

REPUBLIC OF KENYA



THE SENATE

TWELVELTH PARLIAMENT

FOURTH SESSION

.....
COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND
REGIONAL INTEGRATION
.....

REPORT ON A PETITION ON THE RESETTLEMENT OF AWARDS TO KIBERA
INTERNALLY DISPLACED PERSONS (IDPS)
.....

Clerks' Chamber;

The Senate;

Parliament Buildings;

NAIROBI

OCTOBER 2020

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ABBREVIATIONS

IDPs Internally Displaced Persons

NCCC National Coordination Consultative Committee

PREFACE

On 19th September, 2018, the Senate received a petition from Rev. David Muganada over the non-settlement of awards to Kibera Internally Displaced Persons by the Government. The petition met the threshold as provided for in Standing Order 223 of the senate.

The **Petitioner** drew the attention of the Senate to the following: -

- a) That an estimated 90,000 IDPS were displaced in Kibera during the 2007/2008 post-election skirmishes;
- b) That Parliament discussed and passed a budget for the fiscal year 2016/2017 for internally displaced persons — integrated resettlement;
- c) The Chairman of National Coordination Consultative Committee (NCCC) confirmed that over 90,000 integrated IDPS were to be settled using this amount;
- d) The Government of Kenya has the list for Internally Displaced Persons who genuinely deserve allocation through the NCCC office;
- e) The Government accepted the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- f) That many IDPs were left out of the Government disbursement allocation;

Mr. Speaker Sir,

The Petitioners prays that the Senate investigates the matter to ensure —

- a) that there is full compensation of the IDPs as per the Government list;
- b) that a thorough scrutiny is done to the records of payment of the NCCC;
- c) that the office of the NCCC on IDPs should be operationalized to serve its citizenry; and
- d) that all the IDPs should get equal share as per the resettlement programme including land.

Following the tabling of the petition and in line with the Senate Standing Order No. 232(2), the Speaker directed the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to investigate the matter and table the report in the House within sixty calendar days. The Committee was however not able to complete on the issue within the stipulated time due to some technicalities.

This matter is therefore before the committee pursuant to Article 119 (1) of the Constitution on the right to petition Parliament which provides that —

Every person has a right to petition Parliament to consider any matter within its authority, including to enact or repeal any legislation.

Membership of the Committee

1) Sen. Naomi Shiyonga Masitsa, MP	Chairperson
2) Sen. Christine Zawadi Gona, MP	Vice-Chairperson
3) Sen. (Dr.) Christopher Andrew Lang'at, MP	Member
4) Sen. Iman Falhada Dekow, MP	Member
5) Sen. (Dr.) Lelegwe Ltumbesi, MP	Member
6) Sen. Samson Cherarkey, MP	Member
7) Sen. Judith Pareno, MP	Member
8) Sen. Mercy Chebeni, MP	Member
9) Sen. (Dr.) Gertrude Musuruve Inimab, MP	Member

Committee Actions and Sitings

Arising from this ruling, the Committee held a meeting with the Petitioner on 12th August 2020 and received a written submission from the Cabinet Secretary Ministry of Interior and Coordination of National Government whose mandate this matter falls.

The Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration is required to consider:

- a) Whether Parliament discussed and passed a budget for the fiscal year 2016/2017 for IDPs-integrated settlement;
- b) The amount of money which was supposed to be given to the Kibera IDPs as compensation;
- c) Whether the Ministry Interior has the list for the internally displaced persons who genuinely deserve allocation through the NCCC office;
- d) Whether the Government acknowledged the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- e) How many IDPs were left out of the Government disbursement allocation; and

- f) How many IDPs have since been compensated and the amount of money they have been compensated with.

Summary of Observations and Findings

The Committee has examined all the information and evidence from the documents, reports and concerned parties who appeared and gave submissions, and established that;

- 1) The Ministry of Interior and Coordination of National Government in its submission stated that Government recognized the existence of integrated IDPs among them the Kibera IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel, Nakuru in March 2017.
- 2) The intergrated IDPs were taken through various stages of eligibility vetting and through this exercisa, a total of 83,801 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited: -
 - (i) Those paid KSHs 10,000 were 471 beneficiaries
 - (ii) Those paid KSHs 50,000 were 692 beneficiaries

The Committee noted with concern that the amounts given out as compensation were inadequate given that the affected not only lost livelihood but some also lost their lives.

- 3) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons under section 12.

The Committee established that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

- 4) The Committee established that the Ministry of Interior has not gazetted a new National Consultative Coordination Committee on IDPs and therefore there is no budget set aside for the said Committee. This according to the Ministry of Interior was informed by the fact that

all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017.

- 5) The Committee established that the Ministry of Interior is still consulting the various agencies which will inform the finalization of the drafting of the **National Policy on Internally Displaced Persons**.

The Committee Recommends That: -

- 1) The Ministry of Interior and Coordination of National Government **gazettes a new National Consultative Coordination Committee on IDPs**. This Committee as established under section 12 of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 is mandated to handle all matters relating to IDPs in the Country. The term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.
- 2) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons **be fully funded and operationalized** to achieve its mandate as per the Act to deal with frequent cases of IDPs around the country as well as other previous cases that were not fully settled like the Kibera IDPs.
- 3) The Auditor General to carry out a thorough audit on the operations of the National Consultative Coordination Committee (NCCC) whose term ended in 2017 in as far as the utilization of the funds to ascertain that all funds allocated for resettlement of IDPs were used for the intended purposes. The Ethics and Anti-Corruption Authority (EACC) and other relevant state agencies investigate and prosecute in the event that the Auditor General ascertains that there was misappropriation of funds.
- 4) The Ministry of Interior and Coordination of National Government spearheads and concludes the **drafting of a National Policy on Internally Displaced Persons**.

Acknowledgements

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the Senate for the facilitation and support extended to the Committee during the entire process of report writing.

The Committee further appreciates the co-operation extended to it by the Petitioner and the Ministry of Interior and Coordination of National Government.

I also thank Members of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for their patience, endurance and hard work in their endeavor to address the concerns raised in the petition.

Mr. Speaker, Sir,

On behalf of the Committee, I now have the honour and pleasure to present the report and recommendations to the House for adoption.

Thank You,

Signed



CHAIRPERSON

(SEN. NAOMI SHIYONGA MASITSA, MP)

Date:

1 / 10 / 2020

CHAPTER ONE

1) INTRODUCTION

1.1 The Petition

The Petition by Rev. David Muganada over the non-settlement of awards to Kibera Internally Displaced Persons by the Government was received by the Senate on 19th September, 2018 and subsequently submitted to the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration. The petition drew the attention of the Senate to the following matters:

That:

- 1) That an estimated 90,000 IDPS were displaced in Kibera during the 2007/2008 post-election skirmishes;
- 2) That Parliament discussed and passed a budget for the fiscal year 2016/2017 for internally displaced persons - integrated resettlement;
- 3) The Chairman of National Coordination Consultative Committee (NCCC) confirmed that over 90,000 integrated IDPS were to be settled this amount;
- 4) The Government of Kenya has the list for Internally Displaced Persons who genuinely deserve allocation through the NCCC office;
- 5) The Government accepted the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- 6) That many IDPs were left out of the Government disbursement allocation.

WHEREFORE, your humble petitioner pray that the Senate addresses the below issues

- 1) That there is full compensation of the IDPs as per the Government list;
- 2) That a thorough scrutiny is done to the records of payment of the NCCC;
- 3) That the office of the NCCC on IDPs should be operationalized to serve its citizenry; and
- 4) That all the IDPs should get equal share as per the resettlement programme including land.

1.2 The Mandate of the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee on Internally Displaced Persons(NCCC) under section 12.

The functions of this Committee are set out as follows—

- (a) serve as the official impartial and humanitarian focal body liaising between Government Departments, the United Nations, non-State actors, the Secretariat of the International Conference of the Great Lakes Region, and where appropriate the African Union;
- (b) determine and establish procedures and channels of engagement and cooperation between Government Departments, the United Nations, non-State actors, the Secretariat of the International Conference of the Great Lakes Region and where appropriate the African Union in order to enhance the effectiveness of the response to internal displacement;
- (c) coordinate prevention and preparedness efforts, protection and assistance to internally displaced persons throughout their displacement until a durable and sustainable solutions is found, and to host communities as needed, among relevant Government Departments, the United Nations, and non-State actors;
- (d) ensure the registration of all internally displaced persons in order to maintain a national data-base of such persons which registration shall—
 - (i) commence and conclude within thirty days of the occurrence of internal displacement;
 - (ii) be declared by the Cabinet Secretary through the issuance of a Gazette notice;
 - (iii) be only for reasons of ascertaining the identification, profile, conditions, and numbers of internally displaced persons for the sole purpose of protection and assistance in accordance with Article 3 (4) of the Protocol;

- (e) raise national awareness, sensitize and facilitate and coordinate training and education on the causes, impact and consequences of internal displacement and means of prevention, protection and assistance as provided for in sections 18-21 of the Act;
- (f) oversee the management and use of the Fund provided for in section 15 of the Act;
- (g) prepare an Annual Report relating to the fulfilment of its functions for tabling before Parliament on the situation of internally displaced persons;
- (h) monitor and supervise the operational implementation of the Protocol and the Guiding Principles by virtue of the Act; and
- (i) advise the Cabinet Secretary on the exercise of his or her powers and functions under the Act.

1.3 Consideration Of Evidence

In considering the Petition the Committee received both oral and written submissions from the following parties:

- 1) The Petitioner
- 2) The Cabinet Secretary, Ministry of Interior and Coordination of National Government.

1.4 Objectives of the Inquiry

In prosecuting this petition, the Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration set out to achieve the following objectives:-

- 1) Whether Parliament discussed and passed a budget for the fiscal year 2016/2017 for IDPs-integrated settlement;
- 2) The amount of money which was supposed to be given to the Kibera IDPs as compensation;
- 3) Whether the Ministry Interior has the list for the internally displaced persons who genuinely deserve allocation through the NCCC office;
- 4) Whether the Government accepted the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- 5) How many IDPs were left out of the Government disbursement allocation; and
- 6) How many IDPs have since been compensated and the amount of money they have been compensated with.

CHAPTER TWO

2) SUBMISSIONS BY PARTIES

2.1 Submissions from the Petitioner

In a meeting held on Thursday 20th August 2020, the Committee met the petitioners represented by:

- i. Mr. Simon Mbugua
- ii. Mr. Josiah Maningi
- iii. Ms. Grace Nyambura

The petitioners submitted that the post-election violence in 2007 not only led to loss of life but also loss of livelihood and property which most of the IDPs have not been able to recover from. Further that some members of the Kibera IDPs have since died of poor health and poverty without ever receiving the long awaited compensation. The Petitioners therefore in their written submission asked the Committee to look into:

- (i) The representatives of the Kibera IDPs were requested by N.C.C.C to send the correct names and next of kin details for purposes of compensation, since some details had errors and the banks were unable to process payment. However, after the correction was done some beneficiaries received payment and some to date have not.
- (ii) The genuine list of IDPs from Kibera is recognized as per the Government records through the N.C.C.C office.
- (iii) There was inequality in compensating IDPs in Kibera where cash payments of Kshs. 50,000 400,000, 200,000, 150,000 were given out to different groups of IDPs as compensation while others never got a penny as per the government records.
- (iv) The Government ranches and individual land bought in Laikipia, Nyandarua , Molo , Kajiado and other counties were never dispatched to any of the Kibera IDPs. From the records other IDP communities were being given 2.25 acres of land. Therefore, the Kibera IDPs request for land to resettle their Members.
- (v) Kibera IDPs leaders should be involved in any matter relating to their welfare and important decision making relating to the said group.
- (vi) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 should not be repealed. The Act should remain in place to prevent, protect and assist the internally displaced persons and the affected communities.

2.2 Submission from the Cabinet Secretary, Ministry of Interior and Coordination of National Government.

Introduction

The Cabinet Secretary submitted that following the post 2007 elections, the Country was engulfed in violence which led to destruction of property and loss of life. An estimated 663,921 people were displaced, about 80,000 houses destroyed countrywide while 1300 lives were lost. Out of these, a total of 350,000 Internally Displaced Persons (IDPs) sought refuge in 118 camps spread all over the Country and 313, 921 were integrated within communities across the Country.

In order to mitigate the effects of Post-Election Violence, the Government established the National Humanitarian Fund through legal Notice No.11 of 2008 dated 30th January. On 15th February, 2008 the President appointed through a Special Gazette Notice no 1038 Advisory Board Members to manage the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence.

On 19th January, 2013 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 came into effect. The Act provides procedures and the manner in which resettlement of IDPs is to be carried out and provides for the creation of an inclusive National Consultative Coordination Committee on Internally Displaced Persons (NCCC) to steer the resettlement programmes. The National Consultative Coordination Committee on Internally Displaced Person (NCCC) was appointed on 21st November 2014 and it started its operation in April, 2015.

