

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Question

Are there any reports of disturbances, violence or any indication that the situation in Eldoret or other areas could result in outbreaks of further violent conflict similar to that which occurred in December 2007-January 2008?

A search of a number of sources confirms that there continues to be some reluctance on the part of those internally displaced persons remaining in various camps to return home, despite the government's directive in May that they should do so. According to an IRIN report referring to July figures released by the UN Office for the Coordination of Humanitarian Affairs, there were still almost 60,000 in 89 IDP camps and almost 100,000 in other registered transit sites throughout Kenya at the beginning of that month:

On 5 May, the ministry of special programmes launched "Operation Rudi Nyumbani" (Return Home), targeting at least 158,000 IDPs in camps across the country. On 20 July, it launched the reconstruction phase of the programme, after some 85,000 IDPs left the camps.

"I had lived in Kiambaa for 40 years, I had a thriving bee-keeping business and managed a tree nursery with my family," Gichuhi said. "[But] I am not going back because the people who burnt the church are still there, the people who killed my child and my father are still there."

At least 30 people died and dozens more injured – most of them children and women – when arsonists set ablaze the church on 1 January, at the beginning of violence that later spread across Kenya in protest against the outcome of the 27 December presidential elections. ("Kenya: Kiambaa IDPs still afraid to return home" 2008, *IRIN News*, 30 July <http://www.irinnews.org/Report.aspx?ReportId=79526> – Attachment 1)

According to another report in July, there are continuing tensions between the President, Maai Kibaki and his opponent, Prime Minister Raila Odinga and that deep-seated problems were not being confronted.

Hopes that the painful clashes might usher in overdue reforms and encourage Kenyans to tackle long-standing historical grievances and tribal tensions are fading.

“It would seem, then, that these politicians had finally got what they wanted: power, or, to be precise, a share of it,” read a front-page editorial in the Standard newspaper. “Other matters were quickly relegated to the bottom of their priorities agenda.”

Even Kenya’s controversial electoral commission, which was widely criticized by local and international observers for failing to prevent vote fraud, remains intact and recently oversaw polling for parliament members.

The government’s first test was coping with an estimated 350,000 displaced Kenyans living in camps after the post-election violence drove them from their homes.

Humanitarian aid experts say the government needs to lay the groundwork for resettlement by bringing tribes together to vent their frustrations and forgive one another.

“You have to have reconciliation before resettlement,” said Daniel Were, a peace activist in Eldoret. “The government wants to be seen as doing something, but they are only doing part of the job.” (“Roots of unrest still deep in Kenya; Peace, but no reforms after election violence” 2008, *Chicago Tribune*, 20 July – Attachment 2)

There are various reports of individuals describing their fears of returning to their homes:

Mr Peter Kariuki, the chairman of the internal refugees at the Nakuru showground, has not been with his wife and three children since the violence broke out because she is from a different community.

He dismisses the construction of police posts in areas that witnessed the worst violence, saying the solution lies in resettling the displaced elsewhere.

Although the previous (Kanu) Government appointed a commission of inquiry to investigate the periodic violence in the country, the recommendations were never implemented. The report by a team headed by Mr Justice Akilano Akiwumi named powerful individuals behind the violence, but the Government did not take action.

The commission’s report, finalised in 1999, also proposed ways, means and measures that ought to be taken to prevent, control and eradicate such clashes in future. It also established the origins and causes of such violence.

Mr Joseph Ngige, 60, who lost his son in this year’s violence, says he will not return to Burnt Forest. “We are alive because we surrendered,” he adds.

Mr Ngige rejected the Sh10,000 cash they were being offered to return to their homes, citing insecurity. Like others, he wants the Government to use the proceeds to buy them land elsewhere.

Mr Nicholas Kirwa, also from Burnt Forest, blames the recurrent skirmishes on unemployment and errant politicians who incite their followers into violence.

