployment and misappropriation of national resources including land.<sup>96</sup> The crisis of 2007 elections affected six of the eight provinces affecting mostly cosmopolitan areas. Rape and other forms of sexual violence were widespread.

<sup>94</sup>Lafargue, J. and M. Katumanga 2008. Post-election violence and precarious pacification. Lafargue, J. (Ed.). *The general elections in Kenya, 2007*. Dar es Salaam: Mkukina Nyota Publishers, Ltd, pp. 13-34.

<sup>95</sup>Wamai N. 2013. *UN Security Council Resolution 1325 in Kenya: Dilemmas and Opportunities*. Working Papers in British-Irish Studies, p6.

<sup>96</sup> Elisabeth L. and Kaye, J. L., 2009. *A choice for Peace? The Story of Forty-One Days of Mediation in Kenya*. International Peace Institute, p8.

## **CHAPTER THREE**

### **3.0 KENYAN REFUGEES IN UGANDA: FROM IDPS TO REFUGEES, 2008-2015**

#### **3.1 Introduction**

Normally, armed conflicts lead to displacement of people. The displacement can force people to internally relocate thus forming Internally Displaced Persons (IDP's). On the other hand, armed conflicts produce refugees. A good example is the 2007/08 Post Election Violence in Kenya which caused the displacement of over 600,000 men, women and children. Of the displaced, majority were housed in IDP camps which sporadically sprout out at that time. However, some became refugees in neighbouring countries. Of these were 640 families which crossed the border into Uganda in February 2008. The families were displaced mainly from areas like Lwakhakha, Wamono, Lwandanyi and Chebukube in Bungoma County and Malaba and Nambale in Busia County, though some had come from Nakuru, Nairobi and Mt. Elgon. The group was multi-ethnic, including Luhya, Kikuyu, Teso and few Kalenjin speakers. Upon entry into Uganda, they settled in Kiryandandogo Refugee Settlement in Masindi District.

This chapter discusses the settlement of the refugees in Kiryandogo refugee camp, the role of UNHCR and Ugandan governments in assisting the refugees and the livelihoods they adopted while in the Masindi District of Uganda.

#### **3.2 Entry of Kenyan Refugees in Kiryandongo Settlement, Uganda**

Political and ethnic divisions, tensions and sporadic violent confrontations among political and ethnic groups that started after the splinter NARC government in 2005 culminated into large scale and widespread violence and forced displacement prior to, during, and following the disputed results of the 2007 presidential elections. This violence resulted in the displacement of 663,921 people including 350,000 people who

sought refuge in 118 camps and 313,921 persons who were integrated within communities countrywide. Further, 640 households fled to Uganda.<sup>97</sup>

The life of Kenyans entry into refugeehood began at Malaba border, from where they were bused to Mulanda in Tororo in south-east Uganda before they entered Kiryandongo Settlement. The displaced persons (IDPs) had camped at Malaba for three days at a hotel known as Jackii from where local well-wishers offered them food. Malaba area also experienced violence when the intensity of conflict in January 2008 spread to the locality, despite the fact that the area had been peaceful till then. The violence in Malaba area and its environs took the form of arson in which houses and business structures belonging to members of the Kikuyu community were torched. Looting of church property and houses also took place. Couples married to individuals of Kikuyu origin were displaced. According to Susan Kiarie, a Kikuyu who owned land near Malaba town:

We lost land that my father had bought in Amagoro while we were children. At the time of the conflict I was pregnant. I miscarried. When rushed to hospital in Bungoma after I developed complications, the doctors and nurses who were apparently politically sympathetic to ODM refused to attend to me. They by-passed me time and again. At one point, a doctor inserted an iron-bar into my womb in a bid to help the dead foetus out. The male doctor then left me in that state until a sympathetic nurse passed-by, felt sorry for me. She helped remove the insertion, and took me to her house where she attended to me for a few days before she discharged me. It's also during that time of violence that my mother-in-law who had blood pressure succumbed to the problem due to inability to access medication. My father's house was torched down and our pigs stolen. In this environment and with government security apparatus looking unlikely to arrest the situation, we decided to cross over to Uganda. Those who targeted us didn't intend to kill us, but loot. It was taking advantage of political situation to enrich themselves. As such, they created a tense environment which they exploited for their own benefit.<sup>98</sup>

The displaced persons assembled at St. Jude Primary School. Religious institutions in the area like the Anglican Church and Catholic offered them assistance. The assistance went on for three days that the IDPs camped there. Escalation of violence, as Ugandans crossed the border to loot, and the subsequent confrontation

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<sup>97</sup>Ministry of State for Special Programmes IDP Reports Available at <http://www.sprogrammes.go.ke/index.php>, Accessed July 2018.

<sup>98</sup> Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

with the police, together with shortage of supplies compelled them to cross to Uganda where they were assured of UNHCR support.

Once across the border, they were received by UNHCR staff and transported by buses to Muranda in Tororo where they settled for several weeks. According to Benjamin Ngugi – a refugee from Kiryandandogo - the Kenyan government made concerted efforts to return the refugees before they reached Ugandan refugee camps by sending representatives from the Ministry of State for Special Programmes to convince them to return following the return to peace and normalcy in the formally hostile areas. He recalls that:

We were asked to return but most of us had lost everything and there was still an array of fear. We did not feel convinced by government promises for security either, following the trauma that we had gone through with government security doing little to help. My brother, for instance, was cut with a *jembe* and taken to Kijabe hospital. He was a driver before the attack. Now crippled, he can't drive anymore. The memory of his experience was still fresh in me. I therefore persisted in my desires to get as far from Kenya as possible. So did majority of us. We therefore, camped in a school at Muranda for a few weeks and then persistently moved on to Kiryandongo Settlement.<sup>99</sup>

Not all displaced persons who crossed the bordered entered Ugandan refugee camps. From Muranda in Tororo, a number of refugee families return to Kenya. The returnees were given Ksh. 37,000 under the *Operation Rudi Nyumbani* program launched by government through the Ministry of State for Special Programme. This was aimed at helping affected persons who had land and 'permanent' homes to return and restart their lives. According to Francis Ekereng, Malaba sub-location Assistant Chief:

The money was given to those people who returned before reaching Ugandan refugee camps out of reasoning that by going out of their residential places for long, they risked losing what had not been lost through fire like land. It's aimed at those who hadn't lost their permanent assets like and as well as those who had their houses still intact. It was for fare and repair of a few destroyed or stolen essentials. The money comprised 20,000 shillings for iron sheets, Kshs 10,000 for buying household goods lost and Kshs 2,000 for transport. This money was flat-rated, every returning IDP was paid same amount across the country<sup>100</sup>

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<sup>99</sup> Oral interview, Benjamin Ngugi, Malaba, 9<sup>th</sup> April, 2017

<sup>100</sup> Oral interview, Francis Ekereng, Malaba, 11<sup>th</sup> April, 2011

According to Patrick Njagi, Director of National Consultative and Coordination Committee on IDPs, government also built permanent houses and police stations in the areas where the returnees went back to for peace keeping purposes and patrol units. They also initiated Peace and Reconciliation efforts aimed at preaching peace and coexistence. He observed that:

According to our reports, these are individuals who had land and permanent structures on it. They are the ones who suffered more than the “landless” refugees. They had had their houses torched, crops destroyed, food stores and livestock looted. Majority of those who crossed international borders into refugee camps had never owned land. They had mostly been hawkers or low-pay employs on wage jobs.<sup>101</sup>

Bishop Kiio who returned at Muranda argues that most of the displaced families who went past Muranda are those didn't own much previously and therefore had little if any material property to lose while away. However, those with land and other properties returned while at Muranda. They convinced themselves that it was better to return and restart again following the formation of the coalition government.

### **3.3 Settlement and Life of Refugees in Kiryandongo, Uganda**

For over five decades, Uganda has provided refuge to people fleeing war and persecution from many countries, including its neighbours. Uganda is party to key refugee conventions and international human rights treaties, and currently hosts over 1.35 million refugees, the majority from South Sudan, with a substantial representation from the Democratic Republic of Congo, Kenya, Burundi and Somalia. Uganda has since 2011 been the third largest refugee hosting country in Africa. In 2017, it became the largest refugee-hosting country in Africa, with refugees making up 3.5% of the country's total population of 39 million.<sup>102</sup>

With an open-door policy, the Ugandan government upholds an inclusive approach, granting refugees freedom of movement, the right to seek employment, establish businesses and access public services such as education, on par with nationals. Refugees in Uganda do not live in camps. The government has set aside many

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<sup>101</sup> Oral interview, Mr. Njagi, Director, National Consultative and Coordination Committee on IDPs, TelePosta House, 16<sup>th</sup> June, 2017

<sup>102</sup> Ibid



thousands of hectares of land for refugee use, and more have been provided by local communities. In order to ease pressure on local services and leverage the positive economic impact of refugees, Uganda has integrated refugees into national development plans. Likewise, it has established the Settlement Transformative Agenda (STA), which supports the development of refugee-hosting districts by investing in infrastructure, livelihoods, peaceful coexistence initiatives and environmental protection. The STA takes into account the protracted nature of displacement and their impact on local communities. Furthermore, it is in line with the 2030 Agenda for Sustainable Development and its main principle to “leave no one behind”. Owing to this, Uganda is regarded as a model for many other refugee-hosting countries.<sup>103</sup>

### **3.3.1 Relationship between Kenyan Refugees and Host Population**

The relationship between refugees and the host communities in Kiryandongo was largely peaceful, despite isolated clashes and disputes between the two groups. The conflicting relationship in many cases serves to emphasize the importance of identifying main sources of conflict and co-existence in the relationship for achieving a peacefully relationship. The presence of refugees did on some occasions create tensions and conflicts with host communities in Uganda for a number of reasons.<sup>104</sup> They included:

#### **3.3.1.1 Conflict over Access to Wood**

Wood is one of the most sought after natural resources for both the refugee and the host communities for building shelters and for each communities’ daily domestic energy needs mainly for cooking. It is also an income generating resource for both host communities, who commonly sell wooden poles, and charcoal as a source of income for the households. However, with increasing influx of refugees into the hosting areas, evident rapid degradation of vegetation cover is being lost. The refugees and host communities have entered protected areas to extract forest resources for their livelihoods such as in Ocea Central Forest Reserve (CFR) near Rhino Camp which was originally well protected but is now rapidly being degraded

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<sup>103</sup> Oral interview, Patrick Njagi, Director, National Consultative and Coordination Committee on IDPs, TelePosta House, 16<sup>th</sup> June, 2017

<sup>104</sup> Ibid

by refugees for supply of wood-fuel and construction materials. This situation is equally felt in other areas where nearby CFRs have been encroached by the refugees sometimes with sections of the host communities to harvest timber and other wood products. Dwindling supply of wood resources negatively affects the relationship between refugees and host communities.

### **3.3.1.2 Dispute over Farming Land**

Since the civil war, Northern Uganda has been affected by disputes and conflict regarding land rights. During the civil war, large parts of the population were displaced. IDP and army camps were set up and public facilities were constructed on private land without compensating staff or obtaining permission. After the end of the fighting against the LRA, many IDPs returned to their villages only to find them no longer existent. It was particularly problematic that former boundary demarcations did not exist anymore. Therefore, the return of IDPs was marked by land conflicts, which in some instances even led to violence. The lack of demarcation of boundaries of the camp and of agricultural land is one of the key factors leading to disputes within and amongst the host communities and also with the refugees.<sup>105</sup>

Since several households amongst the locals do not own land, there is often tension with the refugees whom the locals view as being favoured since they are not just provided by fertile land, but are granted farming implements and relief aid by the aid agencies in the area. There are also cases of refugees encroaching on land belonging to locals. The poor land marking contributes to this resulting in constant conflicts.