Resettlement of IDPs

Further the CS reiterated the Government's commitment to assisting all the genuinely Internally Displaced Persons. However, the assistance the Government had extended to IDPs was intended to facilitate the affected persons start rebuilding their lives as it was not possible to fully compensate those affected for the losses they suffered were enormous. As such the affected households were assisted as follows:

- (a) Startup capital of Kshs. 10,000 to a total of 124,974 households who were successfully persuaded to voluntarily return to their farms.
- (b) Kshs. 25, 000/= paid to each of the 48,662 households to reconstruct their partially damaged houses.
- (c) A total of 71,473 low cost houses were constructed for those whose houses were totally destroyed. Also a lot of 21,000 houses for those affected and host communities were constructed under the African Development Bank Housing Program.

For those who lived in camps, they were profiled and assisted as follows: -

- 1) **Land resettlement.** A total of 7,315 IDPS households including host communities were settled on Government procured farms in various parts of the Country with each household given 2.25 acres of land.
- 2) **Cash in lieu of land phase I:** A total of 8499 households were resettled through cash payment of KSHs 400,000 each through Equity Bank.
- 3) **Cash payment phase II;** Under this phase 5,387 IDPs and forest evictees were each paid KSHs 200,000 in lieu of land,
- 4) **Cash payment phase III.** This phase covered 5261 IDPs and forest evictees and each was paid KSHs. 200,000.

The Government through the NCCC repatriated 258 Kenyan IDPs who were living in Uganda as refugees and each was paid between KSHs 100,000 and KSHs 150,000 depending on family size. This was after profiling was done by a multi-agency task force.

The Government recognized the existence of integrated IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel, Nakuru in March 2017. The target of the exercise was to isolate the following categories of IDPs for consideration:-

- (i) Those who have not been paid any GOK support
- (ii) Those who had only been paid Kshs. 10,000 start-up capital;

The above data was subjected to the following elimination criteria: -

- a) Elimination from the eligibility list any person who was paid an extra benefit over and above the KSHs. 10,000 start-up capital i.e. Those who got Kshs. 10,000 plus land or Kshs. 10,000 plus a House from ADB project.
- b) Elimination from the eligibility lists those who received other cash payments irrespective of whether they received the start-up capital of KSHs. 10,000 i.e. those who received.
 - i. Kshs. 400,000
 - ii. Kshs. 200,000
 - iii. KSHs. 100,000 to 150,000
 - iv. KSHs. 25,000
- c) Elimination from the eligibility lists those whose cases are under investigation either by EACC, CID or the Courts both whose cases and not been determined.
- d) Elimination from the eligibility lists those who:-
 - i. Had no Identity Card
 - ii. Received multiple or double payment
- e) Removing duplicated names.
- f) Those who had not attained the age of 18 years at the time of the PEV

Through this exercise, a total of 33,391 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited: -

- (a) Those paid KSHs 10,000 were 471 beneficiaries
- (b) Those paid KSHs 50,000 were 692 beneficiaries

CHAPTER THREE

3.0 OBSERVATIONS AND RECOMMENDATIONS

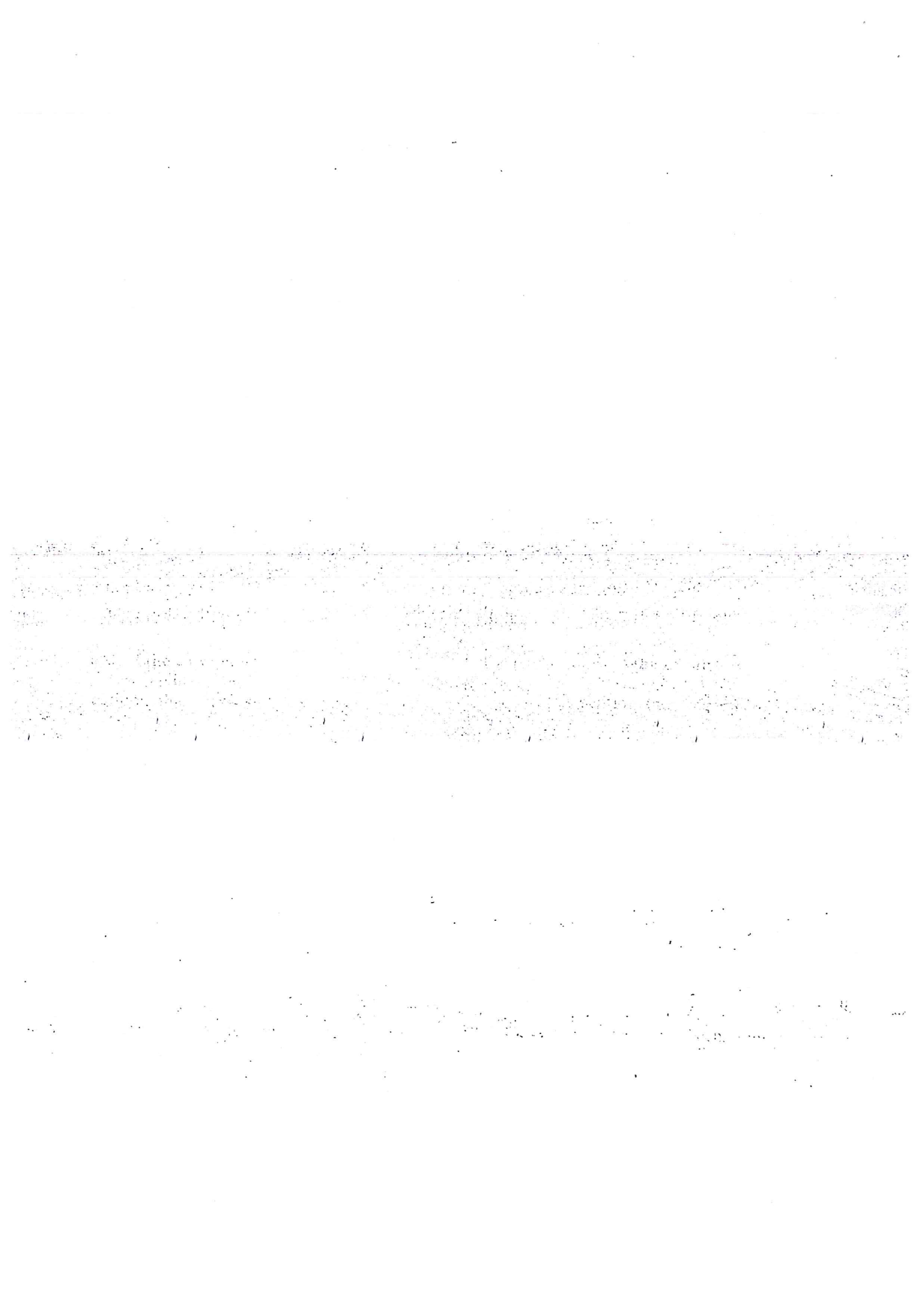
3.1 Observations

- 1) The Ministry of Interior and Coordination of National Government in its submission stated that Government recognized the existence of integrated IDPs among them the Kibera IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel, Nakuru in March 2017.
 - 2) The intergrated IDPs were taken through various stages of eligibility vetting and through this exercise, a total of 83,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000 - to each household as per the available budget whereby the following IDPs from Kibera benefited: -
 - (iii) Those paid KSHs 10,000 were 471 beneficiaries
 - (iv) Those paid KSHs 50,000 were 692 beneficiaries
- The Committee noted with concern that the amounts given out as compensation were inadequate given that the affected not only lost livelihood but some also lost their lives.
- 3) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons under section 12.
The Committee established that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.
 - 4) The Committee established that the Ministry of Interior **has not** gazetted a new National Consultative Coordination Committee on IDPs and therefore there is no budget set aside for the said Committee. This according to the Ministry of Interior was informed by the fact that all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017.

- 5) The Committee established that the Ministry of Interior is still consulting the various agencies which will inform the finalization of the drafting of the **National Policy on Internally Displaced Persons**.

3.2 Recommendations

- 1) The Ministry of Interior and Coordination of National Government **gazettes a new National Consultative Coordination Committee on IDPs**. This Committee as established under section 12 of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 is mandated to handle all matters relating to IDPs in the Country. The term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.
- 2) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons **be fully funded and operationalized** to achieve its mandate as per the Act to deal with frequent cases of IDPs around the country as well as other previous cases that were not fully settled like the Kibera IDPs.
- 3) **The Auditor General to carry out a special audit** on the operations of the National Consultative Coordination Committee (NCCC) whose term ended in 2017 in as far as the utilization of the funds to ascertain that all funds allocated for resettlement of IDPs were used for the intended purposes.
- 4) The Ethics and Anti-Corruption Authority (EACC) and other relevant state agencies investigate and prosecute in the event that the Auditor General ascertains that there was misappropriation of funds.
- 5) The Ministry of Interior and Coordination of National Government spearheads and concludes **the drafting of a National Policy on Internally Displaced Persons**.



MINUTES OF THE THIRTY SEVENTH SITTING OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION HELD ON WEDNESDAY, 30TH SEPTEMBER, 2020 IN THE ZOOM PLATFORM AT 12.00PM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. Christine Zawadi Gona, MP - Vice - Chairperson
3. Sen. (Dr.) Christopher Lang'at, MP
4. Sen. Judith Pareno, MP - Acting Chair
5. Sen. (Dr.) Gertrude Musuruve Inimah, MP
6. Sen. Mercy Chebeni, MP
7. Sen. Iman Falhada Dekow, MP
8. Sen. (Dr.) Lelegwe Ltumbesi, MP

ABSENT WITH APOLOGY

1. Sen. Samson Cheratkey, MP

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Beatrice Kapei
3. Ms. Regina Munyao
4. Ms. Anne Kigoro
5. Ms. Millicent Ratemo

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Legal Counsel
- Research Officer
- Audio Services

MIN. NO. 182/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 183/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. . (Dr.) Gertrude Musuruve Inimah, MP and seconded by Sen. Mercy Chebeni, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Confirmations of Minutes;
3. Consideration and Adoption of the Draft Kibera IDPS amended Report;
4. Any Other Business & Adjournment.

MIN.NO. 184/2020: CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of Minutes was deferred

MIN.NO. 185/2020: CONSIDERATION AND ADOPTION OF THE DRAFT KIBERA IDPS AMENDED REPORT;

- i. The Committee considered and adopted the Kibera Internally Displaced Persons Report by consensus; and
- ii. The Chair directed the Secretariat to prepare immediately the report for tabling.

MIN.NO. 186/2020 A.O.B. AND ADJOURNMENT

- i. Senators were informed on the conflicts in the Northern Kenya currently taking place and agreed to make a visit soonest possible to avert more deaths; and
- ii. The Committee also directed the secretariat to expedite the reporting on World Peace Day Event and agreed to consider its report once its ready.

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED:.....

Macanis

(VICE - CHAIRPERSON)

DATE:.....

1/10/2020

MINUTES OF THE THIRTY FIFTH SITTING OF THE STANDING COMMITTEE
ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL
INTEGRATION HELD ON WEDNESDAY, 23RD SEPTEMBER, 2020 IN THE ZOOM
PLATFORM AT 12.00PM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. Christine Zawadi Gona, MP - Vice - Chairperson
3. Sen. (Dr.) Christopher Lang'at, MP
4. Sen. (Dr.) Gertrude Musuruve Inimah, MP
5. Sen. Mercy Chebeni, MP
6. Sen. Iman Falhada Dekow, MP
7. Sen. (Dr.) Lelegwe Ltumbesi, MP

ABSENT WITH APOLOGY

1. Sen. Samson Cherarkey, MP
2. Sen. Judith Pareno, MP

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Beatrice Kapei
3. Ms. Regina Munyao
4. Ms. Anne Kigoro
5. Ms. Millicent Ratemo

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Legal Counsel
- Research Officer
- Audio Services

MIN. NO. 171/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 172/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. (Dr.) Gertrude Musuruve Inimah, MP and seconded by Sen. Iman Falhada Dekow, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Confirmations of Minutes;
3. Consideration of the Draft Kibera IDPS amended Report;
4. Any Other Business & Adjournment.

MIN.NO. 173/2020: CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of Minutes was deferred.

MIN.NO. 174/2020: CONSIDERATION OF THE DRAFT KIBERA IDPS AMENDED REPORT

The Committee was brief on the Amended Draft Kibera IDP's Report. The observation and recommendations were as summarized as below -

The Committee was also informed on the report's observations as indicated below: -

- 1) The Ministry of Interior and Coordination of National Government in its submission stated that Government recognized the existence of integrated IDPs among them the Kibera IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership, which culminated in two forums, which were held at Nuru Palace Hotel, Nakuru in March 2017.
- 2) The integrated IDPs were taken through various stages of eligibility vetting and through this exercise, a total of 83,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited: -
 - (i) Those paid KSHs 10,000 were 471 beneficiaries
 - (ii) Those paid KSHs 50,000 were 692 beneficiaries

The Committee noted with concern that the amounts given out as compensation were inadequate given that the affected not only lost livelihood but some also lost their lives.

3) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons under section 12.

The Committee established that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

4) The Committee established that the Ministry of Interior **has not** gazetted a new National Consultative Coordination Committee on IDPs and therefore there is no budget set aside for the said Committee. This according to the Ministry of Interior was informed by the fact that all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017.

