



Lessons learned from
UNHCR'S emergency
operation for internally
displaced persons in
Kenya

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Introduction

1. From 19 to 28 July 2008, a team representing the IDP Advisory Team (Khassim Diagne) and the Division of International Protection Services (Atle Solberg) travelled on mission to Kenya to undertake a lessons learned review from UNHCR IDP operations in Kenya¹. The two main objectives of the mission were:

- To review UNHCR's experience in the establishment and functioning of the cluster approach in Kenya, and to identify lessons learned and effective practices, particularly at the field level.
- To review the implementation of UNHCR's IDP Policy Framework and Implementation Strategy in Kenya through its operations.

2. Following briefings and meetings in Nairobi with UNHCR staff, government officials, UN agencies and NGO personnel, the team travelled to Nakuru and Eldoret (Rift Valley Province) where the bulk of the internal displacement took place in the aftermath of the January 2008 post election violence. The team conducted interviews with UNHCR staff, government officials, UN agencies and NGO partners, the IDPs themselves in camps and in the return areas.

Operational context

3. Prior to 2008, Kenya had a history of internal displacement, most of which occurred in the aftermath of the presidential polls of 1992, 1997 and 2002. There have also been a number of displacement situations as a result of occasional drought, floods and other natural disasters. However, the post election violence of January 2008, which was the result of the contested presidential election results, was the most severe, complex and traumatic experience that the country had ever experienced. Between 350,000 and 500,000 persons were estimated to have been uprooted from their homes at the peak of the crisis in January-February 2008. Some 300 camps were set up in various areas of the country but the majority were to be found in the Naivasha-Eldoret axis where the violence was most severe. As noted by the Representative of the Secretary-General for the Human Rights of IDPs in his mission report, following his visit to Kenya in May 2008, in addition to the persons who were displaced in the major cities, there were mainly four categories of IDPs:

- Farmers with rights to their own land;
- Farmers who rented their land;
- Agricultural workers and squatters
- Persons who owned small businesses.

1 The findings and analysis of the present report cover the period between the beginning of the emergency in January 2008 to June 2008 shortly before the review mission visited Kenya. By July 2008 and following operational changes introduced in the programme, many of the issues identified by the mission had been taken up and were being addressed. This report is meant to document the policy challenges which UNHCR was facing in the midst of the emergency operation as to enable the Office to improve its cluster lead and operational response capacity in IDP settings.

4. In addition to those displaced within Kenya's borders, some 12,000 Kenyans sought refuge in Uganda. The magnitude and the consequences of the displacement took the Government by surprise. Moreover, because of the heavily charged political atmosphere, the Government was experiencing a legitimacy and acceptability crisis vis-à-vis the public at large but especially in relation to the IDP communities who felt that they were not sufficiently protected.

5. Humanitarian agencies were equally not prepared, limited contingency planning had been put together to anticipate the scale and scope of the displacement. UNHCR was put at a particular disadvantage since the Office had no prior humanitarian activities regarding IDPs in Kenya before January 2008 and moreover, its refugee operations are located in an area of the country that experienced limited internal displacement. A key lesson learned here is that the new IASC issued guidelines for contingency planning should be used especially in countries experiencing political turmoil particularly in the run up to general elections. These contingency plans must however; take into account national partners inputs notably those from the Red Cross movements.

6. The initial response to the crisis was built in the form of a triangular approach where the Government through the Ministry of Special Programs in the Office of the President, convened regular meetings with the UN Resident Coordinator and the Kenya Red Cross (KRC). A National Disaster Operations Centre (NDOC) was established to organize and coordinate the relief efforts with the KRC. This had been created through an Act of Parliament in 1965 to, inter alia, "provide relief to victims of catastrophe or disasters" and offered the Government a good opportunity to deploy in the worst affected areas whilst handling the problems of acceptability and legitimacy that government officials were facing. KRC was mainly responsible to run the relief operation on behalf of the Government especially focusing on the management and coordination of the camps.

7. On the side of the UN agencies and the IASC Humanitarian Country Team, the cluster approach was activated on 9 January 2008 and provided the framework for coordination for the international community's relief efforts. UNHCR assumed the leadership of the protection and emergency shelter/NFI items clusters. The Office also provided technical support and advice to KRC for it to discharge key CCCM responsibilities. Formally however, UNHCR was cluster lead for CCCM as per the Emergency Coordinator's letter dated 8 January 2008. In hindsight, the question was raised why the cluster approach was rolled out in the context of a strong and assertive government structure, overwhelmed by crisis but at no time dysfunctional. This question certainly merits in-depth research beyond the Kenyan context. It should be said however, that from the outset the cluster approach is an internal UN/NGO mechanism which is supposed to improve coherence within the humanitarian community with the ultimate objective to assist Governments better address the needs of their own affected communities.

