THE CIVIL SOCIETY AND HUMANITARIAN ASSISTANCE TO INTERNALLY DISPLACED PERSONS IN AFRICA: A CASE STUDY OF THE CATHOLIC CHURCH IN KENYA (1992 – 2000)

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This Dissertation was submitted at the University of Nairobi, Institute of

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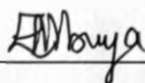### October 2005

DECLARATION

This Dissertation is my original work and has not been presented for examination at any other University.

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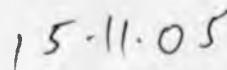**MAGITI ESTHER MBUYA**   **DATE**

This Dissertation has been submitted to the Board of Post Graduate Studies at the University of Nairobi for Examination with my approval as University Supervisor.

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DR. KITHURE KINDIKI   **DATE**

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DEDICATION

This dissertation is dedicated to my parents Mr. and Mrs. Dominic Magiti Kiurah whose foresight and encouragement has enabled me to achieve my academic goals. It is for their proper upbringing and support that has seen me this far.

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LIST OF ACRONYMS & ABBREVIATIONS

APFO	-	Africa Peace Forum
AU	-	African Union
CSOs	-	Civil Society Organisations
DC	-	District Commissioner
DCs	-	District Commissioners
DO	-	District Officer
DOs	-	District Officers
DRC	-	Democratic Republic of the Congo
ECOWAS	-	Economic Community of West African States
EU	-	European Union
FECCLAHA	-	Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa
HIV/AIDS	-	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	-	Human Rights Watch
IAG	-	InterAfrica Group
ICG	-	International Crisis Group
ICRC	-	International Committee of the Red Cross
IDPs	-	Internally Displaced Persons
IGAD	-	Inter-Governmental Authority on Development
INGOs	-	Inter-Governmental Organizations
ISS	-	Institute for Security Studies
KANU	-	Kenya African National Union
KEC	-	Kenya Episcopal Conference
KHRC	-	Kenya Human Rights Commission
KPU	-	Kenya People's Union
LRA	-	Lord's Resistance Army
MPs	-	Members of Parliament
NCCK	-	National Council of Churches of Kenya
NEPAD	-	New Economic Partnership for Africa's Development
NGOs	-	Non-Governmental Organisations
OCHA	-	Office for the Coordination of Humanitarian Affairs
PCs	-	Provincial Commissioners
SADC	-	Southern African Development Community
SALW	-	Small Arms and Light Weapons
SPLM/A	-	Sudan People's Liberation Movement/Army
UN	-	United Nation
UNDP	-	United Nations Development Program
UNHCR's	-	United Nations High Commissioner for Refugee's
UNICEF	-	United Nation's Children Fund
WFP	-	World Food Program

ABSTRACT

This dissertation is premised on and informed by primary and secondary data based on the civil society and humanitarian assistance to internally displaced persons (IDPs) in Africa, focusing on a case study of the Catholic Church in Kenya (1992-2000).

The study undertakes an overview of internal displacement in Africa and points out the contributing factors to internal displacement. Attention has been given to internal displacement in Kenya in the period 1992-2000, focusing on Rift Valley, Nyanza, Western and Coast provinces.

At another level the study looks into the role of the civil society in provision of humanitarian assistance to IDPs in Africa. Areas of strength, challenges and constraints encountered by the civil society are identified. Conditions for effective functioning of the civil society are also mentioned. The study finds that the civil society, that is found to be functional on social, economic and political processes, should fill the gap left by the State in terms of humanitarian assistance to IDPs.

The study also focuses on the Catholic Church in provision of humanitarian assistance to IDPs in Kenya in 1992-2000. It highlights the Catholic Church's profile, constraints, Catholic Church-State cooperation, barriers to this cooperation and conditions for enhancing this cooperation. It finds that the Catholic Church should use its network competently and lobby the provincial administrators, the local authority leaders, the legislators and policy makers to be sensitive towards the initiatives the Catholic Church endeavours to provide humanitarian assistance to IDPs.

Finally, the study provides a synthesis of the research findings and makes recommendations for the way forward. It concludes that the Catholic Church and the State should cooperate in provision of humanitarian assistance to IDPs, by identifying each other as complements and seek consultation towards alleviating the suffering of IDPs. This research forms fundamental reference for policy makers and actors in humanitarian assistance to IDPs.

CHAPTER 1

1.0. INTRODUCTION TO THE STUDY: THE CIVIL SOCIETY AND HUMANITARIAN ASSISTANCE TO INTERNALLY DISPLACED PERSONS IN AFRICA

1.1. Background

The modern society is faced with constant threats of insecurity. Existence of human rights violation has contributed to a common desire among people to eradicate injustice, insecurity and bring about protection. Injustice and insecurity was traditionally addressed by State agents as espoused by realism.[1] The constant reliance on State protection has been challenged by modern infiltration of organized non-State actors. Thus according to Bercovitch[2], the existence of insecurity and so injustice between individuals, groups and nations are pervasive and are part of the process of interdependence that brings various actors together. Humanitarian assistance can no longer be effectively provided by States. This is because for instance, during the height of violence in 1992, the church, especially the Catholic Church, helped to evacuate people from trouble spots to safer grounds. These also returned to their homes later, through the help offered by the Christian and Muslim groups.[3] However, the non-State actors such as the civil society are found to operate in a situation where the State asserts sovereignty thus they are not readily allowed to act. The sovereignty of States is challenged once non-State actors come in to participate in issues meant for the State. Thus the international institutions like the United

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[1] H. Morgenthau, *Politics among Nations: The Struggle for Power and Peace.* (New York: Alfred A. Knopf Inc., 1985), p. 26.
[2] J. Bercovitch, *Social Conflict and Third Parties: Strategies of Conflict Resolution.* (Boulder: Westview Press Boulder Co., 1984), p. 142.
[3] Human Rights Watch, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya.* (New York: HRW, 1997).

Nations (UN) have recognized that humanitarian needs cannot only be addressed by the State but that the civil society can mitigate where the State has failed to provide for the basic humanitarian needs of its citizens.

With over 13 million Internally Displaced Persons (IDPs) in 19 countries, Africa remained the continent by far most affected by internal displacement especially in 2004. More than half of the world's IDPs lived in Africa. The magnitude of internal displacement problem is revealed when we consider the fact that the population of IDPs in Africa outnumbers that of refugees as reveled in 2004 statistics where in Africa IDPs were 13.2 million compared to 3.5 million for refugees.[4]

In Sudan alone, up to 6 million people were internally displaced, more than in any other country in the world. The displacement was caused by a complex and changing set of issues, which encompass the identities and cultures of diverse African and Arab people, political power, control over natural resources such as land, livestock, and water and oil. This was also compounded by the balance of power between a powerful minority population in the riparian centre and a weak majority spread across the more remote marginal areas of this vast country. Sudan also is the country with the largest amount of people newly displaced in 2004 (about one million, mostly in Darfur). Other large-scale displacement crises in Africa included the Democratic Republic of Congo (DRC) with 2.3 million IDPs and Uganda with up to 2 million IDPs.

UNHCR, UNRWA (refugee figures); *Global IDP Project, USCR (IDP figures).*

On the other hand, Africa also accounted for the world's highest return movements in 2004. In the DRC, more than one million IDPs were able to return home after a power-sharing agreement signed in 2003 significantly reduced the level of violence in the country. In Angola, the return process triggered by the end of the civil war in 2002 continued unabated with another 900,000 people being able to go back to their homes during 2004. Large-scale return movements also began or continued in other African countries where peace processes ended civil wars, including Sudan (mainly to the south) and in Liberia.[5] It is clear that the Africa continent has witnessed the highest level of human displacement in the past century. The frequent civil wars, internal unrest, poor governance and underdevelopment have contributed to movement of people from their native land to other lands within their country and also to foreign countries at worse scenarios.

IDPs in general, remain a forgotten people due to official non-recognition or denial of the causes of displacement, hence silence on their existence and non-response to their needs. Lack of political will and/or incapacity to address their plight by national governments makes IDPs worldwide among the poorest and most vulnerable people in their societies[6] and constitutes arguably the largest at-risk population in the world. The act of displacement itself often is accompanied by gross violence and the most serious human rights violations such as arbitrary killings, torture, kidnappings and rape, as well as other traumatic events observable such as:

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[5] *Global IDP Project's online database.* Available at <www.idpproject.org>.
[6] P. Kamungi, *Kenya's Internally Displaced Persons: Numbers and Challenges,* (Geneva: UNDP, 2002), pp. 5-8.

"... brutally repressive regimes, ethnic conflict and external destabilization campaigns."[7]

According to Schmeidl, IDPs always continue to suffer once displaced as they are exposed to conditions of insecurity, severe deprivation and discrimination. Whereas an established system of international protection and assistance is in place for persons who flee across borders, responsibility for addressing the plight of the internally displaced lies first and foremost with the State concerned, which more often than not proves unable or unwilling to do so, thereby raising the need for outside concern and involvement. Consequently, large numbers of IDPs remain at high risk of further violence, malnutrition and disease and many are forced to flee from time to time, and so being forced to put up with wanting situations.

The civil society has had a chance to play a crucial role in providing solutions to some of these victims. In Africa, Kenya included, it becomes particularly relevant to consider how events over time have shaped perceptions of the nature and role of the civil society. The civil society has often been conceptualized in terms of its relationship to the State and its composition and nature of involvement in times of violent conflict. This makes the civil society be perceived as complementing or competing with the State. However, the term civil society features in its own right in national, regional and international covenants. This provides basis for its legitimacy in processes and decisions that involve parties to such agreements. In such agreements as the Constitutive Act of the African Union, the Cotonou Agreement, Inter-Governmental Authority on Development (IGAD), the East

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[7] S. Schrneidl, *Comparative Trends in Forced Displacement*, 1964-96, in Janie Hampton Id., p. 29.

African Community and other inter-governmental and non-governmental arrangements, the civil society is recognized as an important actor in provision of humanitarian assistance.

In Kenya no institution has been involved in humanitarian assistance activities, in the sense of actions that have saved lives, alleviated suffering and maintained human dignity, on a national scale as much as the Church. The Church has independent resources and grass root network that is often more effective than even the State's structure such as the provincial administration. In many areas, when violence breaks out, people flee to churches as reflected during the 1991-1996 clashes in Kenya, which were labeled as 'tribal clashes', 'ethnic clashes' and even 'politically instigated clashes'. The internal displacements in Kenya in 1992-1997 according to research were as a result of the onset of multiparty system, political instigation,[8] polarization of political climate prior to the election periods by different political actors,[9] ethnicity, ethnic animosity and tribalism as a result of political stakes, struggle to neutralize values and claims to scarce status, power and resources, land and boundary disputes, corruption, escalating cattle rustling and raiding, proliferation of firearms, harsh natural environment and cultural practices and pressures.[10]

[8] H. Ekwe-Ekwe, *Conflict and Intervention in Africa-Nigeria, Angola, Zaire.* (London: Macmillan, 1990), p. 5.
[9] M. Macharia, "The Role of the Presidency in African Politics" in G. P. Okoth & B. A. Ogot, (Eds.) *Conflict in Contemporary Africa*, (Nairobi: Jomo Kenyatta Foundation, 2000), p. 43.
[10] P. Kamungi, *The Current Situation of Internally Displaced Persons in Kenya: March 2001.* (Jesuit Refugee Service, 2001), pp. 10-15.

By providing displaced Kenyans with temporary shelter, that in some cases has become semi-permanent, the Catholic Church has acted as an important safety valve in a situation where the underlying political cause of crisis remains unaddressed. The humanitarian assistance activities of the Catholic Church as a civil society have been particularly extensive in Kenya in especially for the IDPs in the Rift Valley, Western and Coastal regions, to an extent of which they have contributed to alleviating suffering, maintaining human dignity and saving lives of those affected by the displacement. These have included activities like capacity-building, visits by leaders and priests to the home of members of communities in conflict, liaising constantly with the provincial administration on matters of justice and security in the affected areas and providing temporary resettlement for IDPs while a permanent solution is being sought, among others.

1.2. Problem Statement

The central concern of this study is to examine the extent to which the Catholic Church has played a role in humanitarian assistance to IDPs in Kenya between 1992 and 2000, as a result of the internal conflicts that emanated in Kenya in the Rift Valley, Nyanza, Western and the Coast provinces from 1991 to 1996 where it was estimated that some 1,500 people had died in the clashes and some 300,000 were displaced.[11] The Catholic Church took part as civil society in the participation of providing humanitarian assistance to IDPs in the Kenyan context.

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[11] K. Murungi, *Ethnicity and Multi-partism in Kenya.* (Nairobi: A Kenya Human Rights Commission Publication, 1996), p. 16.

While both refugees and IDPs are forcibly displaced from their places of habitual residence by similar circumstances and face insecurity, destitution and other comparable challenges during flight in situations of displacement, only refuges access protection and assistance by host States and the international community, such as the UN or the African Union (AU). National governments have the primary responsibility for providing security and assistance to all their citizens, including IDPs, though their efforts have been curtailed by lack of control of territory or where the need to take action is compromised by political concerns and self-interest.[12] More so, the international legal enforcement mechanisms call for non-interference in internal affairs of the State as stipulated in the UN Charter.

The humanitarian assistance by the civil society in these instances has been timely but there are emerging political and legal issues that hinder effective provision of this humanitarian aid. For instance, the efforts of civil society has been frustrated and neutralized by State policies or actions. Sometimes the State squeezed the civil society out of a process of humanitarian assistance that it has painstakingly nurtured. These and more political and legal issues reduce the success of any programmes initiated for the benefit of IDPs. In such cases, civil society has limited scope for action and must simultaneously direct some energy to other levels of negotiation with the State in order to pursue possibilities for harmonized intervention. The civil society needs to identify these pitfalls and petition the government to put in place structures that will complement their efforts.

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[12] P. Kamungi, *The Current Situation*, p. 28.

At first the Catholic Church in delivering initial humanitarian aid to IDPs, only helped to address the emergency of the problem. The other pertinent issue to investigate is the Catholic Church's ability to address national crises when the government of the day is legitimate and in power. This shall bring more light on the areas of cooperation between the Catholic Church and the State in promotion of humanitarian rights, peace and security.

1.3. Hypotheses

This study will have the following hypotheses:

1. The civil society has been an active non-State actor in provision of humanitarian assistance to IDPs.

2. The civil society and the State can cooperate in an effort to promote humanitarian assistance to IDPs.

1.4. Objectives

This study aims to fulfill four main objectives;

1. To examine role of the civil society in humanitarian assistance to IDPs in Kenya.

2. To investigate the constraints the Catholic Church encounters in the provision of humanitarian assistance to IDPs in Kenya.

3. To make recommendations on Catholic Church-State cooperation enhancement in humanitarian assistance to IDPs in Kenya.

.5. Research Questions

1. To what extent has the civil society been an active non-State actor in the provision of humanitarian assistance to IDPs in Kenya?

2. What are the parameters for cooperation between the Catholic Church and the State in provision of humanitarian assistance to IDPs in Kenya?

3. What conditions are necessary to enhance the cooperation between the Catholic Church and the State in provision of humanitarian assistance to IDPs in Kenya?

1.6. Scope

This research will set to find out the role of the civil society, in this case the Catholic Church in humanitarian assistance to IDPs in Kenya. The IDPs in Kenya are as a result of the conflicts that occurred in the Rift Valley, Nyanza, Western and Coastal provinces in the period 1992-1997. The study will focus on the period 1992-2000, since the Catholic Church initiated programmes to assist IDPs and can be assessed. The term Catholic Church will be used in a broad sense to mean; the Catholic Church leadership, the community of believers, Catholic Church Councils – nationally.

1.7. Theoretical Framework

This study will be informed by the Pluralist theory. This approach is a departure from the realist thinking and argues that the State is not the only actor in the conflict arena, especially in such issues such as of the IDPs. The pluralists argue that it is impossible to think of international relations in terms of interactions among governments only. To pluralists, a set of alternative metaphor is drawn to represent world politics in terms of

'cob-webs' that stretch across traditional State boundaries linking together a complex combination of interested groups.[13]

Although the pluralists advocate for the non-State actors such as international organizations, non-governmental organizations (NGOs) and individuals in the international arena,[14] they do not entirely dismiss the importance of the State. This approach is seen in the World Society perspective, which argues that although the State may on significant occasions be the most important actor, it is not always the case. Burton,[15] a proponent of World Society approach argues that even though State boundaries are significant, they are just one type of boundary, which affects the behavior of the "World Society." The world is therefore a complex network of patterned interactions.

The pluralist theory complemented by the World Society paradigm is suitable for this research. The civil society, international organizations, NGOs and individuals transcend state boundaries in providing aid to IDPs. The church, and in this case, the Catholic Church is one of the civil society actors that often play a significant role in filling the gap where the State is unable to respond appropriately.

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[13] *Ibid.* p. 67.
[14] K. J. Holsti, *International Politics: A Framework for Analysis.* (New Delhi: Prentice-Hall, 1992), pp. 70-71.
[15] J. W. Burton, *World Society.* (Cambridge: Cambridge University Press, 1972), p. 20.

1.8.   Literature Review

The literature on humanitarian assistance to IDPs is diverse given that the IDP problem is global. It is therefore impossible to discuss IDPs issues of one country, without mentioning other parts of the world that are either affected directly or indirectly. This is because internal population displacement is the earliest indicator that a country is likely to become a refugee-producing State.[16] IDPs are potential refugees temporarily seeking peace and security in other parts of the country. If the causes of their displacement continue unabated and spread to other areas, they are likely to cross into neighbouring states, effectively becoming refugees. Many IDPs remain in their hoe countries because there is more insecurity in neighbouring States, or they are caught between the conflict zone and the border, which may also be too far.[17] In other instances, fleeing IDPs fall short of becoming refugees due to manning of the border areas, closure of boundaries by neighbouring States, and/or denial of asylum.[18]

The literature review will mainly focus on the various aspects of internal displacement problem in the Africa and particularly in Kenya, the civil society's engagements in humanitarian assistance to IDPs in Africa and particularly in Kenya, and especially focusing on the Catholic Church as the civil society. The literature reviewed will include discussions on each of the aspects to be discussed; views from different scholars; brief critique and reference to the context of the study.