Mr Wilfred Ndolo, the director of Mitigation and Resettlement at the Ministry of Special Programmes, says the Government is trying to reconcile the communities to make the resettlement a success. According to him 217,000 people have been resettled while 25,000 are still in the 16 camps yet to close (“Three times unlucky in polls violence” 2008, *Daily Nation*, 25 July, <http://www.nation.co.ke/News/-/1056/442760/-/item/1/-/swc9jv/-/index.html> - Accessed 21 August 2008 – Attachment 3).

In June, a Catholic Information Service for Africa reported concerns about the haste with which the re-settlements process had been undertaken, with inadequate preparatory reconciliation groundwork:

Church leaders also say the government should have given peace and reconciliation a chance before embarking on the resettlement.

“The ethnic animosity that sparked the violence is still high and unless the host communities and displaced people are reconciled first, the mere deployment of police in volatile areas would not bring about peace,” Archbishop Peter Kairo of Nyeri, chairman of the Catholic Justice and Peace Commission, said.

There is obvious evidence of ethnic tensions even in urban centers where a semblance of peace has returned. At the Mau Summit in Molo, the local matatu (taxi) termini initially manned by touts from the Kikuyu community are now manned by Kalenjin touts.

It is the same case at Londiani Market, previously dominated by Kikuyu traders. The entire market is now under Kalenjin domination, with the Kikuyu and Kisii “only welcome to buy”.

One of the accusations levelled against the Kisii and Kikuyu was that they had taken over all local business in the Rift Valley. The Kalenjin seem intent on keeping them at bay (“Resettlement of IDPs flops due to intense ethnic hate” 2008, *All Africa* (source: Catholic Information Service for Africa) 10 June, <http://allafrica.com/stories/printable/200806101058.html> - Accessed 20 August 2008 – Attachment 4).

In one incident in June, some 50 families were repelled by Kalenjin residents when they tried to return home

Samuel Njuguna, one of those forced back to the camp in the Rift Valley town of Eldoret, said a district officer had earlier told the families they could move.

But when they arrived and started to unload their possessions they were threatened by their former neighbours, he said.

“The people were coming close to us and they started screaming, shouting... ‘Just go back to where you come from. We are going to kill you.’”

A local pastor said his church would be burned down if the families left their possessions there, he said.

Some Rift Valley residents are demanding an amnesty over the post-election violence before resettlement goes ahead.

Mr Njuguna said he still hoped to go back to his village.

“It is my request to the government to build a police station so that in case we have any problem we can report it there,” he said (“Kenya: Kenyans blocked from return home” 2008, *BBC News*, 25 June – Attachment 5).

More recently, concern has been expressed about the number of orphaned or abandoned children in Eldoret;

“We have seen a considerable rise in the number of separated and unaccompanied children as a result of the post-election violence throughout the Rift Valley,” said Charlotte Balfour-Poole, a Save the Children programme coordinator.

With the imminent closure of many of the camps for the displaced, even more children are expected to become homeless. Currently, there are over 150 unaccompanied children registered in Eldoret showground camp alone, some as young as six or seven years old.

“Most of these children risk being thrown out on to the streets,” Balfour-Poole told IRIN.

Although many children living on the streets were, like William, orphaned during the violence, a considerable number still have one or both parents. Most of the families displaced by the violence fled with nothing more than the clothes they were wearing.

Save the Children said the burden of extreme poverty was causing some parents to neglect and even abandon children as they returned to their original farmland and struggled to make ends meet. (“Kenya: Numbers of street children rising in Eldoret” 2008, *IRIN News*, 8 August, <http://www.irinnews.org/Report.aspx?ReportId=79707>- Accessed 20 August 2008 – Attachment 6)

The government continues to express its intention that the camps need to be closed, with the large Eldoret showground camp scheduled to be closed before the end of August

This is the irony of the resettlement process. Most of those who are purported to have returned home are instead living in ‘transitional camps’ close to their farms.

In the Rift Valley, dozens of such camps have mushroomed to replace those being closed down. In Eldoret, a camp has been erected at Huruma grounds, less than five kilometres from the main camp.

The problem, say relief workers, is that the resettlement process lacks clear structures on the ground. “The resettlement should have been preceded by peace-building programmes and counselling,” says a Kenya Red Cross Society official.