8. Over time the humanitarian response, which began in an uncoordinated fashion started to take a better shape, in part, due to the Government decision to establish a Mitigation and Resettlement Department in the Ministry of Special Programmes which allowed the humanitarian community to have a single entry point within the state structures to coordinate the various interventions.

9. Seven months into the post election crisis, the vast majority of the IDPs have either returned “home”, or settled close to their homes in the so-called satellite camps or “integrated” i.e. living on their own or accommodated by the host communities. At the time of the review mission field visit in late July 2008, only three major locations of what should be defined as IDP camps (Naivasha town, Nakuru and Eldoret showgrounds) were still hosting some 20,000 IDPs according to Government figures.

Mission findings and overall assessment

10. In general, UNHCR as a cluster lead and as an operational agency has done well in the swift delivery of protection and assistance services to IDPs. Throughout the review mission, government officials, UN agencies, NGO partners and the IDPs themselves expressed great appreciation for the family kits distributed (20,000), the tents provided (5,000) at the camp level and in the return areas, the presence, the advice and the training delivered on IDP protection issues. Considering that the Office was entering the IDP programme in Kenya for the first time, UNHCR senior management in Nairobi displayed a lot of flexibility in its approach to the programme. It entered into a significant strategic partnership with the Kenya Red Cross.

11. Both agencies benefited from it, in particular the KRC, which seized the occasion to upgrade its CCCM skills, an area where it had limited experience prior to the crisis. The Memorandum of Understanding, which served as a means to lay out a framework for the partnership between UNHCR and the Kenya Red Cross, paved the way for timely and more coordinated emergency interventions for the benefit of the IDPs. Having been designated by the Government as lead of the emergency response, KRC was de facto “a must go through” partner. Prior to the signature of the partnership agreement, UNHCR faced serious challenges in the handling and coordination of the IDP programme with partners and the Government. Obviously KRC was an ideal partner but there could have easily been a lack of independence and conflict between the humanitarian and the political agenda.

12. However, and despite the respect, credibility and visibility that the Office gained in its response to the IDP programme, the mission came across several important shortcomings which constitute important lessons to be learned not only for the remainder of this programme but for other operations of this nature as well.

13. In the first few weeks of the crisis, there was clearly a lack of understanding among partners, notably in Government circles, about UNHCR’s role in IDP situations. Some Government officials interviewed, explained that they were vaguely aware that elsewhere in the world, the Office had provided support to IDPs but they could not come up with a detailed account of what that support entailed. Many people in Kenya simply associate UNHCR with its refugee programme in Kakuma and Dadaab. It would have been beneficial for the Office to invest in a half day briefing or workshop with all partners about the nature, scope and extent of UNHCR’s role in IDP operations. Such briefing could have been organized either bilaterally or more usefully in the context of the country Inter-Agency Standing Committee (IASC). Such interaction with the key partners would have, at a later stage, assisted in anticipating and removing a number of hurdles especially the prioritization of protection activities in the operations.

14. There has also been a sense among partners that UNHCR's role as a cluster lead, especially at the Nairobi level, was not always clearly understood. The repeated references to the Office policies, procedures and even semantics in cluster meetings gave the impression to some cluster members that it was, to a large extent, a UNHCR led response similar to what the Office would do in refugee settings.

15. As the Office will be increasingly called upon to lead cluster activities in often complex and significant IDP programmes, it is important that UNHCR staff, managing clusters are trained and prepared to coordinate and lead them in a collaborative and inclusive manner to ensure appropriate complementarity amongst all actors. Obviously this is not Kenya or UNHCR specific and has been observed in other cluster operations. Therefore the matter needs to be dealt with at the institutional level. It will be extremely important to incorporate some tips and suggestions on how to lead clusters in the proposed IDP learning programme.