5) The Committee established that the Ministry of Interior is still consulting the various agencies which will inform the finalization of the drafting of the **National Policy on Internally Displaced Persons.**

The Committee was also informed on the report's recommendations as indicated below: -

1) The Ministry of Interior and Coordination of National Government gazettes a new **National Consultative Coordination Committee on IDPs.** This Committee as established under section 12 of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 is mandated to handle all matters relating to IDPs in the Country. The term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

2) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons be **fully funded and operationalized** to achieve its mandate as per the Act to deal with frequent cases of IDPs around the country as well as other previous cases that were not fully settled like the Kibera IDPs.

3) **The Auditor General to carry out a special audit** on the operations of the National Consultative Coordination Committee (NCCC) whose term ended in 2017 in as far as the utilization of the funds to ascertain that all funds allocated for resettlement of IDPs were used for the intended purposes.

- 4) The Ethics and Anti-Corruption Authority (EACC) and other relevant state agencies investigate and prosecute in the event that the Auditor General ascertains that there was misappropriation of funds.
- 5) The Ministry of Interior and Coordination of National Government spearheads and concludes the drafting of a National Policy on Internally Displaced Persons.

The Committee made the following recommendations-

- i. The Committee agreed to amend the recommendations to highlight the importance of recommending for a special audit by the Auditor General Office;
- ii. The Committee resolved and directed the Secretariat to input more information for allocation of meaningful amount of money for the compensation of the urban IDPs. The matter was raised on the account that the funds for urban dwellers was inadequate to compensate their losses; and
- iii. The Committee noted with concern that, the report recommendations should emphasis on the need to reconstitute the National Consultative Coordination Committee (NCCC) to conclude on the compensation exercise for those who have been left out.

MIN.NO. 175/2020 A.O.B. AND ADJOURNMENT

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED: M. M. M. M. M.

(CHAIRPERSON)

DATE: 1/10/2020

MINUTES OF THE TWENTY FIFTH SITTING OF THE STANDING COMMITTEE
ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL
INTEGRATION HELD ON WEDNESDAY, 19TH AUGUST, 2020 IN THE ZOOM
PLATFORM AT 12.00PM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. (Dr.) Christopher Lang'at, MP
3. Sen. Mercy Chebeni, MP
4. Sen. Judith Pareno, MP
5. Sen. (Dr.) Gertrude Musuruve Inimah, MP
6. Sen. Iman Falhada Dekow, MP

ABSENT WITH APOLOGY

1. Sen. Christine Zawadi Gona, MP - Vice - Chairperson
2. Sen. Samson Cherarkey, MP
3. Sen. (Dr.) Lilegwile Ltumbesi, MP

IN ATTENDANCE

- i. Mr. Simon Mbugua - Petitioner
- ii. Mr. Josiah Maningi - Petitioner
- iii. Ms. Grace Nyambura - Petitioner

KIBERA PETITIONERS

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk - Senior Clerk Assistant
2. Ms. Beatrice Kapei - Legal Counsel
3. Ms. Anne Kigoro - Research Officer
4. Ms. Lucianne Limo - Media Relation Officer
5. Ms. Millicent Ratemo - Audio Services

SENATE

MIN. NO. 117/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 118/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. (Dr.) Gertrude Musuruve Inimah, MP and seconded by Sen. (Dr.) Christopher Lang'at, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Confirmation of Minutes;
3. Meeting the with the Kibera IDPs Petitioner
4. House Keeping Meeting - Consideration and Adoption of Report of the Kibera IDPs Petition;
5. Any Other Business & Adjournment;

MIN.NO. 119/2020:

CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of Minutes was deferred

MIN.NO. 120/2020:

MEETING THE WITH THE KIBERA IDPS PETITIONER

The Kibera IDP's Petitioners made the following submission -

- (i) That, the Kibra IDP's have tried to put their request to the Government of Kenya for compensation & resettlement vide a letter dated 21st November 2014 delivered at the Ministry of Devotion and Planning regarding their complains;
- (ii) That, the Petitioners informed the Committee that, they were left out even after being promised that they will be compensated after the first batch of the beneficiary;
- (iii) That, the Kibera IDPs Petitioners were requested by N.C.C.C to send the correct names and next of kin details for purposes of compensation, since some details

had errors and the banks were unable to process payment. However, after the correction was done some beneficiaries received payment and some to date have not. The Committee was further informed that, the Ministry and NCCC had a full list of beneficiaries;

- (iv) The Committee noted with concern on the disparity in compensation IDPs in Kibera where cash payments were given out to different groups of IDPs as compensation;
- (v) The Committee was informed on the Government ranches and individual land bought in Laikipia, Nyandarua , Molo , Kajiado and other counties which were never dispatched to any of the Kibera IDPs.;
- (vi) The Committee was further informed on the need to involve the Kibera IDPs leaders in any matter relating to their welfare and important decision making relating to the Kibera IDP's group;
- (vii) The Petitioners requested that the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 should not be repealed. The Committee was informed on the importance to prevent, protect and assist the internally displaced persons and the affected communities.

The Committee made the following recommendations-

- a) The Committee resolved to engage the Ministry further to deliberate on the reason and modalities used to deny some of the IDP's the compensations;
- b) The Committee agreed to input the submission from the Ministry as previously tabled to have a content of the beneficiaries and reason why they were left out; and
- c) The Committee noted with concern the disparity in compensation and agreed to engage the Ministry and NCCC further to probe further on the matter.

MIN.NO. 121/2020 A.O.B. AND ADJOURNMENT

- i. The Committee was informed on the demise of one of the petitioners and noted the need for the Committee to work towards conclusion of the petition in honor of the departed Petitioner; and
- ii. The Committee agreed to adopt the reports in its next sitting;

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED:.....Nb. Lawmis.....

(CHAIRPERSON)

DATE:.....2/9/2020.....

MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING COMMITTEE
ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL
INTEGRATION HELD ON WEDNESDAY, 29TH JULY, 2020 IN THE ZOOM
PLATFORM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. Christine Zawadi Gona, MP - Vice - Chairperson
3. Sen. (Dr.) Christopher Lang'at, MP
4. Sen. Mercy Chebeni, MP
5. Sen. Iman Falhada Dekow, MP
6. Sen. Judith Pareno, MP
7. Sen. (Dr) Gertrude Musoruve Inimah, MP

ABSENT WITH APOLOGY

1. Sen. Samson Cherarkey, MP
2. Sen. (Dr.) Lelegwe Litumbesi, MP

IN ATTENDANCE

1. Hon. Hussein Dado
2. Mr. Muthama

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Regina Munyao
3. Ms. Anne Kigoro
4. Ms. Lucianne Limo
5. Ms. Millicent Ratemo

MINISTRY OF INTERIOR

- Chief Administrative Secretary
- Director Ministry of Interior and National
Coordination

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Research Officer
- Media Relation Officer
- Audio Services

MIN. NO. 078/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 079/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. Judith Pareno, MP and seconded by Sen. Mercy Chebeni, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Meeting with the On-line Meeting with the Cabinet Secretary Ministry of Interior on the Kibera IDP Petition and Statement by Sen. Mutula Kilonzo Jrn. On plight of IDPs.
3. Any Other Business & Adjournment.

MIN. NO. 080/2020:

MEETING WITH THE ON-LINE MEETING WITH THE
CABINET SECRETARY MINISTRY OF INTERIOR ON
THE KIBERA IDP PETITION AND STATEMENT BY
SEN. MUTULA KILONZO JRN. ON PLIGHT OF IDPS;

The Chief Administrative Secretary made the following submission-

PETITION BY THE KIBERA IDPS

1. That, following the post 2007 elections, the Country, was engulfed in violence, which led to destruction of property and loss of life. An estimated 663,921 people were displaced, about 80,000 houses destroyed countrywide while 1300 lives were lost. Out of these, a total of 350,000 Internally Displaced Persons (IDPs) sought refuge in 118 camps spread all over the Country and 313, 921 were integrated within communities across the Country;
2. That, in order to mitigate the effects of Post-Election Violence, the Government established the National Humanitarian Fund through legal Notice No.11 of 2008 dated 30th January. On 15th February, 2008 the President appointed through a Special Gazette Notice no.1038 Advisory Board Members to manage the

Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence;

3. That, on 18th January, 2013 "The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 came into effect. The Act provides procedures and the manner in which resettlement of IDPs is to be carried out and provides for the creation of all an inclusive National Consultative Coordination Committee on Internally Displaced Persons (NCCC) to steer the resettlement programmes. The National Consultative Coordination Committee on Internally Displaced Person (NCCC) was appointed on 21st November 2014 and it started its operation in April, 2015.
4. That, the Government, is committed in offering assistance to all the genuinely Internally Displaced Persons. However, the assistance the Government has extended to IDPs is intended to facilitate the affected persons start rebuilding their lives as it is not possible to fully compensate those affected for the losses they suffered were enormous;
5. That the affected households were assisted as follows:
 - (a) Startup capital of KSHs.10, 000 to a total of 124,974 households who were successfully persuaded to voluntarily return to their farms.
 - (b) KSHs. 25, 000/= paid to each of the 48,662 households to reconstruct their partially damaged houses.
 - (c) A total of 71,473 low cost houses were constructed for those whose houses were totally destroyed. Also a lot of 21,000 houses for those affected and host communities were constructed under the African Development Bank Housing Programme.
6. That, those who lived in camps, were profiled and assisted as follows:-
 - (a) Land resettlement. A total of 7,315 IDPS households including host communities were settled on Government procured farms in various parts of the Country with each household given 2.25 acres of land.

- (b) Cash in lieu of land phase 1; A total of 8409 households were resettled through cash payment of KSHs 400,000 each through Equity Bank.
 - (c) Cash payment phase II; Under this phase 5,387 IDPs and forest evictees were each paid KSHs 200,000 in lieu of land.
 - (d) Cash payment phase III. This phase covered 5261 IDPs and forest evictees and each was paid KSHs. 200,000.
7. That, the Government through the NCCC repatriated 258 Kenyan IDPs who were living in Uganda as refugees and each was paid between KSHs 100,000 and KSHs 150,000 depending on family size. This was after a multi-agency task force did profiling.
8. That, the Government, recognized the existence of integrated IDPs and therefore profiled them. Consequently, the names of those integrated IDPs beneficiaries have been prepared with the assistance of IDPs networks through wide consultations with their leadership, which culminated in two forums, which were held at Nuru Palace Hotel, Nakuru in March 2017. The target of the exercise was to isolate the following categories of IDPs for consideration:-
- (i) Those who have not been paid any GOK support
 - (ii) Those who had only been paid KSHs. 10,000 start-up capital;
9. That, the criteria on the two forums was subjected to the following elimination criteria:-
- a) Elimination from the eligibility list any person who was paid an extra benefit over and above the KSHs. 10,000 start-up capital i.e Those who got KSHs. 10,000 plus land or KSH.10,000 plus a House from ABD project
 - b) Elimination from the eligibility lists those who received other cash payments irrespective of whether they received the start-up capital of KSHs. 10,000 i.e those who received.
 - i. KSHs. 400,000
 - ii. KSHs. 200,000
 - iii. KSHs. 100,000 to 150,000

- iv. KSHs. 25,000
- c) Elimination from the eligibility lists those whose cases are under investigation either by EACC, CID or the Courts both whose cases and not been determined.
- d) Elimination from the eligibility lists those who:-
 - i. Had no Identity Card
 - ii. Received multiple or double payment
- e) Removing duplicated names.
- f) Those who had not attained the age of 18 years at the time of the PEV

Through this exercise, a total of 83,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited:-

- i. Those paid KSHs 10,000 were 471 beneficiaries
- ii. Those paid KSHs 50,000 were 692 beneficiaries

STATEMENT BY SEN. MUTULA KILONZO JRN. ON PLIGHT OF IDPS

The Chief Administrative Secretary also made the following submission on the Statement by Sen. Mutula Kilonzo Jrn.

- a) That, the Government is aware that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017;
- b) That, the Government has not gazetted a new National Consultative Coordination Committee (NCCC) on IDPs and therefore there is no budget set aside for the said Committee;
- c) That, the Government act of not gazetting the new NCCC was driven by the fact that all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017; and
- d) That, the Government is still consulting the various agencies which will inform the finalization of the drafting of the National Policy on Internally Displaced Persons.

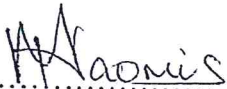
MIN.NO. 081/2020 RESOLUTIONS

- a) The Committee was informed that, there was a similar Statement by Sen. Githiomi on issues of IDPs and the Committee agreed to find out the whether the Statement was referred to the Cohesion Committee so as to conclude the issues of IDPs; and
- b) The Committee noted with concern that, the written submission was not circulated in advanced and agreed to meet again on Wednesday 5th August, 2020 to conclude on the matter.

MIN.NO. 082/2020 A.O.B. AND ADJOURNMENT

- i. The Committee raised issue of engagement various stakeholders concurrently in one meeting to expedite on the pending business or related matters before the Committee; and
- ii. The Chair advised the meeting that, she would make a decision regarding meeting with the National Cohesion and Integration Commission once the appropriate time of the meeting is agreed upon.

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED:..........

