

Kenya must avoid a new internal displacement crisis” – UN expert warns in run up to elections

One week before the elections in Kenya, the United Nations Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, called on the Kenyan Government and the international community to significantly scale up efforts to prevent internal displacement in preparation for the elections due on Monday 4 March.

“Instances of localized violence likely to result in the arbitrary displacement of persons in Kenya have steadily increased in the run up to the elections, although intervention by Government has helped to improve the situation,” Mr. Beyani said, recalling that internal displacement in the country has historically followed each election cycle since 1991/1992.

This year’s elections are the first under the new 2010 Constitution, which introduced major political reforms after the 2007/2008 post-election violence. At the time, lack of preparedness during the post-election violence contributed to the country’s largest internal displacement crisis, with 600,000 Kenyans displaced in precarious and adverse living conditions.

“I urge the Kenyan authorities this time around to strengthen the measures being led by national disaster and crisis management to prevent displacement, together with its national and international partners, and to intensify emergency preparedness and coordination efforts to that end,” the human rights expert stressed. “I particularly call upon donors to support such preparedness efforts, which are essential to save lives and ensure the safety and dignity of internally displaced persons in the possible event of displacement in the country.”

The Special Rapporteur commended the Government of Kenya for the significant progress it has made since his last visit to the country in September 2011. Most notably, the Government has facilitated returns or other solutions, including resettlement, for most persons internally displaced in 2007/2008, and adopted legislation on the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities, in December 2012 (IDP Act).

“Solutions for the internally displaced have to be sustainable. The voices of displaced Kenyans must be heard on all matters affecting their future, in keeping with the new law,” highlighted the rights expert, while calling for the implementation of the Act. “The IDP Act provides for a rights-based response to internal displacement and imposes an obligation on everyone involved in the protection and assistance to the victims to act in accordance with the Great Lakes Protocol and the Guiding Principles on Internal Displacement.”

The Presidential assent to the IDP Act in 2012, as well as the approval of a new and comprehensive IDP Policy by Cabinet in November 2012 are milestones for the country. “The IDP Act clearly obliges the Government and others to guard against violence and prevent internal displacement,” Mr Beyani noted. With the adoption of this new legislation, Kenya publicly affirmed that arbitrary displacement resulting from politically instigated violence is prohibited and constitutes an offence.

“This is a call for avoiding displacement by holding peaceful elections, and I am calling on every Kenyan in all communities to refrain from violence and incitement that may lead to arbitrary displacement,” the Special Rapporteur stressed.

Root causes of past displacements have been mitigated by the new Constitution under which the elections will be held. However, challenges remain, including the slow pace of the actual implementation of the 2010 Constitution and the backdrop of the increasing ethnic tensions in the country.

In 2012, over 116,000 persons were displaced as a result of inter-communal violence in the country. Since August 2012, over 182 people have been killed and 34, 417 displaced by inter-communal violence in the Tana River County, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). Inter-communal violence also occurred in Eastern, North East, Rift Valley and Coast provinces.

“New risks of communal violence have emerged with the devolution of certain powers and representation to units of Devolved Government in some of the Counties, under the new Constitution,” the Special Rapporteur said, referring to tensions, hostilities and increased instances of localized violence resulting in the recent displacement in Kenya.

“Elections this year are not only about national positions, but also about local ones. Power struggles over political representation at the local level have already resulted in new displacement in some instances,” Mr. Beyani said. “This complexity makes it all the more necessary to take strong steps to combat electoral violence, and measures of preparedness to prevent any ensuing internal displacement during the 2013 election cycle.”

Chaloka Beyani, a Senior Lecturer in international law at the London School of Economics and Political Science, was appointed as Special Rapporteur on the Human Rights of Internally Displaced Persons by the Human Rights Council in September 2010. As Special Rapporteur, he is independent from any government or organization and serves in his individual capacity. Learn more, log on to: <http://www.ohchr.org/EN/Issues/IDPersons/Pages/IDPersonsIndex.aspx>

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