16. The review mission also observed that there was a lack of preparedness and inputs on the Government led IDP return plan called "Operation Nyumbani"- return home. Obviously it could be argued that the matter should have been dealt with at the inter-agency level under the leadership of the Humanitarian Coordinator, moreover it was difficult for the agencies to anticipate the unplanned and un-coordinated fashion that the plan was executed from the Government side. One would have expected UNHCR, as chair of the Protection Cluster Working Group, to be more instrumental in engaging the authorities and discuss what support and resources were available to conduct the operation in a safer, more voluntary and dignified manner. The review mission found evidence that the Government officially wrote to the Humanitarian Coordinator on 23 April 2008 announcing details of the return plan. The return operation itself only began on 5 May which left a time gap of two weeks that could have been used to provide written feedback to the Government, including concerns that the agencies may have had.

17. On the resource mobilization and external relations front, Nairobi is known to host several donor embassies - both traditional and non traditional. Some of these embassies have regional responsibilities and may at times control funds for humanitarian interventions. In addition, a number of these foreign envoys exert a lot of influence on domestic politics. While it is true many donors were told "to keep out of the domestic politics", a major UNHCR donor told the review mission that they could have found a discreet manner to assist UNHCR on some key protection concerns as contained in the briefing note submitted to the Humanitarian Coordinator.

18. The coordination between the Nairobi based clusters and those established in the field were not always smooth especially during the emergency phase. While the field was more concerned about immediate practical advice from the capital on how to deal with issues arising from of the displacement (gender based violence, identification, tracing and family reunification, special care for vulnerable cases), the clusters in Nairobi reportedly spent much of the time in processes and meetings.

19. Finally, as the displacement transitions from a humanitarian mode to the early recovery phase, it is imperative that the Office adjusts its strategy accordingly in close coordination with the RC/HC, cluster partners and relevant Government counterparts. Therefore a long term plan for the IDP programme should be

developed in the coming few weeks outlining UNHCR next steps and providing inputs to the inter-agency framework on the same subject.

General protection considerations

20. The general protection concerns related to the displacement, which were identified by the protection cluster at the outset (and later taken up by the OHCHR Fact-finding Mission to Kenya 6-28 February 2008) evolved around issues related to freedom of movement, access to services, protection of people with specific protection needs (in particular separated and unaccompanied children), land and property issues, civil status and solutions. Other protection issues which the cluster dealt with included the right to food, adequate housing and access to health and education. Whereas there was little hard evidence of widespread use of gender-based violence as a tool for ethnic intimidation, some concerns were raised in this area. However, the numbers of the victims and the magnitude of the problem were not properly established.

21. Over time, as the political situation eased and camps were being consolidated by the beginning of March 2008, protection concerns were now primarily related to conditions in camps and the identification of solutions, particularly for those IDPs without access to land. The issue of separated children remained and still remains a protection concern. However, it was being addressed by partners in the Child Protection area of responsibility under the umbrella of the Protection Cluster.

22. With Operation Rudi Nyumbani many IDPs have now left the camps. Estimates of the exact numbers of people that have returned is uncertain due to the unplanned nature of the return process, the fluidity of the situation, as well as the limited information about IDPs living with host families, the so called “integrated IDPs”.

23. In general those who have returned have not gone back to their former homes, destroyed in the majority of cases². They have settled in so-called transitional sites close to their farms and homes. Those IDPs who remain in the camp are apprehensive about returning at this stage and cite security concerns and the absence of any systematic attempt of reconciling the differences between various ethnic communities. Others argue about the lack of access to services especially education and shelter and limited livelihood opportunities.

24. Operation Rudi Nyumbani has created a new emergency exacerbated by poor conditions in the transit sites (lack of water, shelter, food), uneven access to humanitarian assistance and access to basic public services. At the time of the mission, more than 200 sites were reported in the North Rift Valley and 120 in the South Rift Valley, with a smaller number of sites reported in Nyanza, Western and Central Provinces. The way in which Operation Rudi Nyumbani was implemented suggests that the movement of people out of camps cannot be fully characterized as being free and voluntary based on an informed choice. There were some reports of inducement, intimidation and manipulation of information (or lack of) to make

² According to Government statistics, some 40,000 were burned or destroyed in the post election violence.

people leave the camps. In addition, the Government seems to be entirely focusing on the return process at the expense of the other durable solutions such as local integration or relocation elsewhere when people do not or cannot return to areas from which they were displaced.