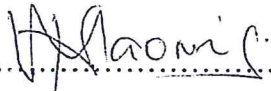

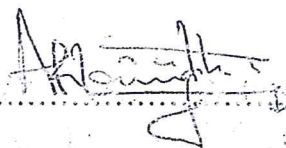
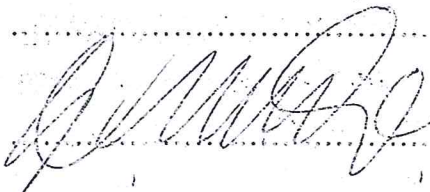
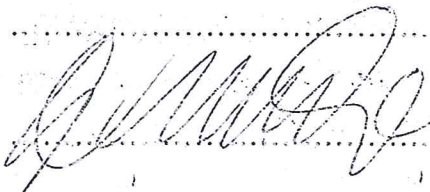

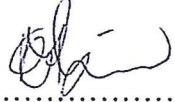


(CHAIRPERSON)

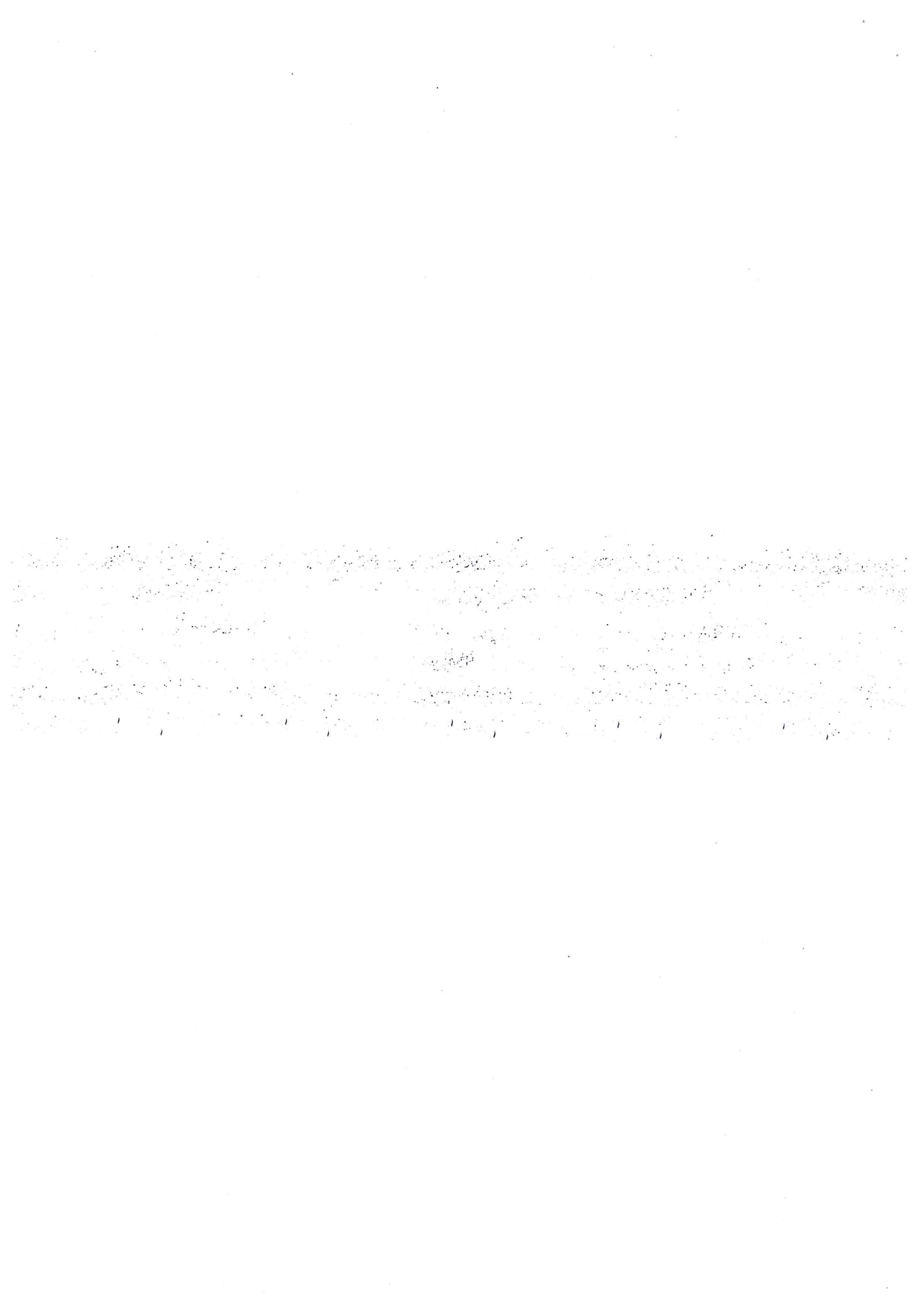
DATE:.....11/ August/2020.....

ANNEX 1: ADOPTION LIST

ADOPTION OF THE REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON A PETITION ON THE RESETTLEMENT OF AWARDS TO KIBERA INTERNALLY DISPLACED PERSONS (IDPS)

We, the undersigned Members of the Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, do hereby append our signatures to adopt the Report -

- | | | |
|--|------------------|---|
| 1) Sen. Naomi Shiyonga Masitsa, M.P. | Chairperson |  |
| 2) Sen. Christine Zawadi Gona, M.P. | Vice-Chairperson |  |
| 3) Sen. (Dr.) Christopher Andrew Lang'at, M.P. | Member |  |
| 4) Sen. Judith Pareno, M.P. | Member |  |
| 5) Sen. (Dr.) Lelegwe Luumbesi, M.P. | Member |  |
| 6) Sen. Samson Cherarkey, MP.. | Member |  |
| 7) Sen. (Dr.) Gertrude Musuruve Inimah, M.P. | Member |  |
| 8) Sen. Mercy Chebeni, M.P. | Member |  |
| 9) Sen. Iman Falhada Dekow, M.P. | Member |  |



PETITION ON KIBERA IDPS

INTRODUCTION

Following the post 2007 elections, the Country was engulfed in violence which led to destruction of property and loss of life. An estimated 663,921 people were displaced, about 80,000 houses destroyed countrywide while 1300 lives were lost. Out of these, a total of 350,000 Internally Displaced Persons (IDPs) sought refuge in 118 camps spread all over the Country and 313, 921 were integrated within communities across the Country.

In order to mitigate the effects of Post-Election Violence, the Government established the National Humanitarian Fund through legal Notice No.11 of 2008 dated 30th January. On 15th February, 2008 the President appointed through a Special Gazette Notice no.1038 Advisory Board Members to manage the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence.

On 18th January, 2013 "The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 came into effect. The Act provides procedures and the manner in which resettlement of IDPs is to be carried out and provides for the creation of all an inclusive National Consultative Coordination Committee on Internally Displaced Persons (NCCC) to steer the resettlement programmes. The National Consultative Coordination Committee on Internally Displaced Person (NCCC) was appointed on 21st November 2014 and it started its operation in April, 2015.

RESETTLEMENT OF IDPS

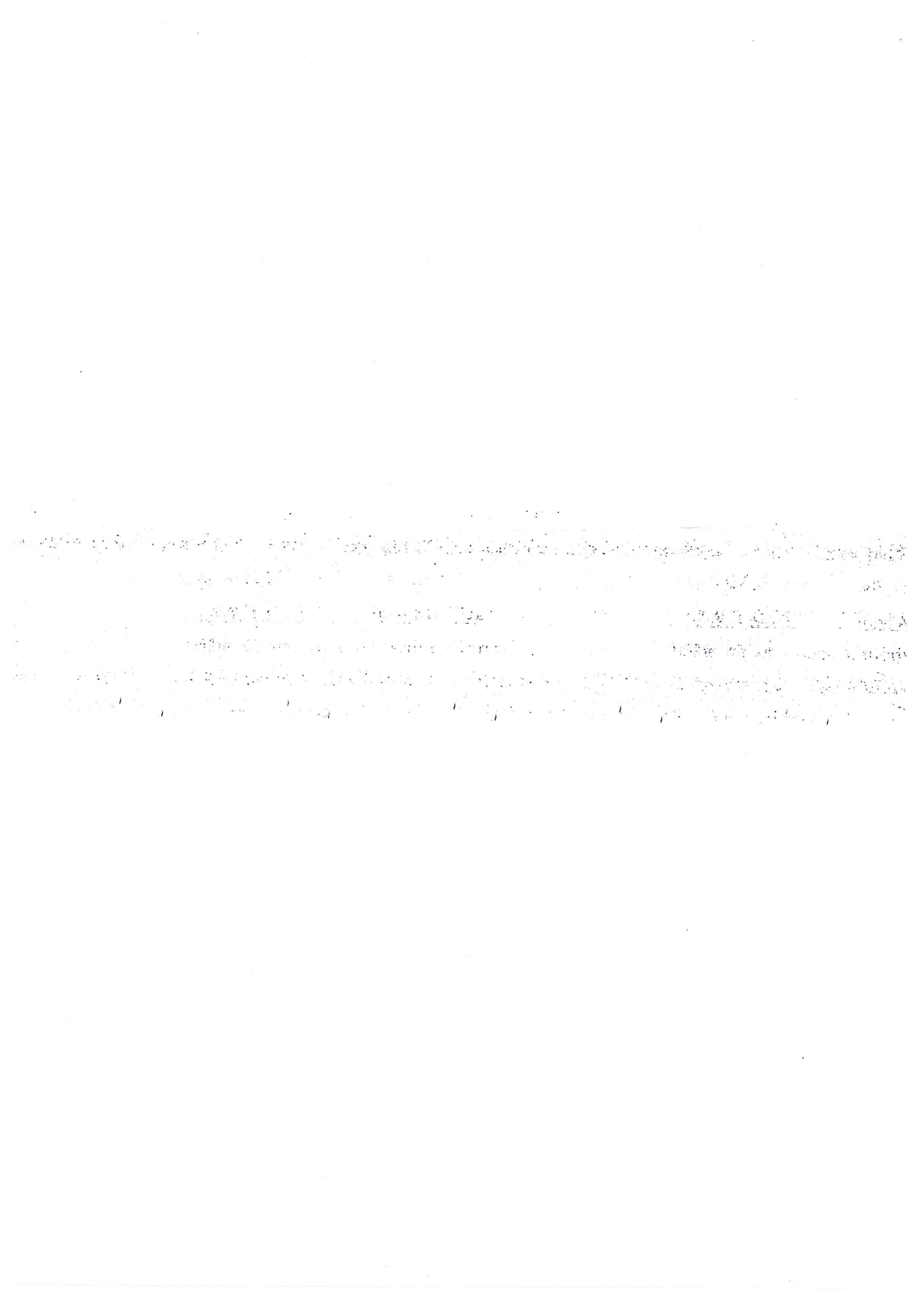
It is worth noting that the Government is committed to assisting all the genuinely Internally Displaced Persons. However, the assistance the

Government has extended to IDPs is intended to facilitate the affected persons start rebuilding their lives as it is not possible to fully compensate those affected for the losses they suffered were enormous. As such the affected households were assisted as follows:

- (a) Startup capital of KSHs.10, 000 to a total of 124,974 households who were successfully persuaded to voluntarily return to their farms.
- (b) KSHs. 25, 000/= paid to each of the 48,662 households to reconstruct their partially damaged houses.
- (c) A total of 71,473 low cost houses were constructed for those whose houses were totally destroyed. Also a lot of 21,000 houses for those affected and host communities were constructed under the African Development Bank Housing Programme.

For those who lived in camps, they were profiled and assisted as follows:-

- (a) **Land resettlement.** A total of 7,315 IDPS' households including host communities were settled on Government procured farms in various parts of the Country with each household given 2.25 acres of land.
- (b) **Cash in lieu of land phase 1;** A total of 8409 households were resettled through cash payment of KSHs 400,000 each through Equity Bank.
- (c) **Cash payment phase II;** Under this phase 5,387 IDPs and forest evictees were each paid KSHs 200,000 in lieu of land,
- (d) **Cash payment phase III.** This phase covered 5261 IDPs and forest evictees and each was paid KSHs. 200,000.



The Government through the NCCC repatriated 258 Kenyan IDPs who were living in Uganda as refugees and each was paid between KSHs 100,000 and KSHs 150,000 depending on family size. This was after profiling was done by a multi-agency task force.

The Government recognized the existence of integrated IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries have been prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel, Nakuru in March 2017. The target of the exercise was to isolate the following categories of IDPs for consideration:-

- (i) Those who have not been paid any GOK support
- (ii) Those who had only been paid KSHs. 10,000 start-up capital;

The above data was subjected to the following elimination criteria:-

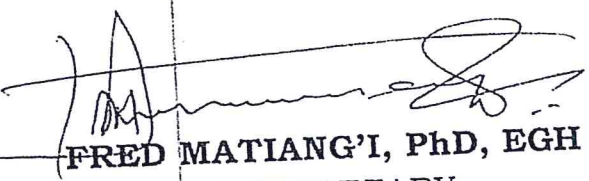
- a) Elimination from the eligibility list any person who was paid an extra benefit over and above the KSHs. 10,000 start-up capital i.e Those who got KSHs. 10,000 plus land or KSH.10,000 plus a House from ABD project
 - b) Elimination from the eligibility lists those who received other cash payments irrespective of whether they received the start-up capital of KSHs. 10,000 i.e those who received.
 - i. KSHs. 400,000
 - ii. KSHs. 200,000
 - iii. KSHs. 100,000 to 150,000
 - iv. KSHs. 25,000
-



- c) Elimination from the eligibility lists those whose cases are under investigation either by EACC, CID or the Courts both whose cases and not been determined.
- d) Elimination from the eligibility lists those who:-
 - i. Had no Identity Card
 - ii. Received multiple or double payment
- e) Removing duplicated names.
- f) Those who had not attained the age of 18 years at the time of the PEV

Through this exercise, a total of 83,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited:

- (a) Those paid KSHs 10,000 were 471 beneficiaries
- (b) Those paid KSHs 50,000 were 692 beneficiaries


FRED MATIANG'I, PhD, EGH
CABINET SECRETARY
MINISTRY OF INTERIOR AND
COORDINATION OF NATIONAL GOVERNMENT

7th MAY, 2019

The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, for the
year ending December 31, 1964. The information is presented in
the following order: (1) Total land area, (2) Land under
contract, (3) Land under lease, (4) Land under permit,
and (5) Land under other arrangements. The information is
presented in the following order: (1) Total land area,
(2) Land under contract, (3) Land under lease,
(4) Land under permit, and (5) Land under other arrangements.