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[16] A. M. Abdulahi, "Ethnic Clashes, Displaced Persons and the Potential for Refugee Creation in Kenya: A Forbidding Forecast" *International Journal of Refugee Law*, Vol. 9, No. 2, April 1997, pp. 196-206.
[17] L. Clark, "Internal Refugees- The Hidden Half" in US Committee for Refugees, *World Refugee Survey, 1998* (Washington D.C.: US Committee for Refugees, 1998), pp. 18-24.
[18] P. Kamungi, 'Responses to the Refugee Problem by Regional States' in Kamungi, P., *Refugees, Conflict and Diplomacy: A Case Study of the Great Lakes Region, 1993-1998* (Unpublished Masters Thesis, University of Nairobi, 2000), pp. 42-48.

Most literature on African conflicts, reveal that the continent has been a volatile environment due to endemic internal conflicts, which have resulted to population displacements with severe humanitarian consequences. Various case studies in Africa reveal that internal displacements have been as a result of varied causes of conflicts. In Rwanda, for instance, unequal access to land was one of the structural causes of poverty, which was exploited by the organizers of the genocide. Limited access to land, exacerbated by its inequitable distribution, and by tenure insecurity, brought about by frequent episodes of population displacement and subsequent re-distribution of land by the State, have been described as key aspects of the structural conflict. And so is the case in Burundi where inequitable access to land has been one of several structural causes of conflict. In Eastern DRC, internal displacements were brought about by various economic strategies of Western powers and neighbouring countries, the weak nature of the State in DRC, the historical relationships between ethnic groups, and conflicts over natural resources.[19]

The result over the years has been massive movements of IDPs. More than half of the world's IDPs live in Africa. IDPs do not have an international regime to cover their specific situation. This is compounded by the fact that they face the same conditions as refugees but there is neither a normative nor an institutional mechanism to cater for their situation. And yet, as Cohen and Deng argue, the condition of IDPs is appalling in that, of the world's populations at risk, IDPs tend to be among the most desperate. In most

[19] The Overseas Development Institute, *Natural Resource Perspectives, No. 96, March 2005.* (London, African Centre for Technology Studies, 2005). Available at <www.odi.org.uk/nrp/>, pp. 1-2.

instances, they may be forcibly resettled on political or ethnic grounds or find themselves trapped in the midst of conflicts and the direct path of armed attack and physical violence. More often also while on the run and without document, they are easy targets for roundups. Arbitrary detention, forced conscription, and sexual assaults. Thus while IDPs are uprooted from their homes and deprived of their resource base, many suffer from profound physical and psychological trauma. They are more often deprived of shelter, food and health services than other members of the population.[20]

IDPs often fall into a vacuum where State responsibility for their welfare is derogated due to the loss of control of vast areas of a country, or where it completely ignores this responsibility. Thus in Kenya and most parts of the world, the salience of humanitarian aid to IDPs living in identifiable camps or dispersed in isolated settlements has found expression in the work of Civil Society Organizations (CSOs) and multi-lateral response through the UN, such as United Nations Development Programme (UNDP) Displaced Persons Programme in Kenya, World Food Program (WFP) in Uganda and United Nation's Children Fund (UNICEF) among others.

The Guiding Principles on Internal Displacement[21] exist to provide practical guidance to governments, non-State actors, international agencies and NGOs on the interpretation and application of international law in situations of internal displacement. However, humanitarian actors in politically hostile environments either adopt a policy of inaction

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[0] R. Cohen, & F. Deng, *Masses in Flight: The Global Crisis of Internal Displacement.* (Washington DC: Brookings Institution Press, 1998), p. 2.
[1] OCHA, *Guiding Principles on Internal Displacement,* 1998.

and silence in order not to harm their relationship with the government, hence ensure their continued registration and access, or even initiate small-scale, covert programmes to provide basic needs.[22] This results to kind of assistance which is normally an emergency, short-lived and only reaches a small fraction of the displaced, particularly those who have moved into identifiable camps in church and school compounds or locations within urban and peri-urban areas.[23]

IDPs, who are a displaced population at risk, deserve as much legal recognition, protection and humanitarian assistance as human beings entitled to enjoy their fundamental rights and freedoms. The vulnerability of IDPs to human rights violations is accentuated by their accelerated destitution, a plight which is made not only by the lack of humanitarian assistance, but also by the multiplier effects of displacement, including environmental degradation, lack of social amenities and reduced capacity for economic and social development through loss of livelihoods, property and/or skills among IDPs.[24]

Regarding international efforts to address internal displacement, it is noted that the magnitude and seriousness of internal displacement has in recent years been increasingly recognized. In this case, a sign of the increased emphasis given by the international community to the plight of IDPs was the appointment in 1992 of Dr. Francis M. Deng as the Representative of the Secretary-General on IDPs,[25] with a mandate to visit countries

[22] P. Kamungi, *The Current Situation.* pp. 31-33.
[23] P. Kamungi, *The Lives and Live-Choices of Internally Displaced and Dispossessed Women in Kenya.* (UNIFEM, African Women in Crisis Programme, January 2002).
[24] D. A. Korn, *Exodus within Borders.* (Washington D. C., 1990).
[25] *http://www.ocha.org/conflict/idps.*

affected by displacement and review and evaluate existing international institutions and international law to determine the degree to which they provide an adequate basis for the protection and assistance needs of those who are internally displaced, as well as formulate appropriate recommendations to improve the response to their needs.

Many Inter-Governmental Organizations (INGOs) and NGOs are limited by their mandates from assuming general responsibility for IDPs. For instance, International Committee of the Red Cross (ICRC) will normally be involved only when armed conflict is taking place. United Nations High Commissioner for Refugee's (UNHCR's) involvement is normally contingent upon an invitation from the government concerned, or through a request from the Secretary-General or the General Assembly. In addition there should be sufficiently strong links with actual or potential refugee problems. UNICEF is not supposed to assume responsibility for the whole population that may be at risk, unless they are children. This means that large numbers of IDPs remain outside international systems of protection and assistance, or are inadequately covered.[26]

Humanitarian aid organizations are unable to provide adequate services to IDPs due to political and legal problems. The most notable political and legal hindrances are travel bans to areas affected by conflict. These organizations continue to pursue their goals with multiple inadequacies and IDPs never get adequate humanitarian assistance. It is in this regard that where these organizations do not get involved, there is need to find other actors who can assume the role of providing humanitarian aid to the majority of IDPs.

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[26] *Ibid.*

This research intends to find out to what extent the humanitarian aid is hindered when a State is faced with internal displacements.

The failure of the State to protect people from want has exacerbated the insecurity situation and provided a rallying point for deprived groups to wage violence with varying intensity. Thus ethnic clashes especially in Africa arise as a result of trying to survive especially when the parties' itineraries collide. Odera points out that there is an urgent need to rethink policy within a comprehensive security framework. Therefore, the civil society has a role to play in initiating and guiding debate on policies and their implications for a peaceful society.[27]

The study supports Odera's view on the need to reflect on the African civil society to be its brother's keeper if conflict is to be avoided, managed or resolved. Thus in countries such as Kenya, the response of civil society has been predominantly to challenge the use of State power in the pursuit of good governance. In Kenya, civil society has been present and active. The governments have also penetrated civil society through favours, threats, arrests and at the very worst death."[28] The State forces tried in every manner to suppress the voice of the civil society agents. The death of Fr. John Kaiser and others is an extreme reflection of the risk that a true and faithful civil society can encounter in the task of pursuing peace with justice.

J. A. Odera, *"Civil Society and Conflict Management in Africa-A Re-emerging Role."* in G. M. Sorbo, & P. Vale, Eds) *Out of Conflict: From War to Peace in Africa.* (Uppsala: Nordiska Afrikainstitutet, 1997), pp.143-145.
Ibid, pp. 145-146.

The above Kenyan example according to Odera,[29] shows that when civil society is pitted against the government, its effectiveness can be determinedly obstructed. In a situation where the exercise of power tends towards dictatorship, the power of civil society is dependent on the ability to mobilize not only the citizens but also to rally international opinion behind the cause of peace. Also in this regard, there exist some paradoxes in the role of civil society. On one hand, civil society can be relied upon as an effective instrument for humanitarian assistance but on the other hand it can be persuaded to shun this role. Also that civil society is strongest and most conspicuous in the period preceding and immediately after the crises. As time progresses, passivity sets in either by force, fatigue or internal dissent. Thus in playing a role in humanitarian assistance, civil society needs to do so against the life cycle of a conflict.

.9. Justification

This study is justified at academic and policy levels. At academic level, as noted in the introduction, the IDPs' problem is here with us yet there is no much academic literature on how the civil society and the State can cooperate in the field of humanitarian assistance. Nevertheless, available literature on IDPs is in form of reports of NGOs, yet very little is in form of textbooks. Thus the findings from this research will add to the retinue of literature on IDPs especially on humanitarian assistance by the civil society in Kenya. In this regard, the study shall be useful to the students of International Relations discipline, who will, be aware of the challenges likely to arise when non-State actors engage in responsibilities of the State. More so they will gain more knowledge on the

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[29] *Ibid*, p. 146.

issue of the civil society providing humanitarian assistance to IDPs, which has not been placed in perspective especially in the international law regarding institutional means of responding.

At policy level, the study will bring to light the existence of IDPs who pose a threat of humanitarian, human rights and political or diplomatic dimensions, requiring government, regional bodies, international organizations and particularly civil society to create effective policies and institutional arrangements to respond to the problem. Thus guiding these organizations to avoid drawing programmes that will not fully achieve the underlying objectives to assist IDPs and alleviate human suffering. Thus the study reflects how the Catholic Church can be a social agent that can be involved in bridging a gap where State machinery cannot avail its services.

There is no IDPs desk in the Ministry of Home Affairs in Kenya. The problem of refugees and forced displacement falls under the Ministry of Home Affairs, Immigration and Police departments. The draft refugee bill does not address the problem of IDPs at all, nor does the refugee desk at the Ministry of Home Affairs. Instead, the issue of internal displacement is presented as an 'internal security' matter that has been shifted to the Relief department at the Office of the President. More so, no one is specifically charged with addressing the problem of those displaced during or around election time. Relief, including food, medicine and other basic necessities, is provided for victims of cattle rustling and natural disasters only.

Therefore, humanitarian assistance to the displaced especially at the height of the clashes was provided by NGOs and church-based agencies on an *ad hoc* basis, in the form of financial assistance to some parishes in the Rift Valley, provision of clothes, food, medicine, blankets and other basic needs. This was so until March 1995, when the UNDP in partnership with the government came in to provide humanitarian assistance to the displaced. The State is full of bureaucrats who might have political leanings that would be against certain policies like that of intervening in internal conflicts like tribal clashes. Neutrality is not expected when State agents have interests out of an ethnic conflict. It is therefore the religious groups that may help assist the victims meet the basic necessities after skirmishes till resettled.

10. Definition of Concepts

The principle terms, which recur in the study, are essentially contested, but the study will utilize operationalized definitions. The principle terms are; civil society, humanitarian assistance and internally displaced persons.

10.1. Civil Society

For the purpose of this research, civil society in this context implies that part of social organization that lies between the government and the masses. Civil society is discussed to express the interests and aspirations of people; united by common goals, needs, values and traditions which can be mobilized. Civil society is thus a source of experience, expertise and information. Civil society include but is not limited to such groups as NGOs, people's organizations, trade unions, cooperatives, consumer and human rights

women's groups, academic or research groups, media, faith based organizations and community based coalitions.[30] In this research the Catholic Church will inform part of the civil society.

10.2. Humanitarian Assistance

This study adopts the definition of humanitarian assistance as, those actions taken by actors in a natural or manmade crisis to save lives, alleviate suffering and maintain human dignity.[31] Therefore, humanitarian assistance in this study is a means that requires a number of operating principles, namely, neutrality and independence, which ensures that humanitarian actors are able to make their own judgements and determine an impartial response to needs.

.10.3. Internally Displaced Persons

The term internally displaced persons will be used to mean persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, usually suddenly, as a result of or in order to avoid the effects of armed conflict, strife, systemic human rights violations or natural or man-made disasters, but who remain within the boarders of their own States.[32]

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[30] UNDP, *Civil Society.* (October 23, 2002) Available at <http://www.un.org>.
[31] United Nations General Assembly Resolution 46/182.
[32] OCHA, *Guiding Principles on Internal Displacement.* 1998.

Methodology

In carrying out this research, a variety of data will be used. The data shall be derived from primary, secondary, Internet sources including writing methodology. Data from primary sources will be obtained from interviews with people of authority from key informants from Catholic Church in Kenya involved in humanitarian assistance to IDPs. Also policy documents such as legislations and guiding principles on the issue of study. The secondary data shall be obtained from library research on published and unpublished materials such as reports from UN, Catholic Church organizations, UNHCR, regional organizations, public documents, books, newspapers, pamphlets, periodicals, journals, documents and bulletins, seminar papers, magazines and other writings relevant to this study. The Internet source shall be obtained from various websites on the study. The writing methodology shall include descriptive, analytical and prescriptive methods of presenting the study.

CHAPTER 2

THE PROBLEM OF INTERNAL DISPLACEMENT IN AFRICA

Introduction

This chapter presents an overview of the contending problem of IDPs rampant in Africa. Most African States have a demonstrable population internally displaced due to certain ingrained factors in State's role, ethnicity, resource allocation, presidency, ecological factors and small arms proliferation. The chapter looks in a wider perspective how each of these factors has contributed to internal displacement of people.

The chapter also reviews the effects of internal displacement in Kenya. The effects will be analyzed on the perspective of social and economic aspects. In addition the chapter evaluates the government responses to IDPs' situation. The chapter ends by having concluding remarks of these issues by tying up the emerging trends of internal displacement in Africa, their effects and if government responses are adequate to address the problem.

Factors Contributing to Internal Displacement in Africa

The phenomenon of internal displacement has been widely described by international observers as one of the most pressing humanitarian challenges of our time. Since the end of the Cold War, conflicts between different communities, ethnicities, religions and socio-economic groups have multiplied at an alarming rate. Intra-State conflicts have centered on secessionist demands or appeals for regional autonomy, on the persecution of groups on the basis of their ethnic, religious or socio-economic backgrounds, and on

struggles over territories and exclusive control of natural resources. A single conflict in one part of a country has often fragmented, leading to the emergence of still further communal disputes in other geographical areas of the State.

Internal displacement in Africa has been manifest since the departure of colonial powers. African continent has been contending with the problem as a result of internal and external factors. The internal factors supersede the role of external factors because Africa's independence was intended to build a cohesive society for all to live. But internal factors like ideology, personality, internal power struggles and the mistreatment of ethnic minorities have become key in exacerbating the situation of African conflicts.[1] These factors however may intertwine with the external factors such as decolonization, territorial disputes, external interference and refugee problem. The succeeding section will analyze these factors in detail.

1. The Role of the State and Internal Displacement

Internal conflicts in Africa often emerge from struggles over values and claims to scarce status, power and resources. The opponents in this struggle have an aim to neutralize, injure and eliminate their rivals.[2] The internal struggles lead to a violent fission of the internal political system. The structures of the political system split into two or more structures. The incumbents in power and the insurgents get into a new political situation

B. Ojo, et al, *African International Relations.* (Lagos : Longman, 1985), p. 130.
Auvinen, '*Political Conflict in Less Developed Countries 1981-89*', *Journal of Peace Research.* Vol. 34. No. 2, 97), p. 177.

least rudimentary to uphold order. The internal conflict takes a political dimension, ethnic, religious or secessionist.[3]

The main features of internal conflict are the legitimate and illegitimate use of violence. This indicates some form of breakdown of legitimate political order. The use of violence tends to scar the society and its organized activities. The people are compelled to move and avoid this form of violence and the displacement takes a long process to reinstate people to their original areas of residence.

The State is under obligation to use its legal structures to mete violence to bring about social order.[4] In Africa the State's role in internal conflict is observed to be two-pronged. It can act as an agent of peace in resolving conflict or act as a precipitator. The States justify their existence on the basis of managing conflicts and ensuring social progress and development.[5] On this perspective, African States have not demonstrated their justifiable existence through control of conflicts. Concerning the conflicts witnessed in Somalia, Sudan, DRC, Liberia and Sierra Leone, the institutions of governments in these States have not determined the affairs of the State as they are brought before them. Instead the government institutions have stopped harmonizing the claims of different interests and deciding which shall prevail when not all can be satisfied.[6] The societies stop owing their peace and order to the State system when it cannot provide for adequate security within the national territory.

Rupesinghe, (Ed.), *Conflict Resolution in Uganda.* (Oslo: International Peace Research Institute, 1989), p. 1.
Morgenthau, *Politics among Nations: The Struggle for Power and Peace.* (New York: Alfred A. Knopf Inc., 5), p. 531.
A. Nyong'o, (Ed.), *Arms and Daggers in the Heart of Africa: Studies on Internal Conflicts.* (Nairobi: Academy Science Publishers, 1993), p. 3.
Rex, & D. Nason, (Eds.), *Theories of Race and Ethnic Relations.* (New York: The Macmillan Ltd, 1993), p. 64.

African countries have also witnessed internal conflicts as a result of States' failure to be accountable to the people.[7] When States are not answerable to the people, they opt to use various tactics to remain in power. This would be in form of authoritarianism, State-terrorism and economic mismanagement. Kenya for example, adopted authoritarianism in the form of legally adopting a one-party political system in 1980s, because the country was a matter of fact a single party State since Kenya People's Union (KPU) was banned in 1969. It also used government security apparatus to repress people, criminalize opposition and coerce people politically. In the 1980s and early 1990s, the people were opposed to the government in power. The dictatorship helped effect marginalization and exclusion of part of the society. Those perceived to be anti-Kenya African National Union (KANU) establishment were ostracized from both government institutions and areas of land settlement. In the dawn of multi-party era, some of those opposed to the regime were displaced from the KANU stronghold areas like the Rift Valley. The target victims were those who hailed from the communities that opposed the then head of State, President Daniel Arap Moi.