25. The situation is still uncertain in terms of access to basic services and security particularly in the return areas. It would be important to continue to visit the camps where people remain regularly and establish routines for monitoring and assessment of conditions in areas of return and in the transit sites. Although the independency and capacity of national protection institutions (like the courts, the police, and legislative bodies) was severely criticised for their inaction during the post election crisis, Kenya has some relatively strong national protection institutions. With technical support and advice from protection mandated organisations such as UNHCR, the IASC Humanitarian Country Team can work closely with the Government at central and district level to strengthen the national protection capacity, ensure that acceptable protection standards are reached and that policy and action plans are developed and implemented to address all phases of displacement, including addressing the root causes.

26. Besides these current protection problems, there are clearly other long-term protection issues linked to the proposed constitutional reform, which are arguably beyond the scope of the Protection Cluster and UNHCR. They are undoubtedly issues under the Government's purview. UNHCR and partners should however, review and assess relevant areas of support in capacity building and advice to the Government particularly those directly related to displacement such as land and property issues. The respect and credibility that the Office enjoys with the Government of Kenya, through its work on the post election crisis provides the Office with a long-term opportunity to engage in internal displacement issues, including supporting the Government in its capacity to address underlying structural challenges that pre-dates the post election violence.

The protection cluster

27. The rapid establishment of a protection cluster, in January 2008, provided the humanitarian community with clear leadership for protection with UNHCR assuming standard cluster lead responsibilities. This included developing a framework for protection coordination (Terms of Reference, Protection Strategy, Action Plan and an Assessment Framework). Attempts were made to apply other basic coordination tools to the work of the clusters like the WWW (Who, Where, What) but this was unfortunately never followed up consistently and only used to a limited degree. Protection Working Groups were later established in Nakuru, Eldoret, Kisumu and Nairobi.

28. Strategically, the protection cluster at national level was able to analyze and agree on the key protection concerns, plan of action and to rally partners around the issuance of the first Flash Appeal. The inclusive and consultative approach in preparing and issuing the protection chapter of the Flash Appeal was credited by various partners. However, some complained about the lack of follow-up and sharing of information once it was issued. The value of having a dedicated cluster coordinator first provided through the Emergency Response Team and later using

the Protection Standby Capacity (ProCap) resources was key in establishing the basic functionalities of the cluster at the outset of the emergency.

29. The protection cluster positioned itself as a relevant and important standard- and policy-setter. It drafted and issued standards operating procedures for the movement of people and principles on durable solutions and return. On a number of occasions, the cluster issued common messages and tried to engage the Humanitarian Coordinator and the government on advocacy issues regarding closure of camps and movement of people to so-called 'ancestral homeland'. Unfortunately, some of this important work did not result in high-level advocacy and was not sufficiently capitalized on by the RC/HC and the IASC Humanitarian Country Team. Opportunities were also missed to supply the Mediation Team and the Government with key protection concerns.

30. Compared to other clusters, the protection cluster also received less attention and investment from the Government of Kenya and the KRC. While one of the reasons given was that there was no clear focal point agency in the Government to deal with general protection issues, the problem was also linked to the fact that the RC/HC's office seldom met with the protection cluster and/or provided high-level advocacy on behalf of the work of the cluster.

31. In addition, some of the standard-setting and advocacy initiatives within the protection cluster appear to be relatively UNHCR driven and it is not always very clear from internal and external correspondence whether they should be attributed to the cluster or to UNHCR. In general, partners in the protection cluster felt that they had been consulted on key issues and the strategic direction of the work of the cluster. They felt however, that they sometimes had limited capacity to contribute directly. Although not necessarily a problem in itself, in many cases, cluster activities at Nairobi level were in essence, UNHCR activities rather than cluster activities.

32. Over time, the protection cluster also struggled to move beyond establishing a framework for coordination and strategy-setting into joint and strategic action in the field as well as at Nairobi level. This was partly because the protection strategy and the orientation of the cluster itself was never updated or adjusted (particularly after Operation Rudy Nyuambani). This contributed partly to action being reactive and driven by events on the ground rather than strategic and proactive. Significant (induced) movement of people from relatively clearly definable camps into transit sites required a quick shift in focus and different assessment and monitoring tools. However, the cluster strategy was never explicitly adjusted to accommodate these changed circumstances. The current work plan of the protection cluster, since it has never been updated, is of less relevance today for addressing existing protection concerns than it was in January 2008.