REPUBLIC OF KENYA



THE SENATE

TWELVELTH PARLIAMENT

FOURTH SESSION

COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND
REGIONAL INTEGRATION

REPORT ON A PETITION ON THE RESETTLEMENT OF AWARDS TO KIBERA
INTERNALLY DISPLACED PERSONS (IDPS)

PAPERS LAID	
DATE	Dec. 1. 2020
TABLED BY	Sen Shuyonga - Comm Chair.
COMMITTEE	Nat'l Cohesion
CLERK AT THE TABLE	M. Adyboodui

Clerks' Chamber;

The Senate;

Parliament Buildings;

NAIROBI

OCTOBER 2020

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ABBREVIATIONS

IDPs Internally Displaced Persons

NCCC National Coordination Consultative Committee

PREFACE

On 19th September, 2018, the Senate received a petition from Rev. David Muganada over the non-settlement of awards to Kibera Internally Displaced Persons by the Government. The petition met the threshold as provided for in Standing Order 223 of the senate.

The **Petitioner** drew the attention of the Senate to the following: -

- a) That an estimated 90,000 IDPS were displaced in Kibera during the 2007/2008 post-election skirmishes;
- b) That Parliament discussed and passed a budget for the fiscal year 2016/2017 for internally displaced persons — integrated resettlement;
- c) The Chairman of National Coordination Consultative Committee (NCCC) confirmed that over 90,000 integrated IDPS were to be settled using this amount;
- d) The Government of Kenya has the list for Internally Displaced Persons who genuinely deserve allocation through the NCCC office;
- e) The Government accepted the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- f) That many IDPs were left out of the Government disbursement allocation.

Mr. Speaker Sir,

The Petitioner prays that the Senate investigates the matter to ensure —

- a) that there is full compensation of the IDPs as per the Government list;
- b) that a thorough scrutiny is done to the records of payment of the NCCC;
- c) that the office of the NCCC on IDPs should be operationalized to serve its citizenry; and
- d) that all the IDPs should get equal share as per the resettlement programme including land.

Following the tabling of the petition and in line with the Senate Standing Order No. 232(2), the Speaker directed the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration to investigate the matter and table the report in the House within sixty calendar days. The Committee was however not able to complete on the issue within the stipulated time due to some technicalities.

This matter is therefore before the committee pursuant to Article 119 (1) of the Constitution on the right to petition Parliament which provides that —

Every person has a right to petition Parliament to consider any matter within its authority, including to enact or repeal any legislation.

Membership of the Committee

1) Sen. Naomi Shiyonga Masitsa, MP	Chairperson
2) Sen. Christine Zawadi Gona, MP	Vice-Chairperson
3) Sen. (Dr.) Christopher Andrew Lang'at, MP	Member
4) Sen. Iman Falhada Dekow, MP	Member
5) Sen. (Dr.) Lelegwe Ltumbesi, MP	Member
6) Sen. Samson Cherarkey, MP	Member
7) Sen. Judith Pareno, MP	Member
8) Sen. Mercy Chebeni, MP	Member
9) Sen. (Dr.) Gertrude Musuruve Ininah, MP	Member

Committee Actions and Sitings

Arising from this ruling, the Committee held a meeting with the Petitioner on 12th August, 2020 and received a written submission from the Cabinet Secretary Ministry of Interior and Coordination of National Government whose mandate this matter falls.

The Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration is required to consider:

- a) Whether Parliament discussed and passed a budget for the fiscal year 2016/2017 for IDPs-integrated settlement;
- b) The amount of money which was supposed to be given to the Kibera IDPs as compensation;
- c) Whether the Ministry Interior has the list for the internally displaced persons who genuinely deserve allocation through the NCCC office;
- d) Whether the Government acknowledged the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- e) How many IDPs were left out of the Government disbursement allocation; and

- f) How many IDPs have since been compensated and the amount of money they have been compensated with.

Summary of Observations and Findings

The Committee has examined all the information and evidence from the documents, reports and concerned parties who appeared and gave submissions, and established that;

- 1) The Ministry of Interior and Coordination of National Government in its submission stated that Government recognized the existence of integrated IDPs among them the Kibera IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel, Nakuru in March 2017.
- 2) The integrated IDPs were taken through various stages of eligibility vetting and through this exercise, a total of 83,801 integrated IDPs were eligible for consideration on payment of Kshs. 50,000/= to each household as per the available budget whereby the following IDPs from Kibera benefited: -
 - (i) Those paid KSHs 10,000 were 471 beneficiaries
 - (ii) Those paid KSHs 50,000 were 692 beneficiaries

The Committee noted with concern that the amounts given out as compensation were inadequate given that the affected not only lost livelihood but some also lost their lives.

- 3) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons under section 12.

The Committee established that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

- 4) The Committee established that the Ministry of Interior has not gazetted a new National Consultative Coordination Committee on IDPs and therefore there is no budget set aside for the said Committee. This according to the Ministry of Interior was informed by the fact that

all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017.

- 5) The Committee established that the Ministry of Interior is still consulting the various agencies which will inform the finalization of the drafting of the **National Policy on Internally Displaced Persons.**

The Committee Recommends That: -

- 1) The Ministry of Interior and Coordination of National Government **gazettes a new National Consultative Coordination Committee on IDPs.** This Committee as established under section 12 of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 is mandated to handle all matters relating to IDPs in the Country. The term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.
- 2) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons be fully funded and operationalized to achieve its mandate as per the Act to deal with frequent cases of IDPs around the country as well as other previous cases that were not fully settled like the Kibera IDPs.
- 3) The Auditor General to carry out a thorough audit on the operations of the National Consultative Coordination Committee (NCCC) whose term ended in 2017 in as far as the utilization of the funds to ascertain that all funds allocated for resettlement of IDPs were used for the intended purposes. The Ethics and Anti-Corruption Authority (EACC) and other relevant state agencies investigate and prosecute in the event that the Auditor General ascertains that there was misappropriation of funds.
- 4) The Ministry of Interior and Coordination of National Government spearheads and concludes the drafting of a **National Policy on Internally Displaced Persons.**

Acknowledgements

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the Senate for the facilitation and support extended to the Committee during the entire process of report writing.

The Committee further appreciates the co-operation extended to it by the Petitioner and the Ministry of Interior and Coordination of National Government.

I also thank Members of the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration for their patience, endurance and hard work in their endeavor to address the concerns raised in the petition.

Mr. Speaker, Sir,

On behalf of the Committee, I now have the honour and pleasure to present the report and recommendations to the House for adoption.

Thank You,

Signed

Naomis

CHAIRPERSON

(SEN. NAOMI SHIYONGA MASITSA, MP)

Date:

1 / 10 / 2020

CHAPTER ONE

1) INTRODUCTION

1.1 The Petition

The Petition by Rev. David Muganada over the non-settlement of awards to Kibera Internally Displaced Persons by the Government was received by the Senate on 19th September, 2018 and subsequently submitted to the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration. The petition drew the attention of the Senate to the following matters:

That:

- 1) That an estimated 90,000 IDPS were displaced in Kibera during the 2007/2008 post-election skirmishes;
- 2) That Parliament discussed and passed a budget for the fiscal year 2016/2017 for internally displaced persons -- integrated resettlement;
- 3) The Chairman of National Coordination Consultative Committee (NCCC) confirmed that over 90,000 integrated IDPS were to be settled this amount;
- 4) The Government of Kenya has the list for Internally Displaced Persons who genuinely deserve allocation through the NCCC office;
- 5) The Government accepted the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- 6) That many IDPs were left out of the Government disbursement allocation.

WHEREFORE, your humble petitioner pray that the Senate addresses the below issues

- 1) That there is full compensation of the IDPs as per the Government list;
- 2) That a thorough scrutiny is done to the records of payment of the NCCC;
- 3) That the office of the NCCC on IDPs should be operationalized to serve its citizenry; and
- 4) That all the IDPs should get equal share as per the resettlement programme including land.

1.2 The Mandate of the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons

The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee on Internally Displaced Persons(NCCC) under section 12.

The functions of this Committee are set out as follows—

- (a) serve as the official impartial and humanitarian focal body liaising between Government Departments, the United Nations, non-State actors, the Secretariat of the International Conference of the Great Lakes Region, and where appropriate the African Union;
- (b) determine and establish procedures and channels of engagement and cooperation between Government Departments, the United Nations, non-State actors, the Secretariat of the International Conference of the Great Lakes Region and where appropriate the African Union in order to enhance the effectiveness of the response to internal displacement;
- (c) coordinate prevention and preparedness efforts, protection and assistance to internally displaced persons throughout their displacement until a durable and sustainable solutions is found, and to host communities as needed, among relevant Government Departments, the United Nations, and non-State actors;
- (d) ensure the registration of all internally displaced persons in order to maintain a national data-base of such persons which registration shall—
 - (i) commence and conclude within thirty days of the occurrence of internal displacement;
 - (ii) be declared by the Cabinet Secretary through the issuance of a Gazette notice;
 - (iii) be only for reasons of ascertaining the identification, profile, conditions, and numbers of internally displaced persons for the sole purpose of protection and assistance in accordance with Article 3 (4) of the Protocol;

- (e) raise national awareness, sensitize and facilitate and coordinate training and education on the causes, impact and consequences of internal displacement and means of prevention, protection and assistance as provided for in sections 18-21 of the Act;
- (f) oversee the management and use of the Fund provided for in section 15 of the Act;
- (g) prepare an Annual Report relating to the fulfilment of its functions for tabling before Parliament on the situation of internally displaced persons;
- (h) monitor and supervise the operational implementation of the Protocol and the Guiding Principles by virtue of the Act; and
- (i) advise the Cabinet Secretary on the exercise of his or her powers and functions under the Act.

1.3 Consideration Of Evidence

In considering the Petition the Committee received both oral and written submissions from the following parties:

- 1) The Petitioner
- 2) The Cabinet Secretary, Ministry of Interior and Coordination of National Government.

1.4 Objectives of the Inquiry

In prosecuting this petition, the Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration set out to achieve the following objectives: -

- 1) Whether Parliament discussed and passed a budget for the fiscal year 2016/2017 for IDPs-integrated settlement;
- 2) The amount of money which was supposed to be given to the Kibera IDPs as compensation;
- 3) Whether the Ministry Interior has the list for the internally displaced persons who genuinely deserve allocation through the NCCC office;
- 4) Whether the Government accepted the Kibera IDPs through the then District Commissioner for the fund payment and resettlement;
- 5) How many IDPs were left out of the Government disbursement allocation; and
- 6) How many IDPs have since been compensated and the amount of money they have been compensated with.

CHAPTER TWO

2) SUBMISSIONS BY PARTIES

2.1 Submissions from the Petitioner

In a meeting held on Thursday 20th August 2020, the Committee met the petitioners represented by:

- i. Mr. Simon Mbugua
- ii. Mr. Josiah Maningi
- iii. Ms. Grace Nyambura

The petitioners submitted that the post-election violence in 2007 not only led to loss of life but also loss of livelihood and property which most of the IDPs have not been able to recover from. Further that some members of the Kibera IDPs have since died of poor health and poverty without ever receiving the long awaited compensation. The Petitioners therefore in their written submission asked the Committee to look into:

- (i) The representatives of the Kibera IDPs were requested by N.C.C.C to send the correct names and next of kin details for purposes of compensation, since some details had errors and the banks were unable to process payment. However, after the correction was done some beneficiaries received payment and some to date have not.
- (ii) The genuine list of IDPs from Kibera is recognized as per the Government records through the N.C.C.C office.
- (iii) There was inequality in compensating IDPs in Kibera where cash payments of Kshs. 50,000 400,000, 200,000, 150,000 were given out to different groups of IDPs as compensation while others never got a penny as per the government records.
- (iv) The Government ranches and individual land bought in Laikipia, Nyandarua, Molo, Kajiado and other counties were never dispatched to any of the Kibera IDPs. From the records other IDP communities were being given 2.25 acres of land. Therefore, the Kibera IDPs request for land to resettle their Members.
- (v) Kibera IDPs leaders should be involved in any matter relating to their welfare and important decision making relating to the said group.
- (vi) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 should not be repealed. The Act should remain in place to prevent, protect and assist the internally displaced persons and the affected communities.