### **3.3.1.3 Conflict over Access to Water and Theft of Crops**

Access to clean water in the refugee settlement is limited given the location of the settlements in the peripheral dry-lands. Local women have to walk long distances to find clean water for domestic consumption. The drought in the area has also affected the water supply of the refugees in settlement. Long distances to water

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<sup>105</sup> Oral interview, Patrick Njagi, Director, National Consultative and Coordination Committee on IDPs, TelePosta House, 16<sup>th</sup> June, 2017

sources also put the security of refugee women and girls at risk as it is during such activities that they are more at risk to sexual assault. In Kiryandongo settlement, there has already experienced bloodshed along ethnic lines: a refugee from the Nuer tribe was murdered at a borehole after a fight over water broke out with a group of ethnic Dinka. This limitation is not only restricted to refugee settlements but also affects the host communities most of whom have non-functional water facilities. This conflict affects refugee and host relations as often, the hosts prevent the refugees from accessing and using their water sources. Conflict erupts during such completion for access to water.

Host community villages have also in the past complained that stealing of crops was one of the major problems between them and the refugees. During the rainy season and right before harvest, refugees come to their lands at night to steal their crops. A Food Security and Livelihood assessment conducted by ACTED in early 2015 in Lamwo and Kitgum established that about 72% of host community members' main source of food was their own agricultural production therefore, stealing of crops is a significant threat to their food security. This is a major problem as it adds to the erratic rain patterns of the last few years which have already affected harvests.

#### **3.3.1.4 Conflicts over Delivery of Social Services**

The huge refugee population in the country in the refugee hosting areas has put major strains on services in those areas which were already quite overburdened and/or lacked proper investment. Such a huge population influx on already overburdened services threatens a severe weakening of the systems over the medium to long-term. Conflict over service provision and access often divide host and refugee communities and lead to exclusion, worsening key indicators, especially those related to literacy, child and maternal mortality, and malnutrition. Though emergency response has pushed services to improve via a rush of emergency funding to health and education, these services are undoubtedly still strained by the sheer number of new residents. For example, according to the District Education Officer for Yumbe District, there are 34 primary schools for 60,000 students in the area.

### **3.3.1.5 Conflicts over Access to Jobs**

With a long-term settlement one of the most likely outcomes for the majority of refugees, finding sustainable livelihoods outside of subsistence agriculture for a minority of refugees is a challenge. While skilled refugees previously working in the health or education sectors may find an easier route into employment, the large number of unskilled workers often disrupts livelihood markets for casual labour in the sub region. This could cause anger and resentment among host communities, especially those in larger towns or big cities, who already had little opportunity for regular work. However, conflict potential around livelihoods is not limited to blue collar jobs. The scale-up of humanitarian and development programming necessitate hiring new workers, many of whom may come from outside the refugees' settlements due to higher educational qualifications. Already there has been conflict between refugees and host communities for jobs as casual labourers in the refugee response. The possibility that Ugandans from outside West Nile or even other skilled East Africans may settle to take skilled jobs with NGOs lead to local discontent and a feeling among host residents of falling further behind the rest of the country.<sup>106</sup>

### **3.3.1.6 Sexual and Gender Based Violence**

Sexual and gender-based violence (SGBV) is among the most serious protection concerns and priorities in Uganda refugee operation. It is manifested in various forms including rape, sexual assault, domestic violence, early and forced marriages, denial of resources and harassment. Violence occurred in the refugees' home country, during flight and in Uganda. For many reasons, SGBV incidents remain seriously underreported. Since January 2016 more than 2,867 females and 227 male SGBV cases have been reported of which, 20% involving children below the age of 18.<sup>107</sup>

In host communities and refugee settlements alike, a number of refugee women still experience Sexual and SGBV. Over 78% of refugee women both in the settlements and urban centers continue to experience domestic violence mostly at the hands of men. Rape, defilement, forced marriage are the most common forms of violence

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<sup>106</sup>Oral interview, Benjamin Ngugi, Malaba, 9<sup>th</sup> April, 2017

<sup>107</sup>Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

against refugee women and girls. Many girls without adult supervision have found themselves in sexually risky situations and those who have been coerced into sexual acts have received minimal support from the authorities. Sexual and Gender based violence pose a security threat to women and girls in refugee settlements making it difficult for them to participate in various activities. Sexual violence especially is not only limited to home environment but school, hospitals and other public spaces in which the refugee women and girls engage.

Kenyan women refugees experienced cases of rape especially from fellow camp dwellers. The porous nature of the tents made it easy for access, something that made young girls and mothers increasingly vulnerable. Majority of such cases happened during day time when the adult members of the family were out in farms or in markets.<sup>108</sup>

Despite these challenges, Uganda still hosts a multi-ethnic group of refugees who include the Rwandese, Congolese, Ethiopians, Kenyans' Sudanese and Burundians. As a result of conflicts and instability in the Democratic Republic of Congo (DRC), Kenya, Somalia and South Sudan, Uganda hosts over 1,300,000 refugees and asylum-seekers. By October 2017, it estimated that, a total of 1,321, 207 refugees and asylum seekers were living in Uganda. Of these, 1,034,16 were South Sudanese.

Uganda has set aside 11 refugee hosting districts including districts of Arua, Adjumani, Yumbe, Koboko, Moyo, Lamwo, Hoima, Kamwenge, Isingiro and Kyegegwa. However, most of these refugees inhabit Kiryandongo refugee settlement. Kiryandongo Settlement is a refugee camp in central Uganda. It has historically been a home to Kenyan and South Sudanese nationals. The Kiryandongo area was first used for resettling refugees in 1954 when the British colonial administration moved Kenyan refugees fleeing the Mau Mau Uprising to Kigumba in what was then Masindi District. During the Idi Amin administration, the land was part of a large-scale government ranching scheme, of

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<sup>108</sup> Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

which reminders remain today in the names of the subdivisions of the camp. This left the land sparsely populated.<sup>109</sup>

Virtually all uninhabited land around Kiryandongo is gazetted by the Ugandan for refugee resettlement. Ethnic Acholi people fleeing the Sudan People's Liberation Army from Parajok in South Sudan were the first to be settled in Kiryandongo after temporarily being held in Kitgum and Masindi. Later, the Sudanese refugees were joined by Ugandan Acholi IDPs from the LRA-affected areas of Gulu and Kitgum. Kiryandongo also served as an interim stop for displaced people transiting to other camps, including 22,000 who moved from the Achol-Pii Refugee Settlement to Kyangwali in the beginning of the 21<sup>st</sup> century. From 2008 to 2015, the settlement served as a home to Kenyans displaced by the 2007/08 post-election violence in the country.<sup>110</sup>

Kenyan refugees in Uganda were given access to land for cultivation, and local government leaders agreed to extend to the refugees' public services that were available in the surrounding villages such as medical and academic. The Ugandan government calls the refugee camps "settlements" in order to communicate this integrationist policy intention. As a result, the refugees are given small plots of land to cultivate in order to promote self-sufficiency. However, refugees do not have clearly defined property rights since, according to Uganda's constitution land is owned by the "people of Uganda" and who "the people" are is not a settled question in Ugandan law. The settlement system was intended by UNHCR and the government of Uganda to create sustainable refugee communities that eventually could be integrated into the local economy and government. However, the full integration of the refugees into local communities has not so far been possible. UNHCR still administers the camp.<sup>111</sup>

### **3.4 UNHCR Roles Toward Kenyan refugees in Uganda**

UNHCR's mandate is the (legal) basis for UNHCR's activities and the rationale for its existence. It informs *what* UNHCR is supposed to do (material scope) and for *whom* (personal scope). The Statute develops the material scope in paragraph 8.

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<sup>109</sup> Oral interview, Patrick Njagi, Director, National Consultative and Coordination Committee on IDPs, TelePosta House, 16<sup>th</sup> June, 2017

<sup>110</sup> Ibid

<sup>111</sup> Ibid

The personal scope was subsequently expanded by the GA (as foreseen in paragraph 9 of the Statute) to include stateless persons, *asylum-seekers*, and returnees.<sup>112</sup>

The refugee mandate applies in both emergency and non-emergency asylum-seeker and refugee situations, as well as in situations of emergency and non-emergency mixed movements involving asylum-seekers and refugees. The refugee mandate also applies both in camp and outside camp settings. In short, the High Commissioner has a mandate with respect to refugees globally, wherever they are located.

All humanitarian actors as well as States need to be aware of UNHCR's role, as defined by its mandate. This ensures a common understanding of organisational responsibilities and accountabilities. It also helps to clarify UNHCR's role, how it works in the humanitarian system, and the direct relationship it needs to maintain with Government authorities on refugee matters.

UNHCR's mandate concerns a defined group of people who possess an international legal status and covers all aspects of their well-being (the right of refugees to enjoy the widest possible range of fundamental rights and freedoms. Bound by legal instruments and UN resolutions, the mandate is 'non-transferable'. This means that in no stand-alone refugee or mixed situation can accountability for refugees and persons of concern be transferred or delegated to another UN entity or another actor.<sup>113</sup>

UNHCR team of officials first encountered Kenyan refugees at the Uganda border of Malaba. From here, in conjunction with IOM and World Food Program, UNHCR provided buses that transported the refugees to Tororo in South-east Uganda. Kenyan refugees who arrived in Tororo numbered about 12,000. A UNHCR emergency response team was deployed to the area. The small refugee agency team was based in the border town of Tororo. They led emergency response and coordination with the local and central authorities in the area.<sup>114</sup>

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<sup>112</sup>Lindley, A., 2007. Issues in Refugee Research: Protracted displacement and remittances: the view from Eastleigh; Research Paper, Nairobi.

<sup>113</sup>Ibid

<sup>114</sup> Number of Kenyan refugees in Uganda rises to 12,000

UNHCR established accessible reception arrangements with appropriate facilities, efficient appointment and referral systems and the provision of relevant information based on the existing circumstances in Uganda. It supported the registration and collection of data on all refugees, disaggregating the data in accordance with Age, Gender and Diversity Mainstreaming (AGDM) principles. Registration is primarily a state responsibility, but in Uganda, as is in many instances, was left to UNHCR.<sup>115</sup>

Then UNHCR ensured that documents attesting to their identity and status were provided to refugees. This is primarily the responsibility of the state, but in Uganda, UNHCR issued its own documents to the refugees. This included birth registration, marriage and death registration. Bill cards were also provided. In addition, UNHCR sought to avert security incidents at the camp premises by working with refugees and their community representatives in a spirit of understanding and cooperation. This was complemented with appropriate security and contingency plans, effective training of guards and capacity development. However, majority of the physical security was provided by the Ugandan government which had some few police personnel on the ground.<sup>116</sup>

UNHCR also supported the efforts of the refugees once they reached the settlement to become self-reliant—to the extent possible in respect of Ugandan national laws—and engaged and advocated the authorities and other humanitarian partners to realize that. UNHCR pursued a three-pronged strategy of: 1) advocating for refugees to have access to public services; 2) monitoring refugees' utilization of health, education and social welfare services, with particular attention to those who were most vulnerable and had specific needs; and 3) augmenting the capacity of existing public and private services. While Ugandan government provided land, UNHCR and other partners provided implements with which to clear land and cultivate crops. When self-reliance was not a viable objective, (especially, in the early periods of the refugees' settlement) UNHCR, in collaboration with partners, will sought to meet the needs of the refugees by other means including collective

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<http://www.unhcr.org/en-us/news/latest/2008/2/47a886fc2/number-kenyan-refugees-uganda-rises-12000.html>, Accessed 11 August, 2018

<sup>115</sup> Ibid

<sup>116</sup> Ibid



camp accommodation (mainly tents), food assistance, non-food items and cash transfers.<sup>117</sup>