33. Partnership underpins the humanitarian reform but the national protection cluster could have reached out and engaged a larger number of relevant partners – international as well as national ones. Participation in the cluster meetings at the capital level is today very limited. Obviously effective response is not conditioned on partnership and high level of participation in cluster meetings. However, lack of partnership and partners undermines common decision-making and the capacity of the cluster to effectively identify and respond to programmatic and geographic gaps. In such a situation it is clearly the responsibility of the cluster lead to assertively

embark on outreach campaigns to mobilize additional members. This state of affairs was nonetheless different in the field, where field-based protection working groups demonstrated high level of joint decision making and responsive action from a diverse and varied group of actors.

34. In terms of other protection cluster issues, the review mission found that the situation of IDPs living in host communities, the so called “integrated IDPs” were insufficiently mapped and monitored. While acknowledging that this is often an issue of capacity, “integrated IDPs” will often have other and different protection needs than camp based populations. There is only limited information available about this segment of the displaced population and although it was agreed that the Government would concentrate on the registration and profiling of the non-camp displaced population, the protection cluster should have invested more resources to monitor the protection situation of this part of the displaced population. Strategic planning, response and monitoring were very much biased towards the camp population especially after the GoK started to consolidate camps in January and February.

35. Humanitarian agencies’ efforts to get the camps up to Sphere standards are highly commendable but more work should have been done to actively support alternatives other than camps, thereby reducing the number of people that had to stay in the camps. At some stage, many IDPs had actually found shelter and support with host families but as the displacement lasted few weeks and rumours about compensation started to circulate, the overall size of the camp population in certain locations (e.g. Eldoret Showground) actually increased suggesting that those formerly living with the communities decided to come to the camps for a variety of reasons including assistance, protection and welfare.

36. In relation to prevention and response to gender-based violence and child protection issues (two key areas of responsibility of the Protection Cluster), UNFPA and UNICEF, the two agencies respectively in charge of these areas, reported having received good support from UNHCR as a cluster lead. However, the linkages between these two technical areas and the protection cluster were not clearly identified and brought into the fold of the overall protection response. The relationship can be described as more of a regular information sharing among three different strands in the protection response. Given the prominence of these issues, the protection cluster could have brought in additional capacity and partners in its work especially resources from UN-Habitat on housing, land and property issues and UNDP/OHCHR on Rule of Law and access to justice. This is a joint responsibility of cluster leads as well as the agencies in question.

37. Field-based protection working groups were in a way disconnected from the national protection cluster. UNHCR colleagues on the ground reported receiving consistent technical support and advice from UNHCR Nairobi, including direct field support, but field-based clusters had limited notion of and understanding of the work of the national protection cluster: For example, limited interaction between the field and the national level protection cluster led to a situation where the field was developing standard operating procedures for Mental Health and Psychosocial Support (MHPSS) while IASC Guidelines on the issue already exist.

UNHCR protection response and activities

38. Having no prior engagement with IDP work in Kenya, UNHCR had to set-up agency specific protection programming as well as dedicating resources to establish a coordination mechanism for the protection cluster. Agency specific activities appear to have been submerged under the rubric of cluster activities making it hard to separate UNHCR cluster activities from activities implemented as an operational agency. When resources required to support the functioning of the cluster are mixed with resources required for operational activities, this will ultimately cause confusion or even insufficient attention to actual operational delivery in the field.

39. The UNHCR Operation Plan makes no distinction between UNHCR operational activities and those related to cluster responsibilities. Although all activities are meant to contribute to the overall objectives of the cluster, it is important to ensure that activities supporting the functioning of the cluster are demarcated from those that are agency-specific. A clearer separation would have made it possible to better balance investment into the functioning of the cluster from investment in activities that respond to gaps and needs in the field.

40. UNHCR field presence allowed the Office to take the lead and coordinate important initiatives in relation to assessment and monitoring. Systematic visits to camps and return areas also allowed for individual case interventions, referral and follow up with relevant government structures, including the police. Workshops and training on human rights standards and the Guiding Principles on Internal Displacement organized by the Office had a direct impact on the awareness of IDPs about their rights and entitlements. The notion of UNHCR as a defender of and advocate for human rights was strong among government partners as well as among the IDPs themselves.

41. At the time of the review mission, UNHCR protection programming and projects were relatively few. However, a number of important activities related to peace and reconciliation, monitoring and reporting and legal aid provision will be implemented through implementing partners like IRC and Action Aid in the near future. Sub-agreements will be signed soon and these activities will make an important UNHCR contribution to the overall response capacity of the cluster and in addressing protection needs and concerns in the field.