2.2 Submission from the Cabinet Secretary, Ministry of Interior and Coordination of National Government.

Introduction

The Cabinet Secretary submitted that following the post 2007 elections, the Country was engulfed in violence which led to destruction of property and loss of life. An estimated 663,921 people were displaced, about 80,000 houses destroyed countrywide while 1300 lives were lost. Out of these, a total of 350,000 Internally Displaced Persons (IDPs) sought refuge in 118 camps spread all over the Country and 313, 921 were integrated within communities across the Country.

In order to mitigate the effects of Post-Election Violence, the Government established the National Humanitarian Fund through legal Notice No.11 of 2008 dated 30th January. On 15th February, 2008 the President appointed through a Special Gazette Notice no 1038 Advisory Board Members to manage the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence.

On 19th January, 2013 The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 came into effect. The Act provides procedures and the manner in which resettlement of IDPs is to be carried out and provides for the creation of all an inclusive National Consultative Coordination Committee on Internally Displaced Persons (NCCC) to steer the resettlement programmes. The National Consultative Coordination Committee on Internally Displaced Person (NCCC) was appointed on 21st November 2014 and it started its operation in April, 2015.

Resettlement of IDPs

Further the CS reiterated the Government's commitment to assisting all the genuinely Internally Displaced Persons. However, the assistance the Government had extended to IDPs was intended to facilitate the affected persons start rebuilding their lives as it was not possible to fully compensate those affected for the losses they suffered were enormous. As such the affected households were assisted as follows:

- (a) Startup capital of Kshs. 10,000 to a total of 124,974 households who were successfully persuaded to voluntarily return to their farms.
- (b) Kshs. 25, 000/= paid to each of the 48,662 households to reconstruct their partially damaged houses.
- (c) A total of 71,473 low cost houses were constructed for those whose houses were totally destroyed. Also a lot of 21,000 houses for those affected and host communities were constructed under the African Development Bank Housing Program.

For those who lived in camps, they were profiled and assisted as follows: -

- 1) **Land resettlement.** A total of 7,315 IDPS households including host communities were settled on Government procured farms in various parts of the Country with each household given 2.25 acres of land.
- 2) **Cash in lieu of land phase I;** A total of 8400 households were resettled through cash payment of KSHs 400,000 each through Equity Bank.
- 3) **Cash payment phase II;** Under this phase 5,387 IDPs and forest evictees were each paid KSHs 200,000 in lieu of land.
- 4) **Cash payment phase III.** This phase covered 5261 IDPs and forest evictees and each was paid KSHs 200,000.

The Government through the NCCC repatriated 258 Kenyan IDPs who were living in Uganda as refugees and each was paid between KSHs 100,000 and KSHs 150,000 depending on family size. This was after profiling was done by a multi-agency task force.

The Government recognized the existence of integrated IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel; Nakuru in March 2017. The target of the exercise was to isolate the following categories of IDPs for consideration:-

- (i) Those who have not been paid any GOK support
- (ii) Those who had only been paid Kshs. 10,000 start-up capital;

The above data was subjected to the following elimination criteria: -

- a) Elimination from the eligibility list any person who was paid an extra benefit over and above the KSHs. 10,000 start-up capital i.e. Those who got Kshs. 10,000 plus land or Kshs. 10,000 plus a House from ADB project.
- b) Elimination from the eligibility lists those who received other cash payments irrespective of whether they received the start-up capital of KSHs. 10,000 i.e. those who received.
 - i. Kshs. 400,000
 - ii. Kshs. 200,000
 - iii. KSHs. 100,000 to 150,000
 - iv. KSHs. 25,000
- c) Elimination from the eligibility lists those whose cases are under investigation either by EACC, CID or the Courts both whose cases and not been determined.
- d) Elimination from the eligibility lists those who:-
 - i. Had no Identity Card
 - ii. Received multiple or double payment
- e) Removing duplicated names.
- f) Those who had not attained the age of 18 years at the time of the PEV

Through this exercise, a total of 33,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited: -

- (a) Those paid KSHs 10,000 were 471 beneficiaries
- (b) Those paid KSHs 50,000 were 692 beneficiaries

CHAPTER THREE

3.0 OBSERVATIONS AND RECOMMENDATIONS

3.1 Observations

- 1) The Ministry of Interior and Coordination of National Government in its submission stated that Government recognized the existence of integrated IDPs among them the Kibera IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership which culminated in two forums which were held at Nuru Palace Hotel, Nakuru in March 2017.
- 2) The intergrated IDPs were taken through various stages of eligibility vetting and through this exercise, a total of 13,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/- to each household as per the available budget whereby the following IDPs from Kibera benefited: -

(iii) Those paid KSHs 10,000 were 473 beneficiaries

(iv) Those paid KSHs 10,000 were 692 beneficiaries

The Committee noted with concern that the amounts given out as compensation were inadequate given that the affected not only lost livelihood but some also lost their lives.

- 3) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons under section 12.

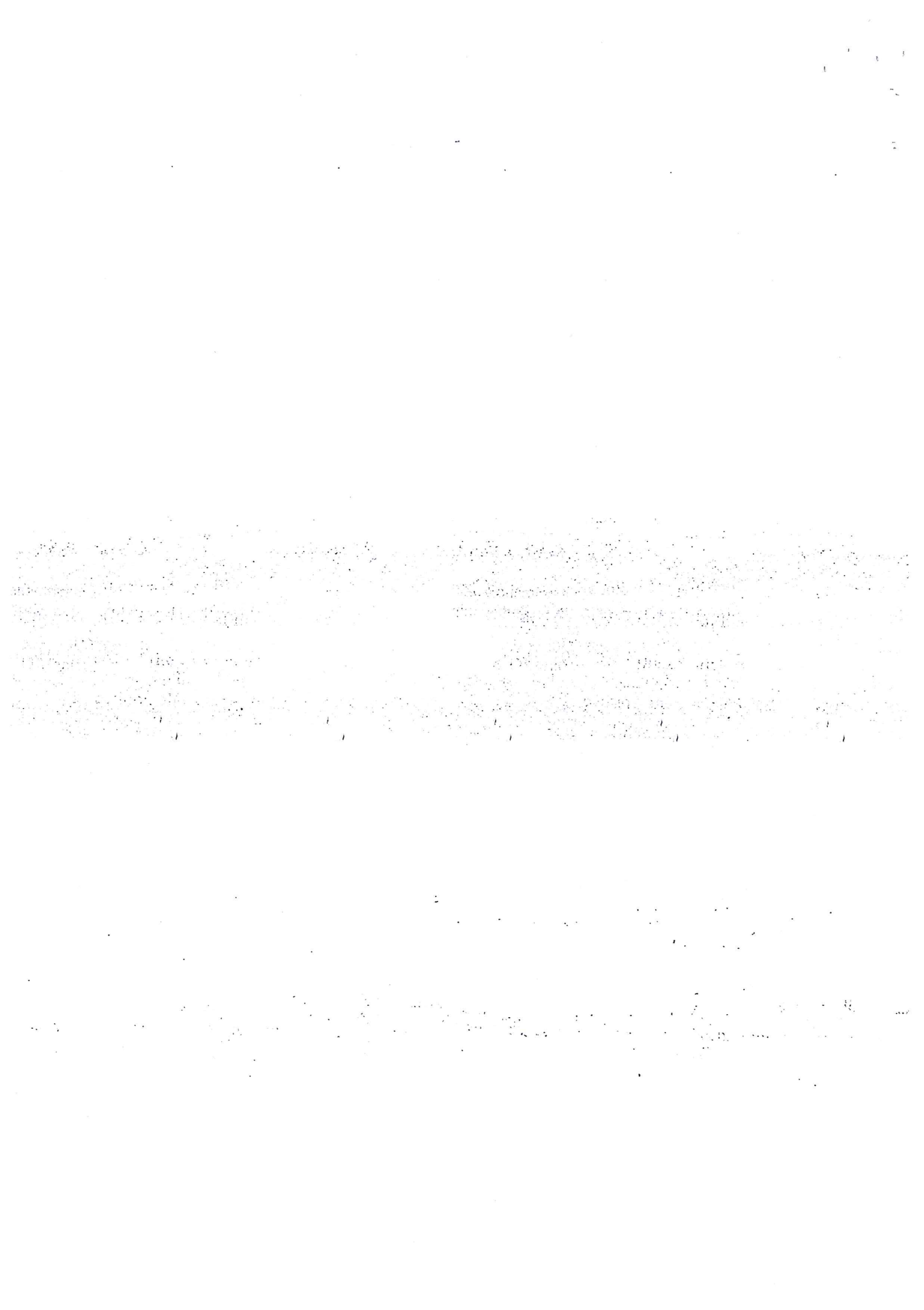
The Committee established that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

- 4) The Committee established that the Ministry of Interior has not gazetted a new National Consultative Coordination Committee on IDPs and therefore there is no budget set aside for the said Committee. This according to the Ministry of Interior was informed by the fact that all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017.

- 5) The Committee established that the Ministry of Interior is still consulting the various agencies which will inform the finalization of the drafting of the **National Policy on Internally Displaced Persons**.

3.2 Recommendations

- 1) The Ministry of Interior and Coordination of National Government **gazettes a new National Consultative Coordination Committee on IDPs**. This Committee as established under section 12 of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 is mandated to handle all matters relating to IDPs in the Country. The term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.
- 2) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons **be fully funded and operationalized** to achieve its mandate as per the Act to deal with frequent cases of IDPs around the country as well as other previous cases that were not fully settled like the Kibera IDPs.
- 3) The Auditor General to carry out a special audit on the operations of the National Consultative Coordination Committee (NCCC) whose term ended in 2017 in as far as the utilization of the funds to ascertain that all funds allocated for resettlement of IDPs were used for the intended purposes.
- 4) The Ethics and Anti-Corruption Authority (EACC) and other relevant state agencies investigate and prosecute in the event that the Auditor General ascertains that there was misappropriation of funds.
- 5) The Ministry of Interior and Coordination of National Government spearheads and concludes the drafting of a **National Policy on Internally Displaced Persons**.



MINUTES OF THE THIRTY SEVENTH SITTING OF THE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION HELD ON WEDNESDAY, 30TH SEPTEMBER, 2020 IN THE ZOOM PLATFORM AT 12.00PM.

PRESENT

- | | | |
|--|---|--------------------|
| 1. Sen. Naomi Shiyonga Masitsa, MP | - | Chairperson |
| 2. Sen. Christine Zawadi Gona, MP | - | Vice – Chairperson |
| 3. Sen. (Dr.) Christopher Lang’at, MP | | |
| 4. Sen. Judith Pareno, MP | - | Acting Chair |
| 5. Sen. (Dr.) Gertrude Musuruve Inimah, MP | | |
| 6. Sen. Mercy Chebeni, MP | | |
| 7. Sen. Iman Falhada Dekow, MP | | |
| 8. Sen. (Dr.) Lelegwe Ltumbesi, MP | | |

ABSENT WITH APOLOGY

1. Sen. Samson Cherarkey, MP

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Beatrice Kapei
3. Ms. Regina Munyao
4. Ms. Anne Kigoro
5. Ms. Millicent Ratemo

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Legal Counsel
- Research Officer
- Audio Services

MIN. NO. 182/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 183/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. . (Dr.) Gertrude Musuruve Inimah, MP and seconded by Sen. Mercy Chebeni, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Confirmations of Minutes;
3. **Consideration and Adoption of the Draft Kibera IDPS amended Report;**
4. Any Other Business & Adjournment.

MIN.NO. 184/2020: CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of Minutes was deferred


MIN.NO. 185/2020: CONSIDERATION AND ADOPTION OF THE DRAFT
KIBERA IDPS AMENDED REPORT;

- i. The Committee considered and adopted the Kibera Internally Displaced Persons Report by consensus; and
- ii. The Chair directed the Secretariat to prepare immediately the report for tabling.

MIN.NO. 186/2020 A.O.B. AND ADJOURNMENT

- i. Senators were informed on the conflicts in the Northern Kenya currently taking place and agreed to make a visit soonest possible to avert more deaths; and
- ii. The Committee also directed the secretariat to expedite the reporting on World Peace Day Event and agreed to consider its report once its ready.

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED:..... 

(VICE - CHAIRPERSON)

DATE:..... 1/10/2020

MINUTES OF THE THIRTY FIFTH SITTING OF THE STANDING COMMITTEE
ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL
INTEGRATION HELD ON WEDNESDAY, 23RD SEPTEMBER, 2020 IN THE ZOOM
PLATFORM AT 12.00PM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. Christine Zawadi Gona, MP - Vice - Chairperson
3. Sen. (Dr.) Christopher Lang'at, MP
4. Sen. (Dr.) Gertrude Musuruve Inimah, MP
5. Sen. Mercy Chebeni, MP
6. Sen. Iman Falhada Dekow, MP
7. Sen. (Dr.) Lelegwe Ltumbesi, MP

ABSENT WITH APOLOGY

1. Sen. Samson Cherarkey, MP
2. Sen. Judith Pareno, MP

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Beatrice Kapei
3. Ms. Regina Munyao
4. Ms. Anne Kigoro
5. Ms. Millicent Ratemo

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Legal Counsel
- Research Officer
- Audio Services

MIN. NO. 171/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 172/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. (Dr.) Gertrude Musuruve Inimah, MP and seconded by Sen. Iman Falhada Dekow, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Confirmations of Minutes;
3. **Consideration of the Draft Kibera IDPS amended Report;**
4. Any Other Business & Adjournment.