### **3.5 Livelihoods Adopted by Kenyan Refugees in the Settlement**

Livelihoods entail the capabilities, assets (natural, social, human, physical and financial capital) and activities required for a means of living.<sup>118</sup> Several types of livelihoods are evident among Kenyan refugees in Uganda. The most obvious strategies were running small businesses or working in local businesses and tilling the land. Despite this effort, the United Nations High Commissioner for Refugee stepped in and offered assistance in terms of food and medication, though these were always insufficient.<sup>119</sup>

In spite of the assistance of international agencies and countries which send financial and material support for refugee needs, the host country and refugees themselves mostly bear the burden. Thus, to survive in Kiryandongo, refugees had to develop adaptive mechanisms. Majority of refugees have had to take up activities like farming which many considered not to require much skilled labour and did not pose direct competition for opportunities like employment with locals. For the refugees, employment opportunities even for the skilled refugees were limited since Masindi District lie in the peripheral, north-eastern part of Uganda. Among the economic activities adopted by the refugees include:

#### **3.5.1 Agriculture and Trade**

The Kenyan refugees in Uganda were allocated about 2-8 acres of land by the Ugandan on which they practised crop production. Each household was given a sickle, *panga* and a *jembe* by World Food Program. Food and Agricultural Organisation provided them with seeds. The size of land given to a group depended on family's size and ability to till. Bishop Michael Kiio of Full Gospel Church, Malaba reiterates:

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<sup>117</sup>Number of Kenyan refugees in Uganda rises to 12,000

<http://www.unhcr.org/en-us/news/latest/2008/2/47a886fc2/number-kenyan-refugees-uganda-rises-12000.html>. Accessed 11 August, 2018

<sup>118</sup> Lindley, A., 2007. Issues in Refugee Research: Protracted displacement and remittances: the view from Eastleigh, Nairobi. Research Paper No. 143, p.7.

<sup>119</sup>Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

When we arrived in Uganda, IOM was the first organisation that extended help to us. Other than them, Red Cross and UNHCR also managed to step in and put things in order. Churches in Uganda also gave us help especially in early days including guiding and counselling. One Church in point is the Full Gospel Church in Uganda. After a few days, and having received a sickle and a *jembe* plus seeds from FAO, we began tilling the land.<sup>120</sup>

From that moment, the refugees increasingly took up farming. Regardless of their previous occupations and preferences, they had to adjust and take over farming. They planted maize, beans and potatoes. UNHCR and other NGOs supplied them with seeds. The land was forested as is the case with most virgin lands. It was also full of snakes. That coupled with poor farm implements made the first experience quite hard to adapt to. However, the land was very fertile. After the first season in which majority of farmers had great harvests, they took up farming wholeheartedly. Bishop Kiio continues:

After the first harvest, we kept aside what was necessary for family consumption and the surplus was sold. We traded with other camp dwellers especially the Congolese, Rwandese and South Sudanese who arrived later. We traded with those who arrived after the planting season was over and hence had not planted. With time we got used to the local host population with whom we had a thriving business. Some refugees were able to do so well in farming in Uganda than they had been doing in Kenya even before the post-election skirmishes.<sup>121</sup>

### **3.5.2 Poultry and Animal Husbandry**

Other than trade, the refugees adopted pig farming and poultry, keeping chicken in the process. UNHCR however, continued to offer their monthly stipend, enabling some to make investments. Bishop Kiio notes that:

Upon our entry into Uganda, the UNHCR made an official request to the Ugandan government to host us. From then, UNHCR assumed the responsibility for the refugees' survival. We were bungled into Red Cross buses at Muranda and taken to Kiryandongo, where we were registered with UNHCR and given attestation forms. The cards enabled us to get food rations and UNHCR stipends. The card represented each family and had to be reviewed yearly for verification. UNHCR issued us with refugee cards. The cards facilitated access to all UNHCR services from food distribution, to medicine, to education and even when selling our surpluses around. However, the government of Uganda provided security and other logistics necessary for foreign persons to stay in the camps.<sup>122</sup>

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<sup>120</sup> Oral interview, Bishop Michael Kiio, Malaba, 10<sup>th</sup> April, 2017.

<sup>121</sup> Oral interview, Bishop Michael Kiio, Malaba, 10<sup>th</sup> April, 2017.

<sup>122</sup> Oral interview, Bishop Michael Kiio, Malaba, 10<sup>th</sup> April, 2017.

Thus, it can be argued that with the help of Ugandan government and FAO's seeds, the refugees managed to adapt well to the economic conditions in the Settlement growing different variety of crops and keeping chicken and pigs. Through sheer strength and determination, a number of families were able to achieve a good level of economic standards through farming, and by trading with local population. A number of refugees with the help of locals bought pieces of land in Uganda and settled there. The economic empowerment freed them on dependence on food rations. One such case is that of Susan Kiarie who managed 6 acres of maize and 4 acres of Soya while in the camp. She also raised 400 chicken and several pigs. Mrs Kiarie who was a camp leader even got a job with UNHCR in Kiryandongo. Even though she returned in May 2015 with the others, she has little regrets regarding her economic state in the camp.<sup>123</sup>

### **3.6 Challenges Faced by the Kenyan Refugees in the Settlement**

Forced migration is a major life-changing process with profound consequences for individuals affected. Refugees often find many difficulties adjusting to life in a new society. The suddenness of displacement and the conditions of flight combine to produce a set of social, cultural, economic, and psychological challenges to the refugees. The significant amount of life-change refugees have to cope with, as well as their often-marginal position in the host community/country create a condition of disempowerment and alienation, which in turn affect their ability to achieve life goals in the foreign land. In the main, moving from a country of origin to another on the basis of force inevitably juxtaposes two kinds of places and identities with one another creating, in the process, spaces of friction and conflict between the resident population and the newcomers.<sup>124</sup>

Despite the more open approach by the Ugandan government towards refugees, Kenyan refugees who spend significant periods of time in the settlement complained of many challenges the faced in the settlement. These include:

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<sup>123</sup>Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

<sup>124</sup>Danso, R., 2002. From There to Here: An investigation of the Initial Settlement Experiences of Ethiopian and Somali Refugees in Toronto. *Journal of Geography and Refugees* Vol. 56, No. 1; Springer, pp. 3

### 3.6.1 Socio-Cultural Challenges

Kenyan refugees in Uganda experienced socio-cultural effects that altered their world view. According to Pastor Njoroge Kimungui, refugees encountered various experiences that challenged the previous held perceptions in life. For instance, he points out the role inversion in which due to family separation during flight from Kenya, a number of women found themselves playing roles previously preserved for men. Those who had lost their husbands in the violence took up the role of bread winners. The forced adoption of new roles by the circumstances of displacement affected the families. The absence of men in the family equation has affected the children especially boys. Ruth Wanjiru who lost her husband in the ensuing violence notes:

It was difficult dealing with my sons. They would hardly respect me and everything I did appeared never to work. I doubt if they will ever be whatever they would have been had their father been around.<sup>125</sup>

According to Pastor Kiio, as a result of the effects of the violence on the institution of marriage, there were new marriages in camps that were both inter-ethnic and international at times, especially between Kenyans and Congolese. Those marriages were however, unstable as most were built out of necessity and hardly love. As a result, such marriages were broken when Kenyans returned back to Kenya. Most foreign husbands denied entry into Kenya since they did not have documentation for entry. As a result, many women returned as single mothers.<sup>126</sup>The pastor argues:

In the settlement, some people married and divorced freely. The lack of an extended family with communal taboos to be obeyed freed many to act as they wished. Youths experimented with relationships especially with foreigners. Couples who had problems before the displacement often took advantage of the events of displacement to divorce. This combined with the frustrations in the camps led to many cases of divorce.<sup>127</sup>

Cases of rape were also profound in the Settlement. Women and girls were raped whenever they went for water or to collect wood for cooking in the nearby bush. Rape was often conducted by fellow camp dwellers as well as by members of the host community in neighbouring villages. Margaret Nafula, a Settlement dweller argued that she experienced rape both as a victim and a witness. She argues that:

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<sup>125</sup> Oral interview, Ruth Wanjiru, Malaba, 9<sup>th</sup> April, 2017

<sup>126</sup> Oral interview, Pastor Kimungi Njoroge, Malaba, 9<sup>th</sup> April, 2017

<sup>127</sup> Oral interview, Pastor Njoroge Kimungui, Malaba, 13<sup>th</sup> April, 2017

Because we lived in old tents, it was easy to access peoples' privacy. As such a man could wait till other tent occupants were out farming then could come by and rape you. It was a way of relieving depression. Those of us with young daughters were afraid to leave them behind.<sup>128</sup>

### **3.6.2 Health**

There is an existing tradition of hospitality in African that often provide haven for refugees. However, behind the host country's brave show of welcome, there are desperately strained budgets and food shortages, as well as demands for health and education and employment which will be difficult to meet, even with the assistance of international agencies and bilateral friends.<sup>129</sup> These highlights the health needs of refugees. However, due to inability of international agencies to fully address such needs, the host country is forced to subject its citizens to competition over health and education facilities. In Uganda, the government through the office of the Prime Minister showed great interest in assisting Kenyan refugees' access to health care. The government allowed them access to Ugandan health facilities in Mulango and Kampala to which UNHCR paid for.

James Kinisu argues that while in the camps, the greatest medical threat they faced was malaria and snake bites. The displaced persons arrived in Kiryandongo in a rainy season and with no proper housing they were exposed to Pneumonia and many other diseases. They also suffered malaria due to the infestation of the area with malaria-causing mosquitoes. According to Kinisu, snake bites were a common concern in the camp.

He also adds that sexually transmitted diseases and sexually transmitted infections were also rampant. People suffered from Syphilis and gonorrhoea because of the sexual lifestyle adopted by the camp dwellers who especially the singles and the divorced. It was hard to manage a family under those circumstances.

To address the problem of STDs and STIs, UNHCR made constant efforts to provide medication and counselling services. However, Anne Wanjiru complained that while in camps they were injected with family planning that affected them. She

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<sup>128</sup> Oral interview, MargeretNafula, Malaba, 12<sup>th</sup> April, 2017

<sup>129</sup>Smythe, M.M.,1982, Op cit.

observed that UNHCR and other aid agencies took it upon themselves to impose a force birth control without sensitising the camp women.

There was also the problem of access to quality water for domestic purposes. The refugees argue that the water they had in Kiryandongo refugee settlement was coloured and contaminated that jerricans used in storing it had colouration in the inside and often developed rust. The water allegedly was hard and turned containers black.

### **3.6.3 Education**

Kenyan refugees in Uganda had mixed feelings in relation to education offered and accessed in Kiryandongo Settlement. They argued that because of the differences in the systems of education of the two countries, most children were unable to continue with schooling. This affected their literacy levels including ability to communicate with foreigners in the settlement from countries outside the Swahili speaking bracket. For the years of their stay in the camp, the school drop outs could not secure a job with UNHCR or other agencies, as did educated refugees, because of that low literacy levels. In addition, some of them had lost documentations that could have proved that they had been attending schools in Kenya. This made it difficult to enrol in Ugandan schools. UNHCR however, did provide education in refugee camps. However, some refugees were opposed to this form of education. One Nancy Wangari said:

The challenge with camp education was that most teachers were South Sudanese, Congolese and a few Ugandans. Their English language was incomprehensible to our children. Those amongst us with money sent their children to Ugandan private schools which offered relatively better education. My children attended the camp schools and I've a feeling that the seven years they spent there did not offer much in academic regard.