Camp coordination and camp management

42. The scale and scope of displacement led quickly to the establishment as well as consolidation of temporary settlements and sites into larger camps. Camps had to be managed and coordinated and the activation of a CCMM cluster was well justified. The KRC was not very experienced in managing or coordinating camps prior to this emergency but having been designated by the Government to lead the response, it seized the opportunity of the MOU with UNHCR to benefit from the Office advisory and technical services in this area. The review mission received feedback that UNHCR support and advice was indispensable and key for the functioning of this sector.

43. While initially appalling, the situation and conditions in the camp improved and most of the camps did comply with the Sphere standards. In addition there has

been no major outbreak of diseases or epidemics. Such an outcome would of course largely depend on the work and response capacity of technical sectors like WASH and Health as well of the Government and the KRC, but Kenya offers a good example of the importance of effective coordination and management in reaching such standards across various camps and sites.

CCCM Cluster

44. UNHCR faced challenges to establish and define its role as the designated cluster lead, coordinating the camp coordination and camp management response and struggled initially to insert itself into the Government/KRC coordination in order to discharge its cluster lead responsibilities. As explained earlier, the MOU with KRC opened many doors.

45. Prior to the signing of the MOU, uncertainty about leadership and lack of clarity on the respective roles of UNHCR and the KRC created confusion in the CCCM and Shelter clusters. Cluster partners cited concrete examples of contradictory messages on geographical priorities and assignment of tasks (for example training, distribution of relief items and leadership in the field) following some disagreement between UNHCR and KRC.

46. After a difficult start the CCCM cluster managed to redirect its strategy and focus, define an effective and operational relationship with the KRC and was able to achieve very good results in the camps as described more in detail under the protection section. This provides an important lesson learned for the CCCM concept which should be replicated elsewhere where such potential national capacity exists to manage camps and where UNHCR and the CCCM cluster can play a key role in providing technical and direct support to a national counterpart thereby focusing on an advisory and technical role rather than an implementing role.

47. Despite the good work in this area, a policy and operational gap, however remains in relation to closure and clean up of camps. KRC officials said that they do not see this as their responsibility. Although this is a government responsibility and although it would be unreasonable to expect UNHCR as cluster lead to close and clean up the camps, it would be important that UNHCR as cluster lead assumes more responsibilities in this area to ensure that camp closure is properly conducted in an environmentally friendly manner.

UNHCR CCCM activities

48. UNHCR has conducted many training activities on CCCM issues for a variety of actors including government officials at the district level, KRC staff, other partners and the IDP themselves. These training programmes have been highly rated by those targeted. In addition UNHCR has also borne the salary payments of 19 camp managers.

49. In terms of information management including profiling and registration of the IDPs UNHCR managed to deliver services to the humanitarian response, including the GIS Mapping and the provision of site maps which are particularly useful also for coordination and operational planning.

50. However, the registration process was fraught with a number of difficulties. The review mission understands and appreciates the efforts of the Office to support the Government and is aware of the insistence of the latter to undertake a full-fledged registration exercise. Obviously the need to have reliable data for protection and assistance services is important but profiling and other type of demographic assessment can produce data required for operational planning and distribution of relief items. In addition, the purpose added value and potential protection risk of registering IDPs should always be carefully assessed. With the fluid displacement situation in Kenya and when many IDPs were also staying in host families, registration becomes a very complicated undertaking with uncertain benefit for the population in question and unreliable end-results.

Shelter

51. The displacement situation in Kenya can be described as a shelter crisis given that more than 40.000 houses were totally destroyed. Shelter remains a key priority sector in terms of finding durable solutions. The existing plans and resources within the government resettlement strategy do not commensurate with the needs. In addition to rebuilding the destroyed houses in the areas of return, IDPs would also require tents and other shelter materials in the transit sites or satellite camps.

52. It is also a challenge for this sector that expectations have been created among IDPs about reconstruction assistance but very little information is available on when and if such material will be made available to them.

Shelter cluster

53. Like the CCCM cluster, UNHCR also faced initial coordination problems in this sector due to lack of a clear government counterpart for the shelter component. This was further complicated by the fact that the Government lacked a clear shelter policy or strategy, resulting in discussion going back and forth without clear decisions being made. The situation has now vastly improved and the shelter cluster is now co-chaired with the government allowing for a more coordinated and strategic response among all shelter actors.