2. Ethnicity and Internal Displacement

Ethnicity exists in most countries worldwide. An ethnic group is a distinct category of people within a society who are bound together by certain cultural features that

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O. Mogire, The State and Internal Political Conflicts in Africa: Case Study of Kenya, in G. P. Okoth & B. A. ot, (Eds.) *Conflict in Contemporary Africa*, (Nairobi: Jomo Kenyatta Foundation, 2000), p. 130.

differentiate them from other groups in the same society.[8] Ethnicity therefore refers to the active sense of identification with some ethnic unit.

In Africa, ethnic differences impact enormously on political activity. From the foregoing definition, ethnicity, cultures, attitudes, prejudices and beliefs which members of distinct ethnic communities have about themselves. Ethnicity in Africa was made more emphatic during the colonial period. It is observed through colonized countries that colonialism emphasized in creating boundaries of administration along the ethnic groupings. The colonialists proceeded to distribute political and economic power discriminately among different ethnic groups.[9] The dawn of independence led to some communities dominating others. In the political arena the issue of ethnicity reflected negatively especially on those who would not be adequately represented. In Nigeria for example, the political civil wars witnessed after independence rested on the problem of ethnicity. Before independence most of the nationalist movements in the country were based on ethnic support and ideology. After independence the fierce competition for political offices was mediated by resorting to ethnicism.[10]

African States are suffering as a result of ethnic groups living in the same sovereign State but they are suspicious and mistrust each other. The ethnic groups that acceded power at independence seem to monopolize that power and maintain exclusion of others.[11] The

. Crystal, (Ed.), *The Cambridge Concise Encyclopedia.* (2nd ed.) (Cambridge: Cambridge University Press, 1984), 296.
. A. Nyong'o, *Op Cit.* p. 269.
Ibid. p. 265.
S. Mohammed, *Dynamics of the Current Ethnic Conflicts in Africa: Nature, Context and Consequence.* (Paper sented in Pan African Association of Anthropology Conference held in University of Ghana, Accra, 8th – 12th ptember, 1997), pp. 1-2.

social impact of power exclusion is marginalization and underdevelopment. Those excluded from the social process of development feel victimized and rise up to propose solutions to the problems the State has failed to address. The eventual outcome is violent internal conflicts that lead to protracted conflict and massive displacements of people. This has been reflected in the conflicts of Liberia, Sudan, Rwanda, Nigeria, Ethiopia, Burundi, Angola, Sierra Leone and Somalia.

In Nigeria for example, ethnic differences have dominated its internal turmoil since 1960s. Nigeria is a multi-ethnic population with close to 250 ethnic groups.[12] The principal groups are the Hausa-Fulani, Ibo, Yoruba, Edo, Ijaw, Efik, Urhobo, Tiv and Kanuri. These diverse and cultural groups face political instability often caused by ethnic agitations. These communities then find it difficult to consider and agree to a common solution for a national problem. Tribal affiliations especially in regard to national politics are evident among all communities. However national leadership is considered a prerogative to the three major ethnic groups: the Ibo, the Hausa-Fulani and Yorubas. These groups demonstrate open discrimination, prejudice and opposition to development ideas at national levels. It is observed that the secession declared by the State of Eastern Nigeria to become the Republic of Biafra was an intention by the Ibos to create its ethno linguistic community away from the federal government.[13] The civil war that followed caused massive displacement of the Ibos both internally and externally. The massive

igh Commission of Nigeria, *Diplomatic Times: Special Supplement on the National Day.* (New Delhi: M. Sethi lishers, 1992) p. 2.
. A. Obiozor, *The US and the Nigerian Civil War: An American Dilemma in Africa 1966-1970.* (Lagos: Nigeria itute of International Affairs, 1991), p. 81.

displacement was out of fear of massacre likely to be meted upon Ibos by the Nigerian authorities.

The Nigerian set-up shows now precarious ethnicity can be for internal stability. It also indicates the extent to which ethnic affiliations can impact on human relations at local and national levels. The internal conflict engendered from this ethnic differences lead to displacement of the people who become vulnerable to hunger, disease and death.

.3. The Resources Allocation and Internal Displacement

African politics are shrouded on who has access to certain resources, when and how.[14] The African States are characterized with politics of persistent power struggle to increase chances of one community or the other in accessing State resources. Political power enables one to control State resources and determines who can be allocated which resource and without further accountability. Accountability in Africa is absent due to low level of political institutionalization. There is lack of effective political organization and procedure to create harmony among social groups and regulate their behaviour as they engage in competition for the scarce societal resources. This failure has promoted a system of personal rule in Africa's political leadership.

The political leaders who accede to Presidency have been observed to rule beyond the constitutional or institutional provisions.[15] The African leaders use their powers to mobilize their supporters to change constitutions to suit their leadership desires. For

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H. D. Laswell, *Politics: Who Gets What, When and How.* (New York: Meridien Books, 1985), p. 5.
R. H. Jackson, & C. G. Rosberg, *Personal Rule in Black Africa.* (Berkeley: University of California, 1982), p. 14.

example, four years after independence in Uganda, Prime Minister Obote suspended the constitution, deposed President Edward Mutesa and adopted a new constitution that enabled him to be Executive President.[16] Similarly in Kenya, President Jomo Kenyatta instituted constitutional amendments that reversed the Federal independence constitution and adopted a republican status with power centred in Kenyatta's office. These reversals led to a 1969 re-writing of the constitution to incorporate them. More so, is the resent case of President Museveni of Uganda who instituted the amendment of the 1995 constitution to lift the limit of Presidential terms.

These situational contexts of personal rule, the allocation of resources in a country does not follow specific regularized principles. Instead of allocating resources based on economic criteria, merit or basic needs approach, they are allocated on grounds of subjective criteria such as regionalism, ethnic considerations, political loyalty and on the basis of idiosyncratic disposition of the ruler. Incumbent regimes have at their disposal the State resources to perpetuate themselves in power. Resource pillaging by State leaders puts at a disadvantage those who are not close to the regime. The reaction to this resource allocation to supporters, kinsmen, sycophants and political hangers-on is social mobilization of those who feel left out in the political dispensation. This can be in the action as an option to articulate their interests.

The skewed nature of resource allocation in Africa due to low political institutionalization has led to numerous political conflicts. The Rwandese political

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Mazrui, *Cultural Engineering and Nation Building in East Africa.* (Evanston: North Western University 1972), p. 176.

conflict that led to genocide between the Tutsi and Hutus in 1994 was embedded in a long history of resource and power sharing.[17] During colonial period the Tutsi enjoyed an upper hand in political power and economic supremacy. The status changed after independence during President Habyarimana's tenure. The Hutus dominated the government and enjoyed superior economic status. The 1994 Genocide was an apex of Tutsi agitation over discrimination, marginalization and economic exclusion.[18]

The genocide led to massive internal and external displacements. IDPs moved to places where they would be secure from the massacre. These places would be churches, seminaries or military camps. The IDPs to date fear going back to their homes due to the suspicion that they may be revenged upon or they will not be settled where they could carry out economically productive activities.

Kenya also presented a case of political violence in the early 1990s as a result of skewed allocation of State resources. Kenya has had three presidents to date. The first Presidency that lasted between 1963-1978 witnessed President Kenyatta allocate national resources in favour of his native kinsmen from the Central Kenya.[19] This skewed allocation of resources elicited indignation and condemnation from the political leaders who argued that only people from the President's backyard benefited from national resources to the detriment of other regions.

Prunier, *The Rwanda Crisis: History of a Genocide 1959-1994.* (Kampala: Fountain Publishers, 1995), p. 29.
Id.
Gertzec, M. Goldschidt, & D. Rothchild, (Eds.) *Government and Politics in Kenya.* (Nairobi: East Africa ishing House, 1974), p. 44.

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In the entire Kenyatta Presidency, the Kikuyu dominated in Kenya's economic supremacy and enjoyed the national resources abundantly. With the ascendancy of President Moi into power, the same approach of skewed resource was maintained. The Kalenjin community where he hails from enjoyed a greater advantage as recipients of disproportionately larger share of State resources.[20] The argument for the pillaging of national resources under President Moi was that the Kikuyu had the opportunity under Kenyatta and it was now the turn of Kalenjin. In the advent of multipartyism, the majority of Kenyans wanted a change because the political leadership of the time misused the State resources to the advantage of the few. President Moi then faced a challenge at national elections for the first time in his presidency. Sensing that he might lose in the elections, he turned to his tribe and sensitized them that they might lose their privileged position if the Presidency does not go to one of their own. The Kalenjins were made to understand that multiparty politics as a conspiracy by other tribes to rid one of their own from the Presidency. Therefore they resorted to violently evicting non-Kalenjin residents in the Rift Valley.[21] The clashes saw chasing way of Kikuyus, Luos, Kisiis and Luhyas from settlements they had occupied for a long time. Each group was told to return to their native provinces or districts.

Similar clashes erupted at the Coast Province in 1997 targeting upcountry people settled in the province.[22] Over 100,000 people were displaced as the incumbent regime strategised to ensure that the President garnered the 25% of the votes in the province as stipulated in the constitution. The Coast political agents foresaw a situation of upcountry

e *People*, People Ltd, Nairobi. September 5-11, 1997.
e *People*, People Ltd, Nairobi. September 26-October 2, 1997.
e *East African*, Nation Media Group, Nairobi, September 29-October 5, 1997, p. 3.

people voting overwhelmingly for the opposition and denying the incumbent President an opportunity to make him an automatic winner. The Coastal people on the other hand felt that they are equitable. They felt the upcountry people were using their productive environment with no benefit to the locals.

The Kenyan scenario presents an opportunity to reflect how resources become a potential for triggering internal conflicts. The internal civil strife compounded with ethnicity lead to displacements as people seek to settle in safer places. The displaced people lose their investments, valuables and their economic life is devastated. These IDPs rely on government structures to reinstate them to their former residences and to start rebuilding their lives. Meanwhile before resettling they face hardships in terms of upkeep, social lifestyle, education and political participation in decision-making.

The Presidency and Internal Displacement

The Presidency in Africa is a central factor in determining what goes on inside a State. The Presidency can determine on the stability of a country depending on approach and style of the politics. The African Presidents are the chief decision-makers in the State and they are the custodians of the law of the land. They hold excessive powers and are never accountable to the people. The African Presidency is reflected to be authoritarian and hardly democratic. The political institutions in Africa are centralized and autocratic and they have contributed heavily to internal conflicts in Africa. The Presidency perpetuates

itself in these institutions and becomes the most powerful, the most influential and the most significant in the national politics.[23]

To capture the centrality of African Presidency in national politics, the evolution and development of the institution should be understood. The African Presidency has its roots in colonialism. The colonial powers embodied centralized administrative systems that were institutionalized and they were inherited as such at independence. The French, Portuguese and the British left their colonies authoritarian systems of government that previously articulated their will on those countries. The British for example, relied on an extremely centralized and authoritarian administration with paternalistic values that were antithetical to democratic rule.[24] The colonial government acted on Africans without consulting them in the guise of maintaining law and order. African perpetuated a mentality that the superior person would always discharge orders and the juniors had to obey without questions. African leaders who took over at independence extended thee colonial tendencies of governance and resisted democracy as a system of governance.[25] The African leaders intended to enjoy the privileges, which the authoritarian colonial administration exclusively did enjoy during the colonial period.

The African Presidency has acquired visible characteristics that have created discontent in countries and led to internal protracted violent conflicts. The Presidency is constitutionally supreme over all organs of government. There is little if any separation of

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O. Wanyama, The Role of the Presidency in African Conflicts in G. P. Okoth & B. A. Ogot, (Eds.) *Op Cit.* p.

d. p. 31.

R. Maxon, 'The Colonial Roots' in W. O. Oyugi, (Ed) *Politics and Administration in East Africa.* (Nairobi: African Educational Publishers, 1994), p. 39.

powers between the Presidency, the legislature and the judiciary. These organs of the government are not independent and the President can interfere or intervene on any of them depending on what issue is at stake.[26] The Presidency in Africa hence acquires immunity to the legal process as long as he remains in office. The President cannot therefore be sued nor can his decisions or pronouncements be challenged in a court of law. This protection incursions him from any abuse, slander or disparagement. Any such offence is criminalized and any legal proceedings against him will be terminated through his directives.[27]

The continuity in office of an African President affords him enormous powers. In the post-independence Africa, most Presidents declared themselves life-Presidents. This was afforded by the one party rule in most-countries. The tenure of Presidency for life in Africa was alluded to economic and political stability.[28] In the multi-party era the African leaders only adopted minimal reforms, which enabled them to continue exercising enormous powers in governance. In Kenya for example, the President single-handedly appointed the electoral commission to conduct the 1992 multi-party elections. The same members were reappointed in 1997. This electoral commission was accused of favouring the then ruling party KANU. Therefore it can be concluded the president was ready to use his powers to continue staying in the office. Similar situation was observed in Zambia and Cameroon.

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[26] O. Ogendo, Constitutions without Constitutionalism: Reflections on an African Political Paradox, in G. I. Shivji, (Ed.) *State and Constitutionalism: An African Debate on Democracy.* (Harare: SAPES Trust, 1991), p. 14.
[27] *Ibid.*
[28] *Ibid.*

From the above views, the role of the Presidency in African conflicts is dualistic. Presidency can cause conflicts or resolve them. The Presidency becomes a source of conflict in most internal conflicts. The political role of the Presidency in African countries created a defensive State that survives on a personalized political power structure. The unlimited tenure of office of the President blocked the means for political change. This lack of desire for political change has led to most civil strife. People in most of these countries resort to use of violence in order to change regimes that have outlived their usefulness. For example, Said Barre of Somalia could only be removed from power through use of the gun and it culminated in a civil war that has lasted since 1990. In Ethiopia, Mengistu Haile Mariam has blocked all channels for political change. The country sank into violence in order to remove him from power. Similar fate caught up Liberia's Samuel Doe and Zaire's Mobutu Sese Seko. In these circumstances, the fighting, which ensured led to displacement of civilian populations. The displaced persons find themselves in unfamiliar set-ups where they contemplate of a leadership that would solve their crisis.

The Presidency in Africa is regarded as a source to all problems inflicting people in a country.[29] African Presidents have accepted such assumptions and guard their offices with jealous. Those who level criticism against the office are intimidated or incarcerated to defend the office at all costs. Human atrocities inflicted on individuals perceived to be opposed to the President have been witnessed in countries like Kenya, Ethiopia, Malawi, Uganda, Zaire, Nigeria, Sudan, Zimbabwe and Zambia. These atrocities have become the source of discontent leading to explosive civil wars.

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[29] F. O. Wanyama, *Op Cit.* p. 34.

The opportunities and privileges that come with the office of the Presidency are immense and attractive. It never occurs to any African President that he can relinquish power. Resistance to give up power has been fostered by guaranteed continuity in office by the President. At the dawn of multi-party era, the incumbent always feel should continue riding in the Presidency and therefore does not accept defeat. Electoral defeat of the incumbent and his refusal to accept election outcome has set the stage for bloody civil war. This has been exemplified in Congo-Brazzaville where General Denis Sassou Nguesso refused to quit after 1992 multi-party elections.[30] The eventual civil war sparked a massive feud in Brazzaville and large populations were displaced.

In concluding the sub-section, the role of the Presidency has emerged as a factor in engendering internal conflicts which impact negatively on the people. Civil strife where violence and counter-violence are used to stamp supremacy in a state has led to killing and displacement of the people. The departure of internal populations from their native areas of residence renders them destitute, needy, hungered and impoverished. The governments whose responsibility is to protect such lives end up in concentrating their efforts in strengthening their foothold in power to perpetuate the incumbent President. The Presidency in Africa reflects negatively when evaluating their role in contributing to the IDPs problem. The Presidency fails to put up mitigating measures to protect this vulnerable group of people.

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[30] *Ibid.* p. 35.

2.2.5. The Ecological Factors and Internal Displacement

In Africa, the ecological factors have contributed to internal displacement.[31] Ecological factors include drought, exploitation of minerals, human wildlife coexistence and flooding. These factors have dominantly led to internal displacement in countries like Kenya, Sudan, Ethiopia, DRC and Angola.

Drought is a natural phenomenon. It is as a result of scarce rainfall in a region over a long time. The drought brings along two related impacts. First lack of rain means poor agricultural outputs.[32] The sub-Saharan countries have been worst hit especially in the period 1980-1990. The 1980- 1981 drought affected Ethiopia and Kenya. The estimated deaths and threats to starvation led people to move from their former territories to occupy regions deemed as productive. This encroachment led to struggle among the pastoralist communities like the Turkana and Pokot in Kenya to eke their livelihoods from continuous movement towards low lying areas of the Rift Valley where water and pasture was scarce. This set up shows that natural catastrophes like drought are a trigger for internal displacement.

Exploitation of natural resources such as minerals has been identified as a potential factor for internal displacement when governments do not lay down adequate plans for compensating the populations residing in prospective regions.[33] The Great Lakes Region especially the DRC has suffered massive internal displacement as a result of Colton and

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[31] L. Sturman, & L. Abura, *The Ecological Sources of Conflict*. (Nairobi: The African Centre for Technology Studies, 2002), p. 35.

[32] UN, *From Growth to Sustainable Development*. (New York: UN, 1995), p. 26.

[33] IAG and Saferworld, *Exploitation of Natural Resources and Conflicts in the Great Lakes Region*. (United Kingdom: Saferworld, 2001), p. 28.

diamond exploitation in the Eastern part of the country. These minerals have been a point of conflict between the government and the natives. External interests too have contributed a fair share to the conflict. The external interests include those supporting rebels to create a State of confusion and continue extracting the minerals without observing the laid down regulations. The government is putting up a fight in the region to protect its territorial integrity. The people running away from the battle ground are either refugees in neighbouring countries or IDPs in DRC.