The refugee children were affected by the fact that they had to take a break from schooling upon the outbreak of the violence. Most of the refugees in Uganda were constantly on the move from December 2007 to April 2008. This implies that during that time, the children could not attend school as they had been displaced and some had been psychologically affected by the events of the conflict. In addition, they had to take time to settle in Uganda before embarking on schooling as

they arrived in the middle of the academic calendar year. This break affected their focus.

The Ugandan Settlement didn't provide adequate secondary education opportunities for adolescents. In the camps they provide education up to grade seven, but after that it is up to you. Many refugee families in the settlement lacked income-generating opportunities that would enable them to pay the secondary school fees, which are charged to Ugandans and refugees alike. Rebecca W., a Kenyan girl living in the settlement was for instance propositioned many times by a man who was paying her school fees and who also wanted to make her his wife. Her mother says:

She refused him and he stopped paying for her. He became very angry with her, threatening to kill or bewitch her. For a time, I didn't know what would happen. I am grateful to have left Uganda before something nasty happened to my daughter.<sup>130</sup>

#### **3.6.4 Depression**

Burnett and Peel observe that refugees may show symptoms of depression and anxiety, panic attacks, or agoraphobia. Poor sleep patterns are also common problem. Some may be anxious and nervous or may develop behaviours to avoid stimuli that remind them of past experiences. Problems with memory and concentration may hinder learning for the children. Many will have been forced to leave other members of their family behind and may not know their whereabouts. This affects them psychologically.<sup>131</sup> Such symptoms are often reactions to refugees' past experiences and current situations. Social isolation and poverty have a compounding negative impact on mental health as can hostility and racism.<sup>132</sup>

Kenyan refugees in Uganda according to Bishop Kioo, displaced person himself, had various psychological challenges. The Bishop narrates:

Majority of my church members I visited in the camp showed symptoms of stress and trauma. They argued that the act of moving to a different country affected them greatly. Some could not tell where their kin were and what had happened to them. Others had fled leaving their property

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<sup>130</sup> Oral interview, Eunice Wambui, Malaba, 10<sup>th</sup> April, 2017.

<sup>131</sup> Burnett, A., and Peel, M., 2001. Asylum Seekers and Refugees in Britain: Health Needs of Asylum Seekers and Refugees. *British Medical Journal*; BMJ Publishing Group Vol. 322, pp. 544-547.

<sup>132</sup> *Ibid*, p. 546

behind. Some were still sentimentally attached to these belongings and thus the thought of them affected them a lot.<sup>133</sup>

Bishop Kiio noted that some refugees found it hard to readjust to life in the camps. Those who had been professionals found the farming practice too hard to bear. These are the ones who often depended on UNHCR rations or bought produces from fellow refugees. They ended up being impoverished.

There was also the problem of divorces and role inversions. Marriage as an institution was badly affected as some partners, especially those who felt to be victims due to their marriage to partners from other communities betrayed and abandoned by their communities. Those who had been abandoned by their spouses for fear of being victims of the violence often ended up with a negative view of marriage.

Other than the challenge of adjustment and marital instability in the settlement, the refugees experienced feeling of betrayal by their leaders back in Kenya. The sense of national pride waned and the refugees resorted to either denial or hatred as a defence mechanism. The events after the formation of the Grand Coalition Government were heartbreaking to some refugees who felt betrayed by the political class.

Of all the Kenyan refugees in Uganda, the most affected category was that those that had witnessed death of a family member. This group spent most of their time in isolation. It took a lot of time and effort from camp counsellors to bring them up to speed with camp life. Many who had been church-goers retreated back to drinking.<sup>134</sup> A number of the refugees changed religions. Bishop Kiio noted that:

Many of the refugees lived in denial. They refused to accept their refugee situation. As such moving on became quite difficult. Many developed hatred over those they felt had caused their displacement. There was a bit of friction even among the refugees of different ethnicity in the camps. Some hated political parties and politicians they felt were responsible for their miseries. In the end, some vowed not to partake of political activities again.<sup>135</sup>

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<sup>133</sup> Oral interview, Bishop Michael Kiio, Malaba, 10<sup>th</sup> April, 2017.

<sup>134</sup> Ibid

<sup>135</sup> Ibid



In addition to the above challenges the refugees faced food shortages. Several refugees became concerned about food when their young children were diagnosed as anemic. According to Mary Nyambura:

You do not get enough food in the settlement. You get very little oil and no salt. My child was malnourished in that camp, and he was diagnosed as anemic. I went to UNHCR and they gave me only Ush.500 for medicine, but he did not get better. I took him to the hospital in the camp, but it was so congested my boy could not even lie down. I tried to argue that I needed to bring him to Kampala for treatment. The people in the hospital said, "How did you let your child become like this?" They eventually treated him only after involvement of UNHCR.<sup>136</sup>

Despite these challenges though, the displaced persons who crossed the Kenyan border into Uganda fared better than those who remained in IDP camps in the country. According to Aisha Fahed of UNHCR the Kiryandongo refugees were the luckiest of all the victims of displacement in Kenya. The group according to Her had land, stipends from UNHCR and help from numerous NGOs in the camps in Uganda. The refugees were able to keep livestock and poultry in addition to being granted freedom to interact with locals while in Uganda. She argued that this group had the chance to live a near-normal life unlike their counterparts who never crossed the border. The situation in IDP camps in Kenya was dilapidated.<sup>137</sup> Her argument are supported by Mr. Patrick Njagi, Director for National Consultative and Coordination Committee who observed that refugees in Kiryandongo had lots of advantage over other displacement victims who never crossed the border. According to him:

The refugees were given great tracks of land, depending on one's ability. These lands were free. Majority of the PEV victims who went to Uganda had initially been hawkers, truck drivers, and small business persons running shops, and paying rent for house. Uganda came as a relief as they were in a position to have free land to till and sale the produce without answering to anybody. It is not that displacement should be lauded here, but it is just that those who were unfortunately displaced, but had the knowledge and stamina to make use of the opportunities they got in Uganda, they grew richer than they would have been had they remained in Kenya within that time-frame, even without being displaced. UNHCR was also very generous with the monthly stipends. Everyone aged 18 years

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<sup>136</sup> Oral interview, Mary Nyambura, former Refugee, Malaba, 10<sup>th</sup> April, 2017.

<sup>137</sup> Oral interview, Moses Lelan, Deputy County Commissioner, Busiao County, (Amagoro sub-county), 11<sup>th</sup> April, 2017

and above was entitled to a monthly stipend regardless of his or her occupation. Those displaced persons who remained in our camps lived terrible lives, with little if any opportunity. They relied on government handouts and relief which was rare. Some well-wishers had to step in.<sup>138</sup>

### **3.7 Conclusion**

This chapter highlighted the transition of victims of 2007/08 PEV from IDPs to refugees in Uganda. The chapter also assessed the life of the refugees in the Kiryandongo settlement including the economic activities they adopted and the challenges they faced. Kenyan refugees in Uganda had various challenges in education, health and economic areas. Like most refugees globally, the experiences of their flight affected them in their new environment affecting their adjustment in the new environment. However, many of them with the help of UNHCR, IOM, WFP, Red Cross, World Vision, several NGOs and religious institutions, managed to pick themselves up and restart life in the camp. They took up agriculture, cultivating maize, beans and soya. In addition, they reared pigs and chicken. Some refugees were in a position to construct mud houses and therefore moved from the tent life. Despite the economic success, the refugees experienced a number of challenges including shortage of clean water, depression and inadequate food.

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<sup>138</sup> Oral interview, Patrick Njagi, Director, National Consultative and Coordination Committee on IDPs, TelePosta House, 16<sup>th</sup> June, 2017

## **CHAPTER FOUR**

### **THE CHANGING NATURE OF KENYAN DISPLACED PERSONS FROM REFUGEES IN UGANDA BACK TO IDP-HOOD IN KENYA**

#### **4.1 Introduction**

Kenyan refugees in Kiryandongo Uganda stayed in the Settlement from 2008 to April 2015 when the first group was transported to Kenya. The next group was to follow a month later. In Uganda, some of the people had economically established themselves through farming and trade. They were therefore, well-off financially. Part of them preferred to settle in Uganda where they acquired land through lease from the Ugandans. The previous chapter analysed how the victims of 2007 PEV in Kenya became refugees in Uganda in February 2008. This chapter examined how those refugees who agreed to return ended up as IDPs in Kenya upon their return in April and May of 2015.

#### **4.2 Pull Factors in the Return of the Refugees**

There are various factors that inform the decision by displaced persons to return from host countries to their countries of origin. Some of the factors are predetermined while others are circumstantial. For the case of Kenyan refugees in Kiryandongo Settlement in Uganda, there are several factors that led to their decision to return to Kenya. The factors include:

##### **4.2.1 Family**

The decision by Kenyan refugees to return was informed by a number of factors that were both personal as well as family related. Family is more than a social organization; it is a social institution, because it includes all the beliefs and practices of and about all of the families on a particular society and geopolitical context, the ways it is connected with other families and other social institutions. Thus, family connections were a major influence in decisions made by the refugees regarding their return. According to James Macharia, a refugee at Kiryandongo, he made the decision to return despite his favourable living conditions in Uganda on the basis that he felt separated from his children and wife who had moved back to Kiambu during the period of violence. He says:

My wife and children were dear to me. Despite the fact that I was doing quite well in Uganda in my farming endeavour I always thought of reuniting with them. I couldn't imagine living separately from my family for life. In addition, the thought of bringing my family to the camp was out of question. With this in mind, I was happy when my fellow camp-mates were convinced to return. I had initially thought of returning on my own but I feared the others would have seen it as a betrayal since some within the camp were hell-bend on monetary outcome of the repatriation. For me, the love of my family was all that made it so easy to decide on coming.<sup>139</sup>

#### 4.2.2 Financial Incentive

The other factor and mostly mentioned by the refugees as the motivation for return was financial and logistical assistance from government. The displaced families argued that ever since their arrival in Uganda and the signing of the Peace Agreement that led to formation of Grand Coalition government in April 2008, the government made several forays to Uganda in a bid to convince the refugees to return. Majority of the officials were from Ministry of State for Special Program that had been tasked with the responsibility of resettling and compensating displaced persons. Mr. Charles Echakara, another of the refugees, observed that:

When these officials visited our camps, they sometime spoke to us directly while at times, they did so through our leaders in the camp. They made us understand that the government had set aside money for compensation equivalent of Ksh.410, 000 per refugee. There was also to be other benefits upon return including land, building materials, household goods and start-up capital for those who wished to indulge in business. The government offered to help us for a period of three months upon return as they had done with *Operation Rudi Nyumbani* for IDPs. Towards the end of 2014, government officials including Kenyan High Commissioner to Uganda, Mr. Lituge made various concessions with Ugandan Prime Minister regarding the Kenyan government plans on resettling us. This convinced us on the seriousness of the resettlement and process.<sup>140</sup>

In addition, the government used agencies like Red Cross and UNHCR to prevail upon the refugees to return home. This inspired the return as the refugees felt wanted back in their country.<sup>141</sup>

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<sup>139</sup> Oral interview, James Macharia, Malaba, 13<sup>th</sup> April 2017

<sup>140</sup> Oral interview, Charles Echakara, Malaba, 11<sup>th</sup> April, 2017

<sup>141</sup> Oral interview, Charles Echakara, Malaba, 11<sup>th</sup> April, 2017

### 4.2.3 Intensification of Civil War in South Sudan

South Sudanese people have experienced war since 1956. Between then and 2005, the conflict was between the mostly Christian southerners (through Sudan Peoples' Liberation Movement/Army) and the Arabic/Muslim government in Khartoum. International mediators, led by the Inter-Governmental Authority on Development (IGAD), and supported by intense U.S. diplomacy, helped broker peace between the Sudanese government and the SPLM/A in 2005.<sup>142</sup> After extensive peace talks, the Comprehensive Peace Agreement (CPA) was signed by the SPLM/A, and Bashir's National Congress Party (NCP) in January 2005. This ended the civil war and allowed for a referendum and eventual South Sudanese independence in July, 2011. However starting 15<sup>th</sup> December 2013, South Sudan got into a civil war pitting the majority Dinka against the second largest community – Nuer.<sup>143</sup>