54. The shelter cluster was able to develop a sound strategy and road map in March 2008, particularly regarding transitional shelter kits but failed to provide a systematic sector assessment of gaps and needs and an overview of who does what, where, including a tracking system that could monitor what had actually been distributed, where and by whom. Availability of such data would of course depend on input from the KRC because substantial amounts of non food items were distributed through their "pipeline" but the fact remains that the overall output of the sector is not available. Some key coordination tools for this sector are lacking (e.g. WWW), a responsibility clearly within the scope of the cluster lead's responsibilities.

55. Although the shelter cluster had a shelter strategy in place in March 2008, there were different shelter standards being applied in the field. This is partly due to some international agencies and donors undermining basic cluster and Good Humanitarian Donorship principles. UNHCR, as cluster lead, should work

assertively with donors and other key actors, including the Government and the RC/HC, to ensure consistency and transparency about shelter standards and the composition of different packages offered to IDPs. Another lesson learned from the shelter cluster in Kenya, applicable to other operations, is that when feasible, shelter standards should be agreed and defined during contingency and preparedness planning.

UNHCR shelter activities

56. UNHCR and other cluster partners within the shelter cluster were relatively quickly able to solve the shelter needs in the camps. On UNHCR side, this task was made relatively easy by the fact that the Office could tap into resources of the refugee operation in terms of NFIs and tents,

57. However, in relation to the actual output in the return areas on transitional shelter, the Office record is not very impressive. As of July, only 480 shelter kits had been distributed out of a planned programme of 4,000. Internal procurement and procedural issues within UNHCR, but also lengthy discussion within the cluster should have been expedited taking into account the climatic conditions in the Rift Valley.

58. However, a recent agreement to engage the Danish Refugee Council (DRC) to implement part of the TSK project (2000 kits) should be commended. As explained earlier, shelter is a key concern for the vast majority of IDPs. In addition it has important protection dividends and is undoubtedly one of the central components towards durable solutions for IDPs.

Inter-agency and partnership issues

59. Despite the formal adoption of the cluster approach in January 2008, the review mission found that the inter-cluster coordination did not function properly. The implementation of the cluster approach requires a cohesive approach whereby all agencies speak with one voice in order to enhance the predictability, accountability and partnership foreseen by the IASC. This was not always the case. In several instances, attendance at inter-cluster coordination meetings was low.

60. NGO participation to the cluster meetings was quite significant in the emergency phase with many national and international NGOs attending either to obtain further information or explore partnership opportunities. However, as the crisis unfolded and security rules were relaxed to allow agencies to move to the operational theatre, the participation of NGOs diminished. In UNHCR led clusters, notably the protection cluster, the reasons were obviously linked to a waning interest. But the review mission also feels that the Office should have invested more time in outreach activities in order to mobilize more national and international partners.

61. The Office had also encountered a number of communication gaps with the Humanitarian Coordinator's Office and OCHA making the relations dysfunctional at times. These problems were particularly acute in the protection area where, in the view of HCR colleagues, that agenda was not sufficiently taken up by the HC's office. The latter felt that protection matters were too sensitive in the height of the

crisis to be put forward to the national authorities. Relations have however, substantially improved. The new Humanitarian Coordinator, with whom the review mission had a very constructive dialogue, pledged support to the work of UNHCR. He also explained that IDP issues would certainly feature prominently in the new UNDAF for the period 2009-2013. He promised to do his best to put the IDP issues centre stage in his regular meetings with Government officials.

Cross cutting issues and non lead clusters

62. Outside HIV/AIDS which the Office technically leads in displacement situations, there is little evidence of the incorporation of cross-cutting issues into the work of the clusters. While the review mission was on the ground, colleagues working on CCCM issues were initiating training programmes for KRC staff and other partners on camp closure, including environmental issues.

63. In relation to HIV/Aids and displacement, the Office should be commended for the leadership role that it has displayed over a period of several weeks which has led to a reorientation of the strategy of the National AIDS Council to include the needs of displaced persons. The Office provided sound technical advice to the Council allowing them to present a well thought out document to the World Bank.

64. The advocacy work on HIV/AIDS and displacement was largely carried out through the protection cluster. The latter not only provided the required space but also allocated start up funds which enabled UNHCR to link up and get up to speed with other agencies such as UNAIDS, UNICEF and WHO who had already established programmes on HIV/AIDS.