MIN.NO. 173/2020: CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of Minutes was deferred.

MIN.NO. 174/2020: CONSIDERATION OF THE DRAFT KIBERA IDPS AMENDED REPORT

The Committee was brief on the Amended Draft Kibera IDP's Report. The observations and recommendations were as summarized as below -

The Committee was also informed on the report's observations as indicated below:

- 1) The Ministry of Interior and Coordination of National Government in its submission stated that Government recognized the existence of integrated IDPs among them the Kibera IDPs and they were therefore profiled. Consequently, the names of those integrated IDPs beneficiaries were prepared with the assistance of IDPs networks through wide consultations with their leadership, which culminated in two forums, which were held at Nuru Palace Hotel, Nakuru in March 2017.
- 2) The integrated IDPs were taken through various stages of eligibility vetting and through this exercise, a total of 83,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited: -
 - (i) Those paid KSHs 10,000 were 471 beneficiaries
 - (ii) Those paid KSHs 50,000 were 692 beneficiaries

The Committee noted with concern that the amounts given out as compensation were inadequate given that the affected not only lost livelihood but some also lost their lives.

3) The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 establishes a committee to be known as the National Consultative Coordination Committee (NCCC) on Internally Displaced Persons under section 12.

The Committee established that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

4) The Committee established that the Ministry of Interior **has not** gazetted a new National Consultative Coordination Committee on IDPs and therefore there is no budget set aside for the said Committee. This according to the Ministry of Interior was informed by the fact that all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017.

5) The Committee established that the Ministry of Interior is still consulting the various agencies which will inform the finalization of the drafting of the **National Policy on Internally Displaced Persons.**

The Committee was also informed on the report's recommendations as indicated below: -

1) The Ministry of Interior and Coordination of National Government gazettes a new **National Consultative Coordination Committee on IDPs.** This Committee as established under section 12 of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act No. 56 Of 2012 is mandated to handle all matters relating to IDPs in the Country. The term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017.

2) The National Consultative Coordination Committee (NCCC) on Internally Displaced Persons **be fully funded and operationalized** to achieve its mandate as per the Act to deal with frequent cases of IDPs around the country as well as other previous cases that were not fully settled like the Kibera IDPs.

3) **The Auditor General to carry out a special audit** on the operations of the National Consultative Coordination Committee (NCCC) whose term ended in 2017 in as far as the utilization of the funds to ascertain that all funds allocated for resettlement of IDPs were used for the intended purposes.

MINUTES OF THE TWENTY FIFTH SITTING OF THE STANDING COMMITTEE
ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL
INTEGRATION HELD ON WEDNESDAY, 19TH AUGUST, 2020 IN THE ZOOM
PLATFORM AT 12.00PM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. (Dr.) Christopher Lang'at, MP
3. Sen. Mercy Chebeni, MP
4. Sen. Judith Pareno, MP
5. Sen. (Dr.) Gertrude Musuruve Inimah, MP
6. Sen. Iman Falhada Dekow, MP

ABSENT WITH APOLOGY

1. Sen. Christian Zawadi Gona, MP - Vice - Chairperson
2. Sen. Samson Cherarkey, MP
3. Sen. (Dr.) Delagwe Ltumbesi, MP

IN ATTENDANCE

- i. Mr. Simon Mbugua
- ii. Mr. Josiah Maningi
- iii. Ms. Grace Nyambura

KIBERA PETITIONERS

- Petitioner
- Petitioner
- Petitioner

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Beatrice Kapei
3. Ms. Anne Kigoro
4. Ms. Lucianne Limo
5. Ms. Millicent Ratemo

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Research Officer
- Media Relation Officer
- Audio Services

MIN. NO. 117/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 118/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. (Dr.) Gertrude Musuruve Inimah, MP and seconded by Sen. (Dr.) Christopher Lang'at, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Confirmation of Minutes;
3. Meeting the with the Kibera IDPs Petitioner
4. House Keeping Meeting - Consideration and Adoption of Report of the Kibera IDPs Petition;
5. Any Other Business & Adjournment.

MIN.NO. 119/2020:

CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of Minutes was deferred

MIN.NO. 120/2020:

MEETING THE WITH THE KIBERA IDPS PETITIONER

The Kibera IDP's Petitioners made the following submission -

- (i) That, the Kibra IDP's have tried to put their request to the Government of Kenya for compensation & resettlement vide a letter dated 21st November 2014 delivered at the Ministry of Devotion and Planning regarding their complains;
- (ii) That, the Petitioners informed the Committee that, they were left out even after being promised that they will be compensated after the first batch of the beneficiary;
- (iii) That, the Kibera IDPs Petitioners were requested by N.C.C.C to send the correct names and next of kin details for purposes of compensation, since some details

had errors and the banks were unable to process payment. However, after the correction was done some beneficiaries received payment and some to date have not. The Committee was further informed that, the Ministry and NCCC had a full list of beneficiaries;

- (iv) The Committee noted with concern on the disparity in compensation IDPs in Kibera where cash payments were given out to different groups of IDPs as compensation;
- (v) The Committee was informed on the Government ranches and individual land bought in Laikipia, Nyandarua , Molo , Kajiado and other counties which were never dispatched to any of the Kibera IDPs.;
- (vi) The Committee was further informed on the need to involved the Kibera IDPs leaders in any matter relating to their welfare and important decision making relating to the Kibera IDP's group;
- (vii) The Petitioners requested that the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, No. 36 Of 2012 should not be repealed. The Committee was informed on the importance to prevent, protect and assist the internally displaced persons and the affected communities.

The Committee made the following recommendations-

- a) The Committee resolved to engaged the Ministry further to deliberate on the reason and modalities used to deny some of the IDP's the compensations;
- b) The Committee agreed to input the submission from the Ministry as previously tabled to have a content of the beneficiaries and reason why they were left out; and
- c) The Committee noted with concern the disparity in compensation and agreed to engage the Ministry and NCCC further to probe further on the matter.

MIN.NO. 121/2020 A.O.B. AND ADJOURNMENT

- i. The Committee was informed on the demise of one of the petitioners and noted the need for the Committee to work towards conclusion of the petition in honor of the departed Petitioner; and
- ii. The Committee agreed to adopt the reports in its next sitting;

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED:.....W. K. Komisar.....

(CHAIRPERSON)

DATE:.....2/9/2020.....

MINUTES OF THE SEVENTEENTH SITTING OF THE STANDING COMMITTEE
ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL
INTEGRATION HELD ON WEDNESDAY, 29TH JULY, 2020 IN THE ZOOM
PLATFORM.

PRESENT

1. Sen. Naomi Shiyonga Masitsa, MP - Chairperson
2. Sen. Christine Zawadi Gona, MP - Vice - Chairperson
3. Sen. (Dr.) Christopher Lang'at, MP
4. Sen. Mercy Chebeni, MP
5. Sen. Iman Falhada Dekow, MP
6. Sen. Judith Pareno, MP
7. Sen. (Dr.) Gertrude Musingu Inimah, MP

ABSENT WITH APOLOGY

1. Sen. Samson Cherarkey, MP
2. Sen. (Dr.) Lelogwe Ltumbesi, MP

IN ATTENDANCE

1. Hon. Hussein Dado
2. Mr. Muthama

MINISTRY OF INTERIOR

- Chief Administrative Secretary
- Director Ministry of Interior and National
Coordination

IN ATTENDANCE

1. Mr. Ibrahim Ali Leruk
2. Ms. Regina Munyao
3. Ms. Anne Kigoro
4. Ms. Lucianne Limo
5. Ms. Millicent Ratemo

SENATE

- Senior Clerk Assistant
- Legal Counsel
- Research Officer
- Media Relation Officer
- Audio Services

MIN. NO. 078/2020

PRELIMINARIES

The Chairperson called the meeting to order at 12.00 p.m. followed by a word of prayer.

MIN. NO. 079/2020

ADOPTION OF THE AGENDA

Members adopted the agenda of the meeting after being proposed by Sen. Judith Pareno, MP and seconded by Sen. Mercy Chebeni, MP as follows-

Prayers;

1. Adoption of the Agenda;
2. Meeting with the On-line Meeting with the Cabinet Secretary Ministry of Interior on the Kibera IDP Petition and Statement by Sen. Mutula Kilonzo Jrn. On plight of IDPs.
3. Any Other Business & Adjournment.

MIN.NO. 080/2020:

MEETING WITH THE ON-LINE MEETING WITH THE
CABINET SECRETARY MINISTRY OF INTERIOR ON
THE KIBERA IDP PETITION AND STATEMENT BY
SEN. MUTULA KILONZO JRN. ON PLIGHT OF IDPS;

The Chief Administrative Secretary made the following submission-

PETITION BY THE KIBERA IDPS

1. That, following the post 2007 elections, the Country, was engulfed in violence, which led to destruction of property and loss of life. An estimated 663,921 people were displaced, about 80,000 houses destroyed countrywide while 1300 lives were lost. Out of these, a total of 350,000 Internally Displaced Persons (IDPs) sought refuge in 118 camps spread all over the Country and 313, 921 were integrated within communities across the Country;
2. That, in order to mitigate the effects of Post-Election Violence, the Government established the National Humanitarian Fund through legal Notice No.11 of 2008 dated 30th January. On 15th February, 2008 the President appointed through a Special Gazette Notice no.1038 Advisory Board Members to manage the

Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence;

3. That, on 18th January, 2013 "The Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act 2012 came into effect. The Act provides procedures and the manner in which resettlement of IDPs is to be carried out and provides for the creation of all an inclusive National Consultative Coordination Committee on Internally Displaced Persons (NCCC) to steer the resettlement programmes. The National Consultative Coordination Committee on Internally Displaced Person (NCCC) was appointed on 21st November 2014 and it started its operation in April, 2015.
4. That, the Government, is committed in offering assistance to all the genuinely Internally Displaced Persons. However, the assistance the Government has extended to IDPs is intended to facilitate the affected persons start rebuilding their lives as it is not possible to fully compensate those affected for the losses they suffered were enormous;
5. That the affected households were assisted as follows:
 - (a) Startup capital of KSHs.10, 000 to a total of 124,974 households who were successfully persuaded to voluntarily return to their farms.
 - (b) KSHs. 25, 000/= paid to each of the 48,662 households to reconstruct their partially damaged houses.
 - (c) A total of 71,473 low cost houses were constructed for those whose houses were totally destroyed. Also a lot of 21,000 houses for those affected and host communities were constructed under the African Development Bank Housing Programme.
6. That, those who lived in camps, were profiled and assisted as follows:-
 - (a) Land resettlement. A total of 7,315 IDPS households including host communities were settled on Government procured farms in various parts of the Country with each household given 2.25 acres of land.

- (b) Cash in lieu of land phase 1; A total of 8409 households were resettled through cash payment of KSHs 400,000 each through Equity Bank.
 - (c) Cash payment phase II; Under this phase 5,387 IDPs and forest evictees were each paid KSHs 200,000 in lieu of land.
 - (d) Cash payment phase III. This phase covered 5261 IDPs and forest evictees and each was paid KSHs. 200,000.
7. That, the Government through the NCCC repatriated 258 Kenyan IDPs who were living in Uganda as refugees and each was paid between KSHs 100,000 and KSHs 150,000 depending on family size. This was after a multi-agency task force did profiling.
8. That, the Government recognized the existence of integrated IDPs and therefore profiled them. Consequently, the names of those integrated IDPs beneficiaries have been prepared with the assistance of IDPs networks through wide consultations with their leadership, which culminated in two forums, which were held at Nuru Palace Hotel, Nakuru in March 2017. The target of the exercise was to isolate the following categories of IDPs for consideration:-
- (i) Those who have not been paid any GOK support
 - (ii) Those who had only been paid KSHs. 10,000 start-up capital;
9. That, the criteria on the two forums was subjected to the following elimination criteria:-
- a) Elimination from the eligibility list any person who was paid an extra benefit over and above the KSHs. 10,000 start-up capital i.e Those who got KSHs. 10,000 plus land or KSH.10,000 plus a House from ABD project
 - b) Elimination from the eligibility lists those who received other cash payments irrespective of whether they received the start-up capital of KSHs. 10,000 i.e those who received.
 - i. KSHs. 400,000
 - ii. KSHs. 200,000
 - iii. KSHs. 100,000 to 150,000

- iv. KSHs. 25,000
- c) Elimination from the eligibility lists those whose cases are under investigation either by EACC, CID or the Courts both whose cases and not been determined.
- d) Elimination from the eligibility lists those who:-
 - i. Had no Identity Card
 - ii. Received multiple or double payment
- e) Removing duplicated names.
- f) Those who had not attained the age of 18 years at the time of the PEV

Through this exercise, a total of 83,891 integrated IDPs were eligible for consideration on payment of Kshs.50, 000/= to each household as per the available budget whereby the following IDPs from Kibera benefited:-

- i. Those paid KSHs 10,000 were 471 beneficiaries
- ii. Those paid KSHs 50,000 were 692 beneficiaries

STATEMENT BY SEN. MUTULA KILONZO JRN. ON PLIGHT OF IDPS

The Chief Administrative Secretary also made the following submission on the Statement by Sen. Mutula Kilonzo Jrn.

