

Crisis in Kenya: Land, displacement and the search for 'durable solutions'

A meeting to launch an HPG Policy Briefing that analyses post-election displacement, resettlement and return in relation to land issues in Kenya.

Chair: Timothy Othieno, Research Fellow, Overseas Development Institute

Presenter: Samir Elhawary, Research Officer, Overseas Development Institute

Discussant: Nuur Mohamud Sheekh, Country Analyst, Internal Displacement Monitoring Centre

Discussant: Dr. John Tabu Simiyu, Head of Disaster Management at the Kenya Red Cross

1. After a brief introduction by Timothy Othieno who chaired the meeting, Samir Elhawary [presented research findings](#) from the Policy Brief [‘Crisis in Kenya: Land, displacement and the search for “durable solutions”’](#). He explained that the Kenya research stems from prior work done by the Humanitarian Policy Group on [land tenure in conflict and post-conflict contexts](#), which found that there is a general lack of understanding among humanitarian agencies about land issues. This is a particular concern since land is a driving force behind many humanitarian emergencies and an underlying cause in others.
2. Building on this work, the Policy Brief explores the role that land issues have played in the current crisis of post-election violence in Kenya that has resulted in the displacement of 400,000-600,000 people. While many express surprise at the violence, the crisis is not an anomaly but rather part of a sequence of recurrent displacement stemming from unresolved and politically aggravated land grievances.
3. The IASC framework for durable solutions focuses on return, relocation and local integration. The government strategy is to return people to their homes as soon as possible. However, there is reluctance among IDPs to return, particularly those returning to areas where there are land disputes. There are protection concerns about threats of coercion to return. Return should be seen as a temporary stop gap solution accompanied by a process that seeks to resolve underlying causal factors such as land. Relocating people to their ‘ancestral homes’ is of concern as it can further land disputes, support ethnic cleansing and can further divide Kenya’s communities. In the absence of solutions or political progress, there will likely be more IDPs moving into urban areas.
4. In this light of this, the recommendations of the briefing paper are that humanitarian agencies:
 - Must be better informed of the underlying causes of displacement including land issues
 - Ensure the protection needs of the displaced are met
 - The return to areas affected by land grievances should be promoted as a temporary measure
 - Relocating to ‘ancestral homelands’ can support ethnic cleansing and further divide Kenya’s communities
 - Prepare for a potential influx of IDPs in urban areas
 - Include previous IDPs in their programming and ensure adequate data is collected
 - Include civil society organisations
5. Donors should ensure that support to the Kenyan government is contingent on adequate conditions for return, including progress on resolving the land issue.

Discussants

Nuur Mohamud Sheekh

6. Nuur Mohamud Sheekh began by expressing that the research is timely, particularly since the process has been undermined by difficulties in getting the mediation committee to show up for meetings on Agenda 4 now that they have ministerial positions. In the focus on resolving the election dispute, land issues have not been given enough attention. The study cautions us from dealing with the IDP problem in an ad-hoc manner, which the Kenyan government has been doing. The displacement issue pre-dates independence. There is a need to be careful about linking the land grievance with conflict

itself, since land issues are everywhere. Politicians have politicised the issue, particularly in the Rift Valley, as they have in elections in the past. Now the issue of land and displacement has ‘grown its own life’.

7. It is important to emphasize issues related to displacement: with increasing landlessness, displacement is eroding rule of law, as the process of resettlement is prone to corruption and mismanagement. Displacement is clearly linked to election cycles, and some politicians aggravate the situation. However, is it a strategic error to tie land issues to durable solutions? It gives the government the opportunity to not address problems and could delay progress. We need to ask ‘which solutions exist that avoid complicating land issues’? Clearly need to avoid certain resettlement options. Perhaps there is a need to separate out categories of IDPs who don’t have land issues from the ones who do. Return cannot be realistically achieved in the hundred days that the government wants.
8. Nuur Mohamud Sheekh posed several questions: Have humanitarian agencies been doing their own mandate to the best of their objectives? What will happen if the recommendations are not followed? Is there political will in Kenya? What are the consequences of vigilante groups and militias? How can politicised identities be deconstructed and devalued? Is there likely to be a class conflict in the future?

Dr. John Tabu Simiyu, Head of Disaster Management at the Kenya Red Cross

9. Dr. John Tabu Simiyu began his comments by noting that solutions cannot come from papers and that the issue is not just election violence, but class and historical issues. The Kenya Red Cross engages with land issues through their work with managing camps and supporting IDP return. Do you move IDPs closer to their ancestral homes or keep them near host communities? What should you do? IDPs who cannot return should be the focus of activities. There might be a need to change the usual mindset about these issues in Kenya – we don’t always need to have land to live.
10. There has been a critique that civil society organisations need to be more involved, but some are not neutral, and there is a need to consider whether or not groups have taken sides. Donors should not refrain from releasing funds just because they don’t know what will be done with it, given the lives at stake. Instead, donors should distribute funds to non-partisan organisations and monitor it.
11. Data collection is a challenging issue, particularly outside of camps, which is the governments’ responsibility. Post-election violence has moved into class violence, and has been confused with violence happening in other areas of the country which is based on conflict over land. After the national peace agreement, expectations of celebrations and return of IDPs did not in fact occur. The best case scenario still has 50-100,000 IDPs that need to be resettled in new areas. There are substantial challenges that need to be met, including higher case loads and addressing significant needs.

Discussion

12. The concern about sexual and gender based violence in camps was raised. Dr. Simiyu maintained that these had been investigated and seemed to be isolated incidences. However, it was discussed that there is a need for a gender analysis of the camps as women (and children) are amongst the most vulnerable.
13. One participant highlighted the role of the Kenyan constitution in aggravating the politicisation of ethnicity during presidential elections due to the peculiarities of the Kenyan electoral process.
14. The post-election violence was predicted by many in Kenya. Why were these warnings not listened to and why did the early warning mechanisms in place not lead to better preparedness?
15. The general utility of using an IDP framework in Kenya was queried due to the many different categories of IDPs in the country. When does the ‘IDP title’ end? It was suggested that an analysis based on wider understanding of vulnerable groups was more useful for planning purposes.

16. It was noted that a food security crisis is predicted for Kenya due to the displacement crisis, many farmers late ploughing fields, rise in price of fertiliser, and poor rains to date. This will be felt this year and next.
17. A comparison with historical progress in other countries such as Ireland was made – when employment and economic opportunities are made available, land issues disappeared. Economic development, training and employment are required to support this process.
18. Although often at the frontline providing support to IDPs, some local organisations and churches were biased in their comments on the political situation and support to different ethnic groups. This was not consistent with the humanitarian principle of neutrality and reflects the depth of feeling and ethnic divisions at that time.