The natural resource exploitation in unstable environments is prone to cause internal displacements as people seek to flee for safety in areas far from the terrain prospected for minerals. In Sudan the oil exploitation in the South led to an intensified fighting around the oil rich areas.[34] In the dawn of 1998, the government of Sudan discovered that oil fields extended deep into the Nuer and Dinka regions in Bahr el Ghazal and Equatoria in the South. These groups' livelihoods rely on cattle raising. Most of the oil fields prospected by the National Petroleum Company fell in the pastureland. The government of Sudan did not find time to negotiate with Nuers and Dinkas because of their support to the former rebel movement Sudan People's Liberation Movement/Army (SPLM/A). The government resorted to using a scorched earth policy to rid these areas of the populations. They used military to displace the people in addition to frequent bombings of the villages. The South Sudan to date is harbouring over half a million displaced persons due to the exercise of oil exploitation.[35]

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[34] J. Prendergast, et al, *God, Oil and Country: Changing the Logic of War in Sudan.* (London: ICG, 2002), pp. 72-73.
[35] HRW, *Human Rights Report.* (Sudan Country Report, 2002), p. 123.

The human-wildlife conflict has also led to internal displacement in some contexts. The land policy in Kenya has demarcated some areas as national parks or game reserves.[36] The people who live adjacent to these areas have encroached some of these areas either knowingly or due to ignorance. The populations have surged in government protected areas and significantly led to human-wildlife conflict as the animals invade their farms. Human populations are fighting off the animals and killing some, leading to government concern to remove these people forcibly from these areas. The government has also identified that the encroachment of protected areas is a threat to environment. The invasion of catchment areas for cultivation has reduced the watershed areas and there is likelihood to have reduced water inflow into the rivers. This means that the government must take stern measures to restore the environment. These measures have eventually led to landlessness in parts of Rift Valley.

Flooding is another frequent phenomenon leading to IDPs. Flooding arises from heavy rainfalls or busting of river banks especially in low lying areas. In Kenya, Uganda and Ethiopia, flooding has been known to cause IDPs. In Ethiopia the Awash Valley is prone to flooding during high rain season.[37] The people residing in this area move Southwards to avoid drowning. The people move to high altitude areas, where the people are already overpopulated. The government is required to take measures to avoid the flooding but country politics have hindered any progress.

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[36] Kenya Lands Alliance, *Land Report.* (Nairobi: Kenya Lands Alliance, 2002).
[37] Y. Isberferwoki, *The Transboundary Resources and Regional Conflict.* (Addis Ababa, 2001), pp. 6-7.

In Kenya, a similar situation unfolds in Kano plains and the Nyando River. Frequently during the high season, people are displaced from the Kano plains due to flooding. River Nyando floods and bursts its banks affecting those living close to the river.[38] The displaced persons from these areas take long before re-occupying their various homes and land. The government has not taken any measures to construct structures to prevent flooding along the rivers or relocate the population to safer areas before the onset of flooding.

The environment deterioration arising from pressures on resources can cause substantial population displacements if they deny residents their livelihoods and means of subsistence. The line between natural and human-induced destruction is often difficult to draw, particularly in the case of long-term environmental degradation, since human actions can greatly exacerbate the effects of such natural disasters as drought, floods and desertification. Damaged areas must be restored before the residents can return, and when home areas are completely destroyed, alternative receiving areas need to be made ready to meet the long-term needs of the displaced.[39]

2.2.6. The Small Arms Proliferation and Internal Displacement

The exceedingly high availability of small arms and light weapons (SALW) continues to exacerbate the situation of internal displacement. Small arms are lethal weapons that can threaten and kill innocent people when placed in the wrong hands. SALW have been traded and sold to African tribes and States since the first days of European exploration

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[38] The Daily Nation, Nation Media Group, Nairobi, *The Floods Reign in Nyanza.* April 8, 1998.
[39] *http://www.reliefweb.int/ocha* - Accessed 24 August 2005.

and colonization. Today, Europe remains the primary source of modern weapons for Africa. The greatest number of small arms came to Africa in the last half century, the period of decolonization after World War II, when nascent African States served as proxy battlegrounds for the great powers.

Africa as a whole is a net importer of small arms but does have some limited domestic manufacturing. In North Africa, Egypt, Sudan, Algeria and Morocco have varying levels of regular production capacity. In sub-Saharan Africa, Guinea, Burkina Faso, Nigeria, Cameroon, Ethiopia, Uganda, Kenya, Tanzania, Zimbabwe and South Africa all produce some small arms, with South Africa being the continent's largest and most sophisticated producer. The result is an Africa awash with weapons that are fuelling and helping perpetuate civil wars and other local conflicts and thus the mass displacement of African populations.[40]

The conflicts witnessed in Sudan, Somalia, Rwanda, DRC, Angola, Liberia, Ivory Coast, Sierra Leone, Uganda, Kenya, Nigeria and Ethiopia result from the enormous presence of illegal SALW among individuals.[41] The possession of SALW in a community set up has led to frequent violence and looting of property. In Northern Uganda, the existence of Lord's Resistance Army (LRA) and its threat to the villagers has made the majority of the people in the region relocate to government established sites for safety and security.[42] The trend has captured a scenario of IDPs who are under threat from rebels who possess

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[40] J. Cilliers, *Human and State Security in Africa: A Conceptual Framework for Review.* (Pretoria: African Human Security Initiative, 2004), p. 20.
[41] K. Sabala, *African Commitments to Controlling Small Arms and Light Weapons.* (Pretoria: African Human Security Initiative, 2004), pp. ix-x.
[42] National Council of Churches of Uganda, *The Northern Uganda Conflict.* (Kampala, 2002), pp. 16-17.

SALW sufficient to combat government soldiers. The presence of SALW can thus be identified as the basic factor in forcing IDPs upsurge in Northern Uganda.

In Kenya, because of a widespread feeling of insecurity among the population and a perceived ineffectiveness of security forces, communities have resorted to arming themselves in self defense. This has created a form of 'arms race' in much of Northern Kenya. Easily available and cheap illicit arms have not only fueled conflicts, but gunrunning has also become a very lucrative business in much of North Rift. Insecurity has led to the displacement of thousands of Marakwet families from the floor of the Kerio valley onto the escarpment. Sometimes the police posted in the area are afraid of following up reported cases of banditry or rustling because the raiders have superior weapons.[43]

The trend of internal conflict in Africa can be singled to emanate from the possession of SALW among groups opposed to the government. Small arms are becoming one of the global 'big issues'.[44] The presence of SALW in Africa has prompted governments in Africa to adopt strategies to curb the proliferation of SALW.[45] The initiatives that have emerged include the Nairobi Declaration whose specific aim is to strengthen and harmonize legislation on the control of firearms.[46] In addition there is the Bamako Declaration in West Africa region and SADC Declaration on Small Arms in Southern

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[43] P. Kamungi, *The Current Situation of Internally Displaced Persons in Kenya: March 2001*. (Jesuit Refugee Service, 2001), p. 14.

[44] See published report of the Ecumenical Consultation on SALW in the Great Lakes and Horn of Africa organized by FECCLAHA in October 2000; E. Reyneke, *Small Arms and Light Weapons in Africa: Illicit Proliferation, Circulation and Trafficking*. (Pretoria: Institute of Security Studies, 2000), pp. 85-139.

[45] K. Sabala, *Op Cit*. p. 7.

[46] Nairobi Declaration on *The Problem of the Proliferation of Illicit Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa*, Nairobi, 2000.

Africa region. The governments in Africa have identified that the threat of SALW will affect both individual and State security. The problem of IDPs is linked to the violence meted on populations. This continental approach reveals that frequent insecurity among populations is caused by presence of illegal SALW on individual's hands. And frequent violence among civilians triggers movement of the people into safer areas. These areas are either camps ran by the government of NGOs. Till calm and security is reassured to these people, they remain internally displaced.

2.3. Internal Displacement in Kenya in the Period 1992-2000

In Kenya the period 1992-2000, was marked by internal crises that triggered the displacement of people from areas they have inhabited for a long period of time. The crises were political and economic in nature. The two aspects informed the outbreak of tribal clashes in the provinces of Rift Valley, Nyanza, Western and Coast.

Prior to the multi-party era, election violence[47] was restricted to fights between supporters of different candidates, as competition was for power and influence in only one party. Repression by the ruling party was directed at individuals considered to be threats to the system, hence the crackdown on academics, musicians and journalists who criticized government policies or exposed shady deals of the so-called 'politically correct.' This repression took the form of banning of books and music, detention without

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[47] *Electoral violence* refers to the use of force on the electorate by state security forces, or the eruption of armed hostilities between individuals or groups fro reasons directly related to suffrage, in P, Kamungi. *The Current Situation*, p. 5.

trial of individuals suspected of supporting the critics, torture and brutality, and the abuse of courts to quell dissent.[48]

This culture of authoritarianism and oppression/suppression led to the clamour for change, deemed possible only through multi-party politics. Given the economic and political benefits accruing to the 'big wigs' in the single-party system, resistance to calls for pluralism was rife. Politicians warned repeatedly that the re-introduction of multi-party politics would polarize the country along ethnic lines, threatened State security through anarchy and lead to ethnic violence. However, the opposition continued to get more support from Kenyans, especially because international attention on States' respect for the human rights of their citizens and the wave of democratization was sweeping across the continent.[49]

Politicians in the ruling party 'predicted' that multi-partism cannot work in multi-ethnic society, arguing that the perception by each community that it was its 'time to eat' would lead to a greedy struggle for power resulting in violence and disintegration of State. They argued that ethnicity, rather than issues and policies, would be used by the electorate to vote for opposition parties, which were formed along ethnic lines., however, increased internal and international pressure led to the repeal of Article 2(a) which had introduced the *de jure* one-party state in 1982, and saw to the return to multi-partism in December 1991.[50]

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[48] P. Kamungi, *The Current Situation*, p. 5.
[49] *Ibid.* pp. 5-6.
[50] *Ibid.*

With the return to pluralism, violence referred to as 'ethnic cleansing' or 'land clashes' erupted in many parts of the country, including multi-ethnic regions in the Rift Valley, Coast and Western provinces. Tensions that often resulted in violence were also prevalent in areas of common boarders like Gucha, Trans Mara, Migori, Tigania and Tharaka Nithi, among others. This violence caused the displacement of thousands of people and confrontations between supporters of different parties, and the indifference of the government to the violence drew international attention to the elections, which were described by monitors and observers as massively flawed.[51]

2.3.1. Internal Displacement in Rift Valley, Nyanza and Western Provinces

The Rift Valley, Nyanza and Western tribal clashes in 1992 bear two dimensions. First the political landscape at this time was shifting from one-party system to multi-party.[52] The formation of other political parties in the country was perceived by the native residents in the province as an opposition and an intention to get rid of the then incumbent President Daniel Arap Moi who hailed from Rift Valley province. As noted earlier Presidency in Africa has got specific powers to deliver certain privileges to the community he belongs. This was the situation in Kenya. The Kalenjin community had certain access to State resources as opposed to other communities. The community did not see reason why these communities were opposed to their own 'son' leading the country yet resided in the territory they consider legitimately theirs. The Kalenjin

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[51] *Ibid.* p. 6.
[52] G. P. Okoth & B. A. Ogot, (Eds.), *Op Cit.* p. 153.

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community was polarized to reflect that their interests were at stake unless they evicted the non-Kalenjins from their midst.[53]

The intention of the political figures in the region was to create chaos and intimidate voters who would vote for the opposition and snatch the Presidency from Rift Valley. Ethnicity therefore played a key role in causing internal displacement in these provinces. Those displaced were by great majority the Kikuyu, Luhya and Luo ethnic groups.

The second dimension on the tribal clashes in Kenya in 1992-2000 was the economic motive.[54] The Kenya system of economic governance had become segmented that only a group of certain community, the Kalenjin, enjoyed dominance in allocation of government resources. The issue of resources caused antagonism among Kenyans who consequently agitated for political reforms. The Kikuyu and the Luo political figures were in the forefront for these reforms. The quest to share state resources among Kenyans aroused animosity among Kalenjins who felt that Kikuyus had enjoyed during President Kenyatta's tenure. Their turn should not be suddenly interfered by Kikuyus and Luos. The incumbent political elites in Rift Valley made pronouncements whose intention was to punish those communities who opposed their 'legitimate' position to enjoy State resources.[55]

The supporters, sycophants and political hangers on took the campaign to the village level and began blundering and looting resources that belonged to non-Kalenjins. The

[53] *Ibid.*
[54] C. Gertzec, M. Goldschidt & D. Rorchild (Eds) *Op Cit.* p. 51.
[55] *The People,* People Ltd. Nairobi. September 5-11, 1997.

Kalenjin community was thus sensitized to view other communities as opposed to their welfare. The violence meted to non-Kalenjins spelt the Kalenjins' conspiracy to continue hanging on to political leadership that would guarantee access to State resources.

2.3.2. Internal Displacement in Coast Province

In the Coast province, ethnicity and economic imbalances caused a rift between Coastal people and the up-country communities consisting of the Luos, Luhyas, Kikuyus, Tharaka and Kisiis among others in the period 1992-2000. In 1997 at the climax of displacements, the government instigated the clashes as a strategy to enable the incumbent President garner the Coastal vote of 25%. This is provided for in the constitution that the winning president garners 25% of votes in at least five provinces. The presence of upcountry people in the Coast was seen as a threat to the incumbent President since they were likely to vote for the opposition. The government camouflaged its position by entering dialogue with Coastal people who raised their grievance as unfair allocation of resources to the upcountry people.[56]

Persistent calls for 'non-indigenous people to quit the Coast and return to the places where their ancestors occupied before the birth of the Kenya nation in 1963 were followed by an outbreak of violence characterized by ethnic cleansing at the Coast. In the run up to the elections in 1997, this violence claimed an estimated 100 people and displaced approximately 100,000 mostly from pro-opposition up-country population.[57] The violence was aimed at creating animosity between communities to split political

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[56] *The People. People* Ltd, Nairobi. September 26-October 2, 1997.
[57] KHRC Report, *Killing the Vote, State Sponsored Violence and Flawed Elections in Kenya,* 1997. p. 1.

inclinations, to frighten whole communities into voting for the ruling party KANU as insurance for their security. In addition, the intention was also to drive out 'politically incorrect' communities from specific electoral areas and even to kill off communities as a final solution to ensure the political survival of the ruling party and its leaders.[58] This explains the displacement of people in the province either on the run-up or immediately after the elections.

2.4. The Effects of Internal Displacement in Kenya

Across Africa, IDPs have been identified with the situation of destitution, impoverishment, hunger, diseases and emergency relief aid. The IDPs situation becomes a major problem at for instance economic front and at social level. This section will view the setbacks IDPs raise when their lives are suddenly shattered as a result of war or conflict.

At the debut of every internal conflict, the populations are normally assumptive that their social lives will remain intact. The displacement, especially in violent conflicts disrupts social life.[59] The displaced people do not have particular destination to go and settle to lead a normal life. The family members separate as most mothers and children look for safer places to settle, the men normally try to congregate and strategize how to protect their families and resources. The families end up living separately for long periods. In the African context the emotional needs of infants are attended to as they are borne on the backs of mothers, older brothers and sisters or cousins all day and are seldom left alone

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[58] *Ibid.*
[59] *Ibid.* p. 141.

for long. Instead, the displacement causes the infants do not immediately take to complete strangers. Many parents are so severely traumatized by the loss of their farms and property that they are no longer able to tend to their children.[60]

Deeply affected are the children who often constitute roughly 75% of the displaced. Many of the children witness the death of close family members and even suffer injuries themselves in some cases. Such children, as reports indicated, often displayed aggressive behaviour or suffered nightmares. The education of the children is disrupted in many cases and even permanently for some. Where make-shift schools at camps were put up by parents and volunteers, local government authorities were known to close down the schools thus depriving such children of nay formal education.[61]

In Maela camp, a study of the displaced women found that women had suffered rape and other forms of sexual assault during the displacement. The report also found that gender inequalities were exacerbated after displacement.[62] Displaced women were also victims of wife-beating, sexually transmitted diseases, poverty, manipulation, hunger, fear, anger, anxiety, trauma, despondency, dehumanization, heavy workload and physical fatigue. The report showed that women shouldered a bigger burden. They often risked returning to farm on their land because the men feared death if they returned. Women also ate less in order to feed their husbands and children first. They often suffered miscarriages or

[60] J. A. Kaiser, *If I Die*. (Nairobi: Cana Publishing, 2003), p. 43.
[61] HRW/Africa, *Divide and Rule*. (New York: HRW, 1997). pp. 80-83.
[62] N. Gathirwa, Report on *The Psycho-Social Needs of the Displaced Women in Maela and Thessallia Camps*. Field Visit by the FIDA Team from 25-30 July, 1994. (August, 1994).

complications in childbirth due to lack of adequate diet and harsh living conditions.[63] There are the various problems in addition to lack of social security, drug trafficking and diseases taking their heavy toll, that are linked to this sedentary form of life, with each having a dependent variable on peace and stability. This has generally contributed to degradation of family life. A family, a social institution of great importance, becomes endangered in its integrity and durability.

