

**ON THE OCCASION OF THE VISIT OF THE SPECIAL RAPPOTEUR ON
THE HUMAN RIGHTS OF INTERNALLY DISPLACED PERSONS TO
KENYA
STATEMENT FROM JPIC FRANCISCANS AFRICA AND FI- LOCAL
TEAM ON BEHALF OF THE INTERNALLY DISPLACED PERSONS OF
NDATHO CAMP IN LOWER SUBUKIA.**

1. The Office of Justice peace and Integrity of Creation Franciscans Africa (JPIC FA) is a programme of the Franciscan Family Association in Kenya and works with the local coordination team of Franciscans International¹ on various human rights advocacy issues. We welcome the Special Rapporteur on the Human rights of Internal displacement and are grateful for this audience. We are here to speak on behalf of the Internally Displaced People's camp in Ndatho- Lower Subukia who may not have the opportunity due to the brevity of time.

NDATHO IDP CAMP

2. Ndatho is the name of the deceased owner of a farm that is now home to an Internally displaced person's camp located in lower Subukia, 50 km from Nakuru Town in Kenya. It has come to be referred to as NDATHO IDP Camp. Located on the border between Lower and Upper Subukia, the area ministered to by the Franciscans of the Order of Friars Minor (OFM). It is on this basis that the office of JPIC Franciscans Africa has been involved in advocacy for these IDPs.
3. This camp is unique for its composition and history. They are a total of 113 families. The records as at the time of settling at Ndatho showed 840 persons in all. Of course several changes have occurred in the last three years. Some of the able bodied have moved on to cities to find work while babies have been born into this community.
4. These persons were displaced as a result of the 2007/08-post election violence. They came from different places (Molo, Kuresoi, Uashin Gishu and Eldoret and first met each other at Nakuru Agricultural show grounds. The families received from government, the first installment of their resettlement package (Ksh 35,000/= per family) upon which they decided to pool it together in order to collectively buy a piece of land for the selves.
5. The piece of land that they acquired was in Olebolosat Nyandarua North District was marshland and uninhabitable but that is all they could afford from the amount of money they had. The government intervened by acquiring for them a disused farm but nevertheless habitable from the known descendants of Ndatho in this area. They have been living in tents on this land for over three years without specific allocation of plots to grant them the land titles so much needed for a settled life and development.

The Search for a Durable Solution

6. The guiding principles on internal displacement provide that "displacement shall last no longer than required by the circumstances" (principle 6). The right of internally displaced persons to a durable solution is articulated in Principles 28-30. A durable solution is achieved when internally displaced

¹ A faith based organization with consultative status at the UN.

persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.

7. The IDPs in Ndatho camp could not be reintegrated in the places of origin before displacement and neither could they be integrated in the places where they sought initial refuge (the marsh land they had purchased in Olebolosat). Achieving sustainable integration in this area where Ndatho camp is located would in the circumstances, arrive at a permanent solution.

Challenges to integration.

8. The three year uncertainty over where they were going to live delayed any real hopes for integration with the community around Ndatho camp. While there was no violence in this part of the country, it is inhabited by the Kalenjin people whose kin elsewhere were perceived to be responsible for displacement. The IDPs are originally settled agriculturalists with minimal animal husbandry, yet “we have had animals from our hosts grazing on the land of the camp and damaging the few crops we have” said the vice chairman. “ There is still mistrust on both sides and while the IDPs do their part in a small way helped by the Franciscans, government should be encouraged to take conscious steps towards promoting integration, tolerance and acceptability. Settlement may not be enough.
9. We welcome government efforts to demarcate land and take steps towards allocating it. Actually we have just received information that tomorrow September 21: 2011, we will be balloting over the demarcated plots. Even though only 91 of the 113 families will get plots, we remain thankful for this step. “We now know we are here to stay and integration efforts are welcome” said Lucas the chairperson of the IDP camp.

Challenges to Resettlement

10. We welcome again the news that officials from the Ministry of Lands and that of special programmes will be , tomorrow overseeing the balloting exercise for the plots demarcated. The plots are also large enough 2.25 acres. The challenge is that while some of the land is arable, up to 50% of the plots are on rock or marshland, which is not arable. The result is that families, which will ballot over such poor portions of land, will be condemned to a life of either expensive hard labor or food insecurity or both. Government should be encouraged to support the initial agricultural efforts of the IDPs to guarantee production from the land.
11. We also acknowledge that in the last two weeks the IDPs in Ndatho have received poles, hinges, nails, doors and windows, a sign that they are about to get housing. The challenge is that the type of housing due to be constructed is not adequate and may not be as safe as it ought to be. “The poles for construction that were brought are too thin, I can even hold one with my small hands” said a young man at the camp. It is also definite that the wall material is going to be mud since the iron sheet are only enough for roofing. From the available materials, it is clear that the houses will be two roomed with a sitting room and a bedroom. While this is better than the tents for the last three years, this housing is not adequate for a family. Government should be encouraged

to either organize housing schemes for better housing of IDPs or support any such efforts.

Some Rights Based Challenges

12. The right to education: Fifty-five children have been born to this community since the displacement and most of them are due for early childhood education. The nearest schools (Mihango Primary School and Kamumo Primary School) are at least 5 km from the camp, which would be hard on the infants. The New constitution places the function of establishing pre primary schools on counties. The county governments are not yet operational yet the children have to go to school. Government should be encouraged to promote education with a preferential option for the most vulnerable in the circumstances. A school established within the resettlement premises but open to all including the hosts will contribute to the process of integration.
13. Safe drinking water: The only available source of water for the IDPs of Ndatho camp is river Subukia whose upper riparian is contaminated by among others flower farms and is characterized by much sedimentation. Government should be encouraged to look into the water question by providing boreholes in the area of resettlement.
14. Right to Health: The nearest health facility is a dispensary in Maseno and is 5 km from the resettlement area. Maternity services can only be accessed in Subukia which is 11 Km away. “ We have no way of gauging the qualifications of the attendants at the clinic, but we cope anyway” said mama Macharia at the camp. Government should be encouraged to provide accessible, acceptable and quality maternity care to all people in the area including IDPs.

We are once again thankful for this audience with the Special Rapporteur on the Human rights of Internally Displaced Persons .

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