65. As in many countries emerging from conflict, the work of the Early Recovery Cluster is obviously quite essential. The review mission was however, disappointed that at the field level, there were not tangible signs of the Early Recovery Cluster providing any practical projects to the beneficiary or programmatic support to the agencies. It should be noted that beside shelter, the vast majority of IDPs interviewed, particularly small business-owners, explained that they would like to regain their livelihood either through a grant system or a small loan programme. Therefore looking at the future horizon, UNHCR has a strategic interest in ensuring that the Early Recovery Cluster kicks off as soon as possible. To help this process, the possibility of establishing a framework which encompasses both the protection and the early recovery clusters under the auspices of UNHCR and UNDP should be explored.

Management issues, staffing and funding

66. The IDP programme and the refugee operation in Kenya have co-existed quite smoothly. As a matter of fact, the first batch of family kits distributed to IDPs in and around Nairobi and further a field in Nakuru was borrowed from a stock in Dadaab. These stocks were later replenished once the programme submission was finalized and funds were pledged to the IDP operation. To beef up the emergency response team from headquarters, some colleagues from the refugee operation were also deployed to the field. Overall, there was good interaction between the Branch Office

and the IDP teams. In the same vein, the Regional Support Hub also provided some technical staff support to the IDP operation.

67. The lesson which can be drawn from the above is that, in future, countries faced with a sudden IDP programme where some staff capacity is available on the ground (Branch Office and Regional Hub), the initial response team could be drawn locally pending the arrival of personnel from the emergency roster. In the Kenya IDP response, there was a swift mobilization of personnel and their arrival in Nairobi, owing to the fact that UN staff and other associated personnel do not require entry visas. In the words of one colleague, it was a combination of “availability of staff and luck”. These opportunities may not always be available and additional avenues for rapid deployments of staff should be pursued. The Branch Office cum Regional Hub staff deployment model could be one of the answers.

68. The quality of staff deployed was overall of a high calibre. Some of them were in fact “cluster alumni”. But in some field locations, the Office could have sent more senior staff in addition to the standby arrangements and surge deployees who have all done a commendable job.

69. The other opportunity that was available to the IDP program was that because of the solid refugee programme coupled with the fact that Nairobi is a humanitarian hub in the region; operational partners were easy to find (GOAL, IRC, NRC, IOM, Action Aid etc.) and were equally involved in the IDP response. However, in interviews conducted with these partners, it was obvious that some of them did not fully grasp UNHCR’s role in IDP situations. It would have been beneficial to brief them on the Office’s global leadership role in protection, emergency shelter, camp coordination and camp management clusters. Such briefings should be continuous.

70. With regard to funding issues, the prospects are not promising although UNHCR has done well compared to other partners in the Inter-Agency Appeal. As of July 2008, UNHCR funding situation stood at some 37% against a budget of approximately 19 million USD. Both Branch Office and the Africa Bureau, supported by Donor Relations and Resources Mobilization Service (DRRMS), need to join efforts to embark on an aggressive resource mobilization campaign to attract donor support which is critical for the sustainability of the IDP operation.

71. Finally a recurrent issue which has been raised in several IDP reviews relates to the issue of the funding of the special budgets whose programme implementation can only proceed if money is secured. Kenya is no exception to this rule. This situation however, impacts on the predictability and credibility of the Office especially in relation to its cluster lead role. In order to gain the partners trust and respect, the Office needs some predictable funding which allows it to step in with the moral and financial leadership in these complex IDP situations such as Kenya where the needs are urgent.

Recommendations and way forward

72. UNHCR’s IDP programme in Kenya is at a crossroads where it first needs to consolidate the gains that it has so far acquired but also position itself within the larger humanitarian community as a predictable and responsive partner. In so doing, the review mission would like to suggest the following strategic directions in

the IDP programme for the Office in Kenya, through the Regional Bureau for Africa, with the support of the relevant divisions at headquarters:

- To continue to assist the Government to develop a long term policy and plan of action on IDPs not just limited to post election displacement. This should obviously be closely coordinated with partners in the IASC Country Team.
- To vigorously explore and pursue the possibility of seconding a staff to the Government to provide expertise on IDP issues.
- To oversee and support the transformation of the protection cluster into a national broad based protection working group where advocacy issues will be taken up.
- To phase out of CCCM issues but, subject to funding, maintain shelter support for returnees which has critical protection dividends.
- To maintain a presence in the field in 2008-2009, even minimal, for protection interventions, monitoring and long term peace issues.
- And finally for Branch Office staff to work with the IDP Team to develop a plan that would gradually mainstream IDP responsibilities in the regular activities of the Office.