On the forefront is the disruption of economic activities of the population.[64] When there is tension and conflictual issues in a community, people stop carrying out their normal productive activities. They get worried of their safety in conducting business. There is normally associated risk when investing in business when conflict intensifies. There is a tendency to have vandalism of products and the loss is a source of discouragement in business investment. Parties to conflict have tendencies to destroy and loot. On the other hand, the internal conflicts consume energy which otherwise could be put to productive purposes. Besides, people have no feeling of security in owning property or businesses outside their own ethnic areas. This situation has a negative impact on economic growth of the country. The tribal clashes witness in Kenya in the dawn of 1992 in Rift Valley, for example, disrupted business in the market and urban centers. There was destruction of property of the opponents and parties to the conflict targeted communities in their midst for vandalism and looting. It is noted that in parts of Molo and its environs, business

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[63] HRW/Women's Rights Project, *The Human Rights Global Report on Women's Human Rights*. (New York: HRW, August, 1995), pp. 100-140.
[64] APFO, et al, *Conflict Sensitive Approaches to Humanitarian Assistance and Development*. (Saferworld, UK 2002), p. 16.

premises were not operational and many of them were massacred because of tribal affiliations.[65]

At another level the internal displacements of people led to aground any household economic activities. The displaced persons can no longer live to carry out any household farming. The internal displacement takes them far away from their homesteads due to insecurity. The insecurity or threats of it does not allow people to engage in activities to produce for their families. The tribal clashes in Kenya pushed most families to the extremes of poverty. The families whose livelihood lay on agriculture would not support them as the land to be cultivated was destroyed and the opponent groups reclaimed some of the pieces of land. The ethnic clashes in Rift Valley escalated as the Kalenjins threatened non-natives of dire consequences if they did not leave their farms.[66] Those who hesitated were massacred to teach others a lesson. The Kalenjin invaded these farms, looted them and those who survived the invasion feared going back to carry on their former economic engagements. Till security would be reinstated there were no grand agricultural economic activities going on in the people's farms.

The other aspect of economic disengagements in the areas engulfed with tribal clashes was transport sector. The areas where massive displacements occurred became inaccessible due to fear by transporters that their vehicles would be vandalized. In parts of Rift Valley, vehicles were targets of violence. The opponent groups argued that the

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[65] *The Daily Nation*, Nation Media Group, Nairobi. November 12, 1992.
[66] G. P. Okoth & B. A. Ogot, (Eds.), *Op Cit*. p. 134.

vehicles were used to transport the youths who meted violence on non-Kalenjins.[67] To forestall the escalated violence, the transport network to conflict areas was grounded. The sector also suffered a blow because no commuters would risk crossing areas of violence. Those who had tried to commute had their vehicles blocked from passing, vandalized or burnt. The investors in the sector would not prefer further losses and pulled out till peace would be reinstated.

The tourism sector was another casualty in the period of ethnic violence and displacement. The tourism sector is top of Kenya's foreign exchange earners. In the period when ethnic violence erupted in the Coast province, there was a decline in number of tourist arrivals and the tourism services in the Coast reduced considerably.[68] The reduction of tourists arriving from abroad was a benchmark of what damage internal conflicts can do to the national economy. The national economy lost foreign exchange and aggravated the country's balance of payments.

The productivity of IDPs was jeopardized in the advent of 1992 and 1997 tribal clashes. The employees in both private and public sector would not offer services once displacement and ethnic animosity escalated. The employees' working stations were no go zones for a long duration after the conflict and violence erupted.[69] These employees would not deliver services and therefore their manpower remained underutilized for the productivity of the country. The country lost in terms of real income from services that would have been generated by the segment of this population.

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[67] *The People,* People Ltd, Nairobi. November 12-19, 1991.
[68] *The East African,* Nation Media Group, Nairobi. September 8-15, 1997.
[69] *The People,* People Ltd, Nairobi. September 22-29, 1997.

Socially, IDPs problem present a situation where the government services will be inadequate for all the people. The IDPs when camping at central place as a result of congestion and abrupt relocation without planning, the social services like health and education cannot be sustainably provided. The government has distributed these services across areas of settlement to cater for population segments per a unit area. Sudden upsurge of grouped population demand unrealistically high level of resource mobilization to provide for their health, food sanitation, water, housing and education.[70] The situation is indeed a crisis that demands emergency humanitarian assistance. The eruption of epidemics is rampant and if the crisis is unattended to, massive deaths are witnessed.

The consequences of displacement on the social aspect also raise gender issues, with the experience of being displaced tending to affect men and women in different ways. Displacement tends to alter the structure of families and households and to change gender roles. Adult and adolescent males often become separated from the family as they stay behind to maintain land or migrate in search of work. In conflict situations, they likely serve, or are suspected as serving, as combatants and as a result are susceptible to go missing, be killed or become disabled in combat. In cases where families are able to remain together, the experience of displacement nonetheless places severe strains on the family unit to the extent that divorces have been found to be common in IDPs settings. For all of these reasons, in situations of displacement the number of female-headed households increases significantly. This not only places a very heavy burden on women

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[70] APFO, et al. *Op Cit.* p. 44.

as they become the sole supporters of their families, but in most situations of displacement limited economic opportunities and discriminatory practices mean that it is a responsibility that proves difficult for displaced women to fully discharge.[71]

2.5. Conclusion

This chapter has managed to lay a foundation and an analysis on the factors that contribute to the internal displacement problem in Africa. The factors that have been dwelt upon demonstrate how different issues amalgamate in Africa politics to produce conflicts whose complexity is difficult to unravel. The conflicts have led to government instability and decadence of some States. Protracted conflicts in Africa States emanate from lack of cruel regimes that perpetuate ethnicity, political and economic marginalization, State terrorism and autocracy.

Measures required to mitigate the factors that lead to internal civil strife are political reforms. The political reforms are based in enabling the people to choose elected leaders. The effort to institute democratic reforms in African States has encountered pitfalls. The institution of the Presidency stands tall as a setback in realizing quick political reforms. The Presidency is shrouded with immense powers that it can determine the nature of reforms and the pace at which they can be implemented. The States in Africa remain at mercy of the incumbent in political reforms.

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[71] E. Mooney, *Internal Displacement and Gender.* A Presentation to Humanitarian Principles Workshop, 1 October 1998. Available at <http://www.reliefweb.int/library/documents/Internal_Displcmt_Gender.htm> Accessed 14 July 2005.

Colonial legacies are to blame for some of the political conflicts Africa is facing to date. The colonial regalia in governance and politics were not changed at independence. The new crop of African leaders identified the privileges that come along with the office of the Presidency. They continue to safeguard it with jealousy and any attempt to challenge their status is restricted strongly. The discontent among the people leads to civil wars. The populations face hard times during the war as they get displaced and government intervention is never forthcoming or are never adequate. The governments in Africa are least concerned about the status of IDPs due to lack of international obligation and due to lack of democratic accountability to the people.

Majority of Africa's IDPs are left to fend for themselves, as no legal redress is available from the government. Given the nature of African governments, they act only for political expediency. African governments do not seek to address the IDPs problem if they are enjoying the high political offices. Advocacy from the civil society or the opposition parties creates a rift that the government interprets that they are sympathizers of their opponents. The government continues to neglect them thorough their incumbency.

Resolving IDPs problem in Africa rests on the political will of the leaders. The leaders are required to identify the gaps that institutions have left and cover them through legislative measures. The governments will gradually get a durable solution if there is transparency, democracy and accountability in all government actions. In the case of Kenya, there is need for all stakeholders to be on the lookout for past trends and patterns

which have led to political violence and forcible population displacement with a view to putting in place measures to prevent a repeat of what was witnessed in 1991 and 1997.

The conclusion to draw from the assessed internal displacement and their effects is that internal displacement imposes a difficult working environment for both public and private sectors in service delivery and provision. More so, internal displacement is a factor that can negatively impact on socio-economic aspects of a country. The government of the day should seek to address the security situation of IDPs and mitigate in cases of tribal animosity to prevent violence, deaths and destruction of property. The government should make use of conflict early warning mechanisms to have timely humanitarian assistance during internal conflicts. Internal conflicts are a disincentive to foreign and local investments. These variables if absent in an economy then there will be massive poverty that may engender further conflict as people scramble for scarce resources. The authorities should also endeavour to involve those affected, particularly women, in the planning and management of their relocation. The government should provide for full and equal participation of women and girls in educational and training programmes and for equal opportunity in employment and other economic activities. In the area of health, special attention should be given to women's needs for reproductive and psychological health care.

CHAPTER 3

3.0. THE CIVIL SOCIETY AND HUMANITARIAN ASSISTANCE TO INTERNALLY DISPLACED PERSONS IN AFRICA

3.1. Introduction

For some years now the term civil society has become part of the common parlance in significance political, development and humanitarian assistance debate across the globe, whatever the issue in question. This chapter focuses on the term civil society in relation to the State and it shall seek to understand and assess the relationship between civil society and the State and their systems of interaction. Civil society espouses certain values such as good governance, accountability and transparency. It therefore influences public opinion although it is located outside the government and political parties. The chapter further adopts the view of EU that the civil society is part of that broad category of non-State actors which include the private sector, economic and social partners including trade union organizations and civil society in all its forms.[1] That according to the UNDP, CSOs embrace a broad range of activities outside the market and the State and that these CSOs influence and are influenced by both those entities.

These CSOs include but are not limited to groups such as: NGOs, people's organizations, trade unions, cooperatives, customer and human rights women's groups, academic/research groups, media, faith based organizations and community based coalitions. These CSOs express the interests and aspirations of people; united by common

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[1] Article 11, *The Cotonou Agreement.* 2000.

goals, needs, values and traditions which can be mobilized. In this case, civil society has been viewed as a source of experience, expertise and information.[2]

This chapter has been developed to reflect the role of civil society in provision of humanitarian assistance to IDPs as a result of failure of the State to protect the people from want. States in Africa in the post-cold war period have experienced internal conflicts. Countries like Somalia have decayed and no government structures exist to help people ravaged from war. Sudan, Uganda, DRC, Liberia, Sierra Leone and Angola have witnessed prolonged wars that have caused massive deaths and internal displacements. Conflict situations have therefore rendered people homeless without means of livelihood. Conflicts that arise among communities due to resources are perennial. Governments are required to intervene in these situations but have rarely done so. The civil society therefore has a role to play for a peaceful society especially in provision of humanitarian assistance to the victims of internal displacements.

This chapter therefore seeks to identify the entry points of the civil society in providing humanitarian assistance to IDPs in Africa, with a special focus on Kenya, revealing the nature, scope and impact of the civil society's engagement; review challenges encountered by the civil society during their engagement; determine the conditions favorable for effective participation of the civil society and conclude by a critical evaluation and conclusion.

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[2] UNDP, *Civil Society*. Available at www.un.org. October 23, 2002.

3.2. The Civil Society and Humanitarian Assistance to Internally Displaced Persons in Africa

In Africa, the transition from single party to multi-party systems in many countries has resulted in new and often fragile forms of governance that have not taken root among their citizens. Where there have been many victims of ethnic violence and social upheaval, CSOs have played a crucial role in protecting and advocating for the rights of victims, promoting rehabilitation and reconciliation. Therefore in African context civil society is identified functionally or through association.[3] In this perspective civil society can be functionally identified with the participation in socio-economic and political process through standard or rule setting. Civil society can also exercise restraint on either excesses of the State or the society. Thus the civil society exacts a moderating influence on the society. At this level the civil society is a mediator between the people and their government and vice versa. Issues that the people are unable to present to their government can be accomplished by the civil society. Meanwhile the government may not be able to influence the people in given matters but the civil society can be able to lobby people into accepting an idea.

The repressive laws that were embraced by Africa leaders after independence led to little space for development of the civil society.[4] Little room was left by government leaders for free expression especially in criticizing the government. The result of these repressions was plunder of public resources and diminished political freedom. Countries

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[3] M. G. Sorbo, & P. Vale, (Eds.) *Out of Conflict: From War to Peace in Africa.* (Uppsala: Nordiska Afrikainstitutet, 1997), p. 147.

[4] F. M'boge, & S. G. Doe, *African Commitments to Civil Society Engagement.* (Pretoria: African Human Security Initiative, 2004), p. x.

like Central African Republic, DRC, Nigeria and Sierra Leone had enormous mineral deposits whose value would be translated into developed infrastructure and economic growth. On the contrary these countries did not register expected economic growth. Poverty heightened and it took a long time before overthrowing dictators to restore civil rule.

When the trend in Africa was repressive, the institutions of democracy, that is the executive, the legislature and the judiciary, served only the class interests.[5] The institutions of democracy did not ground themselves in society. The State assumed the mission of democratic social transformation while non-democratic methods were involved to deal with the people. The struggle for freedom was never realized as envisaged at independence. The State expressed intolerance through use of excess force to persecute the civil society. Those who spoke against excesses or injustice in the government were arrested or murdered. However, this situation seems to have changed as recently, the civil society in Africa has been witnessed to be conspicuous against major political process.[6]

The civil society has often been categorized as weak, strong or non-existent according to the levels of activity by non-State actors in the political arena, on development issues and in advocacy. There are those who argue that civil society is too amorphous a term to be relevant in any analysis or process. The proponents of such thinking see no conceivable

[5] A. M. Babu, *The Struggle for Post-Uhuru Africa*. (African Association of Political Science 1-7, 1992).
[6] J. F. Bayart, *Civil Society in Africa*. (Oxford: Oxford University Press, 1995), p. 27.

way in which a useful role can be assigned to civil society in times of crises.[7] The only other single institution in civil society that has tried to champion the cause of freedom and justice in Africa is the church. However, instances have also occurred where the top clergy identify with the State.[8] The instances of State identifying with the clergy were witnessed in the Rwanda genocide. The Catholic Church was identified as abetting genocide in collaboration with government top officials. The incident is regrettable as the Catholic Church is known to espouse human values. In other instances the Catholic Church continues to embrace the values of humanity. The situations of crises have witnessed the Catholic Church involvement in the positive way by providing shelter, food and clothing. There is involvement in cases of sickness by providing medication and proper sanitation. This has been the case in Northern Uganda, Angola and DRC.

The organized civil society serves as a check against the excesses of government, human rights violations, abuse of the rule of law and the monitoring of the application of constitutional provision.[9] In IDPs situations, the governments are likely to be high handed in dealing with the helpless especially if they are not adequately represented in the government. The civil society will provide a forum for the IDPs to express their problems. The civil society shall also engage the government to see the need to intervene in the IDPs problem. The country's government will be motivated to curb the insecurity as a result of IDPs when adequately sensitized.

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[7] Conference on *Civil Society and EU on preventing conflict*, Brussels, October, 2001.
[8] N. P. Anyang', *The One Party State and its Apologies*, (African Association of Political Science 9-24, 1992).
[9] F. M'boge, & S. G. Doe, *Op Cit*. p. 3-5.

The civil society also increases the chances of participation and the use of skills of all the various segments of society and instills a sense of tolerance, thrift, hard work, moderation and compromise among the various competing parties in the society.[10] This means that the presence of CSOs in any society provides an enabling environment for political dialogue and the accommodation of diversity. When the situation of IDPs is grave and threatens State security, the government is able to find, viable solution when consultation cuts across the various stakeholders. The civil society is therefore keen in facilitating the consultations and moderating the outcome. Participation of the civil society gives room for both the government and the IDPs to strike a way forward. The civil society is able to assume this responsibility since it is neutral and the people can trust it as well as the government.

For example, in Nigeria, frequent coups led to bloody conflicts in the country. The coups and internal fighting led to internal displacements among rival communities. The Zikist Movement and the Nigerian Women's Societies,[11] fought to establish a sense of responsibility among the military leaders. However there was discrimination from the government on what issue to cooperate. The government was responsive to those who promoted its ideals while those opposed to it were banned. Civil society in Nigeria is more vibrant and can engage the government on diverse issues including those displaced from oil rich areas.

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[10] S. Matlosa, *How Civil Society Responds to Peer Review in Africa: The Electronic Journal of Governance and Innovation.* Vol. 1, Johannesburg, October 2003, p. 13.
[11] M. H. Kukah, *Democracy and Civil Society in Nigeria.* (Lagos: Spectrum Book, 2003), p. 132.

From this overview the role of the civil society in humanitarian assistance to IDPs is manifold. The civil society can be identified to intervene in offering humanitarian assistance to IDPs through specific activities on the ground. The strength of the civil society to intervene will depend on rights and thus promote a just society. The relationship between the civil society and the State depend on social, political and economic factors that affect the citizens. The role of the civil society will also depend on the openness of the society and the degree of awareness of the people on their society to be involved.

3.2.1. The Civil Society and Humanitarian Assistance to Internally Displaced Persons in Kenya

The civil society in Kenya is witnessed to have become conspicuous against major political process,[12] just like in other parts of Africa. For example, the advent of multipartism in early 1990s was spearheaded by the civil society. The political figures of the day opposed to the government rallied behind the civil society to mobilize people into mass action. Gradually the Kenya government conceded to pressure and repealed the section 2(a) of the constitution to allow multiparty politics.

The civil societies in Kenya have developed a wealth of experience, probably more so than the UN, in dealing with displaced populations. The local NGOs are often closer to the ground and have better links and a more thorough grasp of the situation. Local groups also remain longer than international programs, and therefore strengthening national institutions and grassroots efforts can in turn strengthen the ability of this civil society

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[12] J. F. Bayart, *Op Cit.* p. 27.

sector successfully to demand government accountability.[13] In Kenya, there are over 1,000 registered NGOs. Those with mandates touching on aspects of internal displacement offer humanitarian assistance at the level of clothes, medicine, food and other basic needs. They however, do not seek or implement more durable solutions like resettlement. Relief assistance to the displaced has been provided by the church groups, with ad hoc support from NGOs like Action Aid, World Vision, Oxfam and ICRC.

Depending on the situation on the ground shortly after displacement, the civil society's humanitarian assistance involved for instance, short-term relief which included emergency provision of food, medicine, blankets and polythene sheets for those who had moved into camps, church compounds and abandoned buildings. Those willing to return were given building materials to reconstruct their homes, food stuffs, some planting seeds, farm implements and fertilizers. Also the assistance involved resettlement. The church hired farms for temporary shelter or bought two-and a half acre plots for the most needy families at Liavo, Elementaita and south Molo. When the government resettled 200 families at Moi Ndabi in 1994, the rest were assumed to have returned. Some have been assisted to resettle by the Catholic Church and National Council of Churches in Kenya (NCCK), but have become destitute in nearby market centres or drifted to other parts of the country.