In 2015, there was escalation of the conflict as President Salvar Kiir and his former vice president Riek Machar refused to sign a UN Peace Agreement (PA). They blamed each other of approaching the peace process in bad faith and unwillingness to implement the agreement. The situation in South Sudan did not make things any better as continued fighting between the Nuer and Dinka meant that more refugees were flowing into Uganda. This created need for more room to accommodate the incoming refugees. As a result, the long 'older' refugees had to leave to create the necessary room and free up resources. In the end the Ugandan officials put pressure on Kenyans who had been in the country for about 8 years to leave. Ann Njeri observes:

When conflict escalated in South Sudan in early 2015, the Ugandan authorities together within UNHCR and Red Cross informed us that we needed to leave to create room for the South Sudanese, otherwise we would be forced to share all we had including our farm produce. They argued that Kenya was now safe and secure. Some of us couldn't withstand this as we had worked too hard to acquire what we owned at the time. Returning home eventually became an option. On 10<sup>th</sup> May 2015 we were put into Red Cross buses and driven off to Kenya. We filled UNHCR exit forms at Muranda from where we were issued with several

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<sup>142</sup>Oral interview, Charles Echakara, Malaba, 11<sup>th</sup> April, 2017

<sup>143</sup> South Sudan Civil War: History of the Conflict. The Project to end Genocides and Crimes against Humanity. <http://www.enoughproject.org/conflicts/sudans/history-of-the-conflict>. Accessed 11 July, 2018.

cards to use in Kenya. These cards were evidence that we had been refugees at Kiryandongo Settlement.<sup>144</sup>

#### **4.2.4 Love for Country**

Refugees interviewed intimated that they desperately missed life in Kenya. Jeremy Mukhwana, argued that:

There are lots of things that I missed from Kenya. There was diet, culture and many things that I couldn't just get used to no matter how hard I tried. This created a sense of emptiness in me. I kept on guessing on the opportune time in which we were going to return home. The culture of my people and that of Ugandans where we were wasn't quite different but it felt just peculiar being in a foreign country yet we do have one of our own for our own. I missed Kenya. Am happy I returned.<sup>145</sup>

Life in Uganda was restrictive as the refugees had to always carry their refugee documentations. This created a feeling of repression, something that the refugees were not used to in Kenya. Interactions with Ugandans in market place were free but had own challenges especially language barrier as most Ugandans are not conversant with the Swahili language commonly spoken across Kenya. These factors motivated the refugees' decision to return home. In addition, the conflict with local Ugandans over basic resources such as wood, water and cases of insecurity created the desire to return. The assumption was that once back in Kenya, every refugee would have his/her own place and competition over such necessities would be reduced.

#### **4.2.5 Coercion by Ugandan Authorities**

An influx of more refugees into Uganda from South Sudan, Somalia and DR Congo in 2015 put pressure on resources that the Ugandan government had set aside for refugees. After the return of the first group of refugees to Kenya in May 2015, the remaining group resisted the return after realising that the earlier group hadn't been compensated. However, they were forced out by Ugandan officials in the area. Trading points previously used by Kenyans were closed and their tents pulled down and allocated to South Sudanese refugees. Rose Wambui observed:

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<sup>144</sup> Oral interview, Anne Njeri, Malaba, 12<sup>th</sup> April, 2017

<sup>145</sup> Oral interview, Jeremy Mukhwana, Malaba, 14<sup>th</sup> April, 2017

When the first convoy left and we got clue of how things were at the border, we tried to resist entering the UNHCR and Red Cross buses but then we were threatened by the officials and the police to leave.<sup>146</sup>

The decision to return the refugees to Kenya was arrived at by Kenya's High Commissioner to Uganda, Mr Lituge and Uganda Prime Minister. The two leaders together with officials from MOSSP convinced the refugees to return promising them land, money and provision of social amenities. From that point, Red Cross and UNHCR organised transport for the refugees. In addition, Red Cross promised every refugee of mature age a sum of KES 10,000 which was to be paid upon arrival in Kenya.<sup>147</sup>

### **4.3 Transition from Refugees to IDPs**

The first group of refugees arrived on April 2015. By the time the second group arrived a month later, the first group had not been resettled or compensated. The new arrivals were eventually left in open place with no tents since there were no enough facilities. They were given a consignment of household goods including *sufurias*, plates and sleeping matt. They were for first two days fed by World Food Program (WFP). On the third day, they received only lunch and no breakfast or dinner. On the third day, officials from the Ministry Special Programs and National Steering Committee offered every family of three people KES100,000; that of four and above were given 150000 while that of less than three people was given KES 50,000. This money was only offered to those willing to leave the camps. Those who resisted had their household goods (offered earlier by government and UNHCR in Uganda) confiscated. Mrs. Nancy Macharia who arrived with the second group observed that:

The environment was tense as they forced us to leave. Government had side-changed us on the KES410,000 promise. That wasn't being mentioned anywhere. In addition to the Ksh.100, 000, we were given Ksh. 13,000 for transport. IOM had previously promised to give every person Ksh 10,000 when leaving the settlement in Uganda. However, the Kenyan government changed this to Ksh 10,000 per family.<sup>148</sup>

The IDPs accused government of short changing them and some officials from the National Steering Committee on Resettlement of IDPs of embezzling funds meant for the displaced persons. However, according to Asstant Chief, Ekereng:

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<sup>146</sup> Oral interview, Rose Wambui, Malaba, 12<sup>th</sup> April, 2017

<sup>147</sup> Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

<sup>148</sup> Oral interview, Nancy Macharia, Amagoro, 11<sup>th</sup> April, 2017

When the displaced persons arrived they were received by officials from various Ministries and Parastatals including from health, education, National Intelligence Service (NIS), Ministry of Internal Security (now Ministry of Interior and Coordination of National Government), Ministry of State for Special Programmes, members of Provincial administration among many others. Each of these groups had very specific roles. Even Ministry of Finance was represented. We all ensured that the IDPs were attended to before we provided for their transport to various areas. Some of the displaced persons, having been compensated adequately, left for Trans Nzoia, others went to Budalang'i, Gilgil, Muranga'a, and some remained in Busia County. This group bought land from the savings they had made in Uganda (from UNHCR stipends and from farming activities) and the money they received from government.<sup>149</sup>

However, in relation to the case of the Kenyan refugees, the idea of compensation was only meant for the refugees who were willing to return. The government through the Ministry of State for Special Programmes made efforts to convince the refugees to return promising that those who were to return would be given either 2 acres of land together with a house or have KES 410,000 start-up capital.<sup>150</sup>

#### **4.4 Factors that Hindered the Resettlement of the Returned Refugees**

According to Director for National Consultative and Coordination Committee, Mr. Patrick Njagi, there was a problem on how the refugees were to be returned. In Uganda, they were refugees under UNHCR. However, upon entering Kenya, they became the responsibility of Kenyan government under MOSSP.<sup>151</sup> The refugees returned in three groups starting on 10<sup>th</sup> of May. The groups arrived at an interval of 3-four days from each other. On arriving in Kenya, the first group was taken to Achunet Stadium in Malaba. The other groups were taken to D. O's ground while the others camped in the nearby primary schools.

Despite the existence of the Great Lakes Protocol on Internally Displaced Persons, Kenya does not have any policy guidelines to deal with internally displaced persons.<sup>152</sup> Various humanitarian responses were initiated by the government to address the plight of the displaced persons. These included provision of relief food and

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<sup>149</sup> Oral interview, Francis Ekereng, Malaba Township, 12<sup>th</sup> April, 2017

<sup>150</sup> Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017

<sup>151</sup> Oral interview, Patrick Njagi, Director, National Consultative and Coordination Committee on IDPs, TelePosta House, 16<sup>th</sup> June, 2017

<sup>152</sup> Waki Report (2008), *Commission of Inquiry into Post-Election Violence*, (CIPEV), Nairobi: Government Printer.



other supplies. A report on the role of government in responding to needs of displaced persons of 2007/08 indicates that:

There have been efforts to resettle and compensate the displaced. Indeed, the government received 30 billion shillings for resettlement and compensation of the IDPs from well-wishers and the state coffers. But this process was fraught with omissions. These were policy related as well as logistical. Out of the 30 billion shillings earmarked for the entire resettlement exercise, less than one billion has been raised and spent on the IDPs. For IDPs who lost significant amounts of wealth and property in the violence, the 10,000 shillings offered was insufficient to rebuild their lives. They remained in camps hoping for more support.<sup>153</sup>

Despite its efforts, the government didn't have policy guidelines on the resettlement and compensation of IDPs. Hence, the process of resettlement and compensation was chaotic and unplanned. With every passage of time, the IDP issue gradually faded into near oblivion making possibilities of restitution for IDPs even more remote.

Other than lack of policy guidelines on resettlement of returning IDPs, the Kenyan government failed to recognise IDPs after 2015. The government argued that by that time, all IDPs had been According to Emma Njeri, an IDP in Malaba:

The problem is that government has since 2015 insisted that it does not recognise existing IDPs. As such, we face harassment whenever we try to find help from the state officials like County administration because they claim that we are "ghost IDPs". This has compounded our problems and left us with nowhere to run to. IDPs are only useful to government and local politicians when it comes to propagating their interest. For instance, Integrating IDPs from large voting ethnic groups are being targeted for compensation in order to boost politicians' chances at elections. For us who are relatively few, such help has been long withheld.<sup>154</sup>

The returning refugees remained in transit camps for fear of attacks in the areas that government had set aside for their relocation. While the government was pushing for the quick resettlement of the internally displaced, it was felt that speedy resettlement would not augur well for the returnees. Indeed some observers have voiced concern over the safety of the returnees, given that most of the underlying issues surrounding the conflict had not been addressed, leave alone resolved, in some of the areas.<sup>155</sup> The

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<sup>153</sup>Mwiandi, S. 2008. *Moving Beyond Relief: The Challenges of Settling Kenya's Internally Displaced*. Washington DC: United States Institute of Peace, p.4.

<sup>154</sup> Oral interview, Emma Njeri, Malaba, 15<sup>th</sup> April, 2017

<sup>155</sup> HPG Policy Brief 31. 2008, *Crisis in Kenya Land Displacement and the Search for Durable Solutions*, London: Westminster Publishers, p1.

case in point was a piece of land that had been identified in Kitale, in which the locals objected to have the displaced persons from certain communities resettled there. A report prepared by the UK based Humanitarian Policy Group highlighted that:

The government is yet to domesticate and adhere to the provisions of the Great Lakes protocol that in particular stresses that humanitarians need to engage with land specialists to ensure that their programming not only avoids exacerbating tensions, but is also consistent with efforts to address the structural causes of conflict. Return, relocation and local integration should not be promoted as durable solutions in the absence of serious attempts to resolve land related grievances. If durable solutions are to be found programmes also must take into account of those who were forced to move in earlier waves of displacement including the wider landless who have been waiting for a long time to be resettled or to be allocated land and are currently living in very difficult conditions.<sup>156</sup>

The same report goes further to note that insistence in encouraging IDPs to return despite continued political uncertainty and insecurity raised clear protection concerns. This includes both physical security and wider issues to do with rights, community reconciliation and sustainable access to the means of subsistence and livelihoods. Furthermore, in the absence of political progress and stability, urbanisation is likely to accelerate as displaced people seek alternative livelihoods. This kind of self-resettlement could only aggravate land grievances in places such as Nairobi and Central provinces, where land scarcity and population density is already high.<sup>157</sup>

Regardless of the efforts made by government in improving security in insecure areas, there were problems with IDPs going back to their original homes or being resettled elsewhere. Tension and localized violence in some areas continued to prevent the large scale reintegration or return of the displaced into communities, and those who attempted to return faced attacks in various places despite the existence of newly built police camps. Rather than return to their homes, IDPs leaving the campsites established more than 134 transit camps near their previous residences, particularly in the farming areas of Uasin Gishu, Trans Nzoia, Kwana, and Molo districts within the Rift Valley province while others relocated to ancestral homes. The IDPs farm and work during the day but spend the night at transit camps fearful of their hostile neighbours. The continued existence of these camps reflects the degree of unresolved

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<sup>156</sup> HPG Policy Brief 31. 2008, *Crisis in Kenya Land Displacement and the Search for Durable Solutions*, London: Westminster Publishers, p 6

<sup>157</sup> Ibid p1.

hostility, likelihood of future violence, increased ethnic intolerance, failure of inter-personal and group reconciliation and the inability of the government to assure its citizen's safety.<sup>158</sup> It is such experiences that made the Malaba group of displaced persons to remain in IDP camps in the area.