Hardly disappear

“The Government says it wants to build 40,000 houses by March next year. This is belated and should have been done before the resettlement,” he adds.

The biggest remaining internally displaced people’s camp, Eldoret ASK showground, may be pulled down by Friday, but the issue of the camp’s occupants will hardly disappear as they will create new camps, putting pressure on donors for relief intervention. (“As Camps Shut Down, Refugees Are Setting Up Their Own” 2008, *All Africa*, 17 August,

<http://allafrica.com/stories/printable/200808180029.html> - Accessed 20 August 2008 – Attachment 7)

Despite their differences, some attempts at improving relations between the main ethnic groups have been made, including, in Eldoret, what have been described as ‘seed ceremonies’ initiated by the Roman Catholic bishop, Cornelius Arap Korir:

On a recent morning, as part of an ongoing series of “seed ceremonies,” Bishop Korir hands out bags of maize seed and fertilizer to members of the Kikuyu community of Illula, encouraging them to return, and to the neighboring Kalenjin community of Kapsoya, encouraging them to allow the Kikuyus to return.

“It takes a long time,” admits Bishop Korir, but the best way to get people together is development, he adds. “You make the project to be a peace project, like the season of planting. As they are planting, they are waiting, they are talking. The beginning was tough, but we keep on coming back, coming back.”

Sampson Baibai, an elder from Kapsoya representing the Kalenjin community, says that the troubles started after the elections, when many Kalenjins expected opposition leader Raila Odinga to win and accused the Kikuyu community of cheating when it was announced that he had lost to President Mwai Kibaki.

“One community was annoyed at the other who stole the election, and so they directed their anger to the community who had stolen the election,” says Mr. Baibai, as members of his community and of the Kikuyu community line up for seed. But after about a month, he and other elders began to talk across ethnic lines to stop the violence. “It took the initiative of the elders to talk to the young people and tell them that people have to live together as a community.”

Elijah Ng’ang’a, a Kikuyu elder at the ceremony, says that his people had wanted to return to their farms for many weeks, “but every time they tried to come back, they were chased away. That’s when we sat down and talked to them.” He also credits the bishop’s system of dispersing the seeds to farmers. “The seeds were being offered to both communities not just one – so that pulled people together – and that’s when they calmed down and decided to be together,” he says (“In Kenya’s hotbed of postelection violence, a bishop sows seeds of peace” 2008, *Christian Science Monitor*, 13 June, <http://www.csmonitor.com/2008/0614/p01s01-woaf.html> - Accessed 21 August 2008 – Attachment 8.)

In opening Public Service Week the Internal Security Minister George Saitoti said on 20 August that the post-election violence and ‘tribal animosity’ should not happen again;

Speaking after launching the Public Service Week in Nakuru on Wednesday, the minister recounted how the mayhem affected the country.

The people of Rift Valley, a region hardest hit by the violence, should learn from the crisis that peaceful coexistence was the only way for a country to prosper, he said.

He said security had been intensified in towns such as Nakuru, Eldoret, Kitale, Kericho, Molo and Naivasha.

Highway banditry and the cattle rustling menace, Prof Saitoti said, would also be curtailed.

Parents were also urged to instil good morals among their children. He condemned the destruction of school property. (“Saitoti says violence will never return” 2008, *Daily Nation*, 22 August <http://www.nation.co.ke/News/-/1056/461406/-/item/1/-/r5u77x/-/index.html>- Accessed 21 August 2008 – Attachment 9)

List of Sources Consulted

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Region Specific Links

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Databases

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

List of Attachments

1. “Kenya: Kiambaa IDPs still afraid to return home” 2008, *IRIN News*, 30 July <http://www.irinnews.org/Report.aspx?ReportId=79526> – Accessed 20 August 2008.
2. “Roots of unrest still deep in Kenya; Peace, but no reforms after election violence” 2008, *Chicago Tribune*, 20 July. (FACTIVA)

3. “Three times unlucky in polls violence” 2008, *Daily Nation*, 25 July, <http://www.nation.co.ke/News/-/1056/442760/-/item/1/-/swc9jv/-/index.html> - Accessed 21 August 2008.
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