When the State failed to take its responsibility of providing humanitarian assistance, as well as providing security and enhancing justice to its citizens, this for instance led to

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[13] HRW, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya* (New York: HRW, 1997), p. 52.

some of the displaced persons who were in camps such as Maela camp to be dispersed and the camp closed down. It was left to the NGOs and Churches, especially the Catholic Church to shoulder responsibility for the internally displaced that landed yet again at their doorsteps.[14]

From this overview, the CSOs in Kenya have taken a leading role in providing humanitarian assistance to IDPs due to their neutral role in social intervention. The CSOs in Kenya have identified poverty as most ingrained among IDPs. To reduce their suffering, the CSOs mobilize funds, personnel and logistics to reach the poor and marginalized in IDP areas.[15] The strategies used by the CSOs in implementing their programmes are through advocacy, lobbying and sensitization. In addition the Kenya government has identified some programmes where the CSOs are encouraged to participate and the State provides funds to run these programmes. These programmes include those of HIV/AIDS, constituency development programmes for the youth, women and civic education.

3.3. Challenges Encountered by the Civil Society in Humanitarian Assistance to Internally Displaced Persons

While KHRC has been at the forefront in fighting for the rights of displaced people, most NGOs have not been aggressive in directly addressing this problem. This is partly because they do not have the resources to engage in such a huge and expensive project,

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[14] UNDP/HRW, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya*, (USA: HRW, 1997), p. 11.
[15] A. Fowler, *Political Dimensions of NGO Expansion in Eastern and Southern Africa and the Role of International Aid*, (Pretoria: Institute of Security Studies, 1998), p. 33.

and also because they do not want to get involved in politically sensitive issues, fearing that active criticism could compromise their neutrality and provoke restrictions on their activities.[16]

The civil society-State relations in Africa have become increasingly tense with the State viewing civil society suspiciously for it constitutes a network of resourceful organizations that are growing more autonomously from the State and, even more important, for the reason that civil society has the potential of altering State-society relations in the grassroots communities they work in.[17] in a word, civil society is increasingly being viewed by the African State as an alternative power centre. On the same view, the UNDP reported that the government steadily undermined reintegration through obstruction of efforts on some fronts and inaction on others. For example while progress was made in alleviating the emergency food and material assistance needs, and some reintegration occurred, climate of mistrust and insecurity persisted in many parts of the Rift Valley. There was lack of political will to restore security, to redress past and continuing injustices against the displaced and to find lasting solutions with regard to land reform.[18]

The civil society in Africa has faced constraints in endeavour to protect interests of IDPs.[19] For Example in Sudan there is hardly any significant activity going on among the Southern Sudanese internally displaced. The government has always opposed the

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[16] P. Kamungi, *The Current Situation of Internally Displaced Persons in Kenya: March 2001* (Jesuit Refugee Service, 2001) p. 27.
[17] S. N. Ndegwa, *NGOs as Pluralizing Agents in Civil Society in Kenya.* IDS WP No. 491. (Nairobi: University of Nairobi, 1993)
[18] UNDP/HRW, *Failing the Internally Displaced, Op Cit.* p. 7.
[19] S. Bilello, *"Mexico: The Rise of the Civil Society,"* in *Current History,* February, 1996, pp. 82-87.

formation of such social organizations. These organizations are perceived as agents of social change which the authoritarian regime detests. This clearly reveals that governments have sought to manage civil society either through cooption, regulations or outright denial of participation. While on the one hand, the excesses or the failures of the State have led to a revival of CSOs, there has also been a determined penetration of these CSOs by the State. The latter has been for purposes of limiting or controlling the activities of CSOs and their perceived unfavourable impact on the State. This process or sequence of events has ultimately resulted in neutralising civil society as that countervailing force. Where the State has attempted and failed to neutralize CSOs, there has emerged a conflict or tension between the two in which the State has used its immense powers to weaken or banish the activities of these organizations.[20] The relationship between States, civil society and other external actors still retains some teething complexities.

Professionalism in civil society organizations remains a major challenge. The hue and cry over 'briefcase NGOs' reveals in one sense the mercenary attitude and some CSOs. More so, most NGOs are a one-man or woman or family shops. This has constrained the capacity to be effective and has also created a certain degree of mistrust towards many organizations affecting even those that are genuine.[21] That means that in some instances of humanitarian assistance, CSOs must first surmount that mistrust before engaging in the substance of provision of humanitarian assistance to IDPs especially.

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[20] J. A. Odera, *The Role of the Civil Society in Managing Conflicts in Eastern Africa.* Paper presented at the Conference on Managing Conflicts in Eastern Africa, (Entebbe: Uganda, 16-18 December, 2002), pp. 11-12.
[21] *Ibid.* p. 35.

This observation shows that certain conditions weaken or destroy the significance of the civil society. This can be through laws or methods which curtail or prohibit its association, functioning or even existence. In the Sudanese conflict, civil society has been silenced or displaced and functions more as an opposition. The focus of the South Sudanese civil society in humanitarian assistance to IDPs is to lobby internationally for political and social reforms and formulating proposals for the same cause.[22] At local level the Church, the women's groups and relief agencies are engaged in taking care of the IDPs welfare. Relief agencies in partnership with local groups are actively involved in establishing village homes with schools, medical facilities and food supplies.

Clearly, actors within civil society tread a difficult path. They must have the courage, the commitment and the understanding that their efforts in humanitarian assistance to IDPs will be applauded only sometimes, occasionally be challenged by means not available to them, will often be long drawn out and may not always achieve the intended results.

3.4. Conditions for Effective Humanitarian Assistance to Internally Displaced Persons by the Civil Society

Civil society can only engage in issues where the State is the main actor if there are three major conditions for peace.[23] These are overwhelming powers, suprasectional loyalties and expectation of justice. The condition of overwhelming powers can be fulfilled when individuals are not inclined to war and in the event they are likely, there is the State that makes it impossible. The second condition of suprasectional loyalties is fulfilled when

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[22] World Vision, *South Sudan Civil Society Engagement*, May-June 2000.
[23] H. Morgenthau, *Politics among Nations: The Struggle for Power and Peace.* (New York: Alfred A. Knopf Inc., 1985), p. 124.

loyalty to society as a whole supersedes that to any part of it. The last condition of expectation of justice can be fulfilled if the society meets individual expectations of both economic and social justice.

These conditions are not sufficient on their own. They should be accompanied by rationality in social and economic advancement.[24] This means civil society can intervene in social set up to maintain peace if there is a mitigating factor of advancing social welfare. However neither the State nor the society is able to maintain these social expectations of peace on its own. There should be complementary to each other for effective management of social peace.

For the civil society to play its role in assisting the IDPs adequately and prominently, they should develop tools for dealing with both the State and the society. Prominently the civil society should have dialogue between and among the various strata of society and agents of the State.[25] Most countries in Africa do not have adequate legislative measures for registering and licensing NGOs. This measure can be used to restrict civil society involvement in humanitarian assistance to IDPs. With dialogue with State agents, this measure can be overcome as registration and licensing will be honoured. The government would learn to trust groups who talk about their involvement in the affairs of the State before launching their operations. The case of provision of humanitarian assistance to IDPs in Northern Uganda is more enhanced as the government is involved in protecting

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[24] *Ibid.*

[25] IAG, *Enhancing Conflict Prevention and Civil Society Engagement in the Horn of Africa.* Seminar Report, October 2002, p. 5.

the sites where NGOs have established homes and other social infrastructure for the benefit of IDPs in the North.

Civil society engagement in Africa falls on the development and promotion of the welfare of the people. The expectations of IDPs vary from one situation to another. In this set up, the civil society should have an understanding of societal or group needs in order to disseminate adequate services.[26] IDPs in Kenya for example arose from the tribal clashes. The clashes were politically instigated and the supporters of the government wanted to retain power by causing chaos and confusion during elections. Those who were displaced from their lands would not reclaim it without fearing for their lives. The civil society through the National Council of Churches of Kenya (NCCK) came up with a strategy to help people return to their pieces of land in the Rift Valley. There was a civic exercise to educate the communities in the Rift Valley to accept their neighbours irrespective of their affiliations. The NCCK further sought government intervention to reinstate land property that was illegally taken from their owners.

From this set up the IDPs in Kenya would only require reinstatement of their lost land as opposed to IDPs in Uganda who require food, shelter, medication and security. All these specific organization identifies what are the expectations of the IDPs. If the condition is not fulfilled then there is dissatisfaction of the State or the civil society.

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[26] Kenya Land Alliance, *Newsletter*, Nairobi, July, 2000.

Communication between the civil society and its constituency of IDPs is paramount if a specific objective is to be attained.[27] There are possibilities in Africa that communication barriers hinder effective civil society involvement. There is a high level of illiteracy in sub-Sahara Africa. Illiteracy among IDPs creates a barrier in determining what their condition entails and how to overcome it. IDPs can be made to understand their situation if they have adequate education. IDPs in a country like Zimbabwe will not understand the economics of the administration when their neighbours, who are white settlers, own large tracts of land while they starve and remain landless in their own country. The civil society can only come into activity to enable the IDPs understand the historic or colonial legacies and influence the government to change the land tenure laws to enable the landless people acquire some livelihood from owning some land.

The civil society could join efforts with other stakeholders in provision of humanitarian assistance to IDPs. In such joint task forces a working committee similar to Peacenet[28] could be formed to for instance: lobby the government to release to the public the findings of the Judiciary Commission of Inquiry into Tribal Clashes (Akiwumi report); lobby the government to address impunity by prosecuting the perpetrators of the clashes and compensating the victims, in relation to the Guiding Principles on Internal Displacement; explore the capacity of the civil society in 'unifying' hands, to expose corruption; identify peace-building gaps in addressing land dispute and ethnic

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[27] L. Nathan, "Towards a Conference on Security, Development and Cooperation in Africa," in *Africa Insight*, pp. 212-217.

[28] Peacenet was formed as a network of the Kenya NGO council shortly after 1992 as an umbrella body of agencies interested in peace. It has assisted displaced people identify organizations whose mandates cover their individual needs such as land disputes. The taskforce suggested would deal less with individual problems of IDPs and more with challenging the government on its responsibility for the security of its citizens (particularly IDPs), adherence to the Guiding Principles on Internal Displacement and human rights instruments it is signatory to.

reconciliation issues; and explore ways of detribalizing party politics by lobbying all political players to develop and institute a deliberate process of making policies aimed at healing affected communities and eroding xenophobic attitudes. Such efforts of joint tasks must be strengthened and reinforced as well as listened to by especially the State, so as to bring change from within their societies. The situation of IDPs is best addressed when national authorities understand and accept their responsibility to protect and assist those under their jurisdiction and, if need be, to seek the assistance of the international community in discharging their responsibility.[29]

More so it is in such joint efforts that the civil society will avoid competing over funding, geographic turf and programmatic niches, which is a sign of a lack of coordination between CSOs, and allowing emergency assistance to be deviated by warring factions, thus enabling militias to rearm, regroup and reinforce themselves, while supported by humanitarian assistance. This case has been evident in Rwanda,[30] where in just four weeks during August-September 1994, 180 humanitarian and relief NGOs flooded into Rwanda. Over the next two years, 250 NGOs were operating in Goma (DRC). These two cases form perhaps the most celebrated example of the NGO circus and are frequently cited to demonstrate the need for coordination, collaboration and strategic alliances.

From the foregoing observations, the issue of humanitarian assistance to IDPs by the civil society rests on how, where and when the situation provides and demands it. The civil

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[29] F. M. Deng, Report of the Representative of the Secretary-General on *Internally Displaced Persons.* (UN, 4 March 2004) Available at <https://www.brookings.edu/fp/projects/idp/CHR2004Annual.pdf>- Accessed 19 August 2005.
[30] http://www.mountaingorillas.org/pdf/conflictpaper.pdf. Accessed 19 August 2005.

society in Africa is reflected as being active in the provision of IDPs and the situation can be enhanced if the governments in Africa collaborate a legislative measure to allow for licensing and registration of NGOs.

3.5.   Critical Evaluation and Conclusion

The civil society has found entry in the provision of humanitarian assistance to IDPs in the process of promoting democratization.[31] In the sub-Sahara Africa economic retrogression has arisen from unstable political environment. The region has presented a situation that international institutions cannot rectify due to lack of operational structures in the ground. The civil society has been identified by the international institutions like UNDP, World Bank and African Union (AU), as agents for economic, social and political transformation. For example in Somalia, the country has not had a functional government in the past fifteen years. The situation has led to inter-clan wars and displacements of Somali citizens. The civil society is the only recognized organized system to distribute relief and mobilize projects for socio-economic development.

All internal conflicts in Africa have led to internal displacements of persons. The civil society has been expected to play a role in meeting the expectations of these IDPs regarding their humanitarian needs. However without clear objectives which respond to needs of IDPs, the civil society is unlikely to meet its mandate adequately. The central characteristics of functioning civil society should remain to be maintenance of a just and peaceful society.

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[31] UNDP, *Human Development Report*, 2002, p. 55.

The civil society as a result of the local network that includes the rural areas has a locus standing to argue on behalf of IDPs before relevant authorities over their rights.[32] The civil society therefore has a duty to expose and seek response to the suffering of the civilians. Civil society can therefore keep vigilance and draw attention to impending issues of conflict that has engendered IDPs. It can further propose means to alleviate the problems facing IDPs.

Civil society can find its competitive edge in humanitarian assistance to IDPs through establishing an international network.[33] With international backing the civil society can get necessary support both financially and materially to run the projects on the ground. The civil society institutions enjoy trust from the international community and can correctly receive funding for the purpose of addressing the needs and expectations on IDPs. Humanitarian assistance of IDPs by the civil society thus, can be more enhanced through building of partnerships at regional, sub-regional and international levels.[34] IDPs require resources to adequately serve their needs. The regional and sub-regional partnerships will enable mobilization of resources in a shorter notice when there is an emergency. International partnership will help sustain long-term projects for the IDPs. This can be in the form of infrastructure and funding for resettlement and reintegration. On resettlement, IDPs require facilities and provisions fro housing, schools, health centres, small or medium enterprises and general reconstruction. Civil societies could do much for the IDPs; they could for instance use the UN Guiding Principles on Internal

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[32] *Ibid*, p. 156.
[33] M. G. Sorbo, & P. Vale, (Eds.) *Op Cit*, p. 137.
[34] *Ibid*, p. 157.

Displacement as an advocacy tool with the government on behalf of IDPs, they have been discouraged by the political sensitivity of the issue.[35]

The civil society should also endeavour to address conflictual situations that lead to existence of IDPs.[36] This is a great challenge especially in protracted conflicts where intervention is not yielding desirable results. The conflicts in the Great Lakes region, Burundi, Rwanda and DRC show trend of continued volatility despite efforts to mange them. There is a situation of tension and IDPs fear going back to their homes and resettle. The civil society should associate with institutions for good governance and review laws that promote discrimination and exclusion. These are the country specific and their constitutions should be studied to identify these anomalies and pave way for participation of all social groups in providing for humanitarian needs of the IDPs.

In the long run, the civil society is in a continuous task to tackle the problem of IDPs from local, national and international perspectives. The role of civil society in offering humanitarian assistance to IDPs is tied with raising their operational budgets and meet the expectations of IDPs. New opportunities continue to present themselves and should be identified by civil society organization in the African context. The Cotonou agreement for example provides an adequate framework for civil society engagement.[37] This framework however has restrictions on how to be engaged for consultation. NEPAD is also a new platform for civil society engagement. AU, IGAD, SADC an ECOWAS also

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[35] *Ibid*, p. 27.
[36] *Ibid*, p. 157.
[37] ACP-EU *Cotunou Agreement*, 2000.

provide opportunities for coordinating civil society engagements in provision of humanitarian assistance to IDPs.

As concluding remarks, four observations are made. First and foremost, there is unanimity that civil society plays a major part in humanitarian assistance to IDPs in Africa. Caution is however expressed on placing too much emphasis on the potential of the civil society as a change agent. In some cases the role of the civil society has gained credibility only because of the external or donor based support structure.

Secondly, civil society has come to play a role in humanitarian assistance to IDPs in a rather perverse way. The failure of the State to meet the demands of the people, be they material or political have translated into social movements in opposition to the State. Within that context, civil society has appeared as an extension of the opposition to the State.

Thirdly, the involvement of the civil society in humanitarian assistance to IDPs has been both effective and ineffective. Several preconditions or historical factors serve to explain this mixed role but at the very bottom is the interaction that exists or has existed between the State and the various sectors of society. Where these have been allied, the changed political scene has not sufficiently transformed that relationship to make the latter a serious interloculator with the State. In such circumstances, the impact in humanitarian assistance has been minimal.

Fourthly, it would be naïve to underestimate the role played by external actors in raising the profile of civil society in provision of humanitarian assistance to IDPs. The policy decisions of many external actors to support civil society have significantly explanatory power for growth and impact that civil society has experienced. These policies have in fact significantly shaped the areas that civil society have been engaged in to the extent of sometimes defining even the levels of intensity of that engagement.

Thus the path that civil society must tread is definitely not a smooth one and the constraints that it faces must indeed be part and parcel of an analysis of roles. While many questions will continue to be raised about the involvement of civil society in humanitarian assistance to IDPs, its efforts everywhere will nonetheless continue to inform humanitarian assistance agendas and policies in a significant manner.

CHAPTER 4

4.0. THE CATHOLIC CHURCH AND HUMANITARIAN ASSISTANCE TO INTERNALLY DISPLACED PERSONS IN KENYA: 1992 - 2000

4.1. Introduction

This chapter looks into the Catholic Church response to the humanitarian needs of IDPs. It analyses the trend in the Catholic Church policy and programme involvement since the outbreak of inter-ethnic skirmishes in Kenya since the advent of multi-party politics. The period 1992-2000 is important here because the first hostilities between communities started to manifest after the repeal of Section 2(a) of Kenya's Constitution in 1991. The politicians used the repealed section to propagate fear and hatred among communities who had previously stayed in place. The premise used by pro-government politicians anchored on the perceived threat to positions they occupied in the government. Change of regime would result into an automatic change of status in power politics. The proponents of multi-party whose communities lived in pro-government regions were threatened with evictions and those who would not leave were violently attacked and killed.