Therefore, there were many reasons that made it difficult for the refugees to leave the IDP camps upon arriving and heading 'home'. These in addition with the fact that the government offer of 100,000 was way far below what the IDPs had been promised when in Uganda made the choice of abandoning the camp in Malaba hard. There were also concerns regarding the state of land that government had identified for resettlement in places like Nakuru. This land, based on the displaced persons, was unfit for human occupation as it could hardly raise a crop or vegetation for livestock. Experiences from those who had been resettled earlier prompted the IDPs in Malaba to oppose resettlement in such lands. As a result, they remained in transit camps in Malaba despite the appalling conditions in the camps.

According to Director of NCCC Mr. Patrick Njagi, government's effort in resettling and compensating the returning refugees was complicated by the difficulties encountered in profiling the returnees. While profiling the refugees, NCCC realised that some alleged returnees could not fit into categorisation of the 2007/08 victims. Some individuals had gone to Uganda not because they had been displaced but simply because they wanted to take advantage of the benefits that come with refugee-hood. For instance, some individuals went to Uganda because they wanted to go to Europe under the guise of refugee resettlement. There was suspicion that some individuals who had gone to Uganda for business joined the refugees to claim compensation as victims of the 2007/08. This kept on derailing government efforts. In the end, the funds set out for resettling the returnees ran out. As a result of the difficulties of profiling the victims, some genuine victims may have missed out on compensation.

#### **4.5 Conclusion**

The decision of Kenyan refugees to return to Kenya was not a spontaneous; it was based on information available to the refugees

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<sup>158</sup> Op cit, Mwiandi, 2008:4.

on the benefit of the return. Many of the respondents argue that they returned based on government's promise of resettlement, provision of security and social amenities. In addition, other returnees pointed to escalation of conflicts in South Sudan which led to more influx of refugees to Kiryandongo Refugee Settlement thus putting extra pressure on UNHCR, IOM, Red Cross and other humanitarian agencies in the area hence reducing the attention and help they previously enjoyed from the aid agencies. Finally, there was pressure from the Ugandan authority through the OPM which eventually forced the return. They obliged to return and the first group arrived in Malaba on 10<sup>th</sup> May, 2015 from where Kenya government through the National Steering Committee on Settlement of Internally Displaced Persons, under the Ministry of State for Special Programs took over from UNHCR and other humanitarian agencies. However, instead of being resettled as earlier promised, the returnees ended up in transit camps as the promise of KES 410000 plus land and other additives was not realised. The government offered a total of 100, 000 per a family of three who were willing to leave the camp.

## CHAPTER FIVE

### CHALLENGES AND COPING MECHANISMS OF RETURNEES IN TRANSIT CAMPS

#### 5.1 Introduction

The previous chapter highlighted the return of Kenyan refugees from Kiryandongo Settlement in Uganda to Malaba area of Kenya. There various pull factors that motivated the return of the refugees. The returning refugees were ferried by Red Cross buses and they came in three groups, the first arriving on 10<sup>th</sup> of May 2015. This group was settled in at Achunet stadium, within MalabaTownship next to Malaba dispensary. The existing plan was that this group was to be compensated with 410,000 from government plus 10,000 from Red Cross and a further 13,000 from UNHCR that was to be for transport to areas of their resettlement. However, the government failed to meet its obligation resulting in the refugees becoming IDPs in camps around Malaba area.<sup>159</sup> This chapter is a reconstruction of the challenges they faced as IDPs in Malaba and the coping mechanisms they adopted to survive.

#### 5.2 Whose Responsibilities are the IDPS?

The concept of the responsibility to protect (R2P) developed in large measure from efforts to design an international system to protect internally displaced persons (IDPs). The explosion of civil wars emanating from and following the Cold War brought into view millions of persons inside their own countries who were uprooted from their homes and in need of international protection and assistance. Many had little or no access to food, medicine or shelter and were vulnerable to assault, sexual violence, and all manner of human rights abuse. When first counted in 1982, 1.2 million IDPs could be found in 11 countries; by 1995, the number had surged to 20 to 25 million.<sup>160</sup>

It was however, not until the 1990s that the focus turned from refugee to IDPs and the international community began in a concerted way to try to assist and protect people uprooted inside their countries. Concepts of human security, sovereignty as

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<sup>159</sup> Oral interview, Emma Njeri, Malaba, 15<sup>th</sup> April, 2017

<sup>160</sup> Roberta C. and Deng, F.M., 1998. *Masses in Flight: The Global Crisis of Internal Displacement*. Washington, DC: Brookings Institution Press, p. 3.

responsibility and the responsibility to protect developed in large measure in response to the need of IDPs and other affected civilians for protection from the gross violations of human rights perpetrated in civil wars and internal strife.<sup>161</sup>

### **5.3 Challenges faced by IDPs in Transit Camps in Malaba**

The IDPs in Malaba experienced several challenges. Among the challenges they have faced are:

#### **5.3.1 State Neglect**

According to Millicent Wanjira, the greatest problem of the displaced persons in Malaba has been living with the reality that their government ignored their pleas for help upon returning from Uganda.<sup>162</sup> The IDPs also lamented of the government's failure to honour its promise of full compensation comprising KES 410 000, land and other add-ons. They claim that the government deceived them into leaving Uganda under the pretext that their lives would improve, only to dump them in transit camps. What government gave them was too little to make a living. They argued that 100,000 shillings per family of three people was too little. They argued that if one had to rent a house with that money, it may not be enough to take them a year. They also accused National Steering and Coordination Committee on Settlement and Compensation of IDPs of embezzling their funds.

The IDPs also lamented that the government didn't make enough effort to reach them to preach peace. They accused government of using clergymen who had never been affected by displacement. They argued that at list the government should have made efforts to preach peace using local politicians like MCAs since they command large followings and people listen to them, therefore have a chance of reducing inter-ethnic conflicts.<sup>163</sup>

#### **5.3.2 Education**

The other challenge that IDPs who returned from Uganda experienced was in the area of education. The parents argued that students, especially those who were to join High

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<sup>161</sup>Roberta C. and Deng, F.M., 1998. *Masses in Flight: The Global Crisis of Internal Displacement*; Washington, DC: Brookings Institution Press, p. 1.

<sup>162</sup> Oral interview, Millicent Wanjira, Malaba, 14<sup>th</sup> April, 2017

<sup>163</sup>Focus Group Discussion, Malaba Township, 13<sup>th</sup> April, 2017

School did not since the Kenyan education system is different from that of Uganda. Ugandan system is 7.6.3 while Kenya uses 8.4.4 systems.

Other than this, the IDPs argued that students who had attended Ugandan schools were dropped two classes when they enrolled into Kenyan schools. For instance, a pupil who was in Class Six in Uganda was enrolled either in Class Four or Three in Kenyan schools. This was in spite of the fact that UNHCR had given them cards showing their academic progress in Uganda. The implication is that the IDP children will therefore complete certain levels of schooling at an older age than it should be. This, parents argue could disadvantage them in future endeavours like jobs. In addition, most certificates acquired in Uganda are not recognised in Kenya. Nancy Wairimu noted:

I did my High School and P1 course in Uganda. However, I have been unable to get a job with Teachers' Service Commission (TSC) in Kenya because they say that they don't recognize the certification of Ugandan system. I've a friend who too did a computer course in Uganda but she is also unable to procure a job because, like me, her papers are not recognized by the system in Kenya. This highlights the difficulty that the contradictory system of Education that refugees acquired in Uganda is in comparison to Kenyan job demands.<sup>164</sup>

However, Teso North sub-county Education Officer argued that those children who had to drop classes didn't have certificates to prove that they had gone to school in Uganda. He however, admitted that the level of education in Kenya and Uganda was different and therefore, there was need to equate the students and pupils in order to place them in their right categories. According to him:

Certificates had to be verified by KNEC which is the main examining and grading institution in the country. Students and pupils also have to be placed appropriately to avoid pushing them to classes that are too high for them to cope in. Certificates also had to be equated to find out how they ranged in Kenyan job market. Some IDPs also while in Uganda, had gone to colleges and Universities that are not accredited.<sup>165</sup>

Additionally, due to influx of the IDPs in Malaba in 2015, schools in the area have experienced overcrowding with some schools like St Theresa and Malaba Primary having to conduct lessons for some classes in open air. Facilities like desks and books have become inadequate implying that some pupils have to seat on the floor. This inconveniences their learning process. The parents argued that government through the

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<sup>164</sup> Oral interview, Nancy Wairimu, Malaba, 12<sup>th</sup> April 2017

<sup>165</sup> Oral interview, Teso North Sub-County Education Officer, 12<sup>th</sup> April, 2017

Ministry of Education did little to redress the imbalance. This has led to poor performance in National Exams in the schools that witnessed the IDP inflow. Those IDPs who went to Gilgil argued that schools had not been built there to accommodate the incoming populations. Because of lack of schools, orphaned refugee children were sent to a children's home in Gilgil.

### **5.3.3 Health/Trauma**

The vulnerability of populations affected by conflict has periodically been stressed at local and International conferences, particularly, the high mortality and morbidity rates among refugees. This highlights the importance of reproductive health and rights, including those of refugees and internally displaced people.<sup>166</sup>

However, despite the efforts that have been made in safeguarding the health of displaced persons, issues were raised regarding the conditions of IDPs in Malaba. According to Simon Omera, a Medical Officer in-charge at Malaba Sub-county hospital, when the IDPs arrived, many of them were suffering from Pneumonia, respiratory tract infection and malaria. He said:

When the IDPs arrived, they were directed here for health services since this is the only health centre close to where they were stationed. There were no agencies offering medical assistance in the camps. We had ARVs for those patients who had HIV. However, we couldn't treat trauma due to lack of a specialised counsellor. We received about 20-30 patients from the camps a day. Women and children were the most affected. The most affected children were aged between 2 months to about 5 years.<sup>167</sup>

The hospital encountered a shortage of staff because receiving 30 people more than what its staff could manage. The staff had to strive, having to work extra hours with no motivation in terms of allowances. There was also shortage of beds. The hospital is almost to capacity on daily basis, in most circumstances. With the influx of IDPs, it had to do by creating temporary wards or treating the IDPs from the veranda.

Drug shortages also became rampant with the sudden increase in patient number. The hospital is supplied with drug from KESAM. The increment in number of patients didn't result in increased supply of drugs. At some point, the hospital had to borrow

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<sup>166</sup>Collete, H., and Smyth, I., 2001. *The Reproductive Health of Refugees: Lessons beyond ICPD. Gender and Development*; Taylor & Francis, Ltd. on behalf of Oxfam GB, Vol. 9, No. 2, p. 10.