- a) That, the Government is aware that the term of the National Consultative Coordination Committee on Internally Displaced Persons expired in 2017;
- b) That, the Government has not gazetted a new National Consultative Coordination Committee (NCCC) on IDPs and therefore there is no budget set aside for the said Committee;
- c) That, the Government act of not gazetting the new NCCC was driven by the fact that all the profiled IDPs were resettled and others assisted through allocation of alternative land or by way of cash by the year 2017; and
- d) That, the Government is still consulting the various agencies which will inform the finalization of the drafting of the National Policy on Internally Displaced Persons.

MIN.NO. 081/2020 RESOLUTIONS

- a) The Committee was informed that, there was a similar Statement by Sen. Githiomi on issues of IDPs and the Committee agreed to find out the whether the Statement was referred to the Cohesion Committee so as to conclude the issues of IDPs; and
- b) The Committee noted with concern that, the written submission was not circulated in advanced and agreed to meet again on Wednesday 5th August, 2020 to conclude on the matter.

MIN.NO. 082/2020 A.O.B. AND ADJOURNMENT

- i) The Committee raised issue of engagement various stakeholders concurrently in one meeting to expedite on the pending business related matters before the Committee; and
- ii) The Chair advised the meeting that, she would make a decision regarding meeting with the National Cohesion and Integration Commission once the appropriate time of the meeting is agreed upon.

There being no other business, the meeting was adjourned at 1:33 p.m.

SIGNED:..........



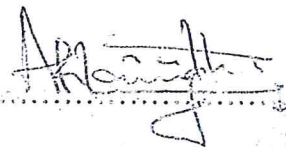
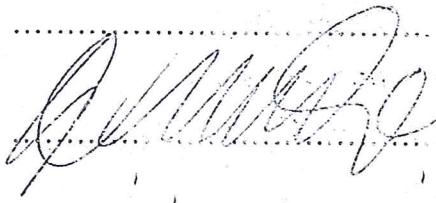
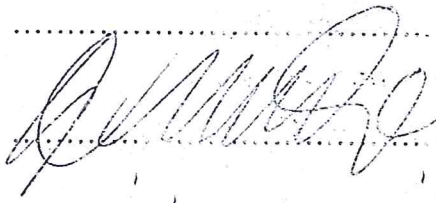

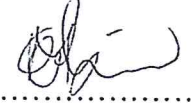


(CHAIRPERSON)

DATE:.....11/ August/2020.....

ANNEX 1: ADOPTION LIST

ADOPTION OF THE REPORT OF THE SENATE STANDING COMMITTEE ON NATIONAL COHESION, EQUAL OPPORTUNITY AND REGIONAL INTEGRATION ON A PETITION ON THE RESETTLEMENT OF AWARDS TO KIBERA INTERNALLY DISPLACED PERSONS (IDPS)

We, the undersigned Members of the Senate Standing Committee on National Cohesion, Equal Opportunity and Regional Integration, do hereby append our signatures to adopt the Report -

- 1) Sen. Naomi Shiyonga Masitsa, M.P. Chairperson 
- 2) Sen. Christine Zawadi Gona, M.P. Vice-Chairperson 
- 3) Sen. (Dr.) Christopher Andrew Lang'at, M.P. Member 
- 4) Sen. Judith Pareno, M.P. Member 
- 5) Sen. (Dr.) Lelegwe Litumbesi, M.P. Member 
- 6) Sen. Samson Cherarkey, MP.. Member 
- 7) Sen. (Dr.) Gertrude Musuruve Inimah, M.P. Member 
- 8) Sen. Mercy Chebeni, M.P. Member 
- 9) Sen. Iman Falhada Dekow, M.P. Member 



PETITION ON KIBERA IDPS

INTRODUCTION

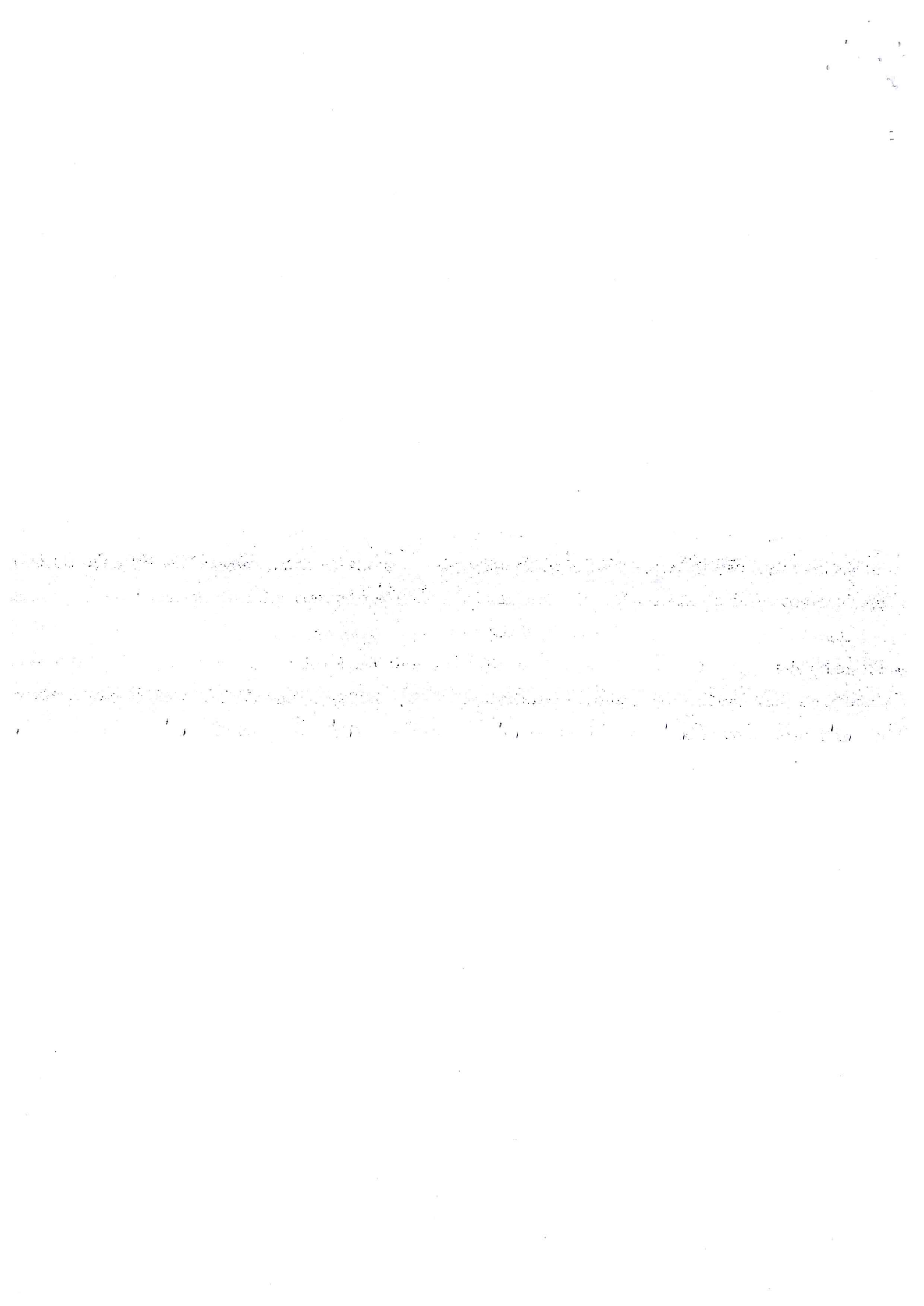
Following the post 2007 elections, the Country was engulfed in violence which led to destruction of property and loss of life. An estimated 663,921 people were displaced, about 80,000 houses destroyed countrywide while 1300 lives were lost. Out of these, a total of 350,000 Internally Displaced Persons (IDPs) sought refuge in 118 camps spread all over the Country and 313, 921 were integrated within communities across the Country.

In order to mitigate the effects of Post-Election Violence, the Government established the National Humanitarian Fund through legal Notice No.11 of 2008 dated 30th January. On 15th February, 2008 the President appointed through a Special Gazette Notice no.1038 Advisory Board Members to manage the Humanitarian Fund for Mitigation of Effects and Resettlement of Victims of Post-2007 Election Violence.

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RESETTLEMENT OF IDPS

It is worth noting that the Government is committed to assisting all the genuinely Internally Displaced Persons. However, the assistance the

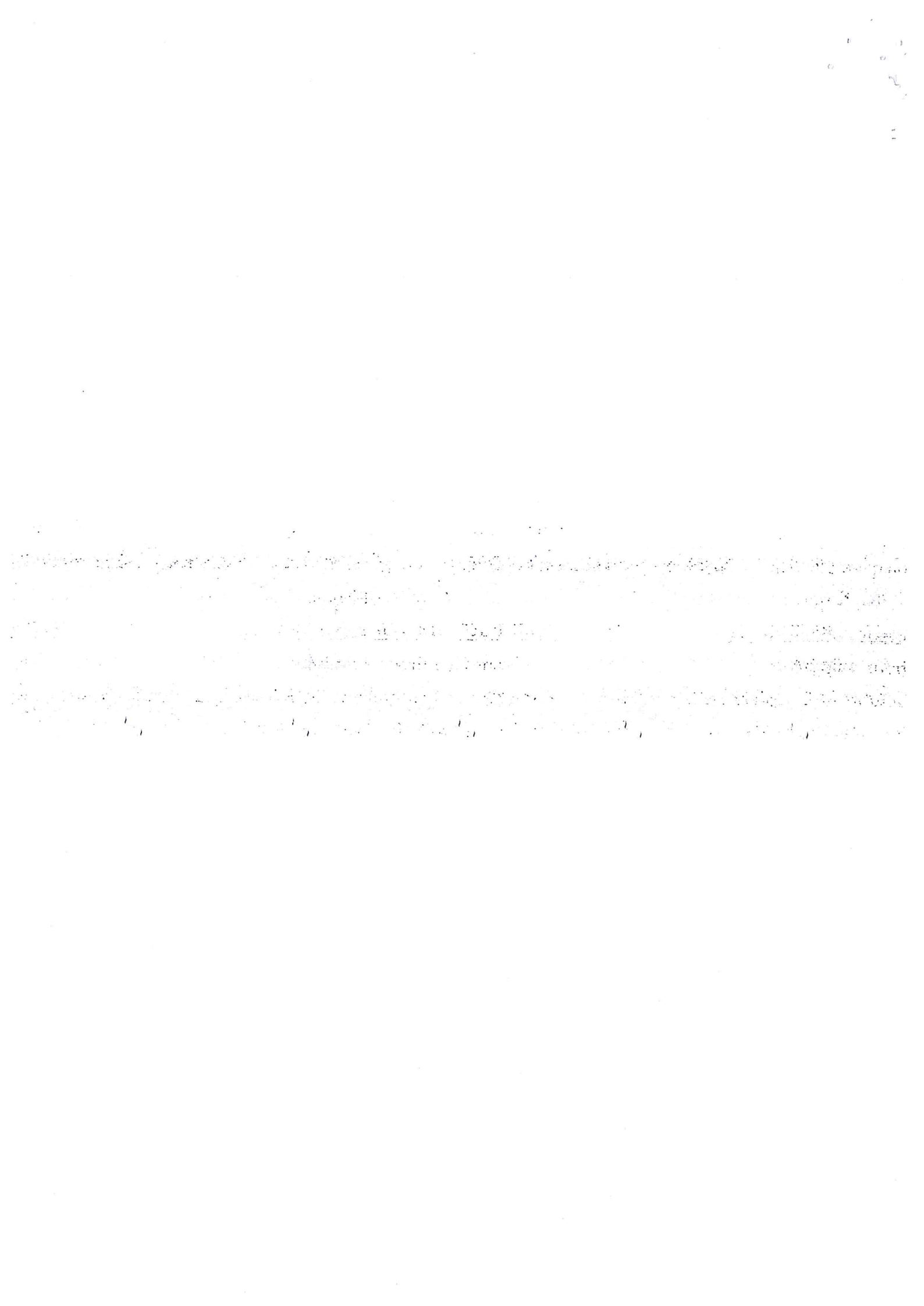


Government has extended to IDPs is intended to facilitate the affected persons start rebuilding their lives as it is not possible to fully compensate those affected for the losses they suffered were enormous. As such the affected households were assisted as follows:

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FRED MATIANG'I, PhD, EGH
CABINET SECRETARY
MINISTRY OF INTERIOR AND
COORDINATION OF NATIONAL GOVERNMENT

7th MAY, 2019

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The following table shows the results of the experiment. The first column is the number of trials, the second column is the number of correct responses, and the third column is the percentage of correct responses. The data shows that the percentage of correct responses increases as the number of trials increases, indicating that the subject is learning the task.

Number of Trials	Number of Correct Responses	Percentage of Correct Responses
10	5	50%
20	12	60%
30	18	60%
40	25	62.5%
50	30	60%
60	35	58.3%
70	40	57.1%
80	45	56.25%
90	50	55.56%
100	55	55%