The Catholic Church bears not only the responsibility to evangelize but also to bring peace to those at war. The Catholic Church would not abstain from responding to the distressed, bereaved, evicted and displaced people. The Catholic Church is among the active civil society institutions, in addition to the NCCK and other NGOs, addressing the problem of internal displacement. By the time UNDP became involved with the displaced, almost two years after the clashes begun, in 1992, the local NGOs, particularly the NCCK and the Catholic Church, had been, and remain today, the primary providers

of emergency relief and humanitarian assistance to the displaced.[1] This moral obligation required the Catholic Church to come up with programmes to cater for the humanitarian needs of the IDPs.

This chapter therefore makes an in depth analysis on the Catholic Church's involvement in humanitarian assistance to IDPs. It isolates the specific programmes that are on the ground and evaluate their success. In addition, the chapter identifies constraints the Catholic Church faces in operationalizing its programmes and the strategies it is employing to effectively fight for the IDPs' humanitarian rights. The chapter also identifies areas of cooperation between the Catholic Church and the State, and analyzes barriers to this cooperation. Conditions for enhanced cooperation are identified. The chapter finally makes a critical evaluation on the effectiveness of the Catholic Church in engaging itself on matters meant for the State and the future prospects to continue running programmes for provision of humanitarian assistance to IDPs.

4.2. The Catholic Church Profile

For an institution to act in matters sensitive to the State, it must have a structure recognized both locally and nationally. This is an important aspect as decisions must be made at the highest authority and be implemented at the grass root. The Catholic Church works through its extensive grass roots network of small Christian communities, mass centres, parish councils and diocesan leaders among others. The Catholic Church adopts the notion that part of the teaching and most ancient practice of the church are her

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[1] HRW, *Failing the Internally Displaced: The UNDP Displaced Persons Program in Kenya* (New York: HRW, 1997), p. 52.

conviction that she is obliged by her vocation-she herself, her ministers and each of her members-to relieve the misery of the suffering both far and near, not only out of her 'abundance', but also out of her necessities. Faced by cases of need, one cannot ignore them in favour of superfluous church ornaments and costly furnishings for divine worship. Here the Catholic Church is shown a hierarchy of values in the framework of the right to property between 'having and being' especially when the 'having of a few can be to the detriment of the 'being of many others.'[2]

Therefore, the Catholic Church is called to do everything in its power to help their neighbour in the fight to claim the dignity and respect due to every human creature. The Catholic Church exerts the voice of condemnation and with the physical presence of her bishops, priests, religious brothers and sisters, helps the victims of violence and reconciles those engaged in fighting against each other.[3] Therefore the Catholic Church believes that it must influence politics, not by joining any particular political party, but by pointing out the way of truth and justice and by admonishing the offenders, even when that offender is a high ranking official.

From the above, it can be seen that the Catholic Church is organized and efficient in decision making and implementation. The decisions taken at the top trickle down to the parishes where the respective in-charge Priests take action. The response is expected at

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[2] J. A. Kaiser, *If I Die*. (Nairobi: Cana Publishing, 2003), p. 88.
[3] *Ibid*. pp. 11-12.

this level since the parishes command a large congregation.[4] The congregation is willing to respond to demands of the Church as a result of the faith they owe to it.

Notable in the Catholic Church system, is the department of Justice and Peace Commission. This is the department responsible for crises management in situations such as internal displacement of people.[5] The department on behalf of the Catholic Church, designs the programmes targeting such people as IDPs. It also takes charge in fundraising to meet financial obligations in the humanitarian assistance to these displaced persons. The department is therefore the profound basis to analyze the Catholic Church involvement and participation in seeking justice and peace for IDPs.

4.3. The Catholic Church Programmes in Humanitarian Assistance to Internally Displaced Persons in Kenya

The first involvement of the Catholic Church in provision of humanitarian assistance to IDPs took off soon after the 1991-1992 tribal clashes. The programmes were designed on the basis of what the church perceived as gross negligence of the State's responsibility to provide for security to its citizenry.[6] There is a traditional perception that security is a function of the State. In the study of International Relations, the State is recognized as such when it exercises an effective control in the territory and the population owes its allegiance to it.[7] This notion is expected to prevail even during internal skirmishes. The

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[4] Interview with *The Former Programme Officer*, Department of Justice and Peace Commission, Catholic Secretariat, 5th September, 2005, at Nairobi, Kenya.
[5] *Ibid.*
[6] *Ibid.*
[7] H. Morgenthau, *Politics among Nations: The Struggle for Power and Peace.* (New York: Alfred A. Knopf Inc., 1985), p. 28.

church was not expected to take the responsibility of offering security to those threatened by violence from their neighbours. In the advent of tribal clashes in 1991-1992 period, providing security became art of the church's mandate, thus the Catholic Church came in to provide humanitarian assistance to the displaced persons.

Security was one of the issues identified by the Catholic Church in the period 1991-1992. Security is defined as the threat to, or fear of one's life as a result of tension or violence.[8] The Catholic Church identified that the individual survival was unlikely in communities where hostility was manifest. The individual survival became threatened when the hostile communities would not allow their neighbours to live on the land they possessed due to tribal differences. The areas of Nakuru, Kericho, Narok, Trans-Nzoia and Laikipia manifested the highest degree of hostilities in Kenya. These areas are dominated by the settlers who moved from other parts of the country. In Nakuru, Kericho and Trans-Nzoia, the Kalenjins believe these to be their native homelands. The communities residing in the areas come from Nyanza, Western and Central provinces.

The land in Rift Valley is expansive. The communities that moved into the region had the objective of farming unlike the natives who only practiced cattle keeping. The communities remained peaceful and each practiced socio-economic activities without any perceived threats to each other's security.[9] There was recognized social and economic development till the period 1991 to 1992. This period sparked off insecurity due to ethnic

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[8] J. Cilliers, *Human Security in Africa*. (Pretoria: African Human Security Initiative, 2004), p. 8.
[9] Interview with *The Former Programme Officer*, Department of Justice and Peace Commission, Catholic Secretariat, 5th September, 2005, at Nairobi, Kenya.

animosity. There was tension and suspicion among communities that mainly affected non-native residents living among the Maasai or the Kalenjin. Government institutions responsible for keeping and maintaining peace were not keen to quell the animosity. The provincial administration and regular police were not keen to mobilize their personnel into the trouble areas.

The Catholic Church therefore was the only institution in the community level which would fill the gap of providing security to those running away from these threats.[10] The churches were the only places that secured those running away from security threats issued by the Kalenjin or the Maasai. The Catholic Church grounds and compounds incursioned the groups from violence.

The Catholic Diocese of Nakuru, Eldoret and Kitale initiated particular projects to cater for these displaced persons.[11] The displaced persons needed shelter, food, clothing, medication and legal redress. The Catholic Church undertook some measures to address some of these issues. Basically for shelter, the Catholic Church used some of its buildings to house the people. But due to swelling numbers, there was need to increase the housing capacity. The church built temporal shelters using tents and later used the iron-sheets to build more structures.

The Catholic Church was under pressure, while being involved, in settling as many of the IDPs at Likoni Catholic Church, as far as resources could allow: by December 22nd,

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[10] *Ibid.*
[11] *Ibid.*

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1997, both Likoni Church and the Cathedral within Mombasa, were completely deserted. The displaced persons had to be evacuated for fear of more attacks on them. The church project housed 600 families apart from feeding and providing medical care. Those who were housed by families and friends also obtained rations and medicine services from the Catholic Church to supplement support from their hosts.[12]

The Catholic Church further mobilized health personnel from its institutions to provide medical services in the established IDPs camps, such as Maela camp.[13] There were mobile clinics that served between camps that were close to each other. The mobile clinics operated with at least one clinical officer and three to five nurses. The medical personnel had drug supplies and emergency kits to attend to patients with minor ailments. Complicated cases were referred to main hospitals where patients would get advanced attention and consultations. The medical programme managed to contain any epidemic or spread of disease due to mitigation and preventive measures. There were no reported widespread of diseases. The mobile clinics took care of the children, adults and those wounded in the clashes.

In 1992-1994 at Nakuru Diocese in Maela Camp, in Subukia, Fr. John Kaiser was in charge. On behalf of the Catholic Church, Fr. Kaiser offered humanitarian assistance to the then IDPs at the camp, in terms of medicine, food and basic needs from friends in Kenya and abroad.[14] He also alerted the whole world especially the donor community

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[12] *Ibid.*
[13] *Ibid.*
[14] Interview with Fr. Emmanuel Ngugi Ndung'u, *Former Administrator/Father In charge*, Holy Family Basilica, on 21st July, 2005 at The Queen of Apostles Seminary Ruaraka, Nairobi, Kenya.

about their miserable fate.[15] In one of the letters, the Priest wrote to the World Bank's Country Representative of the time, Mr. Stephen O'Brien urging him to consider the plight of Maela IDPs during the negotiations to resume financial aid to Kenya.[16]

The Catholic Church also mobilized the catholic believers to donate food and clothes for the displaced persons.[17] The Nakuru, Eldoret and Kitale dioceses were notable in the exercise. They mobilized for the relief services locally and from partners internationally. The response was fulfilling as most of the IDPs would be catered for their food and clothing demands. The relief was mobilized on humanitarian grounds. For instance, the Pastoral and Development Master Plan 1999-2003 of the Catholic Diocese of Eldoret, guides the diocese, in that Justice and Peace department of the diocese has several strategic orientations, that is to formulate and implement a justice and peace policy, to run workshops on civic education and para-legal training, to organize reconciliation and peace activities at parish and deanery levels, organize relief activities, establish proper mass media networking and communication and to develop training materials, organize joint activities among the groups affected and involved in conflicts of an ethnic nature.[18]

In Western province, the Catholic Church under the late Bishop Right Rev. Longinus Atundo, together with the Diocesan Development Coordinator, Ms. S. Elizabeth Kibuywa and others, established an Emergency Relief Committee, and between 1991and late 1994,

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[15] *The Daily Nation*, Nation Media Group, Nairobi. August 31, 2000. p. 7.
[16] *Ibid*.
[17] Interview with *The Former Programme Officer*, Department of Justice and Peace Commission, Catholic Secretariat, 5th September, 2005, at Nairobi, Kenya.
[18] Catholic Diocese of Eldoret, *The Master Development Plan 1999-2005*. (Kenya: The Catholic Diocese of Eldoret, 1999), p. 153.

assisted a total of 28,000 displaced families. Several donors were approached to donate relief supplies. A Western Province Coordination Committee was then formed to monitor the overall relief work that the Catholic Church, other churches, NGOs and the government were involved in.

On the other hand, the IDPs require resettlement since that will be a long term solution to their problem. The Catholic Church identified this need to resettle the victims of the internal displacement. The Catholic Church offered its own land for resettlement in Nakuru, Kitale, Laikipia and Narok.[19] The land that was not in use there was issued to the victims to start farming activities and sustain their families. The Catholic Church offered this land on no fixed terms basis. The land will revert back to the Catholic Church once victims are resettled back to their land.

For the Catholic Church to adequately cater for the IDPs' humanitarian needs on long-term and short-term basis, the church decided to institute legal proceedings in court for the land taken away from IDPs to be reinstated.[20] The Catholic Church has fulltime lawyers in the department of Justice and Peace Commission, whose responsibility is to offer legal advice and represent the church's interests in court. The legal proceeding over land issues is in progress. The IDPs are represented for free and some of the cases are dragging on for too long. This is a disadvantage as the Catholic Church continues to host IDPs and the government is reluctant to cater for the issue as urgent. However, to date,

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[19] Interview with *The Former Programme Officer*, Department of Justice and Peace Commission, Catholic Secretariat, 5th September, 2005, at Nairobi, Kenya.
[20] *Ibid.*

majority of the IDPs have returned to their former lands. The few remaining are at Rumuruti, Laikipia and Kitale.

4.3.1. The Constraints the Catholic Church Encounters in Humanitarian Assistance to Internally Displaced Persons in Kenya

The Catholic Church has often faced various constraints in its endevours to provide humanitarian assistance to the IDPs in Kenya.[21] The Catholic Church for example, is not able to sustain service delivery at the units due to inadequate trained staff. The Catholic Church has tried to overcome this constraint through training of trainers at the parish level. The parishes identify eligible persons and train them to be educators' assistants to programme officers in executing specific projects. The church is to some extent unable to adequately identify the eligible persons especially at some localities.

Another constraint the church is facing arise from inadequate funding.[22] Funds for huge projects are at times inadequate owing to the span they take to be completed. The constraint is major especially when huge amounts are required at the beginning or when the underway project continues expanding beyond its initially projected cost. The Catholic Church is trying to overcome this constraint by seeking funding from donors abroad and engaging partners to participate in some of them.

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[21] *Ibid.*
[22] *Ibid.*

On security, the Catholic Church is a bit constrained as it cannot guarantee security to the IDPs once settled in the church land or purchased land. The Catholic Church is trying to contain this problem through civic education and sponsoring social activities. Civic education is aimed at sensitizing the people on the disadvantages of engaging in violence. The people are encouraged to view peace as the only medium to effective development and social cohesion. The dangers of violence are highlighted and people are encouraged to desist from these activities. The social activities and events are designed to engage the youth in constructive engagements such as sports and business ventures. The activities quell the tribal animosity and encourage the displaced to be self-independent in economic emancipation.

The Catholic Church therefore has put its house in order to address the IDPs' humanitarian needs whose magnitude is not immense but the government has not responded to cater for. The Catholic Church can be observed as the most active non-State actor with resources to respond to IDPs' humanitarian needs in Kenya. The progress achieved is recommendable but much can be done if the Catholic Church cooperates more closely with the state as the problem is awaiting state intervention to be solved once and for all.

4.4. The Catholic Church-State Cooperation in Humanitarian Assistance to Internally Displaced Persons in Kenya

The Catholic Church and the government have not been out of sync in addressing social and political issues. The central organ responsible for engaging the government in all

sensitive matters is the Kenya Episcopal Conference (KEC), Catholic Secretariat.[23] The KEC letters are powerful tools of communication to the government. The KEC letters are dispatched each time the Catholic Church wants to declare its position on a social or political issue to the government and the way it postulates as adequate to handle the issue. The KEC letters have traditionally elicited government action towards a particular goal.[24] The Catholic Church is accorded necessary support when necessary to carry out projects that are beneficial to the community. The Catholic Church believes it has a responsibility to speak on behalf of the people. The people who are oppressed need a social institution capable to engage the government in providing one of its core functions of protecting the rights of the people. The parishes and the dioceses are closer to the people and they understand their basic needs. Most of the Catholic clergy have outspoken on social ills the government perpetrates on its people. The local government leaders, especially the politicians have opted to intimidate such clergy members. The worst form of intimidation is the killing of the clergy who persistently raise some moral obligation of certain political leaders. The deaths have not scared the Catholic Church's stand but instead have strengthened its position.

At another level, the Catholic Church has taken a step of advocacy to articulate the people's views in government established commissions.[25] The Ndung'u Land Commission was established to look into land issues in the country. The Catholic Church took the responsibility to speak on behalf of the people throughout the country on land

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[23] Ibid.
[24] Ibid.
[25] Ibid.

matters. The Catholic Church has a widespread network and it has been placed as a strong institution since the colonial period. The progress and the changes that have taken place on land policy are mastered by the Catholic Church's clergy and are in their records. The Catholic Church was better positioned to argue over the land injustices perpetrated by the regimes over a long period of time. The eventual Ndung'u Report on land issues reflected majority of the views presented by the Catholic Church. The adoption of the report indicates the seriousness with which the government attaches to the Catholic Church opinions.

The Catholic Church has also strengthened its case of promoting justice and humanitarian assistance by engaging Members of Parliament (MPs) in understanding conflict issues.[26] The strategy aims at encouraging MPs identify issues that encourage conflict and help the government eradicate them. The Catholic Parliamentarian Group has been formed to focus on what the Catholic Church wishes to be addressed socially. The Catholic Church prepares a write up for the MPs who are expected to lobby for the issue among other parliamentarians. The Catholic Church therefore is able to articulate its concerns in parliament through this group of MPs. The strategy also helps MPs to understand their position as social agents of change and promotion of peace.

The Catholic Church is also leading in urging the government to resettle the IDPs saying some were too traumatized to go back to places where their relatives were killed, while others were too poor to rebuild their homes.[27] The relationship between the Catholic

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[26] *Ibid.*
[27] http://www.reliefweb:int/rw/RWB.NSF/db.90SID/ACDS-b4ddg6- Accessed 18 July 2005.

Church and the State in Kenya has been sometimes good and sometimes strained. This relationship is like a stormy marriage which does not end in divorce. This unstable relationship originates partly from the religious legacy of the country and partly from one constitutional foundations of Kenya's statehood. According to the Constitution of Kenya, the "Protection of Fundamental Rights and Freedoms of the Individual" is guaranteed under Chapter V, section 78 (1), which deals with freedom of religion.[28]

It is true however, that many politicians are often ambivalent regarding their view of the role of the church in nation-building. One occasion, politicians will be heard urging the clergy to join in nation-building while on another, they will disown them. Politicians frequently urge church organizations to join hands with the State in nation-building. Church organizations are often urged to mobilize Kenyans for implementation of government policies. In general, the response has been positive and constructive. The evidence of this positive and constructive response is in the establishment of church-owned educational institutions, provision of health care services, social welfare services, creation of employment opportunities, and so on.[29]

Church organizations and movements, such as those in the Catholic Church, have throughout the history of Kenya, assumed rightly or wrongly, that they have an indisputable right to contribute to efforts which constructively transform society. This assumption is derived from the legacy which the church enjoys as the 'religion of rulers'.

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[28] L. Magesa, & Z. Nthamburi, (Eds.) *Democracy and Reconciliation: A Challenge for African Christianity.* Nairobi: Acton Publishers, 1999), p. 186.
[29] *Ibid.* p. 187.