<sup>167</sup> Oral interview, Simon Omera, Medical Officer in-charge, Malaba sub-county hospital, 11<sup>th</sup> April 2017



drugs from Kocholia sub-county hospital. There was also shortage of clean water and toilet facilities for IDPs in camps around the hospital. They had to use toilets from neighbouring rental houses. These raised conflict with the owners who blamed the IDPs of filling them quickly. As a result, the IDPs set up latrines right within their camps.<sup>168</sup>

The other health problem mentioned by the health officer is trauma. He argued that the IDPs demonstrated symptoms of stress. However, the health centre could not help as it did not have a professional counsellor. The hospital thus treated the patients without guiding and counselling them. The IDPs argued that life has never been the same. They are traumatised by the experiences they faced during displacement. Mary Wanyoike argued that:

We were sent away like animals by people we had known for ages. My husband was cut by machetes on the head and legs. Since then I have not been able to locate him. After that I had to endure eight years in a foreign country as if I have no country of mine. Now I am back and my country has turned me into an IDP. I can't stop thinking of what has become of me in the last one decade. Some of my friends married Congolese, Ugandans, South Sudanese or Rwandese while in Kiryandogo. UNHCR allowed them to bring their spouses to Kenya, but others especially those married to Ugandans remained in Uganda. Some spouses were turned back to Uganda when we arrived in Kenya because they could not verify their marriage. They had no proper papers. The most affected by the displacement are mostly single mothers and children. Many also suffer when they see their wives in tears.<sup>169</sup>

On issue of malnutrition associated with children in displaced environment, the doctor said that the hospital did not experience that, and that the IDP children were well fed.

### **5.3.4 Housing**

The displaced persons faced housing challenge as they were forced by circumstances to live in tents. Majority of the tents were old. During rainy season – as it was most of the time- the IDPs had to move the corridors of nearby facilities like Malaba Dispensary or government primary schools which could shelter them from the rains. With inadequate and poor housing, diseases became prevalent.

With time, the displaced persons who could afford house rent moved out of the transit camps and rented cheap houses in the nearby Malaba Township. They however,

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<sup>168</sup> Oral interview, Simon Omera, Medical Officer in-charge, Malaba sub-county hospital, 11<sup>th</sup> April 2017

<sup>169</sup> Oral interview, Mary Wanyoike, Malaba, 13<sup>th</sup> April, 2017

continued mingling with fellow IDPs as they demanded for compensation and other benefits that had been promised to them by the government.

Other than these challenges, the aspect of being displaced weighed heavily on the IDPs. Previously refugees and then IDPs, the displaced persons experienced trauma and depression. Being displaced from one's place of origin and residence often poses challenges as it requires adaptation to the new area of occupation. The displaced Kenyans argue to have felt neglected by their families and government. This in return led to some of them losing interest in political activities in the country. Families social life especially marriages were the most affected. Divorce cases especially for spouses from different ethnic groups were reported. The discontent that emerged from the post-election result, the subsequent violence and the effects of displacement left scars on the victims affecting their outlook on individuals from other communities, something that affected integration and coexistence of the IDPs in transit camps and local hosts.

#### **5.4 Coping Mechanisms Adopted by IDPs in the Transit Camp in Malaba**

A state of displacement whether it is within one's country of origin or across national borders, poses a variety of challenges as the affected populations have to adapt to various cultures, lifestyles, economic activities and at times adjust one's ideological perspectives. Even though Internally Displaced Persons (IDPs) are among the most vulnerable victims of conflict, and constitute arguably the largest at-risk population in the world, the Global IDP Project has noted that research on the numbers and needs of this population is limited. In many war-affected countries, IDPs are reduced to the role of silent victims, as they have little opportunity to simply voice their concerns to the authorities.<sup>170</sup>

To better understand the coping mechanisms adopted by people in displacement, scholars have discussed a number of types of coping styles adopted by the displaced as they try to bring themselves to the reality of displacement. Coping involves a more complex series of steps and thought processes. They analyse different types of coping mechanisms. These mechanisms include:

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<sup>170</sup> Internal Displacement Monitoring Center. *Journal of Internal Displacement. Global Overview of Trends and Developments in 2005*. (Global IDP Project, Geneva. 2005), 6, 17, 34

#### **5.4.1 Adaptive and restraint coping.**

These types allow IDPs to develop ways in which to protect themselves from threats. They start with *adaptive coping*. This type requires initiating a direct action to minimize or remove the effects of the stressor and executing each attempt in a systematic manner. *Restraint coping* involves exercising deliberate restraint and waiting until the appropriate opportunity arises before taking a step.

For the case of the IDPs, majority of them adapted by adopting several economic activities within the town market where they sold some basic and easily available commodities such as grains. To survive the shortage of amenities including health facilities, the IDPs engaged in income generating activities to get income that facilitated their access to private dispensaries. Most of the interviewed expressed their decision to restrain from political activities as a way of avoiding being victims of political violence in the future.

#### **5.4.2 Emotional-Focused Coping**

Emotional-focused coping, involves the ability to seek support from others, suppress distracting activities, accept the stressor and turn to religion for strength. Seeking social support for instrumental reasons and seeking social support for emotional reasons, both involve getting assistance, information or advice, and seeking sympathy, moral support and understanding before problem-solving occurs. The networks IDPs develop or take advantage of are instrumental in their ability to cope with displacement. People who believe they can do little to deal with the source of stress suffer from behavioural disengagement. Those who are overly focused on the source of distress may not develop active coping strategies that allow them to move out of distress. They describe acceptance of the stressor and turning to religion as two additional coping strategies people develop. In the case of forced migrants these might enhance individual capacity to understand and deal with displacement. Finally, *suppression of competing activities* allows individuals to cope by suppressing competing channels of information and focusing on the challenge that is at hand. The goal is to avoid distraction and let things slide in order to deal with the stressor.<sup>171</sup>

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<sup>171</sup> Charles V. C., et al, 1989. Assessing Coping Strategies: A Theoretically Based Approach. *Journal of Personality and Social Psychology* Volume 56, No. 2, p. 269

Together, these processes enable IDPs to access resources and promote their interests and well-being.

Marc Vandale highlights what he terms ‘response strategies’ over coping, survival, or self-help strategies. This is significant because response strategies account for more than just physical survival and include issues such as social standing and dignity. He stresses the motivation of IDPs who have to develop ways in which to respond to displacement. IDP responses reflect their understanding of the options that are available, the position or situation they are in, and are manifested by decisions that are executed in a creative and comprehensive manner.<sup>172</sup>

The IDPs in Malaba underwent various challenges that necessitated development of coping mechanisms. As aforementioned, they suffered from respiratory track diseases, malaria; there was shortage of toilet facilities, shortage of drugs in nearby health centre; conflict with locals over usage of facilities within the area; their children had to drop several classes and others had to stop attending school due to non-recognition of the progress they had made in Ugandan schools by the Kenyan education system.

In addition to these, the IDPs had to do with little assistance from the State. This plus the horrors they had witnessed while fleeing the PEV violence of 2007/08 had according to them, traumatised them. As such, they responded variously. According to Lucy Wanjira, she went through difficult times for almost a decade because of politics and political differences. She argued that:

Was it not for politics I wouldn't have wondered around the world like a stateless person. My sufferings have taught me that politicians are simply looking for jobs using the neighbours and tribe persons as guarantors. Because of that I don't want to be associated with politics at all for the rest of my life. I will not vote again. It helps no one; only creates bloodshed and suffering. We never received attention of the President (former President) for whom we were beaten and sent away from homes because we supported him.<sup>173</sup>

According to Susan Kiarie, a leader in the camp, many of the experiences of displacement taught the IDPs of their true belonging. She posited that:

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<sup>172</sup> Marc V. 2001. Introduction and Background. In *Caught between Borders. Response Strategies of the Internally Displaced*. eds. Pluto Press, London/Norwegian Refugee Council, Oslo, 1-14.

<sup>173</sup> Oral interview, Lucy Wanjira, Malaba, 13<sup>th</sup> April, 2017

Politicians have been using and abandoning electorate at will. We have learned not to be used for political interests. Neighbours turned against each other in 07/08, fighting the very persons with whom they had shared a lot in common. I think it has dawned on us that we need to hold those within reach in high regard than we do with elites. It in our interest as the lower class that we recover our class esteem, dignity and importance in society, otherwise we will continue to be instruments upon which politicians build their destructive legacies.<sup>174</sup>

Bishop Kiio observed that the IDPs were also affected religiously. He noted that several people displaced by the violence were members of Full Gospel Church in Malaba where he presides. He was also displaced but returned before reaching Kiryandongo. But he made several trips to that refugee settlement to check on them. After they returned, church also made efforts to help those who were willing to go back to their homes. Most lost the religious interest during their stay in the camps. According to him, this sense of spiritual denial was self-destructive and therefore organised guidance and counselling sessions which he observes that has helped many to revert back to the life of the church.<sup>175</sup>

Although some questioned faith, Bishop Kiio argue that many still found solace in turning to church leaders for solace. He argued that while in the camp, his congregants managed to convince non-members to accompany them to church. Here, they sought constant counselling on how to cope with their challenges. This group recovered faster and many even agreed to leave the camp with the little compensation that government had offered prior to the 2015 relocation. He observed that the religious guidance motivated them and gave them a new lease in life.

Many displaced persons also coped with the challenges of the past by suppressing the recurrence of painful memories and concentrating on the issues at hand. Though government has ignored their pleas for full compensation, some had used the compensation package start business or buy land for agriculture and that their focus was on getting the best out of the worst situation they were in.

## **5.5 Conclusion**

Government's inability to resettle the returning refugees from Uganda resulted in them becoming IDPs in Malaba border town. While there, they experienced several

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<sup>174</sup>Oral interview, Susan Kiarie, Malaba, 10<sup>th</sup> April, 2017.

<sup>175</sup> Oral interview, Bishop Michael Kiio, Malaba, 12<sup>th</sup> April 2017

challenges from health, to crowded schools to trauma. To survive, they developed various coping mechanisms. As coping mechanism, the IDPs sought counselling services from the local churches. The coping mechanisms adopted by the displaced persons entailed adaptive, restraint as well as emotional-focused coping strategies. The displaced persons while in Uganda adopted various economic activities so as to address the shortages they faced in social amenities. They also sought socio-psychological assistance from religious and medical professionals in order to cope with stress and trauma. These helped them to survive the different challenges they encountered during the different phases of displacement they were in.

## CHAPTER SIX

### CONCLUSION

This study has examined the nature of Displaced Persons of the PEV of 2007/08 in Malaba, Busia County. The study established that internal displacement has been a permanent feature of Kenya's history from colonial times onwards. Starting with the evictions of natives from their ancestral land to make way for settlers in colonial Kenya to recent violent evictions accompanying the 1992, 1997 and 2007 general elections, internally displaced persons (IDPs) have been a constant feature of the country's political and demographic landscape and they form the human face of the problem caused by post-election violence.<sup>176</sup>

The study sought to assess a number of objectives; the background to displacement in Kenya; livelihood of Kenyan refugees in Kiryandongo Uganda; factors that accounted for the return of the refugees to Kenya; and examine challenges faced and coping mechanisms adopted by the displaced persons during different stages of their displacement.

In assessing the background to displacement in Kenya, the study established that in the colonial context, the first recorded displacements were the Maasai moves of 1904/5 and 1911/12 which removed the predominantly pastoralist Maasai community from their traditional grazing grounds in the former central Rift-Valley province and relegated them to the periphery politically as well as geographically, and severed many of their links with surrounding communities.<sup>177</sup> In addition to using land as a tool to punish revolt in the empire, the colonial administration also forcibly acquired land for projects such as construction of police posts, schools, hospitals, and missionary churches. Development projects like roads and expansion of the Kenya Uganda railway was one way by which communities living next to the rail road lost their land. These lands were acquired without compensation or any form of resettlement.

