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**DLPS**

Please facilitate  
DC(MA)

Date: 10/11/2020

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Mr. Magere (DLPS)

ps process

*[Signature]*  
10/11/20



*Mr. Macharia*  
Please process  
written petition  
204  
10/11/20



**NATIONAL IDPs NETWORK -KENYA**

P.O. Box 2623-20100, OGINGA ODINGA ROAD,

SECTION 58, NCKK BLDG, NAKURU. idpnetworkkenya@gmail.com

31/10/2020

The Clerk of  
The Senate,  
Parliament Building,  
P.O BOX 41842-00100,  
NAIROBI.



**SUBJECT: ATTEMPTED REPEAL TO THE PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.**

National Internally Displaced Persons (IDPs) Network is a non-political / partisan advocacy group whose mission is to ensure prevention, protection and assistance to all victims and survivors of Internal Displacement in Kenya through collaborative approach. It was incorporated in the year 2003 and has an elaborate countrywide representation from the national to the grassroots level representing 33 Counties of Kenya. The network is an affiliate organization to Peace Education and Development Association of Kenya Reg.48766.

The Network has been closely working with state and non-state actors, on matters of Advocacy, policy and information sharing with regard to displacement in the country with an ultimate goal of *ATTEMPTED REPEAL ON PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.*

④ Ms. Macharia

Please review and  
facilitate the petition.  
Please note ③  
D. Chani  
11/11/2020



Achieving durable solutions to victims of internal displacement. The Network is an official intermediary between Government and Internally Displaced Persons in Kenya.

Reference is made to the above mentioned fund as provided in the prevention, protection and Assistance to Internally Displaced Persons and Affected Communities Act of 2012.

I, Patrick Githinji of ID.NO. 11389381, Telephone No. 0719416162 and of P.O BOX 2623-00100, Nakuru. The undersigned citizens of Kenya on behalf of the Residents of Republic of Kenya who are internally displaced persons Lodge this PETITION concerning (herein after the "Petitioners").

We, Draw the attention of the house to the following.

**1. ATTEMPTED REPEAL OF IDP ACT 2012**

**1:1.THAT**, In November 2010, Kenya established a Parliamentary Select Committee on the Resettlement of idps, whose mandate included preparing a draft bill on forced displacement. The bill was presented to the Parliament and on 31/12/2012, the then President of Kenya Assented idps Bill 2012 into an IDP ACT 2012. This is an Act of Parliament that stipulates on how issues of internal displacement will be addressed/handled both Natural and Manmade kind of displacement.

**1:2. THAT**, the Act in Section 12 creates National Consultative Coordination Committee on IDPs (NCCC) which is a Multi-sectoral committee whose Mandate is dealing with all matters pertaining to internal displacement. The government through Legal Gazette *ATTEMPTED REPEAL ON PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.*



notice no.8404/ 8405 of November 2014 constituted the committee and secretariat which began its work in April 2015.

**1:3.THAT**, the committee operation was frustrated before it could finish its terms of office barely after 2 years that was finally dismantled and Secretariat withdrawn which led to its operation stopping indefinitely before its timeline lapsed.

**1:4. THAT**, to date the IDPs ACT 2012 is as good as repealed since all operation in NCCC offices grounded 3 years ago and offices closed and no such a name can be mentioned at any government offices. The government Executive order no mention for this act just like it was done in the previous executive orders which stated as follows. **Organization of the government of the republic of Kenya. Executive order No.1/2016-as issued by the presidency on page 3 under ministries /state departments/ constitutions commissions and independent offices-Ministry of interior and coordination of National government, state department of interior-(Humanitarian Mitigation and Resettlement Fund).** *This year the fund is not factored.*

The official and legal office (NCCC) for idps is nonexistence for 3 years

## **2. FRUSTRATIONS ON THE SIDE OF IDPS.**

**2:1.THAT**, the internally displaced persons continue to suffer at the expense of the government officers who deliberately decided to cripple the operationalization of IDP ACT 2012 whose mandate was sorely to protect and assist idps within Kenyan borders irrespective of the cause of displacement.

***ATTEMPTED REPEAL ON PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.***

**2:3. THAT**, it is improper to think that internally displaced persons is just confined to Post Election Violence of 2007/08 victims only by ignoring to recognize the definitions as per the ACT. That stipulates the mandate on its citizens herein referred to as idps.

**2:4. THAT**, the idps budget has been factored in the National budget over the time since 2008 to 2016 financial year where lands were bought for idps but majority of this has never been allocated these land due to lack of compliance with the existing laws of idps where many of these parcels of land were illegally allocated to non-idps where many idps still lives in makeshift tents waiting for subdivisions since 2009to date while others were grabbed by individuals despite idps act 2012 section 24 on offences.

**2:5. THAT**, Majority of idps continue to suffer despite their compensation money being in bank accounts awaiting authority approval to pay by accounting officers of idps monies. This has been predicated either by having a computer errors in the idps name/Id.no. Due to typing error by government officers while entering to computer, such cases has lasted for over 3years waiting for authority approval. Other names were omitted by computer despite being vetted and approved for payment and money credited to their respective banks awaiting authority to be approved for payment. No office to authenticate that kind of payment or collect the errors due to non-compliant to IDP ACT 2012.

**2:6. THAT**, different idps were considered differently despite the rule of Law stipulating that, all idps are equal before the law especially in the Kenyan constitution under bills of right as well as IDP ACT 2012, all idps are equal before the laws and should be treated equally.

***ATTEMPTED REPEAL ON PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.***

**3. EFFORTS MADE BY HUMBLE PETITIONERS.**

**3:1. THAT**, we have written to the Ministry of Interior, Attorney General and Ministry of Devolution on several occasions but no responses that has been forthcoming.




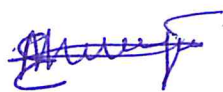


**3:2. THAT**, the matters addressed under the Petition are not pending before any Court of Law or any Constitutional body or any other Legal body.

**4. HUMBLE PETITIONERS PRAYERS.**

**4:1. WHEREFORE**, Your humble petitioners PRAYS that the SENATE through the relevant committee investigate and resolve the salient issues touching on resolving the attempted repeal of idps act 2012 and that the act will be implemented fully and that the suffering idps are undergoing will be relieved from due to non-compliance and non-implementation of the **IDP ACT 2012** and future idps that may arise and that your **PETITIONERS** will ever pray for your consideration.

*ATTEMPTED REPEAL ON PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY  
DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.*



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**ATTEMPTED REPEAL ON PREVENTION, PROTECTION AND ASSISTANCE TO INTERNALLY  
DISPLACED PERSONS AND AFFECTED COMMUNITIES ACT 2012.**