Occasions of suspicion; mistrust and anger arise when the clergy disagree with political decisions.[30]

However, it is worth noting that the Catholic Church-State cooperation has not been appealing in most cases. For instance, at the Maela camp at first, the camp was administered by the Diocese of Ngong' with assistance from some NGOs. From the start, there was interference from Provincial Administration. In January 1994, the Naivasha District Officer (DO), Mr. Mohammed Hassan, acting on orders 'from above,' demolished the plastic makeshift shelters that housed nearly half of the IDPs and ordered all the occupants to disperse. Churches, NGOs and the IDPs themselves resisted the move, thereby attracting significant attention from the international community. The violence that characterized the destruction of the camp generated great interest, with many people from embassies and Kenyan-based international organizations visiting the camp. As a result, the plastic shelters were rebuilt and life continued.[31] Such cases reveal that the Catholic Church and the state need to work on strengthening their relationship to facilitate provision of effective humanitarian assistance to the suffering IDPs in Kenya. This could partly be done by working on reducing the barriers causing such cooperation from thriving.

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[30] *Ibid.* p. 188.
[31] J. A. Kaiser. *Op cit.* p. 44.

4.5. Barriers to Catholic Church-State Cooperation in Humanitarian Assistance to Internally Displaced Persons in Kenya

In the events that the Catholic Church and the State need to cooperate, certain barriers hinder such cooperation. This results to the two actors not being able to take responsibility in engaging one another in discussing matters related to humanitarian assistance to IDPs in Kenya. The barriers to this cooperation include the fact that the government policies on provision of humanitarian assistance to IDPs are inadequate and that there is poor governance especially toward the Catholic Church and the IDPs.

4.5.1. Inadequate Government Policies on Provision of Humanitarian Assistance to Internally Displaced Persons

The Kenya government lacks a coherent policy on resettlement of IDPs. Although attempts at resettling IDPs have been made in the past, they have been characterized by lack of political will. In November 2000, parliament voted against a proposal for the resettlement of IDPs, with some members arguing that revisiting the thorny issue of 'land or ethnic clashes' would spark off renewed conflict. Such actions have resulted to instances where, the displacement at Likoni, for example, was worsened by the action of the government who ordered the Likoni Catholic Church to force the IDPs out of the church. This strange move was opposed by the Archbishop of Mombasa, John Njenga who rejected the government ultimation stating that the security of the IDPs had not been guaranteed.[32]

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[32] KHRC, *Quarterly Repression Report*, July-September 1997, p. 17.

Also on the 27th December 1994, the government declared no people should be in Subukia, even the Kenyan Bishops. The administration policemen, acting on orders, went to the nearby Catholic Church outstation of Ngondi and ordered all IDPs to leave the church.[33] During that time the problem encountered was the political motivation leading to displacement. The D.O. of Nakuru and D.C. of Naivasha prevented any humanitarian assistance to these people. On the 28th December 1994, IDPs had to leave which even led to the imprisonment of Fr. John Kaiser. The 108 IDPs went to Kirigiti in Kiambu, and Uganda, where they arrived on the 6th January 1995.[34]

Most often, the government is witnessed to also to do almost nothing about the housing conditions of the displaced. For instance, many people in the Moi-Ndabi settlement lived in the same deplorable plastic makeshift shelters just as they had in Maela.some families had been able to build mud huts on their plots, but the housing of many families remained extremely bad. There was no source of water in the scheme. Neither was there a school for the more that 300 school-age children. As the people were extremely poor, it was difficult for them to travel to the nearest dispensary located many miles away, giving rise to increased incidences of sickness. While the IDPs' camp in Maela was a visible testimony of the government's cruelty in practicing the unofficial policy of 'ethnic clensing,' the settlement community of Moi-Ndambi is evidence of its unwillingness to properly resettle even a small number of the many people it has displaced.[35]

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[33] J. A. Kaiser, *Op cit.* p. 65.
[34] Interview with Fr. Emmanuel Ngugi Ndung'u, *Former Administrator/Father In charge*, Holy Family Basilica, on 21st July, 2005 at The Queen of Apostles Seminary Ruaraka, Nairobi, Kenya.
[35] J. A. Kaiser, *Op cit.* pp. 70-71.

4.5.2. Poor Governance

The Catholic Church cooperation is threatened when for instance, outspoken Catholic Church clerics such as Fr. John Kaiser become targets of violence for speaking against social and political injustices within the government. Fr. Kaiser who was shot and found dead on the 24th August 2000 just off the Nakuru-Naivasha highway, identified himself with human rights social justice, equality as well as democracy. He is particularly remembered for his tireless efforts to help the disposed and helpless victims of the 1991-1992 and 1997-1998 tribal clashes.[36] He believed that the displacements were sponsored by prominent personalities in government. In his testimony before the Akiwumi Commission,[37] Fr. Kaiser named prominent government personalities as the prime culprits in sponsoring the clashes by sending youths to Israel for commando training. The death of Fr. Kaiser has been linked by many to the role he played in humanitarian assistance to the IDPs and his indomitable spirit in fighting against injustice during the clashes.[38] The case of Fr. Kaiser therefore ended up pitting the Catholic Church against the government highlighting the issue of justice which is a universal virtue.[39]

More so, unsuccessful Catholic Church cooperation has been pointed out by some IDPs from Maela camp, who recounted how they were cruelly treated and how ruthlessly the government dealt with the NGOs and churches that came to offer them humanitarian

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[36] The Daily Nation, *Bring to Book Kaiser's Killers*, Thursday, August 31, 2000, p.7.
[37] A Presidential Commission of Enquiry set up to investigate the clashes that rocked the country in 1992 and 1997.
[38] *Ibid.* p. 2.
[39] Interview with Fr. Emmanuel Ngugi Ndung'u, *Former Administrator/Father In charge*, Holy Family Basilica, on 21st July, 2005 at The Queen of Apostles Seminary Ruaraka, Nairobi, Kenya.

assistance.[40] This worsened any chance of the Catholic Church and the State cooperating in endeavours of offering humanitarian assistance to IDPs in Kenya.

4.6. **Conditions for Enhanced Catholic Church-State Cooperation in Humanitarian Assistance to Internally Displaced Persons in Kenya**

As noted in chapter three, the relationship between civil society and the state constitutes an important dimension of the discourse on civil society. In this regard, Slater[41] recommends that closer attention be paid to the relationship between the State and the civil society because the relationship affects the legitimacy of the State and its capacity to achieve some degree of internal harmony. In most of Africa, the decline of single party rule and the resurgence of political pluralism have been amongst the most significant factors affecting the roles of civil society and the state-civil society relationship. Thus the Catholic Church is not left behind in ensuring such a reliable relationship exists with the State.

First and foremost, the administrators such as the D.O.s, D.C.s and P.C.s, should not ignore these suffering displaced people especially in their areas, and stop saying that the church alone is responsible for the IDPs. Since the church to an extend needs the government's participation in providing humanitarian assistance to these people. It is true that when there is chaos, people run to churches for refuge, but the government should stop behaving as if there is nothing they can do about it. The office in charge of the IDPs

J. A. Kaiser, *Op cit.* p. 59.
R. O. Slater, Conflict and Change in the International System in R. O. Slater, B. Shultz, & S. R. Dorr, (Eds.) *lobal Transformation and the Third World.* (Boulder: Lynne Rienner, 1993), p. 65.

in Kenya should wakeup and take charge of its duties. This will greatly help in avoiding discouragement to the Catholic Church in provision of humanitarian assistance to the IDPs. In future, the State should teamwork in humanitarian assistance to the IDPs.

Since the problem of IDPs in Kenya is politically very sensitive, the Catholic Church cannot take it on alone; it would be dangerous. Besides, issues like relief, resettlement and peace-building are too wide and expensive for the capacity of one actor. More so, without outside help and assistance, especially from churches such as the Catholic Church, situations like those in Maela camp would be hopeless. Therefore, cooperation between the Catholic Church and the state is necessary to allow for formation of an inter-church or inter-agency task force to advocate the rights of IDPs. By raising awareness about the rights of IDPs and the obligations of governments, this task force could use the Guiding Principles on Internal Displacement to hold the Kenya government accountable for the way IDPs are treated. The Catholic Church has often advocated that the government should help in humanitarian assistance to the IDPs through provision of doctors to especially cater for the health of this people.

Land issues need to be addressed accordingly as this is the main cause of displacement in Kenya. The government should be in the forefront in making people aware of who owns what and who should be where in terms of land. In this case, politicians should not emarse millions of acres to themselves while people in the same area have no land of their own.

The politicians seem not to be focused as they are dishonest, insincere, selfish, tribalistic, lack any ideology and do not have a political stand. The leaders are also theoretically religious but practically very worse than atheist. If these traits are changed, the problem of IDPs in Kenya will be reduced. This could be done through thorough training of leaders on leadership skills. More so, the Catholic Church together with other churches and people of goodwill should have the will, courage and ability to prevail against the government.[42]

4.7. Critical Evaluation and Conclusion

From the above, it is revealed that the Church which encompasses the Catholic Church is a big constituency that no regime can ignore including stable governments. It is on this note that Mzee Jomo Kenyatta recognized the church's pivotal role in secular affairs. Addressing church leaders, he is quoted having said that:

> "If we go wrong and you keep quiet, one day you may have to answer for our mistakes, as the nation today needs a conscience and you the church are that conscience."[43]

In that case, the Catholic Church in Kenya, through its leaders, have been actively on the forefront to act as unofficial opposition to the government on issues of governance and especially human rights and welfare matters of the people such as being involved in provision of humanitarian assistance to IDPs across the country.[44]

The relationship between the State and the Catholic Church should be a mutual one. Catholic Church should be firm in their demands, but they should clearly steer clear of a

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J. A. Kaiser. *Op cit.* p. 42.
The Daily Nation, Nation Media Group, Nairobi, *Special Report.* September 4, 2000, p. 5.
The Weekly Review, *The Church Factor.* June 19, 1998, p. 6.

militant or even a violent stance. They should act single-mindedly in what they believe to be right. They should have the courage which individuals and civil associations lack.

It is imperative that the Catholic Church contribute to bring about the desired change in order to create a favourable environment in which they can operate. They must be part of the changes that occur, for it is only then that they can influence the direction which that change, will take. Moreover, their role in political change is even more significant because, unlike political leaders who have the legal apparatus to enforce changes, the Catholic Church has no social instruments to usher in the desired ideal-except through persuasion and prayer. When the social and political mood is not conducive, the Catholic Church finds difficulty to operate. For instance the Catholic Church has difficulty functioning in a state of turmoil caused by the inadequate government policies and poor governance.

This section has successfully linked the findings on the role of the Catholic Church in humanitarian assistance to IDPs. The Catholic Church is able to act in provision of humanitarian assistance to IDPs since it commands a large constituency and it has resources to mobilize in a short notice without undergoing through tedious bureaucracy. The barriers identified in this section hindering the Catholic Church-State cooperation in humanitarian assistance to IDPs forms basis for making concluding remarks and the way forward in chapter five.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

This chapter makes a synthesis of the research findings and makes recommendations for the way forward. The chapter looks through objectives and establishes if they were accomplished in the research. The hypotheses too will be verified to determine the extent to which research findings were completed.

The first chapter dwelt into the background of the study. The background identified the scope of the study and the objectives. The Catholic Church was the principal focus of the research at national level. The objectives of the study aimed at examining the role of the civil society in humanitarian assistance to IDPs in Kenya; investigating the constraints the Catholic Church encounters in the provision of humanitarian assistance and finally makes recommendations on Catholic church-State cooperation in humanitarian assistance.

Chapter two presented an overview of internal displacement in Africa. The factors contributing to internal displacement identified include the struggle over values and claims to scarce status, power and resources. Similarly ethnicity is used to pity one group against another in the event of political clamour. Resources too have a share to contribute towards internal displacement. Resources in the State are fought for and are distributed inequitably by those in power. Those disadvantaged may resort to violence as a result of political institutionalization. From this onset another closely linked factor is that of Presidency. Presidency plays a role in internal displacement as a result of personalization

of the institution. The communities that have produced a person in the institution think it is a perpetual right to possess it. Democratizing the institution creates enemity with other communities who end up fighting each other to intimidate their cause. In addition ecological factors engender internal displacement as they are disastrous to the population. Floods, droughts and exploitation of minerals are in the fore front in causing internal displacement. Also availability of small arms largely contributes to internal displacement. From this overview one can conclude that these factors have a different dimension in mitigation however similar approaches may be adopted to cater for IDPs' humanitarian needs. The IDPs are vulnerable and require the basic human needs. This means the State and the civil society should identify the gap left in terms of humanitarian needs when internal displacement occurs.

Chapter three dwelt on civil society and humanitarian assistance to IDPs in Africa. The objective accomplished here is that of investigating the role of the civil society in providing humanitarian assistance to IDPs. The focus was spread over Africa. The chapter identified the areas of strength for the civil society in providing humanitarian assistance. The civil society is identified as capable of providing humanitarian assistance since it is functional in social, economic and political processes. It also manages to link the civil society to the State. It manages to check against the excesses of government human rights violations. It provides forum for the people including IDPs to express their problems. This increases the chances of participation and the use of skills of all the various segments of society and instills sense of tolerance, hard work, moderation and compromise among competing parties in the society. Therefore the civil society can be

captured to reveal the ability to offer humanitarian assistance through design of specific activities on the ground. However this depends on the relationship with the State. In addition it will be closely attached to social, political and economic factors that affect the citizens.

To surmise this prelude the conclusion to draw regarding the role of the civil society in offering humanitarian assistance is that civil society will be functional if the State's political, economic and social rights are recognized. The situation of IDPs therefore demands that IDPs' rights on social and economic set up should not be compromised. They should be provided with food, shelter, clothing, health facilities, educational and democratic rights. The State seems to have failed in responding to these rights despite the political and economic stability. These provisions should not be short-term but should be stretched till the IDPs return to their respective homelands. The civil society has been more effective in providing humanitarian assistance to IDPs than the State. Thus the civil society in most cases is seen to play this role as an extension of the opposition to the State.

Challenges that emerge from humanitarian assistance to IDPs are numerous and the civil society should engage the State in such matters to end the stifling efforts. The civil society should engage the government collaborative efforts to design common projects for provision of humanitarian assistance to the suffering IDPs. The civil society-State relations despite State suspicion should be enhanced by having consultations. The consultations should focus on strategies for government participation. The approach

should engage government officials, policy makers and legislators in understanding the role of the civil society in the social, economic and political matters. The understanding will pacify the tense relations between the State and the civil society where the former perceived the latter as an alternative centre of power for the people. This will enhance rationality and economic advancement. The civil society can intervene in social set up to maintain peace.

For the civil society to play its role in assisting IDPs adequately, it should develop tools for dealing with both the State and the society. It should have dialogue between and among the various strata of society and agents of the State. These should be legislative measures to allow NGOs to operate and act within the State without restrictions.

The civil society should also seek to have a communication link with the IDPs. Communication is ideal to ensure that they understand their activities and the role they should play to complement that of the State. The IDPs may lack understanding of issues surrounding their situation. They should be enlightened to ascertain they play their role as the civil society fights it out to meet their needs.

The civil society should also extend its network into the rural areas where the majority of IDPs are located. The civil society can find its competitive edge by extending the network to international level. The international network will be handy for financial and material support to run the projects on the ground.

The civil society besides addressing humanitarian assistance to IDPs, it should seek to address conflictual situations that lead to existence of IDPs. The civil society should take a leading role in the peace processes. It should institute such processes and be in the forefront to conclude them. The durable peace process that is sustainable may lead to future effective humanitarian assistance to IDPs.

The Catholic Church in Kenya was the bench mark of assessing the effectiveness of the civil society involvement in humanitarian assistance to IDPs. The fourth chapter picked out the Catholic Church to determine the response and constraints in the domestic situation in the period, 1992-2000. The Catholic Church's profile revealed the wide network that the church can use to adequately respond towards any impending IDPs' situation. The network at the local level favours the Catholic Church's IDPs' projects to run smoothly. Therefore the Catholic Church should consider locating more parishes in the conflict prone areas for the purpose of mitigating the IDPs' humanitarian situation in time. The Catholic Church should continue using its network competently, lobby legislators and policy makers to be sensitive towards the initiatives the church endeavors to put up for humanitarian assistance to IDPs. The entry points for the Catholic Church include the provincial administration, the local authority leaders and the legislators. The Catholic Church department for Justice and Peace Commission should also seek to incorporate expatriates in the field of conflict management to help design intervention policies in providing humanitarian assistance to IDPs.

The constraints encountered by the Catholic Church in providing humanitarian assistance to IDPs include threat to security. The threat to security results from violence and tension among the locals. The government should seek to provide security in addition to the Catholic Church's effort to provide security in its premises. The Catholic Church should also take issue with sensitizing the people on the dangers of violence. The awareness creation should highlight on the dangers of violence and the effects it creates to the society. At this point the Catholic Church requires qualified personnel who understand the issues of conflict and the process of educating on civic responsibility.

On areas of cooperation, the Catholic Church-State cooperation should seek to perceive one another as complementary actors in promoting justice and peace. This will enable the two actors in the long run to curb the barriers of inadequate government policies on provision of humanitarian assistance to IDPs and poor governance especially towards the Catholic Church and IDPs. The two actors should take responsibility in engaging one another in discussing sensitive matters on both social and political matters. The Catholic Church should continue getting support from the State, both at national and local levels. This will propel the Catholic Church's initiatives to greater length in provision of humanitarian assistance to IDPs. The State should desist from executing and intimidating the clergy. This sort of behaviour from the government agents is detrimental to promoting social justice.

This research therefore concludes by observing that Catholic Church-State cooperation in humanitarian assistance to IDPs could only be realized if the two parties identify each

other as complements in promoting social justice and peace. The two should not be antagonistic. They should seek to change one another in consultation as they initiate programmes intended to alleviate suffering among IDPs and promote basic rights.

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