After independence, in 1964 the first president Jomo Kenyatta, himself a Kikuyu, used his political position to re-settle his tribesmen in various parts of the country mainly

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<sup>176</sup>Kitale, C.C.M., 2011. Internal Displacement in the Kenyan Context: Challenges of Justice, Reconciliation and Resettlement. International Institute of Social Studies, P.1

<sup>177</sup> Waller, R. 1976. The Maasai and the British 1895–1905 the Origins of an Alliance. *The Journal of African History* 17(04): 529-553.

the Coast and Rift Valley provinces. Population increase and political changes in Kenya put pressure on the relocation lands, and placed the Kikuyu in a precarious position, especially after multi-party politics was reintroduced in 1992. Since then pre-election and post-election violence and displacements have regularly been used as strategies of winning elections by both the opposition and ruling parties.<sup>178</sup>

The study found out that, politically, displacement has been a key feature of Kenya's elections since the reintroduction of multi-party politics in 1991. Issues like land, cultural contamination have been the factors upon which political elites have relied upon to orchestrate displacement for various political reasons. In October 1991, the first multi-party displacement happened in Nandi when controversy over ownership of Miteitei farm led to violent land clashes in which Kikuyu, Luhya, Luo and Kisii inhabitants were dispossessed of their land parcels and evicted. This conflict then spread to areas like former Coast, Western and Nyanza provinces. With time, land clashes and evictions became a mark of Kenyan elections in the subsequent electioneering period.

During the 1990s more than half a million Kenyans were internally displaced because of violence along inter-ethnic lines largely instigated by the ruling KANU in response to the introduction of multi-party democracy. These displacements were often violent, with several hundred deaths reported. The major periods of violence and displacement in the 1990s centred around the 1992 and 1997 elections. By 1993 in the Rift Valley the previous two years of violence had forced about 300,000 people to flee their homes – most belonging to tribal groups associated with the political opposition in the 1992 election. The main perpetrators of the violence in both these elections were predominantly Kalenjin supporters of the KANU government against members of opposition groups.

Additional displacement also occurred during the 1993-1995 period. There was a major outbreak of violence in the Mombasa region/ Coast province in August and early September 1997 in addition to the upheaval in the Rift Valley. The violence in the Mombasa region and the Coast province caused up to 120,000 people and left at least 100 dead.

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<sup>178</sup>, Kitale, 2011, pp. 1-2, Op cit.



The general election of 2002 offered great hope to Kenyans as for the first time in three attempts, an election had been conducted without bloodshed and massive displacement. However, the honey moon was short-lived as the MoU that had forged the NARC government bringing several communities together for a common course was abrogated when president Kibaki failed to implement the agreement. The resultant effect was the break-up of NARC, with dissatisfied parties forming ODM in 2004. Tensions, ethnic accusations and animosity re-entered political stage. Thus, even prior to the conduct of the 2007 election, environment was already ripe for conflict and violence.

In 2007 after the break-up of the National Alliance Rainbow Coalition (NARC) the Party of National Unity (PNU) became the flagship of the incumbent president, Mwai Kibaki in his quest for a second term in office after a five-year stint at the helm. Its main opponents were the Orange Democratic Movement (ODM) and Orange Democratic Movement of Kenya (ODM-K) led by Raila Odinga and Kalonzo Musyoka respectively. Many analysts at the time and even later described these political formations as nothing more than ethnic based parties representing specific regions of the nation which were attempting to make a tribal grab of the presidential office with its accompanying powers and privileges. When keeping in mind the winner-takes-all paradigm of Kenyan politics, the situation could as well have been described as a 'do-or-die' situation.

The fact that Raila's ODM defeated Kibaki government in the referendum of 2005 did not help the matter as it created high hopes for the anti-government factions who saw an opportunity to bring about change that had been elusive for so long. Opinion polls gave strength to this belief by indicating that ODM was going to win by a great margin. The fact that ODM had more than double the number of PNU's MPs even complicated the matter further.

Following the announcement of Mwai Kibaki as the winner of the Kenyan general elections on 29<sup>th</sup> December 2007 violence arose, apparently spontaneously, in several places in the country. Beginning with the major urban areas of Nairobi, Kisumu and Eldoret it spread to other smaller towns of Naivasha and Nakuru. This spate of violence included the burning of houses and business premises, looting of property and killing of individuals from communities that were perceived to be supporters of

the winning side of PNU. Police intervention was severe with reports of use of live ammunition and extrajudicial execution. Later in the month of February 2008 there were revenge killings by pro PNU gangs on ODM supporters in areas such as Naivasha and Nakuru before it all came to an end later that month. It is estimated that 1,500 people died while 650,000 ended up being displaced. Many of the survivors escaped their areas of residence and ended up in camps for IDPs across the country.

However, about 640 families fled cross to Uganda. The study established that this group was not homogenous in ethnicity as it comprised Kikuyus, Luhyas and Tesos who had been displaced in Busia and Bungoma Counties. These were individual Kikuyus or spouses married to Kikuyus or individuals perceived to be supporters of the PNU faction. They entered Uganda in 2008, and camped in Kiryandongo Refugee Settlement in Masindi District of Northern Uganda. The Settlement had previously been used by Sudanese who had fled 22 years of violence between the Khartoum government and South Peoples Liberation Army/Movement (SPLA/M) of John de Mabior Garang. The Sudanese left the camps in 2005 following the signing of the CPA between the SPLA/M and GoS thereby ending the civil war and paving way to South Sudan's independence in July 2011.

Assessing the livelihoods of Kenyan refugees in Kiryandongo Refugee Settlement in Uganda, the study found out that, when the refugees arrived in Uganda, they received assistance from a number of aid agencies including UNHCR, IOM, International Committee of Red Cross (ICRC), WFP and local religious institutions like the Full Gospel Church in Kiryandongo. They were given land and seeds by UNHCR. They were also provided by sickle, *jembe* and slasher with which to prepare land. Though the refugees faced a number of challenges at the beginning, many managed to make the best of the situation offered. They adopted agriculture growing maize, beans and soya. Some kept livestock like sheep, and pigs. There were also poultry farmers. With this, they managed to engage in trade selling the surplus to fellow refugees especially to those from DR Congo, South Sudan, Rwanda and to the local Ugandan population.

On the challenges faced by the displaced persons, the study found out that while in Uganda, the refugees had problem with education since most of the teachers in the Settlement were natives of South Sudan. They argued that their children had difficulties in communicating with the South Sudanese teachers due to the perceived

low-fluency of the South Sudanese in both English and Swahili languages. In addition, the South Sudanese, Congolese and Rwandese couldn't speak Kiswahili. This meant that the refugee parents had to either take their children to schools outside the settlement or they had to terminate schooling. The refugees also had a problem getting used to each other as they were from different ethnicities, some of whom were antagonistic to each other. There was also a security problem due to the large populations of people within a small camp area. Reports of rape and Gender base violence (GBV) in the camps. The refugees were however able to access Ugandan medical facilities including hospitals in Kampala and Mulango. UNHCR paid the hospital bills though.

Examining the factors that accounted for the return of the refugees back to Kenya, the study found out that the refugees stayed in Uganda for a period close to eight years. During their stay, Kenyan government made various inroads into the camps using Ministry of State for Special Programs officials as well as the Kenyan Embassy in Uganda. Ministry officials like the then Minister (MOSSP) Naomi Shaban, Kalembe Ndile and officials from the Ministry of Interior and Coordination of National government's refugee Department also visited Kiryandogo. This was done following the success of government's programs like *Nyumba Kumi* and *Operation Rudi Nyumbani* (ORN) which managed to return a number of IDPs back to their pre-conflict habitual residences. Through ORN, government paid IDPs 37,000 shillings for repair of destroyed property and transport back home. In addition, it built police stations, improved roads to hostile areas and launching reconciliation efforts that preached peace and coexistence in the areas where the IDPs returned to. Through the National Steering and Coordination Committee for Internally Displaced Persons, government profiled the returned and resettled IDPs and had a follow-up program which ensured that they were provided with food supplies for three months.

Government managed to convince the refugees in Uganda to return in May 2015. It was found out that the refusal of the refugees to return to Kenya for several years was informed by the better lives they were experiencing in Uganda. The study established that majority of the individuals who crossed the border to Uganda were mostly part-time job earners on small salaries. Others had before displacement, been hawkers, shopkeepers running rented shops or track drivers. It therefore occurred, that having

land to which they paid no rent for in Uganda came as a blessing to many. When they were approached to return, they resisted. In 2015 however, they returned.

Assessing the pull factors for the refugees return to Kenya, the study established that among the motivations included the financial incentives promised by government. The research established that prior to their return, government had pledged to give every adult refugee Ksh. 410,000 or several acres of land. It was also to provide transport and household goods including blankets. IOM also committed to provide Ksh. 13,000 people for transport and a further provision of household goods. Therefore, the refugees began their return on 10<sup>th</sup> May 2015. They came in various UNHCR and IOM buses. UNHCR gave them cards which they were to use to prove that they had been in camps in Uganda. These cards were to help in seeking medical and education assistance in Kenya. Other motivational factors included familial attachments, and patriotism.

When they arrived in Malaba, they refugees became IDPs as they did not proceed home but camped in transit camps in the area. Government offered them Ksh. 100,000 for a family of 1-3 people and 150,000 for a family of 4 and above persons. After receiving the money, which they deemed too little, those who had made kinship in Uganda through marital connections went back to Uganda, other IDPs were convinced to proceed to their pre-displacement homes while others camped in the area allegedly awaiting further compensation. The government refused to recognise this group. It claimed to have sorted out the last of IDPs in Londiani in August 2015. As such, the Malaba group remained majorly an ‘invisible group.’

There have been claims of these people joining up with fake IDPs in Naivasha, Mai Mahiu and Nakuru to claim compensation yet most were either compensated or have never been victims of 2007/08 PEV. This highlights the challenge that government has had to face in addressing the problem of IDPs in Kenya. Poor profiling and lack of sincerity on the side of some of the claimants have proven to be obstacles in government efforts to fully solve IDP concerns.

Assessing the challenges and coping mechanisms adopted by the displaced persons, the study established that they faced a number of challenges while in Malaba transit camps. These included shortage of facilities like toilets, overcrowding in local schools, inadequacy of teachers and learning materials in schools that their children went to,

and the differences in education systems in Kenya and Uganda which implied that the certificates they acquired in Ugandan schools and colleges were not recognised in Kenya. Children who had schooled in Uganda also had to drop a class or two when they joined Kenyan schools. They also lamented of government neglect, dumping them in open ground in rainy season without food for days. Local institutions in the area also registered challenges with the influx of the IDPs. Malaba sub-county dispensary had a shortage of drugs and relied on borrowing from nearby hospitals. The Doctor/nurse to patient ratio also increased spontaneously putting extreme pressure on the medical staff in the dispensary. Locals complained of the IDPs filling their toilets in a few days. They had to resort to locking up the traditionally ever-open pit-latrines.

Because of the challenges they faced, the IDPs developed a number of coping mechanisms. They sought counselling from religious institutions since the local health facilities did not have professional counsellors. Other than this, they also developed a sense of 'self-dignity' in which they argued, they refused to be used for political interest. By this, many argued that deciding never to participate in political activities was a conviction that gave them relief. Thirdly, some argued that they preferred focussing on challenges at hand and ignoring the past as a way of letting painful memories to fade away. By this, they managed to suppress the tearful past of the violent displacement, refugee-hood and IDP-hood.

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